

**As Pending in the House Finance and Appropriations Committee
(LSC # 516-4)**

**128th General Assembly
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Sub. H. B. No. 1

Representative Sykes

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5111.083, 5111.178, 5145.32, and 5923.141 of the	285
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325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th	287

General Assembly; to amend Section 269.60.60 of 288
H.B. 119 of the 127th General Assembly and to 289
amend Section 269.60.60 of H.B. 119 of the 127th 290
General Assembly to codify the Section as section 291
3314.38 of the Revised Code; to amend Section 6 of 292
H.B. 364 of the 124th General Assembly and to 293
amend Section 6 of H.B. 364 of the 124th General 294
Assembly to codify the Section as section 3314.027 295
of the Revised Code; to amend Section 309.10 of 296
Am. Sub. H.B. 2 of the 128th General Assembly; to 297
amend Section 317.10 of Am. Sub. H.B. 2 of the 298
128th General Assembly; to amend Sections 299
103.80.80, 103.80.90, and 301.10.50 of H.B. 496 of 300
the 127th General Assembly; to amend Section 11 of 301
Am. Sub. H.B. 554 of the 127th General Assembly; 302
to amend Sections 233.40.30, 233.50.80, and 701.20 303
of H.B. 562 of the 127th General Assembly; to 304
amend Section 831.06 of H.B. 530 of the 126th 305
General Assembly; to amend Section 4 of H.B. 516 306
of the 125th General Assembly, as subsequently 307
amended; to amend Section 153 of Am. Sub. H.B. 117 308
of the 121st General Assembly, as subsequently 309
amended; to repeal Section 325.05 of Am. Sub. H.B. 310
2 of the 128th General Assembly; to amend the 311
version of section 2949.111 of the Revised Code 312
that is scheduled to take effect January 1, 2010, 313
to continue the provisions of this act on and 314
after that effective date; to amend the version of 315
section 5739.033 of the Revised Code that is 316
scheduled to take effect January 1, 2010, to 317
continue the provisions of this act on and after 318
that effective date; to repeal sections 5112.40, 319
5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 320

5112.451, 5112.46, 5112.47, and 5112.48 of the 321
Revised Code, effective October 1, 2011; to make 322
operating appropriations for the biennium 323
beginning July 1, 2009, and ending June 30, 2011, 324
and to provide authorization and conditions for 325
the operation of state programs. 326

327
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330

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

Section 101.01. That sections 9.06, 9.314, 107.21, 109.572, 331
118.05, 120.08, 120.52, 120.53, 121.04, 121.08, 121.083, 121.084, 332
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173.43 (173.422), 1517.14 (1547.81), 1517.16 (1547.82), 1517.17 481
(1547.83), 1517.18 (1547.84), 3313.174 (3313.82), 3319.233 482
(3333.049), 3334.03 (3334.031), 3701.71 (3727.05), 3701.72 483
(3727.051), 3727.04 (3727.053), 3727.05 (3727.04), 5101.5110 484
(5101.5111), and 5111.688 (5111.689) be amended for the purpose of 485
adopting new section numbers as indicated in parentheses; new 486
sections 173.43, 3301.0712, 3319.222, 3334.03, 5101.5110, and 487
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5725.33, 5729.16, 5733.58, 5733.59, 5739.051, 5747.66, 5751.014, 522
5911.11, 5919.20, 5919.36, and 6119.091 of the Revised Code be 523
enacted; that Section 6 of H.B. 364 of the 124th General Assembly 524
be amended and Section 6 of H.B. 364 of the 124th General Assembly 525
be amended to codify as section 3314.027 of the Revised Code; and 526
that Section 269.60.60 of H.B. 119 of the 127th General Assembly 527
be amended and Section 269.60.60 of H.B. 119 of the 127th General 528
Assembly be amended to codify as section 3314.38 of the Revised 529
Code to read as follows: 530

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Sec. 9.06. (A)(1) The department of rehabilitation and 537
correction ~~shall~~ may contract for the private operation and 538
management pursuant to this section of the initial intensive 539
program prison established pursuant to section 5120.033 of the 540
Revised Code, if one or more intensive program prisons are 541

established under that section, and may contract for the private 542
operation and management of any other facility under this section. 543
Counties and municipal corporations to the extent authorized in 544
sections 307.93, 341.35, 753.03, and 753.15 of the Revised Code 545
may contract for the private operation and management of a 546
facility under this section. A contract entered into under this 547
section shall be for an initial term of not more than two years 548
with an option to renew for additional periods of two years. 549

(2) The department of rehabilitation and correction, by rule, 550
shall adopt minimum criteria and specifications that a person or 551
entity, other than a person or entity that satisfies the criteria 552
set forth in division (A)(3)(a) of this section and subject to 553
division (I) of this section, must satisfy in order to apply to 554
operate and manage as a contractor pursuant to this section the 555
initial intensive program prison established pursuant to section 556
5120.033 of the Revised Code if one or more intensive program 557
prisons are established under that section. 558

(3) Subject to division (I) of this section, any person or 559
entity that applies to operate and manage a facility as a 560
contractor pursuant to this section shall satisfy one or more of 561
the following criteria: 562

(a) The person or entity is accredited by the American 563
correctional association and, at the time of the application, 564
operates and manages one or more facilities accredited by the 565
American correctional association. 566

(b) The person or entity satisfies all of the minimum 567
criteria and specifications adopted by the department of 568
rehabilitation and correction pursuant to division (A)(2) of this 569
section, provided that this alternative shall be available only in 570
relation to the initial intensive program prison established 571
pursuant to section 5120.033 of the Revised Code, if one or more 572
intensive program prisons are established under that section. 573

(4) Subject to division (I) of this section, before a public 574
entity may enter into a contract under this section, the 575
contractor shall convincingly demonstrate to the public entity 576
that it can operate the facility with the inmate capacity required 577
by the public entity and provide the services required in this 578
section and realize at least a five per cent savings over the 579
projected cost to the public entity of providing these same 580
services to operate the facility that is the subject of the 581
contract. No out-of-state prisoners may be housed in any facility 582
that is the subject of a contract entered into under this section. 583

(B) Subject to division (I) of this section, any contract 584
entered into under this section shall include all of the 585
following: 586

(1) A requirement that the contractor retain the contractor's 587
accreditation from the American correctional association 588
throughout the contract term or, if the contractor applied 589
pursuant to division (A)(3)(b) of this section, continue complying 590
with the applicable criteria and specifications adopted by the 591
department of rehabilitation and correction pursuant to division 592
(A)(2) of this section; 593

(2) A requirement that all of the following conditions be 594
met: 595

(a) The contractor begins the process of accrediting the 596
facility with the American correctional association no later than 597
sixty days after the facility receives its first inmate. 598

(b) The contractor receives accreditation of the facility 599
within twelve months after the date the contractor applies to the 600
American correctional association for accreditation. 601

(c) Once the accreditation is received, the contractor 602
maintains it for the duration of the contract term. 603

(d) If the contractor does not comply with divisions 604

(B)(2)(a) to (c) of this section, the contractor is in violation 605
of the contract, and the public entity may revoke the contract at 606
its discretion. 607

(3) A requirement that the contractor comply with all rules 608
promulgated by the department of rehabilitation and correction 609
that apply to the operation and management of correctional 610
facilities, including the minimum standards for jails in Ohio and 611
policies regarding the use of force and the use of deadly force, 612
although the public entity may require more stringent standards, 613
and comply with any applicable laws, rules, or regulations of the 614
federal, state, and local governments, including, but not limited 615
to, sanitation, food service, safety, and health regulations. The 616
contractor shall be required to send copies of reports of 617
inspections completed by the appropriate authorities regarding 618
compliance with rules and regulations to the director of 619
rehabilitation and correction or the director's designee and, if 620
contracting with a local public entity, to the governing authority 621
of that entity. 622

(4) A requirement that the contractor report for 623
investigation all crimes in connection with the facility to the 624
public entity, to all local law enforcement agencies with 625
jurisdiction over the place at which the facility is located, and, 626
for a crime committed at a state correctional institution, to the 627
state highway patrol; 628

(5) A requirement that the contractor immediately report all 629
escapes from the facility, and the apprehension of all escapees, 630
by telephone and in writing to all local law enforcement agencies 631
with jurisdiction over the place at which the facility is located, 632
to the prosecuting attorney of the county in which the facility is 633
located, to the state highway patrol, to a daily newspaper having 634
general circulation in the county in which the facility is 635
located, and, if the facility is a state correctional institution, 636

to the department of rehabilitation and correction. The written 637
notice may be by either facsimile transmission or mail. A failure 638
to comply with this requirement regarding an escape is a violation 639
of section 2921.22 of the Revised Code. 640

(6) A requirement that, if the facility is a state 641
correctional institution, the contractor provide a written report 642
within specified time limits to the director of rehabilitation and 643
correction or the director's designee of all unusual incidents at 644
the facility as defined in rules promulgated by the department of 645
rehabilitation and correction or, if the facility is a local 646
correctional institution, that the contractor provide a written 647
report of all unusual incidents at the facility to the governing 648
authority of the local public entity; 649

(7) A requirement that the contractor maintain proper control 650
of inmates' personal funds pursuant to rules promulgated by the 651
department of rehabilitation and correction for state correctional 652
institutions or pursuant to the minimum standards for jails along 653
with any additional standards established by the local public 654
entity for local correctional institutions and that records 655
pertaining to these funds be made available to representatives of 656
the public entity for review or audit; 657

(8) A requirement that the contractor prepare and distribute 658
to the director of rehabilitation and correction or, if 659
contracting with a local public entity, to the governing authority 660
of the local entity annual budget income and expenditure 661
statements and funding source financial reports; 662

(9) A requirement that the public entity appoint and 663
supervise a full-time contract monitor, that the contractor 664
provide suitable office space for the contract monitor at the 665
facility, and that the contractor allow the contract monitor 666
unrestricted access to all parts of the facility and all records 667
of the facility except the contractor's financial records; 668

(10) A requirement that if the facility is a state
correctional institution designated department of rehabilitation
and correction staff members be allowed access to the facility in
accordance with rules promulgated by the department;

(11) A requirement that the contractor provide internal and
perimeter security as agreed upon in the contract;

(12) If the facility is a state correctional institution, a
requirement that the contractor impose discipline on inmates
housed in a state correctional institution only in accordance with
rules promulgated by the department of rehabilitation and
correction;

(13) A requirement that the facility be staffed at all times
with a staffing pattern approved by the public entity and adequate
both to ensure supervision of inmates and maintenance of security
within the facility and to provide for programs, transportation,
security, and other operational needs. In determining security
needs, the contractor shall be required to consider, among other
things, the proximity of the facility to neighborhoods and
schools.

(14) If the contract is with a local public entity, a
requirement that the contractor provide services and programs,
consistent with the minimum standards for jails promulgated by the
department of rehabilitation and correction under section 5120.10
of the Revised Code;

(15) A clear statement that no immunity from liability
granted to the state, and no immunity from liability granted to
political subdivisions under Chapter 2744. of the Revised Code,
shall extend to the contractor or any of the contractor's
employees;

(16) A statement that all documents and records relevant to
the facility shall be maintained in the same manner required for,

and subject to the same laws, rules, and regulations as apply to, 700
the records of the public entity; 701

(17) Authorization for the public entity to impose a fine on 702
the contractor from a schedule of fines included in the contract 703
for the contractor's failure to perform its contractual duties or 704
to cancel the contract, as the public entity considers 705
appropriate. If a fine is imposed, the public entity may reduce 706
the payment owed to the contractor pursuant to any invoice in the 707
amount of the imposed fine. 708

(18) A statement that all services provided or goods produced 709
at the facility shall be subject to the same regulations, and the 710
same distribution limitations, as apply to goods and services 711
produced at other correctional institutions; 712

(19) Authorization for the department to establish one or 713
more prison industries at a facility operated and managed by a 714
contractor for the department; 715

(20) A requirement that, if the facility is an intensive 716
program prison established pursuant to section 5120.033 of the 717
Revised Code, the facility shall comply with all criteria for 718
intensive program prisons of that type that are set forth in that 719
section; 720

(21) If the institution is a state correctional institution, 721
a requirement that the contractor provide clothing for all inmates 722
housed in the facility that is conspicuous in its color, style, or 723
color and style, that conspicuously identifies its wearer as an 724
inmate, and that is readily distinguishable from clothing of a 725
nature that normally is worn outside the facility by non-inmates, 726
that the contractor require all inmates housed in the facility to 727
wear the clothing so provided, and that the contractor not permit 728
any inmate, while inside or on the premises of the facility or 729
while being transported to or from the facility, to wear any 730

clothing of a nature that does not conspicuously identify its 731
wearer as an inmate and that normally is worn outside the facility 732
by non-inmates. 733

(C) No contract entered into under this section may require, 734
authorize, or imply a delegation of the authority or 735
responsibility of the public entity to a contractor for any of the 736
following: 737

(1) Developing or implementing procedures for calculating 738
inmate release and parole eligibility dates and recommending the 739
granting or denying of parole, although the contractor may submit 740
written reports that have been prepared in the ordinary course of 741
business; 742

(2) Developing or implementing procedures for calculating and 743
awarding earned credits, approving the type of work inmates may 744
perform and the wage or earned credits, if any, that may be 745
awarded to inmates engaging in that work, and granting, denying, 746
or revoking earned credits; 747

(3) For inmates serving a term imposed for a felony offense 748
committed prior to July 1, 1996, or for a misdemeanor offense, 749
developing or implementing procedures for calculating and awarding 750
good time, approving the good time, if any, that may be awarded to 751
inmates engaging in work, and granting, denying, or revoking good 752
time; 753

(4) Classifying an inmate or placing an inmate in a more or a 754
less restrictive custody than the custody ordered by the public 755
entity; 756

(5) Approving inmates for work release; 757

(6) Contracting for local or long distance telephone services 758
for inmates or receiving commissions from those services at a 759
facility that is owned by or operated under a contract with the 760
department. 761

(D) A contractor that has been approved to operate a facility 762
under this section, and a person or entity that enters into a 763
contract for specialized services, as described in division (I) of 764
this section, relative to an intensive program prison established 765
pursuant to section 5120.033 of the Revised Code to be operated by 766
a contractor that has been approved to operate the prison under 767
this section, shall provide an adequate policy of insurance 768
specifically including, but not limited to, insurance for civil 769
rights claims as determined by a risk management or actuarial firm 770
with demonstrated experience in public liability for state 771
governments. The insurance policy shall provide that the state, 772
including all state agencies, and all political subdivisions of 773
the state with jurisdiction over the facility or in which a 774
facility is located are named as insured, and that the state and 775
its political subdivisions shall be sent any notice of 776
cancellation. The contractor may not self-insure. 777

A contractor that has been approved to operate a facility 778
under this section, and a person or entity that enters into a 779
contract for specialized services, as described in division (I) of 780
this section, relative to an intensive program prison established 781
pursuant to section 5120.033 of the Revised Code to be operated by 782
a contractor that has been approved to operate the prison under 783
this section, shall indemnify and hold harmless the state, its 784
officers, agents, and employees, and any local government entity 785
in the state having jurisdiction over the facility or ownership of 786
the facility, shall reimburse the state for its costs in defending 787
the state or any of its officers, agents, or employees, and shall 788
reimburse any local government entity of that nature for its costs 789
in defending the local government entity, from all of the 790
following: 791

(1) Any claims or losses for services rendered by the 792
contractor, person, or entity performing or supplying services in 793

connection with the performance of the contract;	794
(2) Any failure of the contractor, person, or entity or its officers or employees to adhere to the laws, rules, regulations, or terms agreed to in the contract;	795 796 797
(3) Any constitutional, federal, state, or civil rights claim brought against the state related to the facility operated and managed by the contractor;	798 799 800
(4) Any claims, losses, demands, or causes of action arising out of the contractor's, person's, or entity's activities in this state;	801 802 803
(5) Any attorney's fees or court costs arising from any habeas corpus actions or other inmate suits that may arise from any event that occurred at the facility or was a result of such an event, or arise over the conditions, management, or operation of the facility, which fees and costs shall include, but not be limited to, attorney's fees for the state's representation and for any court-appointed representation of any inmate, and the costs of any special judge who may be appointed to hear those actions or suits.	804 805 806 807 808 809 810 811 812
(E) Private correctional officers of a contractor operating and managing a facility pursuant to a contract entered into under this section may carry and use firearms in the course of their employment only after being certified as satisfactorily completing an approved training program as described in division (A) of section 109.78 of the Revised Code.	813 814 815 816 817 818
(F) Upon notification by the contractor of an escape from, or of a disturbance at, the facility that is the subject of a contract entered into under this section, the department of rehabilitation and correction and state and local law enforcement agencies shall use all reasonable means to recapture escapees or quell any disturbance. Any cost incurred by the state or its	819 820 821 822 823 824

political subdivisions relating to the apprehension of an escapee 825
or the quelling of a disturbance at the facility shall be 826
chargeable to and borne by the contractor. The contractor shall 827
also reimburse the state or its political subdivisions for all 828
reasonable costs incurred relating to the temporary detention of 829
the escapee following recapture. 830

(G) Any offense that would be a crime if committed at a state 831
correctional institution or jail, workhouse, prison, or other 832
correctional facility shall be a crime if committed by or with 833
regard to inmates at facilities operated pursuant to a contract 834
entered into under this section. 835

(H) A contractor operating and managing a facility pursuant 836
to a contract entered into under this section shall pay any inmate 837
workers at the facility at the rate approved by the public entity. 838
Inmates working at the facility shall not be considered employees 839
of the contractor. 840

(I) In contracting for the private operation and management 841
pursuant to division (A) of this section of ~~the initial~~ any 842
intensive program prison established pursuant to section 5120.033 843
of the Revised Code ~~or of any other intensive program prison~~ 844
~~established pursuant to that section~~, the department of 845
rehabilitation and correction may enter into a contract with a 846
contractor for the general operation and management of the prison 847
and may enter into one or more separate contracts with other 848
persons or entities for the provision of specialized services for 849
persons confined in the prison, including, but not limited to, 850
security or training services or medical, counseling, educational, 851
or similar treatment programs. If, pursuant to this division, the 852
department enters into a contract with a contractor for the 853
general operation and management of the prison and also enters 854
into one or more specialized service contracts with other persons 855
or entities, all of the following apply: 856

(1) The contract for the general operation and management 857
shall comply with all requirements and criteria set forth in this 858
section, and all provisions of this section apply in relation to 859
the prison operated and managed pursuant to the contract. 860

(2) Divisions (A)(2), (B), and (C) of this section do not 861
apply in relation to any specialized services contract, except to 862
the extent that the provisions of those divisions clearly are 863
relevant to the specialized services to be provided under the 864
specialized services contract. Division (D) of this section 865
applies in relation to each specialized services contract. 866

(J) As used in this section: 867

(1) "Public entity" means the department of rehabilitation 868
and correction, or a county or municipal corporation or a 869
combination of counties and municipal corporations, that has 870
jurisdiction over a facility that is the subject of a contract 871
entered into under this section. 872

(2) "Local public entity" means a county or municipal 873
corporation, or a combination of counties and municipal 874
corporations, that has jurisdiction over a jail, workhouse, or 875
other correctional facility used only for misdemeanants that is 876
the subject of a contract entered into under this section. 877

(3) "Governing authority of a local public entity" means, for 878
a county, the board of county commissioners; for a municipal 879
corporation, the legislative authority; for a combination of 880
counties and municipal corporations, all the boards of county 881
commissioners and municipal legislative authorities that joined to 882
create the facility. 883

(4) "Contractor" means a person or entity that enters into a 884
contract under this section to operate and manage a jail, 885
workhouse, or other correctional facility. 886

(5) "Facility" means the specific county, multicounty, 887

municipal, municipal-county, or multicounty-municipal jail, 888
workhouse, prison, or other type of correctional institution or 889
facility used only for misdemeanants, or a state correctional 890
institution, that is the subject of a contract entered into under 891
this section. 892

(6) "Person or entity" in the case of a contract for the 893
private operation and management of a state correctional 894
institution, includes an employee organization, as defined in 895
section 4117.01 of the Revised Code, that represents employees at 896
state correctional institutions. 897

Sec. 9.314. (A) As used in this section: 898

(1) "Contracting authority" has the same meaning as in 899
section 307.92 of the Revised Code. 900

(2) "Political subdivision" means a municipal corporation, 901
township, county, school district, or other body corporate and 902
politic responsible for governmental activities only in geographic 903
areas smaller than that of the state and also includes a 904
contracting authority. 905

(3) "Reverse auction" means a purchasing process in which 906
offerors submit proposals in competing to sell services or 907
supplies in an open environment via the internet. 908

(4) "Services" means the furnishing of labor, time, or effort 909
by a person, not involving the delivery of a specific end product 910
other than a report which, if provided, is merely incidental to 911
the required performance. "Services" does not include services 912
furnished pursuant to employment agreements or collective 913
bargaining agreements. 914

(5) "Supplies" means all property, including, but not limited 915
to, equipment, materials, other tangible assets, and insurance, 916
but excluding real property or interests in real property. 917

(B)(1) Whenever any political subdivision determines that the use of a reverse auction is advantageous to the political subdivision, the political subdivision, in accordance with this section and rules the political subdivision shall adopt, may purchase services or supplies by reverse auction.

(2) A political subdivision shall not purchase supplies or services by reverse auction if the contract concerns the design, construction, alteration, repair, reconstruction, or demolition of a building, highway, road, street, alley, drainage system, water system, waterworks, ditch, sewer, sewage disposal plant, or any other structure or works of any kind.

(C) A political subdivision shall solicit proposals through a request for proposals. The request for proposals shall state the relative importance of price and other evaluation factors. The political subdivision shall give notice of the request for proposals in accordance with the rules it adopts.

(D) As provided in the request for proposals and in the rules a political subdivision adopts, and to ensure full understanding of and responsiveness to solicitation requirements, the political subdivision may conduct discussions with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award. The political subdivision shall accord offerors fair and equal treatment with respect to any opportunity for discussion regarding any clarification, correction, or revision of their proposals.

(E) A political subdivision may award a contract to the offeror whose proposal the political subdivision determines to be the most advantageous to the political subdivision, taking into consideration factors such as price and the evaluation criteria set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

(F) The rules that a political subdivision adopts under this 949
section may require the provision of a performance bond, or 950
another similar form of financial security, in the amount and in 951
the form specified in the rules. 952

(G) If a political subdivision is required by law to purchase 953
services or supplies by competitive sealed bidding or competitive 954
sealed proposals, a purchase made by reverse auction satisfies 955
that requirement. 956

Sec. 9.317. As used in this section, "reverse auction" has 957
the meaning defined in section 9.314 of the Revised Code, and 958
"state agency" has the meaning defined in section 9.23 of the 959
Revised Code. 960

A state agency shall not purchase supplies or services by 961
reverse auction if the contract concerns the design, construction, 962
alteration, repair, reconstruction, or demolition of a building, 963
highway, road, street, alley, drainage system, water system, 964
waterworks, ditch, sewer, sewage disposal plant, or any other 965
structure or works of any kind. 966

Sec. 107.21. (A) As used in this section, "Appalachian 967
region" means the following counties in this state ~~which~~ that have 968
been designated as part of Appalachia by the federal Appalachian 969
regional commission and ~~which~~ that have been geographically 970
isolated and economically depressed: Adams, Ashtabula, Athens, 971
Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, 972
Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, 973
Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, 974
Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and 975
Washington. 976

(B) There is hereby created in the department of development 977
the governor's office of Appalachian Ohio. The governor shall 978

designate the director of the governor's office of Appalachian 979
Ohio. The director shall report directly to the office of the 980
governor. On January 1, 1987, the governor shall designate the 981
director to represent this state on the federal Appalachian 982
regional commission. The director may appoint such employees as 983
are necessary to exercise the powers and duties of this office. 984
The director shall maintain local development districts as 985
established within the Appalachian region for the purpose of 986
regional planning for the distribution of funds from the 987
Appalachian regional commission within the Appalachian region. 988

(C) The governor's office of Appalachian Ohio shall represent 989
the interests of the Appalachian region in the government of this 990
state. The duties of the director of the office shall include, but 991
are not limited to, the following: 992

(1) To identify residents of the Appalachian region qualified 993
to serve on state boards, commissions, and bodies and in state 994
offices, and to bring these persons to the attention of the 995
governor; 996

(2) To represent the interests of the Appalachian region in 997
the general assembly and before state boards, commissions, bodies, 998
and agencies; 999

(3) To assist in forming a consensus on public issues and 1000
policies among institutions and organizations that serve the 1001
Appalachian region; 1002

(4) To act as an ~~embudsman~~ ombudsperson to assist in 1003
resolving differences between state or federal agencies and the 1004
officials of political subdivisions or private, nonprofit 1005
organizations located within the Appalachian region; 1006

(5) To assist planning commissions, agencies, and 1007
organizations within the Appalachian region in distributing 1008
planning information and documents to the appropriate state and 1009

federal agencies and to assist in focusing attention on any 1010
findings and recommendations of these commissions, agencies, and 1011
organizations; 1012

(6) To issue reports on the Appalachian region ~~which~~ that 1013
describe progress achieved and the needs that still exist in the 1014
region; 1015

(7) To assist the governor's office in resolving the problems 1016
of residents of the Appalachian region that come to the governor's 1017
attention. 1018

(D) The amount of money from appropriated state funds 1019
allocated each year to pay administrative costs of a local 1020
development district existing on the effective date of this 1021
amendment shall not be decreased due to the creation and funding 1022
of additional local development districts. The amount of money 1023
allocated to each district shall be increased each year by the 1024
average percentage of increase in the consumer price index for the 1025
prior year. 1026

As used in this division, "consumer price index" means the 1027
consumer price index for all urban consumers (United States city 1028
average, all items), prepared by the United States department of 1029
labor, bureau of labor statistics. 1030

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1031
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1032
a completed form prescribed pursuant to division (C)(1) of this 1033
section, and a set of fingerprint impressions obtained in the 1034
manner described in division (C)(2) of this section, the 1035
superintendent of the bureau of criminal identification and 1036
investigation shall conduct a criminal records check in the manner 1037
described in division (B) of this section to determine whether any 1038
information exists that indicates that the person who is the 1039
subject of the request previously has been convicted of or pleaded 1040

guilty to any of the following: 1041

(a) A violation of section 2903.01, 2903.02, 2903.03, 1042
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1043
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1044
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1045
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1046
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1047
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1048
2925.06, or 3716.11 of the Revised Code, felonious sexual 1049
penetration in violation of former section 2907.12 of the Revised 1050
Code, a violation of section 2905.04 of the Revised Code as it 1051
existed prior to July 1, 1996, a violation of section 2919.23 of 1052
the Revised Code that would have been a violation of section 1053
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1054
had the violation been committed prior to that date, or a 1055
violation of section 2925.11 of the Revised Code that is not a 1056
minor drug possession offense; 1057

(b) A violation of an existing or former law of this state, 1058
any other state, or the United States that is substantially 1059
equivalent to any of the offenses listed in division (A)(1)(a) of 1060
this section. 1061

(2) On receipt of a request pursuant to section 5123.081 of 1062
the Revised Code with respect to an applicant for employment in 1063
any position with the department of mental retardation and 1064
developmental disabilities, pursuant to section 5126.28 of the 1065
Revised Code with respect to an applicant for employment in any 1066
position with a county board of mental retardation and 1067
developmental disabilities, or pursuant to section 5126.281 of the 1068
Revised Code with respect to an applicant for employment in a 1069
direct services position with an entity contracting with a county 1070
board for employment, a completed form prescribed pursuant to 1071
division (C)(1) of this section, and a set of fingerprint 1072

impressions obtained in the manner described in division (C)(2) of 1073
this section, the superintendent of the bureau of criminal 1074
identification and investigation shall conduct a criminal records 1075
check. The superintendent shall conduct the criminal records check 1076
in the manner described in division (B) of this section to 1077
determine whether any information exists that indicates that the 1078
person who is the subject of the request has been convicted of or 1079
pleaded guilty to any of the following: 1080

(a) A violation of section 2903.01, 2903.02, 2903.03, 1081
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1082
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1083
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1084
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1085
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1086
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1087
2925.03, or 3716.11 of the Revised Code; 1088

(b) An existing or former municipal ordinance or law of this 1089
state, any other state, or the United States that is substantially 1090
equivalent to any of the offenses listed in division (A)(2)(a) of 1091
this section. 1092

(3) On receipt of a request pursuant to section 173.27, 1093
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 1094
completed form prescribed pursuant to division (C)(1) of this 1095
section, and a set of fingerprint impressions obtained in the 1096
manner described in division (C)(2) of this section, the 1097
superintendent of the bureau of criminal identification and 1098
investigation shall conduct a criminal records check with respect 1099
to any person who has applied for employment in a position for 1100
which a criminal records check is required by those sections. The 1101
superintendent shall conduct the criminal records check in the 1102
manner described in division (B) of this section to determine 1103
whether any information exists that indicates that the person who 1104

is the subject of the request previously has been convicted of or 1105
pleaded guilty to any of the following: 1106

(a) A violation of section 2903.01, 2903.02, 2903.03, 1107
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1108
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1109
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1110
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1111
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1112
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1113
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1114
2925.22, 2925.23, or 3716.11 of the Revised Code; 1115

(b) An existing or former law of this state, any other state, 1116
or the United States that is substantially equivalent to any of 1117
the offenses listed in division (A)(3)(a) of this section. 1118

(4) On receipt of a request pursuant to section 3701.881 of 1119
the Revised Code with respect to an applicant for employment with 1120
a home health agency as a person responsible for the care, 1121
custody, or control of a child, a completed form prescribed 1122
pursuant to division (C)(1) of this section, and a set of 1123
fingerprint impressions obtained in the manner described in 1124
division (C)(2) of this section, the superintendent of the bureau 1125
of criminal identification and investigation shall conduct a 1126
criminal records check. The superintendent shall conduct the 1127
criminal records check in the manner described in division (B) of 1128
this section to determine whether any information exists that 1129
indicates that the person who is the subject of the request 1130
previously has been convicted of or pleaded guilty to any of the 1131
following: 1132

(a) A violation of section 2903.01, 2903.02, 2903.03, 1133
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1134
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1135
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1136

2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1137
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1138
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1139
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1140
violation of section 2925.11 of the Revised Code that is not a 1141
minor drug possession offense; 1142

(b) An existing or former law of this state, any other state, 1143
or the United States that is substantially equivalent to any of 1144
the offenses listed in division (A)(4)(a) of this section. 1145

(5) On receipt of a request pursuant to section 5111.032, 1146
5111.033, or 5111.034 of the Revised Code, a completed form 1147
prescribed pursuant to division (C)(1) of this section, and a set 1148
of fingerprint impressions obtained in the manner described in 1149
division (C)(2) of this section, the superintendent of the bureau 1150
of criminal identification and investigation shall conduct a 1151
criminal records check. The superintendent shall conduct the 1152
criminal records check in the manner described in division (B) of 1153
this section to determine whether any information exists that 1154
indicates that the person who is the subject of the request 1155
previously has been convicted of, has pleaded guilty to, or has 1156
been found eligible for intervention in lieu of conviction for any 1157
of the following, regardless of the date of the conviction, the 1158
date of entry of the guilty plea, or the date the person was found 1159
eligible for intervention in lieu of conviction: 1160

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1161
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1162
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1163
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1164
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 1165
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1166
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 1167
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 1168

2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 1169
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1170
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 1171
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1172
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 1173
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 1174
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 1175
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 1176
penetration in violation of former section 2907.12 of the Revised 1177
Code, a violation of section 2905.04 of the Revised Code as it 1178
existed prior to July 1, 1996, a violation of section 2919.23 of 1179
the Revised Code that would have been a violation of section 1180
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1181
had the violation been committed prior to that date; 1182

(b) ~~An~~ A violation of an existing or former municipal 1183
ordinance or law of this state, any other state, or the United 1184
States that is substantially equivalent to any of the offenses 1185
listed in division (A)(5)(a) of this section. 1186

(6) On receipt of a request pursuant to section 3701.881 of 1187
the Revised Code with respect to an applicant for employment with 1188
a home health agency in a position that involves providing direct 1189
care to an older adult, a completed form prescribed pursuant to 1190
division (C)(1) of this section, and a set of fingerprint 1191
impressions obtained in the manner described in division (C)(2) of 1192
this section, the superintendent of the bureau of criminal 1193
identification and investigation shall conduct a criminal records 1194
check. The superintendent shall conduct the criminal records check 1195
in the manner described in division (B) of this section to 1196
determine whether any information exists that indicates that the 1197
person who is the subject of the request previously has been 1198
convicted of or pleaded guilty to any of the following: 1199

(a) A violation of section 2903.01, 2903.02, 2903.03, 1200

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1201
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1202
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1203
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1204
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1205
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1206
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1207
2925.22, 2925.23, or 3716.11 of the Revised Code; 1208

(b) An existing or former law of this state, any other state, 1209
or the United States that is substantially equivalent to any of 1210
the offenses listed in division (A)(6)(a) of this section. 1211

(7) When conducting a criminal records check upon a request 1212
pursuant to section 3319.39 of the Revised Code for an applicant 1213
who is a teacher, in addition to the determination made under 1214
division (A)(1) of this section, the superintendent shall 1215
determine whether any information exists that indicates that the 1216
person who is the subject of the request previously has been 1217
convicted of or pleaded guilty to any offense specified in section 1218
3319.31 of the Revised Code. 1219

(8) On receipt of a request pursuant to section 2151.86 of 1220
the Revised Code, a completed form prescribed pursuant to division 1221
(C)(1) of this section, and a set of fingerprint impressions 1222
obtained in the manner described in division (C)(2) of this 1223
section, the superintendent of the bureau of criminal 1224
identification and investigation shall conduct a criminal records 1225
check in the manner described in division (B) of this section to 1226
determine whether any information exists that indicates that the 1227
person who is the subject of the request previously has been 1228
convicted of or pleaded guilty to any of the following: 1229

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1230
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1231
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1232

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1233
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1234
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1235
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1236
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1237
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1238
of the Revised Code, a violation of section 2905.04 of the Revised 1239
Code as it existed prior to July 1, 1996, a violation of section 1240
2919.23 of the Revised Code that would have been a violation of 1241
section 2905.04 of the Revised Code as it existed prior to July 1, 1242
1996, had the violation been committed prior to that date, a 1243
violation of section 2925.11 of the Revised Code that is not a 1244
minor drug possession offense, two or more OVI or OVUAC violations 1245
committed within the three years immediately preceding the 1246
submission of the application or petition that is the basis of the 1247
request, or felonious sexual penetration in violation of former 1248
section 2907.12 of the Revised Code; 1249

(b) A violation of an existing or former law of this state, 1250
any other state, or the United States that is substantially 1251
equivalent to any of the offenses listed in division (A)(8)(a) of 1252
this section. 1253

(9) Upon receipt of a request pursuant to section 5104.012 or 1254
5104.013 of the Revised Code, a completed form prescribed pursuant 1255
to division (C)(1) of this section, and a set of fingerprint 1256
impressions obtained in the manner described in division (C)(2) of 1257
this section, the superintendent of the bureau of criminal 1258
identification and investigation shall conduct a criminal records 1259
check in the manner described in division (B) of this section to 1260
determine whether any information exists that indicates that the 1261
person who is the subject of the request has been convicted of or 1262
pleaded guilty to any of the following: 1263

(a) A violation of section 2903.01, 2903.02, 2903.03, 1264

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1265
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1266
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1267
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1268
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1269
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1270
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1271
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1272
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1273
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1274
3716.11 of the Revised Code, felonious sexual penetration in 1275
violation of former section 2907.12 of the Revised Code, a 1276
violation of section 2905.04 of the Revised Code as it existed 1277
prior to July 1, 1996, a violation of section 2919.23 of the 1278
Revised Code that would have been a violation of section 2905.04 1279
of the Revised Code as it existed prior to July 1, 1996, had the 1280
violation been committed prior to that date, a violation of 1281
section 2925.11 of the Revised Code that is not a minor drug 1282
possession offense, a violation of section 2923.02 or 2923.03 of 1283
the Revised Code that relates to a crime specified in this 1284
division, or a second violation of section 4511.19 of the Revised 1285
Code within five years of the date of application for licensure or 1286
certification. 1287

(b) A violation of an existing or former law of this state, 1288
any other state, or the United States that is substantially 1289
equivalent to any of the offenses or violations described in 1290
division (A)(9)(a) of this section. 1291

(10) Upon receipt of a request pursuant to section 5153.111 1292
of the Revised Code, a completed form prescribed pursuant to 1293
division (C)(1) of this section, and a set of fingerprint 1294
impressions obtained in the manner described in division (C)(2) of 1295
this section, the superintendent of the bureau of criminal 1296

identification and investigation shall conduct a criminal records 1297
check in the manner described in division (B) of this section to 1298
determine whether any information exists that indicates that the 1299
person who is the subject of the request previously has been 1300
convicted of or pleaded guilty to any of the following: 1301

(a) A violation of section 2903.01, 2903.02, 2903.03, 1302
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1303
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1304
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1305
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1306
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1307
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1308
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1309
felonious sexual penetration in violation of former section 1310
2907.12 of the Revised Code, a violation of section 2905.04 of the 1311
Revised Code as it existed prior to July 1, 1996, a violation of 1312
section 2919.23 of the Revised Code that would have been a 1313
violation of section 2905.04 of the Revised Code as it existed 1314
prior to July 1, 1996, had the violation been committed prior to 1315
that date, or a violation of section 2925.11 of the Revised Code 1316
that is not a minor drug possession offense; 1317

(b) A violation of an existing or former law of this state, 1318
any other state, or the United States that is substantially 1319
equivalent to any of the offenses listed in division (A)(10)(a) of 1320
this section. 1321

(11) On receipt of a request for a criminal records check 1322
from an individual pursuant to section 4749.03 or 4749.06 of the 1323
Revised Code, accompanied by a completed copy of the form 1324
prescribed in division (C)(1) of this section and a set of 1325
fingerprint impressions obtained in a manner described in division 1326
(C)(2) of this section, the superintendent of the bureau of 1327
criminal identification and investigation shall conduct a criminal 1328

records check in the manner described in division (B) of this 1329
section to determine whether any information exists indicating 1330
that the person who is the subject of the request has been 1331
convicted of or pleaded guilty to a felony in this state or in any 1332
other state. If the individual indicates that a firearm will be 1333
carried in the course of business, the superintendent shall 1334
require information from the federal bureau of investigation as 1335
described in division (B)(2) of this section. The superintendent 1336
shall report the findings of the criminal records check and any 1337
information the federal bureau of investigation provides to the 1338
director of public safety. 1339

(12) On receipt of a request pursuant to section 1321.37, 1340
1322.03, 1322.031, or 4763.05 of the Revised Code, a completed 1341
form prescribed pursuant to division (C)(1) of this section, and a 1342
set of fingerprint impressions obtained in the manner described in 1343
division (C)(2) of this section, the superintendent of the bureau 1344
of criminal identification and investigation shall conduct a 1345
criminal records check with respect to any person who has applied 1346
for a license, permit, or certification from the department of 1347
commerce or a division in the department. The superintendent shall 1348
conduct the criminal records check in the manner described in 1349
division (B) of this section to determine whether any information 1350
exists that indicates that the person who is the subject of the 1351
request previously has been convicted of or pleaded guilty to any 1352
of the following: a violation of section 2913.02, 2913.11, 1353
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1354
criminal offense involving theft, receiving stolen property, 1355
embezzlement, forgery, fraud, passing bad checks, money 1356
laundering, or drug trafficking, or any criminal offense involving 1357
money or securities, as set forth in Chapters 2909., 2911., 2913., 1358
2915., 2921., 2923., and 2925. of the Revised Code; or any 1359
existing or former law of this state, any other state, or the 1360
United States that is substantially equivalent to those offenses. 1361

1362

(13) On receipt of a request for a criminal records check 1363
from the treasurer of state under section 113.041 of the Revised 1364
Code or from an individual under section 4701.08, 4715.101, 1365
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1366
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1367
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1368
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1369
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1370
a completed form prescribed under division (C)(1) of this section 1371
and a set of fingerprint impressions obtained in the manner 1372
described in division (C)(2) of this section, the superintendent 1373
of the bureau of criminal identification and investigation shall 1374
conduct a criminal records check in the manner described in 1375
division (B) of this section to determine whether any information 1376
exists that indicates that the person who is the subject of the 1377
request has been convicted of or pleaded guilty to any criminal 1378
offense in this state or any other state. The superintendent shall 1379
send the results of a check requested under section 113.041 of the 1380
Revised Code to the treasurer of state and shall send the results 1381
of a check requested under any of the other listed sections to the 1382
licensing board specified by the individual in the request. 1383
1384

(14) On receipt of a request pursuant to section 1121.23, 1385
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1386
Code, a completed form prescribed pursuant to division (C)(1) of 1387
this section, and a set of fingerprint impressions obtained in the 1388
manner described in division (C)(2) of this section, the 1389
superintendent of the bureau of criminal identification and 1390
investigation shall conduct a criminal records check in the manner 1391
described in division (B) of this section to determine whether any 1392
information exists that indicates that the person who is the 1393

subject of the request previously has been convicted of or pleaded 1394
guilty to any criminal offense under any existing or former law of 1395
this state, any other state, or the United States. 1396

(15) Not later than thirty days after the date the 1397
superintendent receives a request of a type described in division 1398
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 1399
or (14) of this section, the completed form, and the fingerprint 1400
impressions, the superintendent shall send the person, board, or 1401
entity that made the request any information, other than 1402
information the dissemination of which is prohibited by federal 1403
law, the superintendent determines exists with respect to the 1404
person who is the subject of the request that indicates that the 1405
person previously has been convicted of or pleaded guilty to any 1406
offense listed or described in division (A)(1), (2), (3), (4), 1407
(5), (6), (7), (8), (9), (10), (11), (12), or (14) of this 1408
section, as appropriate. The superintendent shall send the person, 1409
board, or entity that made the request a copy of the list of 1410
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 1411
(7), (8), (9), (10), (11), (12), or (14) of this section, as 1412
appropriate. If the request was made under section 3701.881 of the 1413
Revised Code with regard to an applicant who may be both 1414
responsible for the care, custody, or control of a child and 1415
involved in providing direct care to an older adult, the 1416
superintendent shall provide a list of the offenses specified in 1417
divisions (A)(4) and (6) of this section. 1418

Not later than thirty days after the superintendent receives 1419
a request for a criminal records check pursuant to section 113.041 1420
of the Revised Code, the completed form, and the fingerprint 1421
impressions, the superintendent shall send the treasurer of state 1422
any information, other than information the dissemination of which 1423
is prohibited by federal law, the superintendent determines exist 1424
with respect to the person who is the subject of the request that 1425

indicates that the person previously has been convicted of or 1426
pleaded guilty to any criminal offense in this state or any other 1427
state. 1428

(B) The superintendent shall conduct any criminal records 1429
check requested under section 113.041, 121.08, 173.27, 173.394, 1430
1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 1431
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1432
3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 1433
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1434
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 1435
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 1436
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 1437
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1438
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as 1439
follows: 1440

(1) The superintendent shall review or cause to be reviewed 1441
any relevant information gathered and compiled by the bureau under 1442
division (A) of section 109.57 of the Revised Code that relates to 1443
the person who is the subject of the request, including, if the 1444
criminal records check was requested under section 113.041, 1445
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1446
1321.37, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1447
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1448
4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 1449
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1450
Code, any relevant information contained in records that have been 1451
sealed under section 2953.32 of the Revised Code; 1452

(2) If the request received by the superintendent asks for 1453
information from the federal bureau of investigation, the 1454
superintendent shall request from the federal bureau of 1455
investigation any information it has with respect to the person 1456
who is the subject of the request, including fingerprint-based 1457

checks of national crime information databases as described in 42 1458
U.S.C. 671 if the request is made pursuant to section 2151.86, 1459
5104.012, or 5104.013 of the Revised Code or if any other Revised 1460
Code section requires fingerprint-based checks of that nature, and 1461
shall review or cause to be reviewed any information the 1462
superintendent receives from that bureau. 1463

(3) The superintendent or the superintendent's designee may 1464
request criminal history records from other states or the federal 1465
government pursuant to the national crime prevention and privacy 1466
compact set forth in section 109.571 of the Revised Code. 1467

(C)(1) The superintendent shall prescribe a form to obtain 1468
the information necessary to conduct a criminal records check from 1469
any person for whom a criminal records check is requested under 1470
section 113.041 of the Revised Code or required by section 121.08, 1471
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1472
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1473
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 1474
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1475
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1476
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1477
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1478
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1479
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1480
5126.281, or 5153.111 of the Revised Code. The form that the 1481
superintendent prescribes pursuant to this division may be in a 1482
tangible format, in an electronic format, or in both tangible and 1483
electronic formats. 1484

(2) The superintendent shall prescribe standard impression 1485
sheets to obtain the fingerprint impressions of any person for 1486
whom a criminal records check is requested under section 113.041 1487
of the Revised Code or required by section 121.08, 173.27, 1488
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1489

1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 1490
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 1491
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 1492
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 1493
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 1494
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1495
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 1496
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1497
5153.111 of the Revised Code. Any person for whom a records check 1498
is requested under or required by any of those sections shall 1499
obtain the fingerprint impressions at a county sheriff's office, 1500
municipal police department, or any other entity with the ability 1501
to make fingerprint impressions on the standard impression sheets 1502
prescribed by the superintendent. The office, department, or 1503
entity may charge the person a reasonable fee for making the 1504
impressions. The standard impression sheets the superintendent 1505
prescribes pursuant to this division may be in a tangible format, 1506
in an electronic format, or in both tangible and electronic 1507
formats. 1508

(3) Subject to division (D) of this section, the 1509
superintendent shall prescribe and charge a reasonable fee for 1510
providing a criminal records check requested under section 1511
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1512
1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1513
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 1514
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1515
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1516
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1517
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1518
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1519
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1520
5126.281, or 5153.111 of the Revised Code. The person making a 1521
criminal records request under any of those sections shall pay the 1522

fee prescribed pursuant to this division. A person making a 1523
request under section 3701.881 of the Revised Code for a criminal 1524
records check for an applicant who may be both responsible for the 1525
care, custody, or control of a child and involved in providing 1526
direct care to an older adult shall pay one fee for the request. 1527
In the case of a request under section 1121.23, 1155.03, 1163.05, 1528
1315.141, 1733.47, 1761.26, or 5111.032 of the Revised Code, the 1529
fee shall be paid in the manner specified in that section. 1530

1531

(4) The superintendent of the bureau of criminal 1532
identification and investigation may prescribe methods of 1533
forwarding fingerprint impressions and information necessary to 1534
conduct a criminal records check, which methods shall include, but 1535
not be limited to, an electronic method. 1536

(D) A determination whether any information exists that 1537
indicates that a person previously has been convicted of or 1538
pleaded guilty to any offense listed or described in division 1539
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1540
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1541
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of this 1542
section, or that indicates that a person previously has been 1543
convicted of or pleaded guilty to any criminal offense in this 1544
state or any other state regarding a criminal records check of a 1545
type described in division (A)(13) of this section, and that is 1546
made by the superintendent with respect to information considered 1547
in a criminal records check in accordance with this section is 1548
valid for the person who is the subject of the criminal records 1549
check for a period of one year from the date upon which the 1550
superintendent makes the determination. During the period in which 1551
the determination in regard to a person is valid, if another 1552
request under this section is made for a criminal records check 1553
for that person, the superintendent shall provide the information 1554

that is the basis for the superintendent's initial determination 1555
at a lower fee than the fee prescribed for the initial criminal 1556
records check. 1557

(E) As used in this section: 1558

(1) "Criminal records check" means any criminal records check 1559
conducted by the superintendent of the bureau of criminal 1560
identification and investigation in accordance with division (B) 1561
of this section. 1562

(2) "Minor drug possession offense" has the same meaning as 1563
in section 2925.01 of the Revised Code. 1564

(3) "Older adult" means a person age sixty or older. 1565

(4) "OVI or OVUAC violation" means a violation of section 1566
4511.19 of the Revised Code or a violation of an existing or 1567
former law of this state, any other state, or the United States 1568
that is substantially equivalent to section 4511.19 of the Revised 1569
Code. 1570

Sec. 111.26. (A) It is hereby declared to be a public purpose 1571
and function of the state to facilitate the conduct of elections 1572
by assisting boards of elections in acquiring state capital 1573
facilities consisting of voting machines, marking devices, and 1574
automatic tabulating equipment certified for use in this state 1575
under section 3506.05 of the Revised Code. Those voting machines, 1576
marking devices, and automatic tabulating equipment are designated 1577
as capital facilities under sections 152.09 to 152.33 of the 1578
Revised Code. The Ohio building authority is authorized to issue 1579
revenue obligations under sections 152.09 to 152.33 of the Revised 1580
Code to pay all or part of the cost of those state capital 1581
facilities as are designated by law. 1582

Boards of elections, due to their responsibilities related to 1583
the proper conduct of elections under state law, are designated as 1584

state agencies having jurisdiction over those state capital facilities financed in part pursuant to this section and Chapter 152. of the Revised Code. It is hereby determined and declared that voting machines, marking devices, and automatic tabulating equipment financed in part under this section are for the purpose of housing agencies of state government, their functions and equipment.

(B) A county shall contribute to the cost of capital facilities authorized under this section as provided below.

(C) Any lease of capital facilities authorized by this section, the rentals of which are payable in whole or in part from appropriations made by the general assembly, is governed by division (D) of section 152.24 of the Revised Code. Such rentals constitute available receipts as defined in section 152.09 of the Revised Code and may be pledged for the payment of bond service charges as provided in section 152.10 of the Revised Code.

(D) The county voting machine revolving lease/loan fund is hereby created in the state treasury. The fund shall consist of the net proceeds of obligations issued under sections 152.09 to 152.33 of the Revised Code to finance a portion of those state capital facilities described in division (A) of this section, as needed to ensure sufficient moneys to support appropriations from the fund. Lease payments from counties made for those capital facilities financed in part from the fund and interest earnings on the balance in the fund shall be credited to the fund. The fund shall also receive any other authorized transfers of cash. Moneys in the fund shall be used for the purpose of acquiring a portion of additional capital facilities described in division (A) of this section at the request of the applicable board of elections.

Participation in the fund by a board of county commissioners shall be voluntary.

The secretary of state shall administer the county voting machine revolving lease/loan fund in accordance with this section and shall enter into any lease or other agreement with the department of administrative services, the Ohio building authority, or any board of elections necessary or appropriate to accomplish the purposes of this section.

(E) Acquisitions made under this section shall provide not more than fifty per cent of the estimated total cost of a board of county commissioners' purchase of voting machines, marking devices, and automatic tabulating equipment.

The secretary of state shall adopt rules for the implementation of the acquisition and revolving lease/loan program established under this section, which rules shall require that the secretary of state approve any acquisition of voting machines, marking devices, and automatic tabulating equipment using money made available under this section. An acquisition for any one board of county commissioners shall not exceed five million dollars and shall be made only for equipment purchased on or after March 31, 2008. Any costs incurred on or after January 1, 2008, may be considered as the county cost percentage for the purpose of an acquisition made under this section.

Counties shall lease from the secretary of state the capital facilities financed in part from the county voting machine revolving lease/loan fund and may enter into any agreements required under the applicable bond proceedings. All voting machines, marking devices, and automatic tabulating equipment purchased through this fund shall remain the property of the state until all payments under the applicable county lease have been made at which time ownership shall transfer to the county. Costs associated with the maintenance, repair, and operation of the voting machines, marking devices, and automatic tabulating equipment purchased under this section shall be the responsibility

of the participating boards of elections and boards of county 1649
commissioners. 1650

Such lease may obligate the counties, as using state agencies 1651
under Chapter 152. of the Revised Code, to operate the capital 1652
facilities for such period of time as may be specified by law and 1653
to pay such rent as the secretary of state determines to be 1654
appropriate. Notwithstanding any other provision of the Revised 1655
Code to the contrary, any county may enter into such a lease, and 1656
any such lease is legally sufficient to obligate the county for 1657
the term stated in the lease. Any such lease constitutes an 1658
agreement described in division (E) of section 152.24 of the 1659
Revised Code. 1660

(F) As used in this section: 1661

(1) "Automatic tabulating equipment," "marking device," and 1662
"voting machine" have the same meanings as in section 3506.01 of 1663
the Revised Code. 1664

(2) "Equipment" has the same meaning as in section 3506.05 of 1665
the Revised Code. 1666

Sec. 111.27. There is hereby established in the state 1667
treasury the board of elections reimbursement and education fund. 1668
The fund shall be used by the secretary of state to reimburse 1669
boards of elections for various purposes, including reimbursements 1670
made under sections 3513.301, 3513.312, 3515.071, and 3521.03 of 1671
the Revised Code, and to provide training and educational programs 1672
for members and employees of boards of elections. The fund shall 1673
receive transfers of cash pursuant to controlling board action and 1674
also shall receive revenues from fees, gifts, grants, donations, 1675
and other similar receipts. 1676

Sec. 117.54. When conducting an audit under section 117.11 of 1677
the Revised Code of a city, local, or exempted village school 1678

district, a community school established under Chapter 3314. of 1679
the Revised Code, or a STEM school established under Chapter 3326. 1680
of the Revised Code, the auditor of state shall determine both of 1681
the following: 1682

(A) Whether the school district, community school, or STEM 1683
school has adopted and submitted a spending plan under section 1684
3306.30 and, if applicable, section 3306.31 of the Revised Code 1685
and that spending plan complies with any applicable expenditure or 1686
reporting standard prescribed by rule adopted under section 1687
3306.25 of the Revised Code; 1688

(B) Whether the school district, community school, or STEM 1689
school has adopted a plan to implement recommendations of a 1690
performance review conducted under section 3306.32 of the Revised 1691
Code or a performance audit conducted under section 3316.042 of 1692
the Revised Code. 1693

The auditor of state shall record these determinations in the 1694
audit report. 1695

Sec. 118.05. (A) Pursuant to the powers of the general 1696
assembly and for the purposes of this chapter, upon the occurrence 1697
of a fiscal emergency in any municipal corporation, county, or 1698
township, as determined pursuant to section 118.04 of the Revised 1699
Code, there is established, with respect to that municipal 1700
corporation, county, or township, a body both corporate and 1701
politic constituting an agency and instrumentality of the state 1702
and performing essential governmental functions of the state to be 1703
known as the "financial planning and supervision commission for 1704
..... (name of municipal corporation, county, or 1705
township)," which, in that name, may exercise all authority vested 1706
in such a commission by this chapter. A separate commission is 1707
established with respect to each municipal corporation, county, or 1708

township as to which there is a fiscal emergency as determined 1709
under this chapter. 1710

(B) A commission shall consist of the following ~~seven~~ voting 1711
members: 1712

(1) Four ex officio members: the treasurer of state; the 1713
director of budget and management; in the case of a municipal 1714
corporation, the mayor of the municipal corporation and the 1715
presiding officer of the legislative authority of the municipal 1716
corporation; in the case of a county, the president of the board 1717
of county commissioners and the county auditor; and in the case of 1718
a township, a member of the board of township trustees and the 1719
county auditor. 1720

The treasurer of state may designate a deputy treasurer or 1721
director within the office of the treasurer of state or any other 1722
appropriate person who is not an employee of the treasurer of 1723
state's office; the director of budget and management may 1724
designate an individual within the office of budget and management 1725
or any other appropriate person who is not an employee of the 1726
office of budget and management; the mayor may designate a 1727
responsible official within the mayor's office or the fiscal 1728
officer of the municipal corporation; the presiding officer of the 1729
legislative authority of the municipal corporation may designate 1730
any other member of the legislative authority; the board of county 1731
commissioners may designate any other member of the board or the 1732
fiscal officer of the county; and the board of township trustees 1733
may designate any other member of the board or the fiscal officer 1734
of the township to attend the meetings of the commission when the 1735
ex officio member is absent or unable for any reason to attend. A 1736
designee, when present, shall be counted in determining whether a 1737
quorum is present at any meeting of the commission and may vote 1738
and participate in all proceedings and actions of the commission. 1739
The designations shall be in writing, executed by the ex officio 1740

member or entity making the designation, and filed with the 1741
secretary of the commission. The designations may be changed from 1742
time to time in like manner, but due regard shall be given to the 1743
need for continuity. 1744

(2) Three If a municipal corporation, county, or township has 1745
a population of at least one thousand, three members nominated and 1746
appointed as follows: 1747

The mayor and presiding officer of the legislative authority 1748
of the municipal corporation, the board of county commissioners, 1749
or the board of township trustees shall, within ten days after the 1750
determination of the fiscal emergency by the auditor of state 1751
under section 118.04 of the Revised Code, submit in writing to the 1752
governor the nomination of five persons agreed to by them and 1753
meeting the qualifications set forth in this division. If the 1754
governor is not satisfied that at least three of the nominees are 1755
well qualified, the governor shall notify the mayor and presiding 1756
officer, or the board of county commissioners, or the board of 1757
township trustees to submit in writing, within five days, 1758
additional nominees agreed upon by them, not exceeding three. The 1759
governor shall appoint three members from all the agreed-upon 1760
nominees so submitted or a lesser number that the governor 1761
considers well qualified within thirty days after receipt of the 1762
nominations, and shall fill any remaining positions on the 1763
commission by appointment of any other persons meeting the 1764
qualifications set forth in this division. All appointments by the 1765
governor shall be made with the advice and consent of the senate. 1766
Each of the three appointed members shall serve during the life of 1767
the commission, subject to removal by the governor for 1768
misfeasance, nonfeasance, or malfeasance in office. In the event 1769
of the death, resignation, incapacity, removal, or ineligibility 1770
to serve of an appointed member, the governor, pursuant to the 1771
process for original appointment, shall appoint a successor. 1772

(3) If a municipal corporation, county, or township has a 1773
population of less than one thousand, one member nominated and 1774
appointed as follows: 1775

The mayor and presiding officer of the legislative authority 1776
of the municipal corporation, the board of county commissioners, 1777
or the board of township trustees shall, within ten days after the 1778
determination of the fiscal emergency by the auditor of state 1779
under section 118.04 of the Revised Code, submit in writing to the 1780
governor the nomination of three persons agreed to by them and 1781
meeting the qualifications set forth in this division. If the 1782
governor is not satisfied that at least one of the nominees is 1783
well qualified, the governor shall notify the mayor and presiding 1784
officer, or the board of county commissioners, or the board of 1785
township trustees to submit in writing, within five days, 1786
additional nominees agreed upon by them, not exceeding three. The 1787
governor shall appoint one member from all the agreed-upon 1788
nominees so submitted or shall fill the position on the commission 1789
by appointment of any other person meeting the qualifications set 1790
forth in this division. All appointments by the governor shall be 1791
made with the advice and consent of the senate. The appointed 1792
member shall serve during the life of the commission, subject to 1793
removal by the governor for misfeasance, nonfeasance, or 1794
malfeasance in office. In the event of the death, resignation, 1795
incapacity, removal, or ineligibility to serve of the appointed 1796
member, the governor, pursuant to the process for original 1797
appointment, shall appoint a successor. 1798

~~Each of the three appointed members~~ member shall be an 1799
individual: 1800

(a) Who has knowledge and experience in financial matters, 1801
financial management, or business organization or operations, 1802
~~including at least five years of experience in the private sector~~ 1803
~~in the management of business or financial enterprise or in~~ 1804

~~management consulting, public accounting, or other professional activity;~~ 1805
1806

(b) Whose residency, office, or principal place of professional or business activity is situated within the municipal corporation, county, or township; 1807
1808
1809

~~(c) Who has not, at any time during the five years preceding the date of appointment, held any elected public office. An appointed member of the commission shall not become a candidate for elected public office while serving as a member of the commission.~~ 1810
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(C) Immediately after appointment of the initial ~~three~~ appointed member or members of the commission, the governor shall call the first meeting of the commission and shall cause written notice of the time, date, and place of the first meeting to be given to each member of the commission at least forty-eight hours in advance of the meeting. 1815
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(D) The director of budget and management shall serve as chairperson of the commission. The commission shall elect one of its members to serve as vice-chairperson and may appoint a secretary and any other officers, who need not be members of the commission, it considers necessary. 1821
1822
1823
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1825

(E) The commission may adopt and alter bylaws and rules, which shall not be subject to section 111.15 or Chapter 119. of the Revised Code, for the conduct of its affairs and for the manner, subject to this chapter, in which its powers and functions shall be exercised and embodied. 1826
1827
1828
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(F) ~~Five~~ Four members of ~~the~~ a commission established pursuant to divisions (B)(1) and (2) of this section constitute a quorum of the commission. The affirmative vote of ~~five~~ four members of ~~the~~ such a commission is necessary for any action taken by vote of the commission. Three members of a commission 1831
1832
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established pursuant to divisions (B)(1) and (3) of this section 1836
constitute a quorum of the commission. The affirmative vote of 1837
three members of such a commission is necessary for any action 1838
taken by vote of the commission. No vacancy in the membership of 1839
the commission shall impair the rights of a quorum by such vote to 1840
exercise all the rights and perform all the duties of the 1841
commission. Members of the commission, and their designees, are 1842
not disqualified from voting by reason of the functions of the 1843
other office they hold and are not disqualified from exercising 1844
the functions of the other office with respect to the municipal 1845
corporation, county, or township, its officers, or the commission. 1846

(G) The auditor of state shall serve as the "financial 1848
supervisor" to the commission unless the auditor of state elects 1849
to contract for that service. As used in this chapter, "financial 1850
supervisor" means the auditor of state. 1851

(H) At the request of the commission, the auditor of state 1852
shall designate employees of the auditor of state's office to 1853
assist the commission and the financial supervisor and to 1854
coordinate the work of the auditor of state's office and the 1855
financial supervisor. Upon the determination of a fiscal emergency 1856
in any municipal corporation, county, or township, the municipal 1857
corporation, county, or township shall provide the commission with 1858
such reasonable office space in the principal building housing 1859
city, county, or township government, where feasible, as it 1860
determines is necessary to carry out its duties under this 1861
chapter. 1862

(I) The financial supervisor, the members of the commission, 1863
the auditor of state, and any person authorized to act on behalf 1864
of or assist them shall not be personally liable or subject to any 1865
suit, judgment, or claim for damages resulting from the exercise 1866
of or failure to exercise the powers, duties, and functions 1867

granted to them in regard to their functioning under this chapter, 1868
but the commission, the financial supervisor, the auditor of 1869
state, and those other persons shall be subject to mandamus 1870
proceedings to compel performance of their duties under this 1871
chapter and with respect to any debt obligations issued pursuant 1872
or subject to this chapter. 1873

(J) At the request of the commission, the administrative head 1874
of any state agency shall temporarily assign personnel skilled in 1875
accounting and budgeting procedures to assist the commission or 1876
the financial supervisor in its duties as financial supervisor. 1877

(K) The appointed members of the commission are not subject 1878
to section 102.02 of the Revised Code. Each appointed member of 1879
the commission shall file with the commission a signed written 1880
statement setting forth the general nature of sales of goods, 1881
property, or services or of loans to the municipal corporation, 1882
county, or township with respect to which that commission is 1883
established, in which the appointed member has a pecuniary 1884
interest or in which any member of the appointed member's 1885
immediate family, as defined in section 102.01 of the Revised 1886
Code, or any corporation, partnership, or enterprise of which the 1887
appointed member is an officer, director, or partner, or of which 1888
the appointed member or a member of the appointed member's 1889
immediate family, as so defined, owns more than a five per cent 1890
interest, has a pecuniary interest, and of which sale, loan, or 1891
interest such member has knowledge. The statement shall be 1892
supplemented from time to time to reflect changes in the general 1893
nature of any such sales or loans. 1894

Sec. 120.08. There is hereby created in the state treasury 1895
the indigent defense support fund, consisting of money paid into 1896
the fund pursuant to ~~section~~ sections 4507.45, 4509.101, 4510.22, 1897
and 4511.19 of the Revised Code and pursuant to ~~section~~ sections 1898

2937.22, 2949.091, and 2949.094 of the Revised Code out of the 1899
additional court costs imposed under ~~that section~~ those sections. 1900
The state public defender shall use at least ninety per cent of 1901
the money in the fund for the purpose of reimbursing county 1902
governments for expenses incurred pursuant to sections 120.18, 1903
120.28, and 120.33 of the Revised Code. Disbursements from the 1904
fund to county governments shall be made in each state fiscal at 1905
least once per year and shall be allocated proportionately so that 1906
each county receives an equal percentage of its total cost for 1907
operating its county public defender system, its joint county 1908
public defender system, ~~or~~ its county appointed counsel system, or 1909
its system operated under division (C)(7) of section 120.04 of the 1910
Revised Code and division (B) of section 120.33 of the Revised 1911
Code. The state public defender may use not more than ten per cent 1912
of the money in the fund for the purposes of appointing assistant 1913
state public defenders or for providing other personnel, 1914
equipment, and facilities necessary for the operation of the state 1915
public defender office. 1916

Sec. 120.52. (A) There is hereby established in the state 1917
treasury the legal aid fund, ~~which that~~ shall be for the 1918
charitable public purpose of providing financial assistance to 1919
legal aid societies that provide civil legal services to 1920
indigents. The fund shall contain all funds credited to it by the 1921
treasurer of state pursuant to sections 1901.26, 1907.24, 1922
2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised 1923
Code. 1924

(B) The treasurer of state may invest moneys contained in the 1925
legal aid fund in any manner authorized by the Revised Code for 1926
the investment of state moneys. However, no such investment shall 1927
interfere with any apportionment, allocation, or payment of moneys 1928
as required by section 120.53 of the Revised Code. 1929

(C) The state public defender, through the Ohio legal assistance foundation, shall administer the payment of moneys out of the fund. Four and one-half per cent of the moneys in the fund shall be reserved for the Ohio legal assistance foundation for the actual, reasonable costs of administering sections 120.51 to 120.55 and sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised Code. Moneys that are reserved for administrative costs but that are not used for actual, reasonable administrative costs shall be set aside for use in the manner described in division (A) of section 120.521 of the Revised Code. The remainder of the moneys in the legal aid fund shall be distributed in accordance with section 120.53 of the Revised Code. The Ohio legal assistance foundation shall be responsible for administering the programs established under sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised Code. The Ohio legal assistance foundation shall establish, in accordance with Chapter 119. of the Revised Code, rules governing the administration of the legal aid fund, including the programs established under sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised Code ~~regarding interest on interest-bearing trust accounts of an attorney, law firm, or legal professional association.~~

Sec. 120.53. (A) A legal aid society that operates within the state may apply to the Ohio legal assistance foundation for financial assistance from the legal aid fund established by section 120.52 of the Revised Code to be used for the funding of the society during the calendar year following the calendar year in which application is made.

(B) An application for financial assistance made under division (A) of this section shall be submitted by the first day of November of the calendar year preceding the calendar year for

which financial assistance is desired and shall include all of the	1962
following:	1963
(1) Evidence that the applicant is incorporated in this state	1964
as a nonprofit corporation;	1965
(2) A list of the trustees of the applicant;	1966
(3) The proposed budget of the applicant for these funds for	1967
the following calendar year;	1968
(4) A summary of the services to be offered by the applicant	1969
in the following calendar year;	1970
(5) A specific description of the territory or constituency	1971
served by the applicant;	1972
(6) An estimate of the number of persons to be served by the	1973
applicant during the following calendar year;	1974
(7) A general description of the additional sources of the	1975
applicant's funding;	1976
(8) The amount of the applicant's total budget for the	1977
calendar year in which the application is filed that it will	1978
expend in that calendar year for legal services in each of the	1979
counties it serves;	1980
(9) A specific description of any services, programs,	1981
training, and legal technical assistance to be delivered by the	1982
applicant or by another person pursuant to a contract with the	1983
applicant, including, but not limited to, by private attorneys or	1984
through reduced fee plans, judicare panels, organized pro bono	1985
programs, and mediation programs.	1986
(C) The Ohio legal assistance foundation shall determine	1987
whether each applicant that filed an application for financial	1988
assistance under division (A) of this section in a calendar year	1989
is eligible for financial assistance under this section. To be	1990
eligible for such financial assistance, an applicant shall satisfy	1991

the criteria for being a legal aid society and shall be in 1992
compliance with the provisions of sections 120.51 to 120.55 of the 1993
Revised Code and with the rules and requirements the foundation 1994
establishes pursuant to section 120.52 of the Revised Code. The 1995
Ohio legal assistance foundation then, on or before the fifteenth 1996
day of December of the calendar year in which the application is 1997
filed, shall notify each such applicant, in writing, whether it is 1998
eligible for financial assistance under this section, and if it is 1999
eligible, estimate the amount that will be available for that 2000
applicant for each six-month distribution period, as determined 2001
under division (D) of this section. 2002

(D) The Ohio legal assistance foundation shall allocate 2003
moneys contained in the legal aid fund monthly for distribution to 2004
applicants that filed their applications in the previous calendar 2005
year and are determined to be eligible applicants. 2006

All moneys contained in the fund on the first day of each 2007
month shall be allocated, after deduction of the costs of 2008
administering sections 120.51 to 120.55 and sections 1901.26, 2009
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 2010
Revised Code that are authorized by section 120.52 of the Revised 2011
Code, according to this section and shall be distributed 2012
accordingly not later than the last day of the month following the 2013
month the moneys were received. In making the allocations under 2014
this section, the moneys in the fund that were generated pursuant 2015
to sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 2016
4705.09, and 4705.10 of the Revised Code shall be apportioned as 2017
follows: 2018

(1) After deduction of the amount authorized and used for 2019
actual, reasonable administrative costs under section 120.52 of 2020
the Revised Code: 2021

(a) Five per cent of the moneys remaining in the fund shall 2022
be reserved for use in the manner described in division (A) of 2023

section 120.521 of the Revised Code or for distribution to legal aid societies that provide assistance to special population groups of their eligible clients, engage in special projects that have a substantial impact on their local service area or on significant segments of the state's poverty population, or provide legal training or support to other legal aid societies in the state;

(b) After deduction of the amount described in division (D)(1)(a) of this section, one and three-quarters per cent of the moneys remaining in the fund shall be apportioned among entities that received financial assistance from the legal aid fund prior to ~~the effective date of this amendment~~ July 1, 1993, but that, on and after ~~the effective date of this amendment~~ July 1, 1993, no longer qualify as a legal aid society that is eligible for financial assistance under this section.

(c) After deduction of the amounts described in divisions (D)(1)(a) and (b) of this section, fifteen per cent of the moneys remaining in the fund shall be placed in the legal assistance foundation fund for use in the manner described in division (A) of section 120.521 of the Revised Code.

(2) After deduction of the actual, reasonable administrative costs under section 120.52 of the Revised Code and after deduction of the amounts identified in divisions (D)(1)(a), (b), and (c) of this section, the remaining moneys shall be apportioned among the counties that are served by eligible legal aid societies that have applied for financial assistance under this section so that each such county is apportioned a portion of those moneys, based upon the ratio of the number of indigents who reside in that county to the total number of indigents who reside in all counties of this state that are served by eligible legal aid societies that have applied for financial assistance under this section. Subject to division (E) of this section, the moneys apportioned to a county under this division then shall be allocated to the eligible legal

aid society that serves the county and that has applied for 2056
financial assistance under this section. For purposes of this 2057
division, the source of data identifying the number of indigent 2058
persons who reside in a county shall be the most recent decennial 2059
census figures from the United States department of commerce, 2060
division of census. 2061

(E) If the Ohio legal assistance foundation, in attempting to 2062
make an allocation of moneys under division (D)(2) of this 2063
section, determines that a county that has been apportioned money 2064
under that division is served by more than one eligible legal aid 2065
society that has applied for financial assistance under this 2066
section, the Ohio legal assistance foundation shall allocate the 2067
moneys that have been apportioned to that county under division 2068
(D)(2) of this section among all eligible legal aid societies that 2069
serve that county and that have applied for financial assistance 2070
under this section on a pro rata basis, so that each such eligible 2071
society is allocated a portion based upon the amount of its total 2072
budget expended in the prior calendar year for legal services in 2073
that county as compared to the total amount expended in the prior 2074
calendar year for legal services in that county by all eligible 2075
legal aid societies that serve that county and that have applied 2076
for financial assistance under this section. 2077

(F) Moneys allocated to eligible applicants under this 2078
section shall be paid monthly beginning the calendar year 2079
following the calendar year in which the application is filed. 2080

(G)(1) A legal aid society that receives financial assistance 2081
in any calendar year under this section shall file an annual 2082
report with the Ohio legal assistance foundation detailing the 2083
number and types of cases handled, and the amount and types of 2084
legal training, legal technical assistance, and other service 2085
provided, by means of that financial assistance. No information 2086
contained in the report shall identify or enable the 2087

identification of any person served by the legal aid society or in any way breach client confidentiality. 2088
2089

(2) The Ohio legal assistance foundation shall make an annual report to the governor, the general assembly, and the supreme court on the distribution and use of the legal aid fund. The foundation also shall include in the annual report an audited financial statement of all gifts, bequests, donations, contributions, and other moneys the foundation receives. No information contained in the report shall identify or enable the identification of any person served by a legal aid society, or in any way breach confidentiality. 2090
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(H) A legal aid society may enter into agreements for the provision of services, programs, training, or legal technical assistance for the legal aid society or to indigent persons. 2099
2100
2101

Sec. 121.04. Offices are created within the several departments as follows: 2102
2103

In the department of commerce: 2104

Commissioner of securities; 2105

Superintendent of real estate and professional licensing; 2106

Superintendent of financial institutions; 2107

State fire marshal; 2108

Superintendent of labor ~~and worker safety~~; 2109

Superintendent of liquor control; 2110

~~Superintendent of industrial compliance;~~ 2111

Superintendent of unclaimed funds. 2112

In the department of administrative services: 2113

State architect and engineer; 2114

Equal employment opportunity coordinator. 2115

In the department of agriculture: 2116

Chiefs of divisions as follows:	2117
Administration;	2118
Animal industry;	2119
Dairy;	2120
Food safety;	2121
Plant industry;	2122
Markets;	2123
Meat inspection;	2124
Consumer analytical laboratory;	2125
Amusement ride safety;	2126
Enforcement;	2127
Weights and measures.	2128
In the department of natural resources:	2129
Chiefs of divisions as follows:	2130
Water;	2131
Mineral resources management;	2132
Forestry;	2133
Natural areas and preserves;	2134
Wildlife;	2135
Geological survey;	2136
Parks and recreation;	2137
Watercraft;	2138
Recycling and litter prevention;	2139
Soil and water conservation <u>resources</u> ;	2140
Real estate and land management;	2141
Engineering.	2142
In the department of insurance:	2143
Deputy superintendent of insurance;	2144
Assistant superintendent of insurance, technical;	2145
Assistant superintendent of insurance, administrative;	2146
Assistant superintendent of insurance, research.	2147

Sec. 121.08. (A) There is hereby created in the department of 2148
commerce the position of deputy director of administration. This 2149
officer shall be appointed by the director of commerce, serve 2150
under the director's direction, supervision, and control, perform 2151
the duties the director prescribes, and hold office during the 2152
director's pleasure. The director of commerce may designate an 2153
assistant director of commerce to serve as the deputy director of 2154
administration. The deputy director of administration shall 2155
perform the duties prescribed by the director of commerce in 2156
supervising the activities of the division of administration of 2157
the department of commerce. 2158

(B) Except as provided in section 121.07 of the Revised Code, 2159
the department of commerce shall have all powers and perform all 2160
duties vested in the deputy director of administration, the state 2161
fire marshal, the superintendent of financial institutions, the 2162
superintendent of real estate and professional licensing, the 2163
superintendent of liquor control, ~~the superintendent of industrial~~ 2164
~~compliance~~, the superintendent of labor and worker safety, the 2165
superintendent of unclaimed funds, and the commissioner of 2166
securities, and shall have all powers and perform all duties 2167
vested by law in all officers, deputies, and employees of those 2168
offices. Except as provided in section 121.07 of the Revised Code, 2169
wherever powers are conferred or duties imposed upon any of those 2170
officers, the powers and duties shall be construed as vested in 2171
the department of commerce. 2172

(C)(1) There is hereby created in the department of commerce 2173
a division of financial institutions, which shall have all powers 2174
and perform all duties vested by law in the superintendent of 2175
financial institutions. Wherever powers are conferred or duties 2176
imposed upon the superintendent of financial institutions, those 2177
powers and duties shall be construed as vested in the division of 2178
financial institutions. The division of financial institutions 2179

shall be administered by the superintendent of financial 2180
institutions. 2181

(2) All provisions of law governing the superintendent of 2182
financial institutions shall apply to and govern the 2183
superintendent of financial institutions provided for in this 2184
section; all authority vested by law in the superintendent of 2185
financial institutions with respect to the management of the 2186
division of financial institutions shall be construed as vested in 2187
the superintendent of financial institutions created by this 2188
section with respect to the division of financial institutions 2189
provided for in this section; and all rights, privileges, and 2190
emoluments conferred by law upon the superintendent of financial 2191
institutions shall be construed as conferred upon the 2192
superintendent of financial institutions as head of the division 2193
of financial institutions. The director of commerce shall not 2194
transfer from the division of financial institutions any of the 2195
functions specified in division (C)(2) of this section. 2196

(D) There is hereby created in the department of commerce a 2197
division of liquor control, which shall have all powers and 2198
perform all duties vested by law in the superintendent of liquor 2199
control. Wherever powers are conferred or duties are imposed upon 2200
the superintendent of liquor control, those powers and duties 2201
shall be construed as vested in the division of liquor control. 2202
The division of liquor control shall be administered by the 2203
superintendent of liquor control. 2204

(E) The director of commerce shall not be interested, 2205
directly or indirectly, in any firm or corporation which is a 2206
dealer in securities as defined in sections 1707.01 and 1707.14 of 2207
the Revised Code, or in any firm or corporation licensed under 2208
sections 1321.01 to 1321.19 of the Revised Code. 2209

(F) The director of commerce shall not have any official 2210
connection with a savings and loan association, a savings bank, a 2211

bank, a bank holding company, a savings and loan association 2212
holding company, a consumer finance company, or a credit union 2213
that is under the supervision of the division of financial 2214
institutions, or a subsidiary of any of the preceding entities, or 2215
be interested in the business thereof. 2216

(G) There is hereby created in the state treasury the 2217
division of administration fund. The fund shall receive 2218
assessments on the operating funds of the department of commerce 2219
in accordance with procedures prescribed by the director of 2220
commerce and approved by the director of budget and management. 2221
All operating expenses of the division of administration shall be 2222
paid from the division of administration fund. 2223

(H) There is hereby created in the department of commerce a 2224
division of real estate and professional licensing, which shall be 2225
under the control and supervision of the director of commerce. The 2226
division of real estate and professional licensing shall be 2227
administered by the superintendent of real estate and professional 2228
licensing. The superintendent of real estate and professional 2229
licensing shall exercise the powers and perform the functions and 2230
duties delegated to the superintendent under Chapters 4735., 2231
4763., and 4767. of the Revised Code. 2232

(I) There is hereby created in the department of commerce a 2233
division of labor ~~and worker safety~~, which shall have all powers 2234
and perform all duties vested by law in the superintendent of 2235
labor ~~and worker safety~~. Wherever powers are conferred or duties 2236
imposed upon the superintendent of labor ~~and worker safety~~, those 2237
powers and duties shall be construed as vested in the division of 2238
labor ~~and worker safety~~. The division of labor ~~and worker safety~~ 2239
shall be under the control and supervision of the director of 2240
commerce and be administered by the superintendent of labor ~~and~~ 2241
~~worker safety~~. ~~The superintendent of labor and worker safety shall~~ 2242
~~exercise the powers and perform the duties delegated to the~~ 2243

~~superintendent by the director under Chapters 4109., 4111., and 2244
4115. of the Revised Code. 2245~~

(J) There is hereby created in the department of commerce a 2246
division of unclaimed funds, which shall have all powers and 2247
perform all duties delegated to or vested by law in the 2248
superintendent of unclaimed funds. Wherever powers are conferred 2249
or duties imposed upon the superintendent of unclaimed funds, 2250
those powers and duties shall be construed as vested in the 2251
division of unclaimed funds. The division of unclaimed funds shall 2252
be under the control and supervision of the director of commerce 2253
and shall be administered by the superintendent of unclaimed 2254
funds. The superintendent of unclaimed funds shall exercise the 2255
powers and perform the functions and duties delegated to the 2256
superintendent by the director of commerce under section 121.07 2257
and Chapter 169. of the Revised Code, and as may otherwise be 2258
provided by law. 2259

(K) The department of commerce or a division of the 2260
department created by the Revised Code that is acting with 2261
authorization on the department's behalf may request from the 2262
bureau of criminal identification and investigation pursuant to 2263
section 109.572 of the Revised Code, or coordinate with 2264
appropriate federal, state, and local government agencies to 2265
accomplish, criminal records checks for the persons whose 2266
identities are required to be disclosed by an applicant for the 2267
issuance or transfer of a permit, license, certificate of 2268
registration, or certification issued or transferred by the 2269
department or division. At or before the time of making a request 2270
for a criminal records check, the department or division may 2271
require any person whose identity is required to be disclosed by 2272
an applicant for the issuance or transfer of such a license, 2273
permit, certificate of registration, or certification to submit to 2274
the department or division valid fingerprint impressions in a 2275

format and by any media or means acceptable to the bureau of 2276
criminal identification and investigation and, when applicable, 2277
the federal bureau of investigation. The department or division 2278
may cause the bureau of criminal identification and investigation 2279
to conduct a criminal records check through the federal bureau of 2280
investigation only if the person for whom the criminal records 2281
check would be conducted resides or works outside of this state or 2282
has resided or worked outside of this state during the preceding 2283
five years, or if a criminal records check conducted by the bureau 2284
of criminal identification and investigation within this state 2285
indicates that the person may have a criminal record outside of 2286
this state. 2287

In the case of a criminal records check under section 109.572 2288
of the Revised Code, the department or division shall forward to 2289
the bureau of criminal identification and investigation the 2290
requisite form, fingerprint impressions, and fee described in 2291
division (C) of that section. When requested by the department or 2292
division in accordance with this section, the bureau of criminal 2293
identification and investigation shall request from the federal 2294
bureau of investigation any information it has with respect to the 2295
person who is the subject of the requested criminal records check 2296
and shall forward the requisite fingerprint impressions and 2297
information to the federal bureau of investigation for that 2298
criminal records check. After conducting a criminal records check 2299
or receiving the results of a criminal records check from the 2300
federal bureau of investigation, the bureau of criminal 2301
identification and investigation shall provide the results to the 2302
department or division. 2303

The department or division may require any person about whom 2304
a criminal records check is requested to pay to the department or 2305
division the amount necessary to cover the fee charged to the 2306
department or division by the bureau of criminal identification 2307

and investigation under division (C)(3) of section 109.572 of the Revised Code, including, when applicable, any fee for a criminal records check conducted by the federal bureau of investigation.

Sec. 121.083. The superintendent of ~~the division of industrial compliance labor~~ in the department of commerce shall do all of the following:

(A) Administer and enforce the general laws of this state pertaining to buildings, pressure piping, boilers, bedding, upholstered furniture, and stuffed toys, steam engineering, elevators, plumbing, and licensed occupations regulated by the department, ~~and travel agents,~~ as they apply to plans review, inspection, code enforcement, testing, licensing, registration, and certification.

(B) Exercise the powers and perform the duties delegated to the superintendent by the director of commerce under Chapters 4109., 4111., and 4115. of the Revised Code.

(C) Collect and collate statistics as are necessary.

~~(C)~~(D) Examine and license persons who desire to act as steam engineers, to operate steam boilers, and to act as inspectors of steam boilers, provide for the scope, conduct, and time of such examinations, provide for, regulate, and enforce the renewal and revocation of such licenses, inspect and examine steam boilers and make, publish, and enforce rules and orders for the construction, installation, inspection, and operation of steam boilers, and do, require, and enforce all things necessary to make such examination, inspection, and requirement efficient.

~~(D)~~(E) Rent and furnish offices as needed in cities in this state for the conduct of its affairs.

~~(E)~~(F) Oversee a chief of construction and compliance, a chief of operations and maintenance, a chief of licensing and

certification, a chief of worker protection, and other designees 2338
appointed by the director of ~~commerce~~ to perform the duties 2339
described in this section. 2340

~~(F)~~(G) Enforce the rules the board of building standards 2341
adopts pursuant to division (A)(2) of section 4104.43 of the 2342
Revised Code under the circumstances described in division (D) of 2343
that section. 2344

~~(G)~~(H) Accept submissions, establish a fee for submissions, 2345
and review submissions of certified welding and brazing procedure 2346
specifications, procedure qualification records, and performance 2347
qualification records for building services piping as required by 2348
section 4104.44 of the Revised Code. 2349

Sec. 121.084. (A) All moneys collected under sections 2350
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 2351
4169.03, 4171.04, and 5104.051 of the Revised Code, and any other 2352
moneys collected by the division of industrial compliance labor 2353
shall be paid into the state treasury to the credit of the 2354
industrial compliance labor operating fund, which is hereby 2355
created. The department of commerce shall use the moneys in the 2356
fund for paying the operating expenses of the division and the 2357
administrative assessment described in division (B) of this 2358
section. 2359

(B) The director of commerce, with the approval of the 2360
director of budget and management, shall prescribe procedures for 2361
assessing the industrial compliance labor operating fund a 2362
proportionate share of the administrative costs of the department 2363
of commerce. The assessment shall be made in accordance with those 2364
procedures and be paid from the industrial compliance labor 2365
operating fund to the division of administration fund created in 2366
section 121.08 of the Revised Code. 2367

Sec. 121.31. There is hereby created the commission on 2368
Hispanic-Latino affairs consisting of eleven voting members 2369
appointed by the governor with the advice and consent of the 2370
senate and two ex officio, nonvoting members who are members of 2371
the general assembly. The speaker of the house of representatives 2372
shall recommend to the governor two persons for appointment to the 2373
commission, the president of the senate shall recommend to the 2374
governor two such persons, and the minority leaders of the house 2375
and senate shall each recommend to the governor one such person. 2376
The governor shall make initial appointments to the commission. Of 2377
the initial appointments made to the commission, three shall be 2378
for a term ending October 7, 1978, four shall be for a term ending 2379
October 7, 1979, and four shall be for a term ending October 7, 2380
1980. One ex officio member of the commission shall be a member of 2381
the house of representatives appointed by the speaker of the house 2382
of representatives and one ex officio member of the commission 2383
shall be a member of the senate appointed by the president of the 2384
senate. ~~When making their initial appointments, the speaker shall 2385
appoint a member of the house of representatives who is affiliated 2386
with the minority political party in the house of representatives 2387
and the president shall appoint a member of the senate who is 2388
affiliated with the majority political party in the senate; in 2389
making subsequent appointments the speaker and the president each 2390
shall alternate the political party affiliation of the members 2391
they appoint to the commission. The speaker and president shall 2392
make their initial appointments so that the initial ex officio 2393
members begin their terms October 7, 2008~~ The speaker shall 2394
appoint a member of the house of representatives from among the 2395
representatives who are affiliated with the political party having 2396
a majority in the house of representatives, and the president 2397
shall appoint a member of the senate from among the senators who 2398
are affiliated with a different political party than the 2399

representative appointed by the speaker. 2400

After the initial appointments by the governor, terms of 2401
office shall be for three years, except that members of the 2402
general assembly appointed to the commission shall be members of 2403
the commission only so long as they are members of the general 2404
assembly. Each term shall end on the same day of the same month of 2405
the year as did the term which it succeeds. Each member shall hold 2406
office from the date of appointment until the end of the term for 2407
which the member was appointed. Vacancies shall be filled in the 2408
same manner as the original appointment. Any member appointed to 2409
fill a vacancy occurring prior to the expiration of the term for 2410
which the member's predecessor was appointed shall hold office for 2411
the remainder of such term. Any member shall continue in office 2412
subsequent to the expiration date of the member's term until the 2413
member's successor takes office, or until a period of sixty days 2414
has elapsed, whichever occurs first. At the first organizational 2415
meeting of the commission, the original eleven members shall draw 2416
lots to determine the length of the term each member shall serve. 2417

All voting members of the commission shall speak Spanish, 2419
shall be of Spanish-speaking origin, and shall be American 2420
citizens or lawful, permanent, resident aliens. Voting members 2421
shall be from urban, suburban, and rural geographical areas 2422
representative of Spanish-speaking people with a numerical and 2423
geographical balance of the Spanish-speaking population throughout 2424
the state. 2425

The commission shall meet not less than six times per 2426
calendar year. The commission shall elect a chairperson, 2427
vice-chairperson, and other officers from its voting members as it 2428
considers advisable. Six voting members constitute a quorum. The 2429
commission shall adopt rules governing its procedures. No action 2430
of the commission is valid without the concurrence of six members. 2431

Each voting member shall be compensated for work as a member 2432
for each day that the member is actually engaged in the 2433
performance of work as a member. No voting member shall be 2434
compensated for more than one day each month. In addition, each 2435
voting member shall be reimbursed for all actual and necessary 2436
expenses incurred in the performance of official business. 2437

Sec. 121.375. (A) As used in this section: 2438

"At-risk individual" means an individual at great risk of not 2439
being able to access available health and social services due to 2440
barriers such as poverty, inadequate transportation, culture, and 2441
priorities of basic survival. 2442

"Care coordination agency" means a person or government 2443
entity that assists at-risk individuals access available health 2444
and social services the at-risk individuals need. 2445

(B) A care coordination agency may provide the following 2446
information to the Ohio family and children first cabinet council: 2447

(1) The types of individuals the agency identifies as being 2448
at-risk individuals; 2449

(2) The total per-individual cost to the agency for care 2450
coordination services provided to at-risk individuals; 2451

(3) The administrative cost per individual for care 2452
coordination services provided to at-risk individuals; 2453

(4) The specific work products the agency purchased to 2454
provide care coordination services to at-risk individuals; 2455

(5) The strategies the agency uses to help at-risk 2456
individuals access available health and social services; 2457

(6) The agency's success in helping at-risk individuals 2458
access available health and social services; 2459

(7) The mechanisms the agency uses to identify and eliminate 2460

duplicate care coordination services. 2461

(C) The Ohio family and children first cabinet council may 2462
use the information provided to it under this section to help 2463
improve care coordination for at-risk individuals throughout the 2464
state. 2465

Sec. 121.40. (A) There is hereby created the Ohio community 2466
service council consisting of twenty-one voting members including 2467
the superintendent of public instruction or the superintendent's 2468
designee, the chancellor of the Ohio board of regents or the 2469
chancellor's designee, the director of youth services or the 2470
director's designee, the director of aging or the director's 2471
designee, the chairperson of the committee of the house of 2472
representatives dealing with education or the chairperson's 2473
designee, the chairperson of the committee of the senate dealing 2474
with education or the chairperson's designee, and fifteen members 2475
who shall be appointed by the governor with the advice and consent 2476
of the senate and who shall serve terms of office of three years. 2477
The appointees shall include educators, including teachers and 2478
administrators; representatives of youth organizations; students 2479
and parents; representatives of organizations engaged in volunteer 2480
program development and management throughout the state, including 2481
youth and conservation programs; and representatives of business, 2482
government, nonprofit organizations, social service agencies, 2483
veterans organizations, religious organizations, or philanthropies 2484
that support or encourage volunteerism within the state. The 2485
director of the governor's office of faith-based and community 2486
initiatives shall serve as a nonvoting ex officio member of the 2487
council. Members of the council shall receive no compensation, but 2488
shall be reimbursed for actual and necessary expenses incurred in 2489
the performance of their official duties. 2490

(B) The council shall appoint, with the advice and consent of 2491

the governor, an executive director for the council, who shall be 2492
in the unclassified civil service. The executive director shall 2493
supervise the council's activities and report to the council on 2494
the progress of those activities. The executive director shall do 2495
all things necessary for the efficient and effective 2496
implementation of the duties of the council. 2497

The responsibilities assigned to the executive director do 2498
not relieve the members of the council from final responsibility 2499
for the proper performance of the requirements of this section. 2500

(C) The council or its designee shall do all of the 2501
following: 2502

(1) Employ, promote, supervise, and remove all employees as 2503
needed in connection with the performance of its duties under this 2504
section and may assign duties to those employees as necessary to 2505
achieve the most efficient performance of its functions, and to 2506
that end may establish, change, or abolish positions, and assign 2507
and reassign duties and responsibilities of any employee of the 2508
council. Personnel employed by the council who are subject to 2509
Chapter 4117. of the Revised Code shall retain all of their rights 2510
and benefits conferred pursuant to that chapter. Nothing in this 2511
chapter shall be construed as eliminating or interfering with 2512
Chapter 4117. of the Revised Code or the rights and benefits 2513
conferred under that chapter to public employees or to any 2514
bargaining unit. 2515

(2) Maintain its office in Columbus, and may hold sessions at 2516
any place within the state; 2517

(3) Acquire facilities, equipment, and supplies necessary to 2518
house the council, its employees, and files and records under its 2519
control, and to discharge any duty imposed upon it by law. The 2520
expense of these acquisitions shall be audited and paid for in the 2521
same manner as other state expenses. For that purpose, the council 2522

shall prepare and submit to the office of budget and management a 2523
budget for each biennium according to sections 101.532 and 107.03 2524
of the Revised Code. The budget submitted shall cover the costs of 2525
the council and its staff in the discharge of any duty imposed 2526
upon the council by law. The council shall not delegate any 2527
authority to obligate funds. 2528

(4) Pay its own payroll and other operating expenses from 2529
line items designated by the general assembly; 2530

(5) Retain its fiduciary responsibility as appointing 2531
authority. Any transaction instructions shall be certified by the 2532
appointing authority or its designee. 2533

(6) Establish the overall policy and management of the 2534
council in accordance with this chapter; 2535

(7) Assist in coordinating and preparing the state 2536
application for funds under sections 101 to 184 of the "National 2537
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 2538
U.S.C.A. 12411 to 12544, as amended, assist in administering and 2539
overseeing the "National and Community Service Trust Act of 1993," 2540
P.L. 103-82, 107 Stat. 785, and the americorps program in this 2541
state, and assist in developing objectives for a comprehensive 2542
strategy to encourage and expand community service programs 2543
throughout the state; 2544

(8) Assist the state board of education, school districts, 2545
the chancellor of the board of regents, and institutions of higher 2546
education in coordinating community service education programs 2547
through cooperative efforts between institutions and organizations 2548
in the public and private sectors; 2549

(9) Assist the departments of natural resources, youth 2550
services, aging, and job and family services in coordinating 2551
community service programs through cooperative efforts between 2552
institutions and organizations in the public and private sectors; 2553

(10) Suggest individuals and organizations that are available 2554
to assist school districts, institutions of higher education, and 2555
the departments of natural resources, youth services, aging, and 2556
job and family services in the establishment of community service 2557
programs and assist in investigating sources of funding for 2558
implementing these programs; 2559

(11) Assist in evaluating the state's efforts in providing 2560
community service programs using standards and methods that are 2561
consistent with any statewide objectives for these programs and 2562
provide information to the state board of education, school 2563
districts, the chancellor of the board of regents, institutions of 2564
higher education, and the departments of natural resources, youth 2565
services, aging, and job and family services to guide them in 2566
making decisions about these programs; 2567

(12) Assist the state board of education in complying with 2568
section 3301.70 of the Revised Code and the chancellor of the 2569
board of regents in complying with division (B)(2) of section 2570
3333.043 of the Revised Code; 2571

(13) Advise, assist, consult with, and cooperate with, by 2572
contract or otherwise, agencies and political subdivisions of this 2573
state in establishing a statewide system for volunteers pursuant 2574
to section 121.404 of the Revised Code. 2575

(D) ~~The department of aging~~ With the advice and consent of 2576
the governor, the council shall in writing enter into an agreement 2577
with another state agency to serve as the council's fiscal agent. 2578
~~Beginning on July 1, 1997, whenever reference is made in any law,~~ 2579
~~contract, or document to the functions of the department of youth~~ 2580
~~services as fiscal agent to the council, the reference shall be~~ 2581
~~deemed to refer to the department of aging. The department of~~ 2582
~~aging shall have no responsibility for or obligation to the~~ 2583
~~council prior to July 1, 1997. Any validation, cure, right,~~ 2584
~~privilege, remedy, obligation, or liability shall be retained by~~ 2585

~~the council.~~ 2586

~~As used in this section, "fiscal agent" means technical support and includes the following technical support services: The fiscal agent shall be responsible for all the council's fiscal matters and financial transactions, as specified in the agreement. Services to be provided by the fiscal agent include, but are not limited to, the following:~~ 2587
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(1) ~~Preparing and processing payroll and other personnel documents that the council executes as the appointing authority; The department of aging shall not approve any payroll or other personnel related documents.~~ 2593
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(2) ~~Maintaining ledgers of accounts and reports of account balances, and monitoring budgets and allotment plans in consultation with the council; and The department shall not approve any biennial budget, grant, expenditure, audit, or fiscal related document.~~ 2597
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(3) ~~Performing other routine support services that the director of aging or the director's designee and the council or its designee consider fiscal agent considers appropriate to achieve efficiency.~~ 2602
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(E)(1) ~~The council or its designee, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:~~ 2606
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(a) ~~Sole authority to draw funds for any and all federal programs in which the council is authorized to participate;~~ 2609
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(b) ~~Sole authority to expend funds from their accounts for programs and any other necessary expenses the council may incur and its subgrantees may incur; and~~ 2611
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(c) ~~Responsibility to cooperate with and inform the department of aging as fiscal agent to ensure that the department~~ 2614
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is fully apprised of all financial transactions. 2616

(2) The council shall follow all state procurement, fiscal, 2617
human resources, statutory, and administrative rule requirements. 2618

(3) The ~~department of aging~~ fiscal agent shall determine fees 2619
to be charged to the council, which shall be in proportion to the 2620
services performed for the council. 2621

(4) The council shall pay fees owed to the ~~department of~~ 2622
~~aging~~ fiscal agent from a general revenue fund of the council or 2623
from any other fund from which the operating expenses of the 2624
council are paid. Any amounts set aside for a fiscal year for the 2625
payment of these fees shall be used only for the services 2626
performed for the council by the ~~department of aging~~ fiscal agent 2627
in that fiscal year. 2628

(F) The council may accept and administer grants from any 2629
source, public or private, to carry out any of the council's 2630
functions this section establishes. 2631

Sec. 121.401. (A) As used in this section and section 121.402 2632
of the Revised Code, "organization or entity" and "unsupervised 2633
access to a child" have the same meanings as in section 109.574 of 2634
the Revised Code. 2635

(B) The ~~governor's~~ Ohio community service council shall adopt 2636
a set of "recommended best practices" for organizations or 2637
entities to follow when one or more volunteers of the organization 2638
or entity have unsupervised access to one or more children or 2639
otherwise interact with one or more children. The "recommended 2640
best practices" shall focus on, but shall not be limited to, the 2641
issue of the safety of the children and, in addition, the 2642
screening and supervision of volunteers. The "recommended best 2643
practices" shall include as a recommended best practice that the 2644
organization or entity subject to a criminal records check 2645

performed by the bureau of criminal identification and 2646
investigation pursuant to section 109.57, section 109.572, or 2647
rules adopted under division (E) of section 109.57 of the Revised 2648
Code, all of the following: 2649

(1) All persons who apply to serve as a volunteer in a 2650
position in which the person will have unsupervised access to a 2651
child on a regular basis. 2652

(2) All volunteers who are in a position in which the person 2653
will have unsupervised access to a child on a regular basis and 2654
who the organization or entity has not previously subjected to a 2655
criminal records check performed by the bureau of criminal 2656
identification and investigation. 2657

(C) The set of "recommended best practices" required to be 2658
adopted by this section are in addition to the educational program 2659
required to be adopted under section 121.402 of the Revised Code. 2660

Sec. 121.402. (A) The ~~governor's~~ Ohio community service 2661
council shall establish and maintain an educational program that 2662
does all of the following: 2663

(1) Makes available to parents and guardians of children 2664
notice about the provisions of sections 109.574 to 109.577, 2665
section 121.401, and section 121.402 of the Revised Code and 2666
information about how to keep children safe when they are under 2667
the care, custody, or control of a person other than the parent or 2668
guardian; 2669

(2) Makes available to organizations and entities information 2670
regarding the best methods of screening and supervising 2671
volunteers, how to obtain a criminal records check of a volunteer, 2672
confidentiality issues relating to reports of criminal records 2673
checks, and record keeping regarding the reports; 2674

(3) Makes available to volunteers information regarding the 2675

possibility of being subjected to a criminal records check and 2676
displaying appropriate behavior to minors; 2677

(4) Makes available to children advice on personal safety and 2678
information on what action to take if someone takes inappropriate 2679
action towards a child. 2680

(B) The program shall begin making the materials described in 2681
this section available not later than ~~one year after the effective~~ 2682
~~date of this section~~ March 22, 2002. 2683

Sec. 122.042. The director of development may found an 2684
employment opportunity program that encourages employers to employ 2685
individuals who are members of significantly disadvantaged groups. 2686
If the director intends to found such an employment opportunity 2687
program, the director shall adopt, and thereafter may amend or 2688
rescind, rules under Chapter 119. of the Revised Code to found, 2689
and to operate, maintain, and improve, the program. In the rules, 2690
the director shall: 2691

(A) Construct, and, as changing circumstances indicate, 2692
re-construct, procedures according to which significantly 2693
disadvantaged groups are identified as such, an individual is 2694
identified as being a member of a significantly disadvantaged 2695
group, and an employer is identified as being a potential employer 2696
of an individual who is a member of a significantly disadvantaged 2697
group; 2698

(B) Describe, and, as experience indicates, re-describe, the 2699
kinds of evidence that shall be considered to identify 2700
significantly disadvantaged groups, the kinds of evidence an 2701
individual shall offer to prove that the individual is a member of 2702
a significantly disadvantaged group, and the kinds of evidence an 2703
employer shall offer to prove that the employer is a potential 2704
employer of an individual who is a member of a significantly 2705
disadvantaged group; 2706

(C) Specify, and, as experience indicates, re-specify, strategies and tactics for connecting individuals who are members of significantly disadvantaged groups with potential employers of members of significantly disadvantaged groups; 2707
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(D) Define a mix of, and, as experience indicates, define a re-mix of, incentives, such as grants, loans, loan guarantees, and tax benefits, that will encourage potential employers of individuals who are members of significantly disadvantaged groups actually to employ those individuals, to train those individuals in the particular skills of the employment, and otherwise to develop and continue those individuals in the employment; 2711
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(E) Prescribe, and, as experience indicates, re-prescribe, terms and conditions under which incentives are provided to and used by employers, including standards according to which incentives are provided or not provided to employers, results that reasonably can be expected from the provision of incentives, terms for and conditions on the use to which incentives may be put, methods according to which the use of incentives can be monitored and accounted for, any obligation to repay or otherwise reimburse an incentive, and liability under which employers are obligated to provide restitution to the director if incentives are misused according to the terms and conditions of their provision and use; 2718
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and 2728
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(F) Construct, describe, specify, define, and prescribe any other thing that is necessary and proper for the founding, and for the successful and efficient operation, maintenance, and improvement, of the employment opportunity program. 2730
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In founding, and in operating, maintaining, and improving, the employment opportunity program under the rules, the director shall proceed so that the resulting program functions as a coherent, efficient system for improving employment opportunities for significantly disadvantaged groups. Examples of significantly 2734
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disadvantaged groups include individuals who have not graduated 2739
from high school, individuals who have been convicted of a crime, 2740
individuals who are disabled, and individuals who are chronically 2741
unemployed (usually for more than eighteen months). 2742

The director may not provide an incentive in the form of a 2743
tax benefit unless the director first has consulted, and obtained 2744
the approval of, the tax commissioner. Examples of tax benefits 2745
include tax deductions, tax credits, and tax exemptions. 2746

The director has a cause of action for restitution to recover 2747
for the misuse of an incentive according to the terms and 2748
conditions under which the incentive was provided or to be used. 2749

Sec. 122.05. (A) The director of development may, to carry 2750
out the purposes of division (E) of section 122.04 of the Revised 2751
Code: 2752

(1) Establish offices in foreign countries as the director 2753
considers appropriate and enter into leases of real property, 2754
buildings, and office space that are appropriate for these 2755
offices; 2756

(2) Appoint personnel, who shall be in the unclassified civil 2757
services, necessary to operate such offices and fix their 2758
compensation. The director may enter into contracts with foreign 2759
nationals to staff the foreign offices established under this 2760
section. 2761

(3) The director may establish United States dollar and 2762
foreign currency accounts for the payment of expenses related to 2763
the operation and maintenance of the offices established under 2764
this section. The director shall establish procedures acceptable 2765
to the director of budget and management for the conversion, 2766
transfer, and control of United States dollars and foreign 2767
currency. 2768

(4) Provide export promotion assistance to Ohio businesses 2769
and organize or support missions to foreign countries to promote 2770
export of Ohio products and services and to encourage foreign 2771
direct investment in Ohio. The director may charge fees to 2772
businesses receiving export assistance and to participants in 2773
foreign missions sufficient to recover the direct costs of those 2774
activities. The director shall adopt, as an internal management 2775
rule under section 111.15 of the Revised Code, a procedure for 2776
setting the fees and a schedule of fees for services commonly 2777
provided by the department. The procedure shall require the 2778
director to annually review the established fees. 2779

(5) Do all things necessary and appropriate for the operation 2780
of the state's foreign offices. 2781

(B) All contracts entered into under division (A)(2) of this 2782
section and any payments of expenses under division (A)(3) of this 2783
section related to the operation and maintenance of foreign 2784
offices established under this section may be paid in the 2785
appropriate foreign currency and are exempt from sections 127.16 2786
and 5147.07 and Chapters 124., 125., and 153. of the Revised Code. 2787

Sec. 122.051. There is hereby created in the state treasury 2788
the international trade cooperative projects fund. The fund shall 2789
consist of ~~moneys~~ all of the following: 2790

(A) Moneys received from private and nonprofit organizations 2791
involved in cooperative agreements related to import/export and 2792
direct foreign investment activities ~~and cash;~~ 2793

(B) Cash transfers from other state agencies or any state or 2794
local government to encourage, promote, and assist trade and 2795
commerce between this state and foreign nations, pursuant to 2796
section 122.05 and division (E) of section 122.04 of the Revised 2797
Code; and 2798

(C) Fees charged to businesses receiving export assistance 2799
and to participants in foreign missions to recover direct costs of 2800
those activities under division (A)(4) of section 122.05 of the 2801
Revised Code. 2802

Sec. 122.075. (A) As used in this section: 2803

(1) "Alternative fuel" means blended biodiesel ~~or~~ blended 2804
gasoline, or compressed air used in air-compression driven 2805
engines. 2806

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 2807
fuel that is derived from vegetable oils or animal fats, or any 2808
combination of those reagents, and that meets American society for 2809
testing and materials specification D6751-03a for biodiesel fuel 2810
(B100) blend stock distillate fuels. 2811

(3) "Diesel fuel" and "gasoline" have the same meanings as in 2812
section 5735.01 of the Revised Code. 2813

(4) "Ethanol" has the same meaning as in section 5733.46 of 2814
the Revised Code. 2815

(5) "Blended biodiesel" means diesel fuel containing at least 2816
twenty per cent biodiesel by volume. 2817

(6) "Blended gasoline" means gasoline containing at least 2818
eighty-five per cent ethanol by volume. 2819

(7) "Incremental cost" means either of the following: 2820

(a) The difference in cost between blended gasoline and 2821
gasoline containing ten per cent or less ethanol at the time that 2822
the blended gasoline is purchased; 2823

(b) The difference in cost between blended biodiesel and 2824
diesel fuel containing two per cent or less biodiesel at the time 2825
that the blended biodiesel is purchased. 2826

(B) For the purpose of improving the air quality in this 2827

state, the director of development shall establish an alternative 2828
fuel transportation grant program under which the director may 2829
make grants to businesses, nonprofit organizations, public school 2830
systems, or local governments for the purchase and installation of 2831
alternative fuel refueling or distribution facilities and 2832
terminals, for the purchase and use of alternative fuel, and to 2833
pay the costs of educational and promotional materials and 2834
activities intended for prospective alternative fuel consumers, 2835
fuel marketers, and others in order to increase the availability 2836
and use of alternative fuel. 2837

(C) The director, in consultation with the director of 2838
agriculture, shall adopt rules in accordance with Chapter 119. of 2839
the Revised Code that are necessary for the administration of the 2840
alternative fuel transportation grant program. The rules shall 2841
establish at least all of the following: 2842

(1) An application form and procedures governing the 2843
application process for a grant under the program; 2844

(2) A procedure for prioritizing the award of grants under 2845
the program. The procedures shall give preference to all of the 2846
following: 2847

(a) Publicly accessible refueling facilities; 2848

(b) Entities seeking grants that have secured funding from 2849
other sources, including, but not limited to, private or federal 2850
grants; 2851

(c) Entities that have presented compelling evidence of 2852
demand in the market in which the facilities or terminals will be 2853
located; 2854

(d) Entities that have committed to utilizing purchased or 2855
installed facilities or terminals for the greatest number of 2856
years; 2857

(e) Entities that will be purchasing or installing facilities 2858
or terminals for both blended biodiesel and blended gasoline. 2859

(3) A requirement that the maximum grant for the purchase and 2860
installation of an alternative fuel refueling or distribution 2861
facility or terminal be eighty per cent of the cost of the 2862
facility or terminal, except that at least twenty per cent of the 2863
total net cost of the facility or terminal shall be incurred by 2864
the grant recipient and not compensated for by any other source; 2865

(4) A requirement that the maximum grant for the purchase of 2866
alternative fuel be eighty per cent of the incremental cost of the 2867
fuel; 2868

(5) Any other criteria, procedures, or guidelines that the 2869
director determines are necessary to administer the program. 2870

(D) An applicant for a grant under this section that sells 2871
motor vehicle fuel at retail shall agree that if the applicant 2872
receives a grant, the applicant will report to the director the 2873
gallon amounts of blended gasoline and blended biodiesel the 2874
applicant sells at retail in this state for a period of three 2875
years after the grant is awarded. 2876

The director shall enter into a written confidentiality 2877
agreement with the applicant regarding the gallon amounts sold as 2878
described in this division, and upon execution of the agreement 2879
this information is not a public record. 2880

(E) There is hereby created in the state treasury the 2881
alternative fuel transportation grant fund. The fund shall consist 2882
of money transferred to the fund under division (C) of section 2883
125.836 of the Revised Code, money that is appropriated to it by 2884
the general assembly, and money as may be specified by the general 2885
assembly from the advanced energy fund created by section 4928.61 2886
of the Revised Code. Money in the fund shall be used to make 2887
grants under the alternative fuel transportation grant program and 2888

by the director in the administration of that program. 2889

Sec. 122.12. As used in this section and in section 122.121 2890
of the Revised Code: 2891

(A) "Endorsing county" means a county that contains a site 2892
selected by a site selection organization for one or more games. 2893

(B) "Endorsing municipality" means a municipal corporation 2894
that contains a site selected by a site selection organization for 2895
one or more games. 2896

(C) "Game support contract" means a joinder undertaking, 2897
joinder agreement, or similar contract executed by an endorsing 2898
municipality or endorsing county and a site selection 2899
organization. 2900

(D) "Game" means a national football league "super bowl," a 2901
national collegiate athletic association "final four" tournament 2902
game, the national basketball association all-star game, the 2903
national hockey league all-star game, the major league baseball 2904
all-star game, a national collegiate athletic association bowl 2905
championship series game, a world cup soccer game, the world 2906
games, a national collegiate championship of an amateur sport 2907
sanctioned by the national governing body of the sport that is 2908
recognized by the United States olympic committee, or an olympic 2909
activity, including a junior or senior activity, training program, 2910
or feeder program sanctioned by the United States olympic 2911
committee's community olympic development program. "Game" includes 2912
any events and activities related to or associated with a game. 2913

(E) "Joinder agreement" means an agreement entered into by an 2914
endorsing municipality or endorsing county, or more than one 2915
endorsing municipality or county acting collectively and a site 2916
selection organization setting out representations and assurances 2917
by each endorsing municipality or endorsing county in connection 2918

with the selection of a site in this state for the location of a 2919
game. 2920

(F) "Joinder undertaking" means an agreement entered into by 2921
an endorsing municipality or endorsing county, or more than one 2922
endorsing municipality or county acting collectively and a site 2923
selection organization that each endorsing municipality or 2924
endorsing county will execute a joinder agreement in the event 2925
that the site selection organization selects a site in this state 2926
for a game. 2927

(G) "Local organizing committee" means a nonprofit 2928
corporation or its successor in interest that: 2929

(1) Has been authorized by an endorsing municipality, 2930
endorsing county, or more than one endorsing municipality or 2931
county acting collectively to pursue an application and bid on the 2932
applicant's behalf to a site selection organization for selection 2933
as the site of one or more games; or 2934

(2) With the authorization of an endorsing municipality, 2935
endorsing county, or more than one endorsing municipality or 2936
county acting collectively, has executed an agreement with a site 2937
selection organization regarding a bid to host one or more games. 2938

(H) "Site selection organization" means the national football 2939
league, the national collegiate athletic association, the national 2940
basketball association, the national hockey league, major league 2941
baseball, the federation internationale de football association, 2942
the international world games association, the United States 2943
olympic committee, or the national governing body of a sport that 2944
is recognized as such by the United States olympic committee. 2945

Sec. 122.121. (A) If an endorsing municipality or endorsing 2946
county enters into a joinder undertaking with a site selection 2947
organization, the endorsing municipality or endorsing county may 2948

submit a copy of the joinder undertaking to the director of 2949
development and request in writing that the director, in 2950
consultation with the tax commissioner, estimate, in accordance 2951
with procedures developed by the director and commissioner, the 2952
incremental increase in the receipts from the tax imposed under 2953
section 5739.02 of the Revised Code within the market area 2954
designated under division (C) of this section, for the two-week 2955
period that ends at the end of the day after the date on which a 2956
game will be held, that is directly attributable, as determined by 2957
the director and commissioner, to the preparation for and 2958
presentation of the game. Not later than sixty days after a copy 2959
of the joinder undertaking is submitted under this division, the 2960
director shall send a written notice to the requesting party of 2961
the estimated amount of the incremental increase and shall certify 2962
that amount to the director of budget and management. The 2963
endorsing municipality or endorsing county may submit the 2964
director's estimate to a site selection organization. 2965

(B) If an endorsing municipality or endorsing county enters 2966
into a joinder agreement with a site selection organization, the 2967
endorsing municipality or endorsing county shall file a copy of 2968
the joinder agreement with the director of development, who 2969
immediately shall notify the director of budget and management of 2970
the filing. Within thirty days after receiving the notice, the 2971
director of budget and management shall establish a schedule to 2972
disburse from the general revenue fund to such endorsing 2973
municipality or endorsing county payments that total the amount 2974
certified by the director of development under division (A) of 2975
this section, but in no event shall the total amount disbursed 2976
exceed five hundred thousand dollars. The payments shall be used 2977
exclusively by the endorsing municipality or endorsing county to 2978
fulfill a portion of its obligations to a site selection 2979
organization under game support contracts, which obligations may 2980

include the payment of costs relating to the preparations 2981
necessary for the conduct of the game, including acquiring, 2982
renovating, or constructing facilities; to pay the costs of 2983
conducting the game; and to assist the local organizing committee, 2984
endorsing municipality, or endorsing county in providing 2985
assurances required by a site selection organization sponsoring 2986
one or more games. 2987

(C) For the purposes of division (A) of this section, the 2988
director of development, in consultation with the tax 2989
commissioner, shall designate as a market area for a game each 2990
area in which they determine there is a reasonable likelihood of 2991
measurable economic impact directly attributable to the 2992
preparation for and presentation of the game and related events, 2993
including areas likely to provide venues, accommodations, and 2994
services in connection with the game based on the copy of the 2995
joinder undertaking provided to the director under division (A) of 2996
this section. The director and commissioner shall determine the 2997
geographic boundaries of each market area. An endorsing 2998
municipality or endorsing county that has been selected as the 2999
site for a game must be included in a market area for the game. 3000

(D) A local organizing committee, endorsing municipality, or 3001
endorsing county shall provide information required by the 3002
director of development and tax commissioner to enable the 3003
director and commissioner to fulfill their duties under this 3004
section, including annual audited statements of any financial 3005
records required by a site selection organization and data 3006
obtained by the local organizing committee, endorsing 3007
municipality, or endorsing county relating to attendance at a game 3008
and to the economic impact of the game. A local organizing 3009
committee, an endorsing municipality, or an endorsing county shall 3010
provide an annual audited financial statement if so required by 3011
the director and commissioner, not later than the end of the 3012

fourth month after the date the period covered by the financial statement ends. 3013
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(E) No disbursement may be made under this section if the director of development determines that it would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state. 3015
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(F) This section may not be construed as creating or requiring a state guarantee of obligations imposed on an endorsing municipality or endorsing county under a game support contract or any other agreement relating to hosting one or more games in this state. 3019
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Sec. 122.151. (A) An investor who proposes to make an investment of money in an Ohio entity may apply to an Edison center for a tax credit under this section. The Edison center shall prescribe the form of the application and any information that the investor must submit with the application. The investor shall include with the application a fee of two hundred dollars. The center, within three weeks after receiving the application, shall review it, determine whether the investor should be recommended for the tax credit, and send written notice of its initial determination to the industrial technology and enterprise advisory council and to the investor. If the center determines the investor should not be recommended for the tax credit, it shall include in the notice the reasons for the determination. Subject to divisions (C) and (D) of this section, an investor is eligible for a tax credit if all of the following requirements are met: 3024
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(1) The investor's investment of money is in an Ohio entity engaged in a qualified trade or business. 3039
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(2) The Ohio entity had less than two million five hundred thousand dollars of gross revenue during its most recently completed fiscal year or had a net book value of less than two 3041
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million five hundred thousand dollars at the end of that fiscal 3044
year. 3045

(3) The investment takes the form of the purchase of common 3046
or preferred stock, a membership interest, a partnership interest, 3047
or any other ownership interest. 3048

(4) The amount of the investment for which the credit is 3049
being claimed does not exceed three hundred thousand dollars in 3050
the case of an investment in an EDGE business enterprise or in an 3051
Ohio entity located in a distressed area, or two hundred fifty 3052
thousand dollars in the case of an investment in any other Ohio 3053
entity. 3054

(5) The money invested is entirely at risk of loss, where 3055
repayment depends upon the success of the business operations of 3056
the Ohio entity. 3057

(6) No repayment of principal invested will be made for at 3058
least three years from the date the investment is made. 3059

(7) The annual combined amount of any dividend and interest 3060
payments to be made to the investor will not exceed ten per cent 3061
of the amount of the investment for at least three years from the 3062
date the investment is made. 3063

(8) The investor is not an employee with proprietary 3064
decision-making authority of the Ohio entity in which the 3065
investment of money is proposed, or related to such an individual. 3066
The Ohio entity is not an individual related to the investor. For 3067
purposes of this division, the industrial technology and 3068
enterprise advisory council shall define "an employee with 3069
proprietary decision-making authority." 3070

(9) The investor is not an insider. 3071

For the purposes of determining the net book value of an Ohio 3072
entity under division (A)(1) or (2) of this section, if the entity 3073

is a member of an affiliated group, the combined net book values 3074
of all of the members of that affiliated group shall be used. 3075

Nothing in division (A)(6) or (7) of this section limits or 3076
disallows the distribution to an investor in a pass-through entity 3077
of a portion of the entity's profits equal to the investor's 3078
federal, state, and local income tax obligations attributable to 3079
the investor's allocable share of the entity's profits. Nothing in 3080
division (A)(6) or (7) of this section limits or disallows the 3081
sale by an investor of part or all of the investor's interests in 3082
an Ohio entity by way of a public offering of shares in the Ohio 3083
entity. 3084

(B) A group of two but not more than twenty investors, each 3085
of whom proposes to make an investment of money in the same Ohio 3086
entity, may submit an application for tax credits under division 3087
(A) of this section. The group shall include with the application 3088
a fee of eight hundred dollars. The application shall identify 3089
each investor in the group and the amount of money each investor 3090
proposes to invest in the Ohio entity, and shall name a contact 3091
person for the group. The Edison center, within three weeks after 3092
receiving the application, shall review it, determine whether each 3093
investor of the group should be recommended for a tax credit under 3094
the conditions set forth in division (A) of this section, and send 3095
written notice of its determination to the industrial technology 3096
and enterprise advisory council and to the contact person. The 3097
center shall not recommend that a group of investors receive a tax 3098
credit unless each investor is eligible under those conditions. 3099
The center may disqualify from a group any investor who is not 3100
eligible under the conditions and recommend that the remaining 3101
group of investors receive the tax credit. If the center 3102
determines the group should not be recommended for the tax credit, 3103
it shall include in the notice the reasons for the determination. 3104

(C) The industrial technology and enterprise advisory council 3105

shall establish from among its members a three-person committee. 3106
Within four weeks after the council receives a notice of 3107
recommendation from an Edison center, the committee shall review 3108
the recommendation and issue a final determination of whether the 3109
investor or group is eligible for a tax credit under the 3110
conditions set forth in division (A) of this section. The 3111
committee may require the investor or group to submit additional 3112
information to support the application. The vote of at least two 3113
members of the committee is necessary for the issuance of a final 3114
determination or any other action of the committee. Upon making 3115
the final determination, the committee shall send written notice 3116
of approval or disapproval of the tax credit to the investor or 3117
group contact person, the director of development, and the Edison 3118
center. If the committee disapproves the tax credit, it shall 3119
include in the notice the reasons for the disapproval. 3120

(D)(1) The industrial technology and enterprise advisory 3121
council committee shall not approve more than one million five 3122
hundred thousand dollars of investments in any one Ohio entity. 3123
However, if a proposed investment of money in an Ohio entity has 3124
been approved but the investor does not actually make the 3125
investment, the committee may reassign the amount of that 3126
investment to another investor, as long as the total amount 3127
invested in the entity under this section does not exceed one 3128
million five hundred thousand dollars. 3129

If the one-million-five-hundred-thousand-dollar limit for an 3130
Ohio entity has not yet been reached and an application proposes 3131
an investment of money that would exceed the limit for that 3132
entity, the committee shall send written notice to the investor, 3133
or for a group, the contact person, that the investment cannot be 3134
approved as requested. Upon receipt of the notice, the investor or 3135
group may amend the application to propose an investment of money 3136
that does not exceed the limit. 3137

(2) Not more than ~~thirty~~ forty-five million dollars of tax credits shall be issued under sections 122.15 to 122.154 of the Revised Code.

(E) If an investor makes an approved investment of less than two hundred fifty thousand dollars in any Ohio entity other than an EDGE business enterprise or in an Ohio entity located in a distressed area, the investor may apply for approval of another investment of money in that entity, as long as the total amount invested in that entity by the investor under this section does not exceed two hundred fifty thousand dollars. If an investor makes an approved investment of less than three hundred thousand dollars in an EDGE business enterprise or in an Ohio entity located in a distressed area, the investor may apply for approval of another investment of money in that entity, as long as the total amount invested in that entity by the investor under this section does not exceed three hundred thousand dollars. An investor who receives approval of an investment of money as part of a group may subsequently apply on an individual basis for approval of an additional investment of money in the Ohio entity.

(F) The industrial technology and enterprise advisory council committee shall approve or disapprove tax credit applications under this section in the order in which they are received by the council.

(G) The director of development may disapprove any application recommended by an Edison center and approved by the industrial technology and enterprise advisory council committee, or may disapprove a credit for which a tax credit certificate has been issued under section 122.152 of the Revised Code, if the director determines that the entity in which the applicant proposes to invest or has invested is not an Ohio entity eligible to receive investments that qualify for the credit. If the director disapproves an application, the director shall certify

the action to the investor, the Edison center that recommended the 3170
application, the industrial technology and enterprise advisory 3171
council, and the tax commissioner, together with a written 3172
explanation of the reasons for the disapproval. If the director 3173
disapproves a tax credit after a tax credit certificate is issued, 3174
the investor shall not claim the credit for the taxable year that 3175
includes the day the director disapproves the credit, or for any 3176
subsequent taxable year. 3177

The director of development, in accordance with section 3178
111.15 of the Revised Code and with the advice of the industrial 3179
technology and enterprise advisory council, may adopt, amend, and 3180
rescind rules necessary to implement sections 122.15 to 122.154 of 3181
the Revised Code. 3182

(H) An Edison center shall use application fees received 3183
under this section only for the costs of administering sections 3184
122.15 to 122.154 of the Revised Code. 3185

Sec. 122.17. (A) As used in this section: 3186

(1) ~~"Full time employee" means an individual who is employed 3187
for consideration for at least an average of thirty five hours a 3188
week, who renders any other standard of service generally accepted 3189
by custom or specified by contract as full time employment, or who 3190
is employed for consideration for such time or renders such 3191
service but is on family or medical leave under the federal Family 3192
and Medical Leave Act of 1993, Pub. L. No. 103-3, 107 Stat. 6, as 3193
amended, or on active duty reserve or Ohio national guard service. 3194~~

~~(2) "New employee" means one of the following: 3196~~

~~(a) A full time employee first employed by a taxpayer in the 3197
project that is the subject of the agreement after the taxpayer 3198
enters into a tax credit agreement with the tax credit authority 3199~~

~~under this section;~~ 3200

~~(b) A full time employee first employed by a taxpayer in the project that is the subject of the tax credit after the tax credit authority approves a project for a tax credit under this section in a public meeting, as long as the taxpayer enters into the tax credit agreement prepared by the department of development after such meeting within sixty days after receiving the agreement from the department. If the taxpayer fails to enter into the agreement within sixty days, "new employee" has the same meaning as under division (A)(2)(a) of this section. A full time employee may be considered a "new employee" of a taxpayer, despite previously having been employed by a related member of the taxpayer, if all of the following apply:~~ 3201
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~~(i) The related member is a party to the tax credit agreement at the time the employee is first employed with the taxpayer;~~ 3213
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~~(ii) The related member will remain subject to the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied under Chapter 5751. of the Revised Code for the remainder of the term of the tax credit, and the tax credit is taken against liability for that same tax through the remainder of the term of the tax credit; and~~ 3215
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~~(iii) The employee was considered a new employee of the related member prior to employment with the taxpayer.~~ 3221
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~~Under division (A)(2)(a) or (b) of this section, if the tax credit authority determines it appropriate, "new employee" also may include an employee re-hired or called back from lay off to work in a new facility or on a new product or service established or produced by the taxpayer after entering into the agreement under this section or after the tax credit authority approves the tax credit in a public meeting. Except as otherwise provided in this paragraph, "new employee" does not include any employee of~~ 3223
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~~the taxpayer who was previously employed in this state by a 3231
related member of the taxpayer and whose employment was shifted to 3232
the taxpayer after the taxpayer entered into the tax credit 3233
agreement or after the tax credit authority approved the credit in 3234
a public meeting, or any employee of the taxpayer for which the 3235
taxpayer has been granted a certificate under division (B) of 3236
section 5709.66 of the Revised Code. However, if the taxpayer is 3237
engaged in the enrichment and commercialization of uranium or 3238
uranium products or is engaged in research and development 3239
activities related thereto and if the tax credit authority 3240
determines it appropriate, "new employee" may include an employee 3241
of the taxpayer who was previously employed in this state by a 3242
related member of the taxpayer and whose employment was shifted to 3243
the taxpayer after the taxpayer entered into the tax credit 3244
agreement or after the tax credit authority approved the credit in 3245
a public meeting. "New employee" does not include an employee of 3246
the taxpayer who is employed in an employment position that was 3247
relocated to a project from other operations of the taxpayer in 3248
this state or from operations of a related member of the taxpayer 3249
in this state. In addition, "new employee" does not include a 3250
child, grandchild, parent, or spouse, other than a spouse who is 3251
legally separated from the individual, of any individual who is an 3252
employee of the taxpayer and who has a direct or indirect 3253
ownership interest of at least five per cent in the profits, 3254
capital, or value of the taxpayer. Such ownership interest shall 3255
be determined in accordance with section 1563 of the Internal 3256
Revenue Code and regulations prescribed thereunder. 3257~~

~~(3) "New income "Income tax revenue" means the total amount 3258
withheld under section 5747.06 of the Revised Code by the taxpayer 3259
during the taxable year, or during the calendar year that includes 3260
the tax period, from the compensation of new employees for the tax 3261
levied under Chapter 5747. of the Revised Code. 3262~~

~~(4) "Related member" has the same meaning as under division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section each employee employed in the project to the extent the employee's withholdings are not used to determine the credit under section 122.171 of the Revised Code.~~ 3264
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(2) "Baseline income tax revenue" means income tax revenue except that the applicable withholding period is the twelve months immediately preceding the date the tax credit authority approves the taxpayer's application multiplied by the sum of one plus an annual pay increase factor to be determined by the tax credit authority. If the taxpayer becomes eligible for the credit after the first day of the taxpayer's taxable year or after the first day of the calendar year that includes the tax period, the taxpayer's baseline income tax revenue shall be reduced in proportion to the number of days during the taxable or calendar year for which the taxpayer was not eligible for the credit. For subsequent taxable or calendar years, "baseline income tax revenue" equals the unreduced baseline income tax revenue for the preceding taxable or calendar year multiplied by the sum of one plus the pay increase factor. 3269
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(3) "Excess income tax revenue" means income tax revenue minus baseline income tax revenue. 3284
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(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to taxes imposed under section 5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the credit shall be claimed in the order required under section 3286
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5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 3296
the credit available for a taxable year or for a calendar year 3297
that includes a tax period equals the ~~new~~ excess income tax 3298
revenue for that year multiplied by the percentage specified in 3299
the agreement with the tax credit authority. Any credit granted 3300
under this section against the tax imposed by section 5733.06 or 3301
5747.02 of the Revised Code, to the extent not fully utilized 3302
against such tax for taxable years ending prior to 2008, shall 3303
automatically be converted without any action taken by the tax 3304
credit authority to a credit against the tax levied under Chapter 3305
5751. of the Revised Code for tax periods beginning on or after 3306
July 1, 2008, provided that the person to whom the credit was 3307
granted is subject to such tax. The converted credit shall apply 3308
to those calendar years in which the remaining taxable years 3309
specified in the agreement end. 3310

(C) A taxpayer or potential taxpayer who proposes a project 3311
to create new jobs in this state may apply to the tax credit 3312
authority to enter into an agreement for a tax credit under this 3313
section. The director of development shall prescribe the form of 3314
the application. After receipt of an application, the authority 3315
may enter into an agreement with the taxpayer for a credit under 3316
this section if it determines all of the following: 3317

(1) The taxpayer's project will ~~create new jobs in this state~~ 3318
increase payroll and income tax revenue; 3319

(2) The taxpayer's project is economically sound and will 3320
benefit the people of this state by increasing opportunities for 3321
employment and strengthening the economy of this state; 3322

(3) Receiving the tax credit is a major factor in the 3323
taxpayer's decision to go forward with the project. 3324

(D) An agreement under this section shall include all of the 3325
following: 3326

- (1) A detailed description of the project that is the subject of the agreement; 3327
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- (2) The term of the tax credit, which shall not exceed fifteen years, and the first taxable year, or first calendar year that includes a tax period, for which the credit may be claimed; 3329
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- (3) A requirement that the taxpayer shall maintain operations at the project location for at least ~~twice the number of years as the term of the tax credit~~ the greater of seven years or the term of the credit plus three years; 3332
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- (4) The percentage, as determined by the tax credit authority, of ~~new~~ excess income tax revenue that will be allowed as the amount of the credit for each taxable year or for each calendar year that includes a tax period; 3336
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- (5) ~~A specific method for determining how many new employees are employed during a taxable year or during a calendar year that includes a tax period~~ The pay increase factor to be applied to the taxpayer's baseline income tax revenue; 3340
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- (6) A requirement that the taxpayer annually shall report to the director of development ~~the number of new employees, the new income tax revenue withheld in connection with the new employees, and any employment, tax withholding, investment, and other~~ information the director needs to perform the director's duties under this section; 3344
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- (7) A requirement that the director of development annually ~~shall verify the amounts~~ review the information reported under division (D)(6) of this section, ~~and after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified and verify compliance with the agreement; if the taxpayer is in compliance, a requirement that the director issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit that may be~~ 3350
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claimed for the taxable or calendar year; 3358

~~(8)(a) A provision requiring that the taxpayer, except as 3359
otherwise provided in division (D)(8)(b) of this section, shall 3360
not relocate employment positions from elsewhere in this state to 3361
the project site that is the subject of the agreement for the 3362
lesser of five years from the date the agreement is entered into 3363
or the number of years the taxpayer is entitled to claim the tax 3364
credit. 3365~~

~~(b) The taxpayer may relocate employment positions from 3366
elsewhere in this state to the project site that is the subject of 3367
the agreement if the director of development determines both of 3368
the following: 3369~~

~~(i) That the site from which the employment positions would 3370
be relocated is inadequate to meet market and industry conditions, 3371
expansion plans, consolidation plans, or other business 3372
considerations affecting the taxpayer; 3373~~

~~(ii) That A provision providing that the taxpayer may not 3374
relocate a substantial number of employment positions from 3375
elsewhere in this state to the project location unless the 3376
director of development determines that the legislative authority 3377
of the county, township, or municipal corporation from which the 3378
employment positions would be relocated has been notified by the 3379
taxpayer of the relocation. 3380~~

For purposes of this section, the movement of an employment 3381
position from one political subdivision to another political 3382
subdivision shall be considered a relocation of an employment 3383
position, ~~but the transfer of an individual employee from one 3384
political subdivision to another political subdivision shall not 3385
be considered a relocation of an employment position as long as 3386
the individual's employment position in the first political 3387
subdivision is refilled unless the employment position in the 3388~~

first political subdivision is replaced. 3389

(E) If a taxpayer fails to meet or comply with any condition 3390
or requirement set forth in a tax credit agreement, the tax credit 3391
authority may amend the agreement to reduce the percentage or term 3392
of the tax credit. The reduction of the percentage or term shall 3393
~~take effect (1) in the taxable year immediately following the~~ 3394
~~taxable year in which the authority amends the agreement or the~~ 3395
~~director of development notifies the taxpayer in writing of such~~ 3396
~~failure, or (2) in the first tax period beginning in the calendar~~ 3397
~~year immediately following the calendar year in which the~~ 3398
~~authority amends the agreement or the director notifies the~~ 3399
~~taxpayer in writing of such failure. If the taxpayer fails to~~ 3400
~~annually report any of the information required by division (D)(6)~~ 3401
~~of this section within the time required by the director, the~~ 3402
~~reduction of the percentage or term may take effect in the current~~ 3403
~~taxable year. If the taxpayer relocates employment positions in~~ 3404
~~violation of the provision required under division (D)(8)(a) of~~ 3405
~~this section, the taxpayer shall not claim the tax credit under~~ 3406
~~section 5733.0610 of the Revised Code for any tax years following~~ 3407
~~the calendar year in which the relocation occurs, or shall not~~ 3408
~~claim the tax credit under section 5725.32, 5729.032, or 5747.058~~ 3409
~~of the Revised Code for the taxable year in which the relocation~~ 3410
~~occurs and any subsequent taxable years, and shall not claim the~~ 3411
~~tax credit under division (A) of section 5751.50 of the Revised~~ 3412
~~Code for any tax period in the calendar year in which the~~ 3413
~~relocation occurs and any subsequent tax periods~~ may take effect 3414
in the current taxable or calendar year. 3415

(F) Projects that consist solely of point-of-final-purchase 3416
retail facilities are not eligible for a tax credit under this 3417
section. If a project consists of both point-of-final-purchase 3418
retail facilities and nonretail facilities, only the portion of 3419
the project consisting of the nonretail facilities is eligible for 3420

a tax credit and only the ~~new~~ excess income tax revenue from ~~new~~ 3421
~~employees of~~ the nonretail facilities shall be considered when 3422
computing the amount of the tax credit. If a warehouse facility is 3423
part of a point-of-final-purchase retail facility and supplies 3424
only that facility, the warehouse facility is not eligible for a 3425
tax credit. Catalog distribution centers are not considered 3426
point-of-final-purchase retail facilities for the purposes of this 3427
division, and are eligible for tax credits under this section. 3428

(G) Financial statements and other information submitted to 3429
the department of development or the tax credit authority by an 3430
applicant or recipient of a tax credit under this section, and any 3431
information taken for any purpose from such statements or 3432
information, are not public records subject to section 149.43 of 3433
the Revised Code. However, the chairperson of the authority may 3434
make use of the statements and other information for purposes of 3435
issuing public reports or in connection with court proceedings 3436
concerning tax credit agreements under this section. Upon the 3437
request of the tax commissioner or, if the applicant or recipient 3438
is an insurance company, upon the request of the superintendent of 3439
insurance, the chairperson of the authority shall provide to the 3440
commissioner or superintendent any statement or information 3441
submitted by an applicant or recipient of a tax credit in 3442
connection with the credit. The commissioner or superintendent 3443
shall preserve the confidentiality of the statement or 3444
information. 3445

(H) A taxpayer claiming a credit under this section shall 3446
submit to the tax commissioner or, if the taxpayer is an insurance 3447
company, to the superintendent of insurance, a copy of the 3448
director of development's certificate of verification under 3449
division (D)(7) of this section with the taxpayer's tax report or 3450
return for the taxable year or for the calendar year that includes 3451
the tax period. Failure to submit a copy of the certificate with 3452

the report or return does not invalidate a claim for a credit if 3453
the taxpayer submits a copy of the certificate to the commissioner 3454
or superintendent within sixty days after the commissioner or 3455
superintendent requests it. 3456

(I) The director of development, after consultation with the 3457
tax commissioner and the superintendent of insurance and in 3458
accordance with Chapter 119. of the Revised Code, shall adopt 3459
rules necessary to implement this section. The rules may provide 3460
for recipients of tax credits under this section to be charged 3461
fees to cover administrative costs of the tax credit program. The 3462
fees collected shall be credited to the tax incentive programs 3463
operating fund created in section 122.174 of the Revised Code. At 3464
the time the director gives public notice under division (A) of 3465
section 119.03 of the Revised Code of the adoption of the rules, 3466
the director shall submit copies of the proposed rules to the 3467
chairpersons of the standing committees on economic development in 3468
the senate and the house of representatives. 3469

(J) For the purposes of this section, a taxpayer may include 3470
a partnership, a corporation that has made an election under 3471
subchapter S of chapter one of subtitle A of the Internal Revenue 3472
Code, or any other business entity through which income flows as a 3473
distributive share to its owners. A partnership, S-corporation, or 3474
other such business entity may elect to pass the credit received 3475
under this section through to the persons to whom the income or 3476
profit of the partnership, S-corporation, or other entity is 3477
distributed. The election shall be made on the annual report 3478
required under division (D)(6) of this section. The election 3479
applies to and is irrevocable for the credit for which the report 3480
is submitted. If the election is made, the credit shall be 3481
apportioned among those persons in the same proportions as those 3482
in which the income or profit is distributed. 3483

(K) If the director of development determines that a taxpayer 3484

who has received a credit under this section is not complying with 3485
the requirement under division (D)(3) of this section, the 3486
director shall notify the tax credit authority of the 3487
noncompliance. After receiving such a notice, and after giving the 3488
taxpayer an opportunity to explain the noncompliance, the tax 3489
credit authority may require the taxpayer to refund to this state 3490
a portion of the credit in accordance with the following: 3491

(1) If the taxpayer maintained operations at the project 3492
location for ~~at least one and one half times the number of years~~ 3493
~~of the term of the tax credit, an amount not exceeding twenty five~~ 3494
~~per cent of the sum of any previously allowed credits under this~~ 3495
~~section;~~ 3496

~~(2) If the taxpayer maintained operations at the project 3497
location for at least the number of years of the term of the tax 3498
credit, an amount not exceeding fifty per cent of the sum of any 3499
previously allowed credits under this section;~~ 3500

~~(3) If the taxpayer maintained operations at the project 3501
location for less than the number of years of the term of the tax 3502
credit, an amount not exceeding one hundred per cent of the sum of 3503
any previously allowed credits under this section a period less 3504
than or equal to the term of the credit, an amount not exceeding 3505
one hundred per cent of the sum of any credits allowed and 3506
received under this section; 3507~~

(2) If the taxpayer maintained operations at the project 3508
location for a period longer than the term of the credit, but less 3509
than the greater of seven years or the term of the credit plus 3510
three years, an amount not exceeding seventy-five per cent of the 3511
sum of any credits allowed and received under this section. 3512

In determining the portion of the tax credit to be refunded 3513
to this state, the tax credit authority shall consider the effect 3514
of market conditions on the taxpayer's project and whether the 3515

taxpayer continues to maintain other operations in this state. 3516
After making the determination, the authority shall certify the 3517
amount to be refunded to the tax commissioner or superintendent of 3518
insurance, as appropriate. If the amount is certified to the 3519
commissioner, the commissioner shall make an assessment for that 3520
amount against the taxpayer under Chapter 5733., 5747., or 5751. 3521
of the Revised Code. If the amount is certified to the 3522
superintendent, the superintendent shall make an assessment for 3523
that amount against the taxpayer under Chapter 5725. or 5729. of 3524
the Revised Code. The time limitations on assessments under those 3525
chapters do not apply to an assessment under this division, but 3526
the commissioner or superintendent, as appropriate, shall make the 3527
assessment within one year after the date the authority certifies 3528
to the commissioner or superintendent the amount to be refunded. 3529

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 3530
each year, the director of development shall submit a report to 3531
the governor, the president of the senate, and the speaker of the 3532
house of representatives on the tax credit program under this 3533
section. The report shall include information on the number of 3534
agreements that were entered into under this section during the 3535
preceding calendar year, a description of the project that is the 3536
subject of each such agreement, and an update on the status of 3537
projects under agreements entered into before the preceding 3538
calendar year. 3539

(M) There is hereby created the tax credit authority, which 3540
consists of the director of development and four other members 3541
appointed as follows: the governor, the president of the senate, 3542
and the speaker of the house of representatives each shall appoint 3543
one member who shall be a specialist in economic development; the 3544
governor also shall appoint a member who is a specialist in 3545
taxation. Of the initial appointees, the members appointed by the 3546
governor shall serve a term of two years; the members appointed by 3547

the president of the senate and the speaker of the house of 3548
representatives shall serve a term of four years. Thereafter, 3549
terms of office shall be for four years. Initial appointments to 3550
the authority shall be made within thirty days after January 13, 3551
1993. Each member shall serve on the authority until the end of 3552
the term for which the member was appointed. Vacancies shall be 3553
filled in the same manner provided for original appointments. Any 3554
member appointed to fill a vacancy occurring prior to the 3555
expiration of the term for which the member's predecessor was 3556
appointed shall hold office for the remainder of that term. 3557
Members may be reappointed to the authority. Members of the 3558
authority shall receive their necessary and actual expenses while 3559
engaged in the business of the authority. The director of 3560
development shall serve as chairperson of the authority, and the 3561
members annually shall elect a vice-chairperson from among 3562
themselves. Three members of the authority constitute a quorum to 3563
transact and vote on the business of the authority. The majority 3564
vote of the membership of the authority is necessary to approve 3565
any such business, including the election of the vice-chairperson. 3566

The director of development may appoint a professional 3567
employee of the department of development to serve as the 3568
director's substitute at a meeting of the authority. The director 3569
shall make the appointment in writing. In the absence of the 3570
director from a meeting of the authority, the appointed substitute 3571
shall serve as chairperson. In the absence of both the director 3572
and the director's substitute from a meeting, the vice-chairperson 3573
shall serve as chairperson. 3574

(N) For purposes of the credits granted by this section 3575
against the taxes imposed under sections 5725.18 and 5729.03 of 3576
the Revised Code, "taxable year" means the period covered by the 3577
taxpayer's annual statement to the superintendent of insurance. 3578

Sec. 122.171. (A) As used in this section:	3579
(1) "Capital investment project" means a plan of investment	3580
at a project site for the acquisition, construction, renovation,	3581
or repair of buildings, machinery, or equipment, or for	3582
capitalized costs of basic research and new product development	3583
determined in accordance with generally accepted accounting	3584
principles, but does not include any of the following:	3585
(a) Payments made for the acquisition of personal property	3586
through operating leases;	3587
(b) Project costs paid before January 1, 2002;	3588
(c) Payments made to a related member as defined in section	3589
5733.042 of the Revised Code or to an elected consolidated <u>elected</u>	3590
taxpayer or a combined taxpayer as defined in section 5751.01 of	3591
the Revised Code.	3592
(2) "Eligible business" means a business taxpayer and its	3593
<u>related members</u> with Ohio operations satisfying all of the	3594
following:	3595
(a) Employed an average of at least one thousand employees in	3596
full-time employment positions at a project site during each of	3597
the twelve months preceding the application for a tax credit under	3598
this section; and	3599
(b) On or after January 1, 2002, has made or has caused to be	3600
made payments for the capital investment project, including	3601
payments made by an unrelated third party entity as a result of a	3602
lease of not less than twenty years in term, of either of the	3603
following:	3604
(i) At least two hundred <u>The taxpayer employs at least five</u>	3605
<u>hundred full-time equivalent employees at the time the tax credit</u>	3606
<u>authority grants the tax credit under this section;</u>	3607
(b) <u>The taxpayer makes or causes to be made payments for the</u>	3608

capital investment project of either of the following: 3609

(i) If the taxpayer is engaged at the project site primarily 3610
as a manufacturer, at least fifty million dollars in the aggregate 3611
at the project site during a period of three consecutive calendar 3612
years, including the calendar year that includes a day of the 3613
taxpayer's taxable year or tax period with respect to which the 3614
credit is granted; 3615

~~(ii) If the average wage of all full-time employment~~ 3616
~~positions at the project site is greater than four hundred per~~ 3617
~~cent of the federal minimum wage, at least one hundred taxpayer is~~ 3618
engaged at the project site primarily in significant corporate 3619
administrative functions, as defined by the director of 3620
development by rule, at least twenty million dollars in the 3621
aggregate at the project site during a period of three consecutive 3622
calendar years including the calendar year that includes a day of 3623
the taxpayer's taxable year or tax period with respect to which 3624
the credit is granted. 3625

~~(c) Is engaged at the project site primarily as a~~ 3626
~~manufacturer or is providing significant corporate administrative~~ 3627
~~functions. If the investment under division (A)(2)(b) of this~~ 3628
~~section was made by a third party entity as a result of a lease of~~ 3629
~~not less than twenty years in term, the project must include~~ 3630
~~headquarters operations that are part of a mixed use development~~ 3631
~~that includes at least two of the following: office, hotel,~~ 3632
~~research and development, or retail facilities.~~ 3633

~~(d) Has~~ The taxpayer had a capital investment project 3634
reviewed and approved by the tax credit authority as provided in 3635
divisions (C), (D), and (E) of this section. 3636

~~(3) "Full-time employment position" means a position of~~ 3637
~~employment for consideration for at least an average of~~ 3638
~~thirty five hours a week that has been filled for at least one~~ 3639

~~hundred eighty days immediately preceding the filing of an~~ 3640
~~application under this section and for at least one hundred eighty~~ 3641
~~days during each taxable year or each calendar year that includes~~ 3642
~~a tax period with respect to which the credit is granted, or is~~ 3643
~~employed in such position for consideration for such time, but is~~ 3644
~~on active duty reserve or Ohio national guard service equivalent~~ 3645
~~employees" means the quotient obtained by dividing the total~~ 3646
~~number of hours for which employees were compensated for~~ 3647
~~employment in the project by two thousand eighty. "Full-time~~ 3648
~~equivalent employees" shall exclude hours that are counted for a~~ 3649
~~credit under section 122.17 of the Revised Code.~~ 3650

(4) "Income tax revenue" means the total amount withheld 3651
under section 5747.06 of the Revised Code by the taxpayer during 3652
the taxable year, or during the calendar year that includes the 3653
tax period, from the compensation of all employees employed in the 3654
project whose hours of compensation are included in calculating 3655
the number of full-time equivalent employees. 3656

~~(4)(5)~~ "Manufacturer" has the same meaning as in section 3657
5739.011 of the Revised Code. 3658

~~(5)(6)~~ "Project site" means an integrated complex of 3659
facilities in this state, as specified by the tax credit authority 3660
under this section, within a fifteen-mile radius where a taxpayer 3661
is primarily operating as an eligible business. 3662

~~(6) "Applicable corporation" means a corporation satisfying~~ 3663
~~all of the following:~~ 3664

~~(a)(i) For the entire taxable year immediately preceding the~~ 3665
~~tax year, the corporation develops software applications primarily~~ 3666
~~to provide telecommunication billing and information services~~ 3667
~~through outsourcing or licensing to domestic or international~~ 3668
~~customers.~~ 3669

~~(ii) Sales and licensing of software generated at least six~~ 3670

~~hundred million dollars in revenue during the taxable year 3671
immediately preceding the tax year the corporation is first 3672
entitled to claim the credit provided under division (B) of this 3673
section. 3674~~

~~(b) For the entire taxable year immediately preceding the tax 3675
year, the corporation or one or more of its related members 3676
provides customer or employee care and technical support for 3677
clients through one or more contact centers within this state, and 3678
the corporation and its related members together have a daily 3679
average, based on a three hundred sixty five day year, of at least 3680
five hundred thousand successful customer contacts through one or 3681
more of their contact centers, wherever located. 3682~~

~~(c) The corporation is eligible for the credit under division 3683
(B) of this section for the tax year. 3684~~

(7) "Related member" has the same meaning as in section 3685
5733.042 of the Revised Code as that section existed on the 3686
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 3687
general assembly, September 29, 1997. 3688

~~(8) "Successful customer contact" means a contact with an end 3689
user via telephone, including interactive voice recognition or 3690
similar means, where the contact culminates in a conversation or 3691
connection other than a busy signal or equipment busy. 3692~~

~~(9) "Telecommunications" means all forms of 3693
telecommunications service as defined in section 5739.01 of the 3694
Revised Code, and includes services in wireless, wireline, cable, 3695
broadband, internet protocol, and satellite. 3696~~

~~(10)(a) "Applicable difference" means the difference between 3697
the tax for the tax year under Chapter 5733. of the Revised Code 3698
applying the law in effect for that tax year, and the tax for that 3699
tax year if section 5733.042 of the Revised Code applied as that 3700
section existed on the effective date of its amendment by Am. Sub. 3701~~

~~H.B. 215 of the 122nd general assembly, September 29, 1997,~~ 3702
~~subject to division (A)(10)(b) of this section.~~ 3703

~~(b) If the tax rate set forth in division (B) of section~~ 3704
~~5733.06 of the Revised Code for the tax year is less than eight~~ 3705
~~and one half per cent, the tax calculated under division~~ 3706
~~(A)(10)(a) of this section shall be computed by substituting a tax~~ 3707
~~rate of eight and one half per cent for the rate set forth in~~ 3708
~~division (B) of section 5733.06 of the Revised Code for the tax~~ 3709
~~year.~~ 3710

~~(c) If the resulting difference is negative, the applicable~~ 3711
~~tax difference for the tax year shall be zero "Taxable year"~~ 3712
~~includes, in the case of a domestic or foreign insurance company,~~ 3713
~~the calendar year ending on the thirty-first day of December~~ 3714
~~preceding the day the annual statement is required to be returned~~ 3715
~~under section 5725.18 or 5729.02 of the Revised Code.~~ 3716

(B) The tax credit authority created under section 122.17 of 3717
the Revised Code may grant tax credits under this section for the 3718
purpose of fostering job retention in this state. Upon application 3719
by an eligible business and upon consideration of the 3720
recommendation of the director of budget and management, tax 3721
commissioner, and director of development under division (C) of 3722
this section, the tax credit authority may grant to an eligible 3723
business a nonrefundable credit against the tax imposed by section 3724
5725.18, 5729.03, 5733.06, or 5747.02 of the Revised Code for a 3725
period up to fifteen taxable years and against the tax levied by 3726
Chapter 5751. of the Revised Code for a period of up to fifteen 3727
calendar years ~~provided, however, that if the project site is~~ 3728
~~leased, the term of the tax credit cannot exceed the lesser of~~ 3729
~~fifteen years or one half the term of the lease, including any~~ 3730
~~permitted renewal periods. The credit shall be in an amount not~~ 3731
~~exceeding seventy five per cent of the Ohio income tax withheld~~ 3732
~~from the employees of the eligible business occupying full time~~ 3733

~~employment positions at the project site during the calendar year~~ 3734
~~that includes the last day of such business' taxable year or tax~~ 3735
~~period with respect to which the credit is granted. The amount of~~ 3736
~~the credit shall not be based on the Ohio income tax withheld from~~ 3737
~~full-time employees for a calendar year prior to the calendar year~~ 3738
~~in which the minimum investment requirement referred to in~~ 3739
~~division (A)(2)(b) of this section is completed. The credit amount~~ 3740
~~for a taxable year or a calendar year that includes the tax period~~ 3741
~~for which a credit may be claimed equals the income tax revenue~~ 3742
~~for that year multiplied by the percentage specified in the~~ 3743
~~agreement with the tax credit authority. The percentage may not~~ 3744
~~exceed seventy-five per cent. The credit shall be claimed in the~~ 3745
~~order required under section 5725.98, 5729.98, 5733.98, or 5747.98~~ 3746
~~of the Revised Code. In determining the percentage and term of the~~ 3747
~~credit, the tax credit authority shall consider both the number of~~ 3748
~~full-time equivalent employees and the value of the capital~~ 3749
~~investment project. The credit amount may not be based on the~~ 3750
~~income tax revenue for a calendar year before the calendar year in~~ 3751
~~which the tax credit authority specifies the tax credit is to~~ 3752
~~begin, and the~~ credit shall be claimed only for the taxable years 3753
or tax periods specified in the eligible business' agreement with 3754
the tax credit authority ~~under division (E) of this section, but~~ 3755
~~in.~~ In no event shall the credit be claimed for a taxable year or 3756
tax period terminating before the date specified in the agreement. 3757
Any credit granted under this section against the tax imposed by 3758
section 5733.06 or 5747.02 of the Revised Code, to the extent not 3759
fully utilized against such tax for taxable years ending prior to 3760
2008, shall automatically be converted without any action taken by 3761
the tax credit authority to a credit against the tax levied under 3762
Chapter 5751. of the Revised Code for tax periods beginning on or 3763
after July 1, 2008, provided that the person to whom the credit 3764
was granted is subject to such tax. The converted credit shall 3765
apply to those calendar years in which the remaining taxable years 3766

specified in the agreement end. 3767

3768

~~The credit computed under this division is in addition to any 3769
credit allowed under division (M) of this section, which the tax 3770
credit authority may also include in the agreement. 3771~~

Any unused portion of a tax credit may be carried forward for 3772
not more than three additional years after the year for which the 3773
credit is granted. 3774

(C) A taxpayer that proposes a capital investment project to 3775
retain jobs in this state may apply to the tax credit authority to 3776
enter into an agreement for a tax credit under this section. The 3777
director of development shall prescribe the form of the 3778
application. After receipt of an application, the authority shall 3779
forward copies of the application to the director of budget and 3780
management, the tax commissioner, and the director of development, 3781
each of whom shall review the application to determine the 3782
economic impact the proposed project would have on the state and 3783
the affected political subdivisions and shall submit a summary of 3784
their determinations and recommendations to the authority. 3785

(D) Upon review of the determinations and recommendations 3786
described in division (C) of this section, the tax credit 3787
authority may enter into an agreement with the taxpayer for a 3788
credit under this section if the authority determines all of the 3789
following: 3790

(1) The taxpayer's capital investment project will result in 3791
the retention of ~~full-time~~ employment ~~positions~~ in this state. 3792

(2) The taxpayer is economically sound and has the ability to 3793
complete the proposed capital investment project. 3794

(3) The taxpayer intends to and has the ability to maintain 3795
operations at the project site for at least the greater of (a) the 3796
term of the credit plus three years, or (b) seven years. 3797

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project. 3798
3799

~~(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project.~~ 3800
3801
3802

(E) An agreement under this section shall include all of the following: 3803
3804

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, ~~and~~ the number of full-time ~~employment positions~~ equivalent employees at the project site. 3805
3806
3807
3808
3809

~~(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.~~ 3810
3811
3812

~~(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.~~ 3813
3814

~~(4), and the anticipated income tax revenue to be generated.~~ 3815

(2) The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each year, and the first year for which the credit may be claimed. 3816
3817
3818

(3) A requirement that the taxpayer maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years. 3819
3820
3821

~~(5)~~(4) A requirement that the taxpayer retain a specified number of ~~full-time employment positions~~ full-time equivalent employees at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least ~~one thousand employees in full-time employment positions~~ at the project site during the entire term of any 3822
3823
3824
3825
3826
3827

~~agreement, subject to division (E)(7) of this section.~~ 3828

~~(6) five hundred full-time equivalent employees during the 3829
entire term of the agreement. 3830~~

~~(5) A requirement that the taxpayer annually report to the 3831
director of development ~~the number of full time employment~~ 3832
~~positions subject to the credit, the amount of tax withheld from~~ 3833
~~employees in those positions, the amount of the payments made for~~ 3834
~~the employment, tax withholding, capital investment project, and~~ 3835
~~any other information the director needs to perform the director's~~ 3836
~~duties under this section.~~ 3837~~

~~(7)(6) A requirement that the director of development 3838
annually review the annual reports of the taxpayer to verify the 3839
information reported under division (E)(~~6~~)(5) of this section and 3840
compliance with the agreement. Upon verification, the director 3841
shall issue a certificate to the taxpayer stating that the 3842
information has been verified and identifying the amount of the 3843
credit for the taxable year or calendar year that includes the tax 3844
period. ~~Unless otherwise specified by the tax credit authority in~~ 3845
~~a resolution and included as part of the agreement, the director~~ 3846
~~shall not issue a certificate for any year in which the total~~ 3847
~~number of filled full time employment positions for each day of~~ 3848
~~the calendar year divided by three hundred sixty five is less than~~ 3849
~~ninety per cent of the full time employment positions specified in~~ 3850
~~division (E)(5) of this section.~~ In determining the number of 3851
full-time ~~employment positions~~ equivalent employees, no position 3852
shall be counted that is filled by an employee who is included in 3853
the calculation of a tax credit under section 122.17 of the 3854
Revised Code. 3855~~

~~(8)(a) A provision requiring that the taxpayer, except as 3856
otherwise provided in division (E)(8)(b) of this section, shall 3857
not relocate employment positions from elsewhere in this state to 3858
the project site that is the subject of the agreement for the 3859~~

~~lesser of five years from the date the agreement is entered into 3860
or the number of years the taxpayer is entitled to claim the 3861
credit. 3862~~

~~(b) The taxpayer may relocate employment positions from 3863
elsewhere in this state to the project site that is the subject of 3864
the agreement if the director of development determines both of 3865
the following: 3866~~

~~(i) That the site from which the employment positions would 3867
be relocated is inadequate to meet market and industry conditions, 3868
expansion plans, consolidation plans, or other business 3869
considerations affecting the taxpayer; 3870~~

~~(ii) That (7) A provision providing that the taxpayer may not 3871
relocate a substantial number of employment positions from 3872
elsewhere in this state to the project site unless the director of 3873
development determines that the taxpayer notified the legislative 3874
authority of the county, township, or municipal corporation from 3875
which the employment positions would be relocated has been 3876
notified of the relocation. 3877~~

For purposes of this section, the movement of an employment 3878
position from one political subdivision to another political 3879
subdivision shall be considered a relocation of an employment 3880
position unless the movement is confined to the project site. The 3881
transfer of an ~~individual employee~~ employment position from one 3882
political subdivision to another political subdivision shall not 3883
be considered a relocation of an employment position ~~as long as~~ 3884
~~the individual's employment position in the first political~~ 3885
~~subdivision is refilled. 3886~~

~~(9) if the employment position in the first political 3887
subdivision is replaced by another employment position. 3888~~

~~(8) A waiver by the taxpayer of any limitations periods 3889
relating to assessments or adjustments resulting from the 3890~~

taxpayer's failure to comply with the agreement. 3891

(F) If a taxpayer fails to meet or comply with any condition 3892
or requirement set forth in a tax credit agreement, the tax credit 3893
authority may amend the agreement to reduce the percentage or term 3894
of the credit. The reduction of the percentage or term ~~shall take~~ 3895
~~effect (1) in the taxable year immediately following the taxable~~ 3896
~~year in which the authority amends the agreement or the director~~ 3897
~~of development notifies the taxpayer in writing of such failure,~~ 3898
~~or (2) in the first tax period beginning in the calendar year~~ 3899
~~immediately following the calendar year in which the authority~~ 3900
~~amends the agreement or the director notifies the taxpayer in~~ 3901
~~writing of such failure. If the taxpayer fails to annually report~~ 3902
~~any of the information required by division (E)(6) of this section~~ 3903
~~within the time required by the director, the reduction of the~~ 3904
~~percentage or term may take effect in the current taxable year. If~~ 3905
~~the taxpayer relocates employment positions in violation of the~~ 3906
~~provision required under division (E)(8)(a) of this section, the~~ 3907
~~taxpayer shall not claim the tax credit under section 5733.0610 of~~ 3908
~~the Revised Code for any tax years following the calendar year in~~ 3909
~~which the relocation occurs, shall not claim the tax credit under~~ 3910
~~section 5747.058 of the Revised Code for the taxable year in which~~ 3911
~~the relocation occurs and any subsequent taxable years, and shall~~ 3912
~~not claim the tax credit under division (A) of section 5751.50 of~~ 3913
~~the Revised Code for the tax period in which the relocation occurs~~ 3914
~~and any subsequent tax periods may take effect in the current~~ 3915
~~taxable or calendar year.~~ 3916

(G) Financial statements and other information submitted to 3917
the department of development or the tax credit authority by an 3918
applicant for or recipient of a tax credit under this section, and 3919
any information taken for any purpose from such statements or 3920
information, are not public records subject to section 149.43 of 3921
the Revised Code. However, the chairperson of the authority may 3922

make use of the statements and other information for purposes of 3923
issuing public reports or in connection with court proceedings 3924
concerning tax credit agreements under this section. Upon the 3925
request of the tax commissioner, the chairperson of the authority 3926
shall provide to the commissioner any statement or other 3927
information submitted by an applicant for or recipient of a tax 3928
credit in connection with the credit. The commissioner shall 3929
preserve the confidentiality of the statement or other 3930
information. 3931

(H) A taxpayer claiming a tax credit under this section shall 3932
submit to the tax commissioner or, in the case of an insurance 3933
company, to the superintendent of insurance, a copy of the 3934
director of development's certificate of verification under 3935
division (E)~~(7)~~(6) of this section with the taxpayer's tax report 3936
or return for the taxable year or for the calendar year that 3937
includes the tax period. Failure to submit a copy of the 3938
certificate with the report or return does not invalidate a claim 3939
for a credit if the taxpayer submits a copy of the certificate to 3940
the commissioner within sixty days after the commissioner or 3941
superintendent requests it. 3942

(I) For the purposes of this section, a taxpayer may include 3943
a partnership, a corporation that has made an election under 3944
subchapter S of chapter one of subtitle A of the Internal Revenue 3945
Code, or any other business entity through which income flows as a 3946
distributive share to its owners. A partnership, S-corporation, or 3947
other such business entity may elect to pass the credit received 3948
under this section through to the persons to whom the income or 3949
profit of the partnership, S-corporation, or other entity is 3950
distributed. The election shall be made on the annual report 3951
required under division (E)~~(6)~~(5) of this section. The election 3952
applies to and is irrevocable for the credit for which the report 3953
is submitted. If the election is made, the credit shall be 3954

apportioned among those persons in the same proportions as those 3955
in which the income or profit is distributed. 3956

(J) If the director of development determines that a taxpayer 3957
that received a tax credit under this section is not complying 3958
with the requirement under division (E)~~(4)~~(3) of this section, the 3959
director shall notify the tax credit authority of the 3960
noncompliance. After receiving such a notice, and after giving the 3961
taxpayer an opportunity to explain the noncompliance, the 3962
authority may terminate the agreement and require the taxpayer to 3963
refund to the state all or a portion of the credit claimed in 3964
previous years, as follows: 3965

(1) If the taxpayer maintained operations at the project site 3966
for less than or equal to the term of the credit, ~~the amount~~ 3967
~~required to be refunded shall not exceed the amount~~ an amount not 3968
to exceed one hundred per cent of the sum of any tax credits 3969
~~previously~~ allowed and received under this section. 3970

(2) If the taxpayer maintained operations at the project site 3971
longer than the term of the credit, but less than the greater of 3972
(a) the term of the credit plus three years, or (b) seven years, 3973
the amount required to be refunded shall not exceed fifty per cent 3974
of the sum of any tax credits ~~previously~~ allowed and received 3975
under this section. 3976

In determining the portion of the credit to be refunded to 3977
this state, the authority shall consider the effect of market 3978
conditions on the taxpayer's project and whether the taxpayer 3979
continues to maintain other operations in this state. After making 3980
the determination, the authority shall certify the amount to be 3981
refunded to the tax commissioner. ~~The~~ or the superintendent of 3982
insurance. If the taxpayer is not an insurance company, the 3983
commissioner shall make an assessment for that amount against the 3984
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 3985
If the taxpayer is an insurance company, the superintendent of 3986

insurance shall make an assessment under section 5725.222 or 3987
5729.102 of the Revised Code. The time limitations on assessments 3988
under those chapters and sections do not apply to an assessment 3989
under this division, but the commissioner or superintendent shall 3990
make the assessment within one year after the date the authority 3991
certifies to the commissioner or superintendent the amount to be 3992
refunded. 3993

~~If the director of development determines that a taxpayer~~ 3994
~~that received a tax credit under this section has reduced the~~ 3995
~~number of employees agreed to under division (E)(5) of this~~ 3996
~~section by more than ten per cent, the director shall notify the~~ 3997
~~tax credit authority of the noncompliance. After receiving such~~ 3998
~~notice, and after providing the taxpayer an opportunity to explain~~ 3999
~~the noncompliance, the authority may amend the agreement to reduce~~ 4000
~~the percentage or term of the tax credit. The reduction in the~~ 4001
~~percentage or term shall take effect in the taxable year, or in~~ 4002
~~the calendar year that includes the tax period, in which the~~ 4003
~~authority amends the agreement.~~ 4004

(K) The director of development, after consultation with the 4005
tax commissioner and in accordance with Chapter 119. of the 4006
Revised Code, shall adopt rules necessary to implement this 4007
section. The rules may provide for recipients of tax credits under 4008
this section to be charged fees to cover administrative costs of 4009
the tax credit program. The fees collected shall be credited to 4010
the tax incentive programs operating fund created in section 4011
122.174 of the Revised Code. At the time the director gives public 4012
notice under division (A) of section 119.03 of the Revised Code of 4013
the adoption of the rules, the director shall submit copies of the 4014
proposed rules to the chairpersons of the standing committees on 4015
economic development in the senate and the house of 4016
representatives. 4017

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 4018

of each year, the director of development shall submit a report to 4019
the governor, the president of the senate, and the speaker of the 4020
house of representatives on the tax credit program under this 4021
section. The report shall include information on the number of 4022
agreements that were entered into under this section during the 4023
preceding calendar year, a description of the project that is the 4024
subject of each such agreement, and an update on the status of 4025
projects under agreements entered into before the preceding 4026
calendar year. 4027

~~(M)(1) A nonrefundable credit shall be allowed to an 4028
applicable corporation and its related members in an amount equal 4029
to the applicable difference. The credit is in addition to the 4030
credit granted to the corporation or related members under 4031
division (B) of this section. The credit is subject to divisions 4032
(B) to (E) and division (J) of this section. 4033~~

~~(2) A person qualifying as an applicable corporation under 4034
this section for a tax year does not necessarily qualify as an 4035
applicable corporation for any other tax year. No person is 4036
entitled to the credit allowed under division (M) of this section 4037
for the tax year immediately following the taxable year during 4038
which the person fails to meet the requirements in divisions 4039
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 4040
to the credit allowed under division (M) of this section for any 4041
tax year for which the person is not eligible for the credit 4042
provided under division (B) of this section. The aggregate amount 4043
of tax credits issued under this section during any calendar year 4044
for capital investment projects reviewed and approved by the tax 4045
credit authority may not exceed the following amounts: 4046~~

(1) For 2010, thirteen million dollars; 4047

(2) For 2011 through 2023, the amount of the limit for the 4048
preceding calendar year plus thirteen million dollars; 4049

(3) For 2024 and each year thereafter, one hundred 4050
ninety-five million dollars. 4051

The foregoing annual limitations do not apply to credits for 4052
capital investment projects approved by the tax credit authority 4053
before July 1, 2009. 4054

Sec. 122.40. (A) There is hereby created the development 4055
financing advisory council to assist in carrying out the programs 4056
created pursuant to sections 122.39 to 122.62 and Chapter 166. of 4057
the Revised Code. 4058

(B) The council shall consist of ~~seven~~ eight members 4059
appointed by the governor, with the advice and consent of the 4060
senate, who are selected for their knowledge of and experience in 4061
economic development financing, one member of the senate appointed 4062
by the president of the senate, one member of the house of 4063
representatives appointed by the speaker of the house of 4064
representatives, and the director of development or the director's 4065
designee. With respect to the council: 4066

(1) No more than four members of the council appointed by the 4067
governor shall be members of the same political party. 4068

(2) Each member shall hold office from the date of the 4069
member's appointment until the end of the term for which the 4070
member was appointed. 4071

(3) The terms of office for the ~~seven~~ eight members appointed 4072
by the governor shall be for five years commencing on the first 4073
day of January and ending on the thirty-first day of December. The 4074
~~seven~~ members appointed by the governor who are serving terms of 4075
office of seven years on December 30, 2004, shall continue to 4076
serve those terms, but their successors in office, including the 4077
filling of a vacancy occurring prior to the expiration of those 4078
terms, shall be appointed for terms of five years in accordance 4079

with this division. 4080

(4) Any member of the council is eligible for reappointment. 4081

(5) As a term of a member of the council appointed by the 4082
governor expires, the governor shall appoint a successor with the 4083
advice and consent of the senate. 4084

(6) Except as otherwise provided in division (B)(3) of this 4085
section, any member appointed to fill a vacancy occurring prior to 4086
the expiration of the term for which the member's predecessor was 4087
appointed shall hold office for the remainder of the predecessor's 4088
term. 4089

(7) Any member shall continue in office subsequent to the 4090
expiration date of the member's term until the member's successor 4091
takes office, or until a period of sixty days has elapsed, 4092
whichever occurs first. 4093

(8) Before entering upon duties as a member of the council, 4094
each member shall take an oath provided by Section 7 of Article 4095
XV, Ohio Constitution. 4096

(9) The governor may, at any time, remove any nonlegislative 4097
member pursuant to section 3.04 of the Revised Code. 4098

(10) Members of the council, notwithstanding section 101.26 4099
of the Revised Code with respect to members who are members of the 4100
general assembly, shall receive their necessary and actual 4101
expenses while engaged in the business of the council and shall be 4102
paid at the per diem rate of step 1, pay range 31, of section 4103
124.15 of the Revised Code. 4104

(11) Six members of the council constitute a quorum and the 4105
affirmative vote of ~~six~~ a majority of members present at a meeting 4106
of the council where a quorum is present is necessary for any 4107
action taken by the council. 4108

(12) In the event of the absence of a member appointed by the 4109

president of the senate or by the speaker of the house of 4110
representatives, the following persons may serve in the member's 4111
absence: the president of the senate or the speaker of the house, 4112
as the case may be, or a member of the senate or of the house of 4113
representatives, of the same political party as the development 4114
financing advisory council member, designated by the president of 4115
the senate or the speaker of the house. 4116

Sec. 122.603. (A)(1) Upon approval by the director of 4117
development and after entering into a participation agreement with 4118
the department of development, a participating financial 4119
institution making a capital access loan shall establish a program 4120
reserve account. The account shall be an interest-bearing account 4121
and shall contain only moneys deposited into it under the program 4122
and the interest payable on the moneys in the account. 4123

(2) All interest payable on the moneys in the program reserve 4124
account shall be added to the moneys and held as an additional 4125
loss reserve. The director may require that a portion or all of 4126
the accrued interest so held in the account be released to the 4127
department. If the director causes a release of accrued interest, 4128
the director shall deposit the released amount into the capital 4129
access loan program fund created in section 122.601 of the Revised 4130
Code. The director shall not require the release of that accrued 4131
interest more than twice in a fiscal year. 4132

(B) When a participating financial institution makes a 4133
capital access loan, it shall require the eligible business to pay 4134
to the participating financial institution a fee in an amount that 4135
is not less than one and one-half per cent, and not more than 4136
three per cent, of the principal amount of the loan. The 4137
participating financial institution shall deposit the fee into its 4138
program reserve account, and it also shall deposit into the 4139
account an amount of its own funds equal to the amount of the fee. 4140

The participating financial institution may recover from the 4141
eligible business all or part of the amount that the participating 4142
financial institution is required to deposit into the account 4143
under this division in any manner agreed to by the participating 4144
financial institution and the eligible business. 4145

(C) For each capital access loan made by a participating 4146
financial institution, the participating financial institution 4147
shall certify to the director, within a period specified by the 4148
director, that the participating financial institution has made 4149
the loan. The certification shall include the amount of the loan, 4150
the amount of the fee received from the eligible business, the 4151
amount of its own funds that the participating financial 4152
institution deposited into its program reserve account to reflect 4153
that fee, and any other information specified by the director. The 4154
certification also shall indicate if the eligible business 4155
receiving the capital access loan is a minority business 4156
enterprise as defined in section 122.71 of the Revised Code. 4157

(D)(1)(a) Upon receipt of each of the first three 4158
certifications from a participating financial institution made 4159
under division (C) of this section and subject to section 122.602 4160
of the Revised Code, the director shall disburse to the 4161
participating financial institution from the capital access loan 4162
program fund an amount equal to fifty per cent of the principal 4163
amount of the particular capital access loan for deposit into the 4164
participating financial institution's program reserve account. 4165
Thereafter, upon receipt of a certification from that 4166
participating financial institution made under division (C) of 4167
this section and subject to section 122.602 of the Revised Code, 4168
the director shall disburse to the participating financial 4169
institution from the capital access loan program fund an amount 4170
equal to ten per cent of the principal amount of the particular 4171
capital access loan for deposit into the participating financial 4172

institution's program reserve account. The 4173

(b) Notwithstanding division (D)(1)(a) of this section, and 4174
subject to section 122.602 of the Revised Code, upon receipt of 4175
any certification from a participating financial institution made 4176
under division (C) of this section with respect to a capital 4177
access loan made to an eligible business that is a minority 4178
business enterprise, the director shall disburse to the 4179
participating financial institution from the capital access loan 4180
program fund an amount equal to eighty per cent of the principal 4181
amount of the particular capital access loan for deposit into the 4182
participating financial institution's program reserve account. 4183

(2) The disbursement of moneys from the fund to a 4184
participating financial institution does not require approval from 4185
the controlling board. 4186

(E) If the amount in a program reserve account exceeds an 4187
amount equal to thirty-three per cent of a participating financial 4188
institution's outstanding capital access loans, the department may 4189
cause the withdrawal of the excess amount and the deposit of the 4190
withdrawn amount into the capital access loan program fund. 4191

(F)(1) The department may cause the withdrawal of the total 4192
amount in a participating financial institution's program reserve 4193
account if any of the following applies: 4194

(a) The financial institution is no longer eligible to 4195
participate in the program. 4196

(b) The participation agreement expires without renewal by 4197
the department or the financial institution. 4198

(c) The financial institution has no outstanding capital 4199
access loans. 4200

(d) The financial institution has not made a capital access 4201
loan within the preceding twenty-four months. 4202

(2) If the department causes a withdrawal under division 4203
(F)(1) of this section, the department shall deposit the withdrawn 4204
amount into the capital access loan program fund. 4205

Sec. 122.71. As used in sections 122.71 to 122.83 of the 4206
Revised Code: 4207

(A) "Financial institution" means any banking corporation, 4208
trust company, insurance company, savings and loan association, 4209
building and loan association, or corporation, partnership, 4210
federal lending agency, foundation, or other institution engaged 4211
in lending or investing funds for industrial or business purposes. 4212

(B) "Project" means any real or personal property connected 4213
with or being a part of an industrial, distribution, commercial, 4214
or research facility to be acquired, constructed, reconstructed, 4215
enlarged, improved, furnished, or equipped, or any combination 4216
thereof, with the aid provided under sections 122.71 to 122.83 of 4217
the Revised Code, for industrial, commercial, distribution, and 4218
research development of the state. 4219

(C) "Mortgage" means the lien imposed on a project by a 4220
mortgage on real property, or by financing statements on personal 4221
property, or a combination of a mortgage and financing statements 4222
when a project consists of both real and personal property. 4223

(D) "Mortgagor" means the principal user of a project or the 4224
person, corporation, partnership, or association unconditionally 4225
guaranteeing performance by the principal user of its obligations 4226
under the mortgage. 4227

(E)(1) "Minority business enterprise" means an individual who 4228
is a United States citizen and owns and controls a business, or a 4229
partnership, corporation, or joint venture of any kind that is 4230
owned and controlled by United States citizens, which citizen or 4231
citizens are residents of this state and are members of one of the 4232

following economically disadvantaged groups: Blacks or African 4233
Americans, American Indians, Hispanics or Latinos, and Asians. 4234

(2) "Owned and controlled" means that at least fifty-one per 4235
cent of the business, including corporate stock if a corporation, 4236
is owned by persons who belong to one or more of the groups set 4237
forth in division (E)(1) of this section, and that those owners 4238
have control over the management and day-to-day operations of the 4239
business and an interest in the capital, assets, and profits and 4240
losses of the business proportionate to their percentage of 4241
ownership. In order to qualify as a minority business enterprise, 4242
a business shall have been owned and controlled by those persons 4243
at least one year prior to being awarded a contract pursuant to 4244
this section. 4245

(F) "Community improvement corporation" means a corporation 4246
organized under Chapter 1724. of the Revised Code. 4247

(G) "Ohio development corporation" means a corporation 4248
organized under Chapter 1726. of the Revised Code. 4249

(H) "Minority contractors business assistance organization" 4250
means an entity engaged in the provision of management and 4251
technical business assistance to minority business enterprise 4252
entrepreneurs. 4253

(I) "Minority business supplier development council" means a 4254
nonprofit organization established as an affiliate of the national 4255
minority supplier development council. 4256

(J) "Regional economic development entity" means an entity 4257
that is under contract with the director of development to 4258
administer a loan program under this chapter in a particular area 4259
of the state. 4260

(K) "Community development corporation" means a corporation 4261
organized under Chapter 1702. of the Revised Code that consists of 4262
residents of the community and business and civic leaders and that 4263

has as a principal purpose one or more of the following: the 4264
revitalization and development of a low- to moderate-income 4265
neighborhood or community; the creation of jobs for low- to 4266
moderate-income residents; the development of commercial 4267
facilities and services; providing training, technical assistance, 4268
and financial assistance to small businesses; and planning, 4269
developing, or managing low-income housing or other community 4270
development activities. 4271

Sec. 122.751. The minority development financing advisory 4272
board or a regional economic development entity shall only 4273
consider an application for a loan from any applicant after a 4274
determination that the applicant is a community development 4275
corporation, or after a certification by the equal employment 4276
opportunity coordinator of the department of administrative 4277
services under division (B)(1) of section 123.151 of the Revised 4278
Code that the applicant is a minority business enterprise, or 4279
after a certification by the minority business supplier 4280
development council that the applicant is a minority business, and 4281
that the applicant satisfies all criteria regarding eligibility 4282
for assistance pursuant to section 122.76 of the Revised Code. 4283

Sec. 122.76. (A) The director of development, with 4284
controlling board approval, may lend funds to minority business 4285
enterprises and to community improvement corporations, Ohio 4286
development corporations, minority contractors business assistance 4287
organizations, and minority business supplier development councils 4288
for the purpose of loaning funds to minority business enterprises 4289
and for the purpose of procuring or improving real or personal 4290
property, or both, for the establishment, location, or expansion 4291
of industrial, distribution, commercial, or research facilities in 4292
the state, and to community development corporations that 4293
predominantly benefit minority business enterprises or are located 4294

in a census tract that has a population that is sixty per cent or 4295
more minority if the director determines, in the director's sole 4296
discretion, that all of the following apply: 4297

(1) The project is economically sound and will benefit the 4298
people of the state by increasing opportunities for employment, by 4299
strengthening the economy of the state, or expanding minority 4300
business enterprises. 4301

(2) The proposed minority business enterprise borrower is 4302
unable to finance the proposed project through ordinary financial 4303
channels at comparable terms. 4304

(3) The value of the project is or, upon completion, will be 4305
at least equal to the total amount of the money expended in the 4306
procurement or improvement of the project, and one or more 4307
financial institutions or other governmental entities have loaned 4308
not less than thirty per cent of that amount. 4309

(4) The amount to be loaned by the director will not exceed 4310
sixty per cent of the total amount expended in the procurement or 4311
improvement of the project. 4312

(5) The amount to be loaned by the director will be 4313
adequately secured by a first or second mortgage upon the project 4314
or by mortgages, leases, liens, assignments, or pledges on or of 4315
other property or contracts as the director requires, and such 4316
mortgage will not be subordinate to any other liens or mortgages 4317
except the liens securing loans or investments made by financial 4318
institutions referred to in division (A)(3) of this section, and 4319
the liens securing loans previously made by any financial 4320
institution in connection with the procurement or expansion of all 4321
or part of a project. 4322

(B) Any proposed minority business enterprise borrower 4323
submitting an application for assistance under this section shall 4324
not have defaulted on a previous loan from the director, and no 4325

full or limited partner, major shareholder, or holder of an equity 4326
interest of the proposed minority business enterprise borrower 4327
shall have defaulted on a loan from the director. 4328

(C) The proposed minority business enterprise borrower shall 4329
demonstrate to the satisfaction of the director that it is able to 4330
successfully compete in the private sector if it obtains the 4331
necessary financial, technical, or managerial support and that 4332
support is available through the director, the minority business 4333
development office of the department of development, or other 4334
identified and acceptable sources. In determining whether a 4335
minority business enterprise borrower will be able to successfully 4336
compete, the director may give consideration to such factors as 4337
the successful completion of or participation in courses of study, 4338
recognized by the board of regents as providing financial, 4339
technical, or managerial skills related to the operation of the 4340
business, by the economically disadvantaged individual, owner, or 4341
partner, and the prior success of the individual, owner, or 4342
partner in personal, career, or business activities, as well as to 4343
other factors identified by the director. 4344

(D) The director shall not lend funds for the purpose of 4345
procuring or improving motor vehicles or accounts receivable. 4346

Sec. 122.85. (A) As used in this section and in sections 4347
5733.59 and 5747.66 of the Revised Code: 4348

(1) "Tax credit-eligible production" means a motion picture 4349
production certified by the director of development under division 4350
(B) of this section as qualifying the motion picture company for a 4351
tax credit under section 5733.59 or 5747.66 of the Revised Code. 4352

(2) "Certificate owner" means a motion picture company to 4353
which a tax credit certificate is issued. 4354

(3) "Motion picture company" means an individual, 4355

corporation, partnership, limited liability company, or other form 4356
of business association producing a motion picture. 4357

(4) "Eligible production expenditures" means expenditures 4358
made after the effective date of the enactment of this section by 4359
H.B. 1 of the 128th general assembly for goods or services 4360
purchased and consumed in this state by a motion picture company 4361
directly for the production of a tax credit-eligible production. 4362

"Eligible production expenditures" includes, but is not 4363
limited to, expenditures for resident and nonresident cast and 4364
crew wages, accommodations, costs of set construction and 4365
operations, editing and related services, photography, sound 4366
synchronization, lighting, wardrobe, makeup and accessories, film 4367
processing, transfer, sound mixing, special and visual effects, 4368
music, location fees, and the purchase or rental of facilities and 4369
equipment. 4370

(5) "Motion picture" means entertainment content created in 4371
whole or in part within this state for distribution or exhibition 4372
to the general public, including, but not limited to, 4373
feature-length films; documentaries; long-form, specials, 4374
miniseries, series, and interstitial television programming; 4375
interactive web sites; sound recordings; videos; music videos; 4376
interactive television; interactive games; videogames; 4377
commercials; any format of digital media; and any trailer, pilot, 4378
video teaser, or demo created primarily to stimulate the sale, 4379
marketing, promotion, or exploitation of future investment in 4380
either a product or a motion picture by any means and media in any 4381
digital media format, film, or videotape, provided the motion 4382
picture qualifies as a motion picture. "Motion picture" does not 4383
include any television program created primarily as news, weather, 4384
or financial market reports, a production featuring current events 4385
or sporting events, an awards show or other gala event, a 4386
production whose sole purpose is fundraising, a long-form 4387

production that primarily markets a product or service or in-house 4388
corporate advertising or other similar productions, a production 4389
for purposes of political advocacy, or any production for which 4390
records are required to be maintained under 18 U.S.C. 2257 with 4391
respect to sexually explicit content. 4392

(B) For the purpose of encouraging and developing a strong 4393
film industry in this state, the director of development may 4394
certify a motion picture produced by a motion picture company as a 4395
tax credit-eligible production. In the case of a television 4396
series, the director may certify the production of each episode of 4397
the series as a separate tax credit-eligible production. A motion 4398
picture company shall apply for certification of a motion picture 4399
as a tax credit-eligible production on a form and in the manner 4400
prescribed by the director. Each application shall include the 4401
following information: 4402

(1) The name and telephone number of the motion picture 4403
production company; 4404

(2) The name and telephone number of the company's contact 4405
person; 4406

(3) A list of the first preproduction date through the last 4407
production date in Ohio; 4408

(4) The Ohio production office address and telephone number; 4409

(5) The total production budget of the motion picture; 4410

(6) The total budgeted eligible production expenditures and 4411
the percentage that amount is of the total production budget of 4412
the motion picture; 4413

(7) The total percentage of the motion picture being shot in 4414
Ohio; 4415

(8) The level of employment of cast and crew who reside in 4416
Ohio; 4417

<u>(9) A synopsis of the script;</u>	4418
<u>(10) The shooting script;</u>	4419
<u>(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;</u>	4420 4421
<u>(12) The motion picture's distribution plan, including domestic and international distribution, and sales estimates for the picture;</u>	4422 4423 4424
<u>(13) Documentation of financial ability to undertake and complete the motion picture;</u>	4425 4426
<u>(14) Estimated value of the tax credit based upon total budgeted eligible production expenditures;</u>	4427 4428
<u>(15) Any other information considered necessary by the director.</u>	4429 4430
<u>Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the director's request, the motion picture company shall present to the director of development sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director of development may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.</u>	4431 4432 4433 4434 4435 4436 4437 4438 4439 4440 4441
<u>(C)(1) A motion picture company whose motion picture has been certified as a tax credit-eligible production may apply to the director of development on or after July 1, 2009, for a refundable credit against the tax imposed by section 5733.06 or 5747.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the</u>	4442 4443 4444 4445 4446 4447

application and the information or documentation required to be 4448
submitted with the application. 4449

The credit is determined as follows: 4450

(a) If the total budgeted eligible production expenditures 4451
stated in the application submitted under division (B) of this 4452
section or the actual eligible production expenditures as finally 4453
determined under division (D) of this section, whichever is least, 4454
is less than or equal to three hundred thousand dollars, no credit 4455
is allowed; 4456

(b) If the total budgeted eligible production expenditures 4457
stated in the application submitted under division (B) of this 4458
section or the actual eligible production expenditures as finally 4459
determined under division (D) of this section, whichever is least, 4460
is greater than three hundred thousand dollars, the credit equals 4461
the sum of the following, subject to the limitation in division 4462
(C)(4) of this section: 4463

(i) Twenty-five per cent of the least of such budgeted or 4464
actual eligible expenditure amounts excluding budgeted or actual 4465
eligible expenditures for resident cast and crew wages; 4466

(ii) Thirty-five per cent of budgeted or actual eligible 4467
expenditures for resident cast and crew wages. 4468

(2) Except as provided in division (C)(4) of this section, if 4469
the director of development approves a motion picture company's 4470
application for a credit, the director shall issue a tax credit 4471
certificate to the company. The director in consultation with the 4472
tax commissioner shall prescribe the form and manner of issuing 4473
certificates. The director shall assign a unique identifying 4474
number to each tax credit certificate and shall record the 4475
certificate in a register devised and maintained by the director 4476
for that purpose. The certificate shall state the amount of the 4477
eligible production expenditures on which the credit is based and 4478

the amount of the credit. Upon the issuance of a certificate, the 4479
director shall certify to the tax commissioner the name of the 4480
applicant, the amount of eligible production expenditures shown on 4481
the certificate, and any other information required by the rules 4482
adopted to administer this section. 4483

(3) The amount of eligible production expenditures for which 4484
a tax credit may be claimed is subject to inspection and 4485
examination by the tax commissioner or employees of the 4486
commissioner under section 5703.19 of the Revised Code and any 4487
other applicable law. Once the eligible production expenditures 4488
are finally determined under section 5703.19 of the Revised Code 4489
and division (D) of this section, the credit amount is not subject 4490
to adjustment unless the director determines an error was 4491
committed in the computation of the credit amount. 4492

(4) No tax credit certificate may be issued before the 4493
completion of the tax credit-eligible production. Not more than 4494
twenty million dollars of tax credit may be allowed per fiscal 4495
biennium, and not more than ten million dollars may be allowed in 4496
the first year of the biennium. Not more than five million dollars 4497
of tax credit may be allowed per tax credit-eligible production. 4498

(D) A motion picture company whose motion picture has been 4499
certified as a tax credit-eligible production shall engage, at the 4500
company's expense, an independent certified public accountant to 4501
examine the company's production expenditures to identify the 4502
expenditures that qualify as eligible production expenditures. The 4503
certified public accountant shall issue a report to the company 4504
and to the director of development certifying the company's 4505
eligible production expenditures and any other information 4506
required by the director. Upon receiving and examining the report, 4507
the director may disallow any expenditure the director determines 4508
is not an eligible production expenditure. If the director 4509
disallows an expenditure, the director shall issue a written 4510

notice to the motion picture production company stating that the 4511
expenditure is disallowed and the reason for the disallowance. 4512
Upon examination of the report and disallowance of any 4513
expenditures, the director shall determine finally the lesser of 4514
the total budgeted eligible production expenditures stated in the 4515
application submitted under division (B) of this section or the 4516
actual eligible production expenditures for the purpose of 4517
computing the amount of the credit. 4518

(E) No credit shall be allowed under section 5733.59 or 4519
5747.66 of the Revised Code unless the director has reviewed the 4520
report and made the determination prescribed by division (D) of 4521
this section. 4522

(F) This state reserves the right to refuse the use of this 4523
state's name in the credits of any tax credit-eligible motion 4524
picture production. 4525

(G)(1) The director of development in consultation with the 4526
tax commissioner shall adopt rules for the administration of this 4527
section, including rules setting forth and governing the criteria 4528
for determining whether a motion picture production is a tax 4529
credit-eligible production; activities that constitute the 4530
production of a motion picture; reporting sufficient evidence of 4531
reviewable progress; expenditures that qualify as eligible 4532
production expenditures; a competitive process for approving 4533
credits; and consideration of geographic distribution of credits. 4534
The rules shall be adopted under Chapter 119. of the Revised Code. 4535

(2) The director may require a reasonable application fee to 4536
cover administrative costs of the tax credit program. The fees 4537
collected shall be credited to the motion picture tax credit 4538
program operating fund, which is hereby created in the state 4539
treasury. The motion picture tax credit program operating fund 4540
shall consist of all grants, gifts, fees, and contributions made 4541
to the director of development for marketing and promotion of the 4542

motion picture industry within this state. The director of 4543
development shall use money in the fund to pay expenses related to 4544
the administration of the Ohio film office and the credit 4545
authorized by this section and sections 5733.59 and 5747.66 of the 4546
Revised Code. 4547

Sec. 123.01. (A) The department of administrative services, 4548
in addition to those powers enumerated in Chapters 124. and 125. 4549
of the Revised Code and provided elsewhere by law, shall exercise 4550
the following powers: 4551

(1) To prepare, or contract to be prepared, by licensed 4552
engineers or architects, surveys, general and detailed plans, 4553
specifications, bills of materials, and estimates of cost for any 4554
projects, improvements, or public buildings to be constructed by 4555
state agencies that may be authorized by legislative 4556
appropriations or any other funds made available therefor, 4557
provided that the construction of the projects, improvements, or 4558
public buildings is a statutory duty of the department. This 4559
section does not require the independent employment of an 4560
architect or engineer as provided by section 153.01 of the Revised 4561
Code in the cases to which that section applies nor affect or 4562
alter the existing powers of the director of transportation. 4563

(2) To have general supervision over the construction of any 4564
projects, improvements, or public buildings constructed for a 4565
state agency and over the inspection of materials previous to 4566
their incorporation into those projects, improvements, or 4567
buildings; 4568

(3) To make contracts for and supervise the construction of 4569
any projects and improvements or the construction and repair of 4570
buildings under the control of a state agency, except contracts 4571
for the repair of buildings under the management and control of 4572
the departments of public safety, job and family services, mental 4573

health, mental retardation and developmental disabilities, 4574
rehabilitation and correction, and youth services, the bureau of 4575
workers' compensation, the rehabilitation services commission, and 4576
boards of trustees of educational and benevolent institutions and 4577
except contracts for the construction of projects that do not 4578
require the issuance of a building permit or the issuance of a 4579
certificate of occupancy and that are necessary to remediate 4580
conditions at a hazardous waste facility, solid waste facility, or 4581
other location at which the director of environmental protection 4582
has reason to believe there is a substantial threat to public 4583
health or safety or the environment. These contracts shall be made 4584
and entered into by the directors of public safety, job and family 4585
services, mental health, mental retardation and developmental 4586
disabilities, rehabilitation and correction, and youth services, 4587
the administrator of workers' compensation, the rehabilitation 4588
services commission, the boards of trustees of such institutions, 4589
and the director of environmental protection, respectively. All 4590
such contracts may be in whole or in part on unit price basis of 4591
maximum estimated cost, with payment computed and made upon actual 4592
quantities or units. 4593

(4) To prepare and suggest comprehensive plans for the 4594
development of grounds and buildings under the control of a state 4595
agency; 4596

(5) To acquire, by purchase, gift, devise, lease, or grant, 4597
all real estate required by a state agency, in the exercise of 4598
which power the department may exercise the power of eminent 4599
domain, in the manner provided by sections 163.01 to 163.22 of the 4600
Revised Code; 4601

(6) To make and provide all plans, specifications, and models 4602
for the construction and perfection of all systems of sewerage, 4603
drainage, and plumbing for the state in connection with buildings 4604
and grounds under the control of a state agency; 4605

(7) To erect, supervise, and maintain all public monuments 4606
and memorials erected by the state, except where the supervision 4607
and maintenance is otherwise provided by law; 4608

(8) To procure, by lease, storage accommodations for a state 4609
agency; 4610

(9) To lease or grant easements or licenses for unproductive 4611
and unused lands or other property under the control of a state 4612
agency. Such leases, easements, or licenses shall be granted for a 4613
period not to exceed fifteen years and shall be executed for the 4614
state by the director of administrative services and the governor 4615
and shall be approved as to form by the attorney general, provided 4616
that leases, easements, or licenses may be granted to any county, 4617
township, municipal corporation, port authority, water or sewer 4618
district, school district, library district, health district, park 4619
district, soil and water conservation district, conservancy 4620
district, or other political subdivision or taxing district, or 4621
any agency of the United States government, for the exclusive use 4622
of that agency, political subdivision, or taxing district, without 4623
any right of sublease or assignment, for a period not to exceed 4624
fifteen years, and provided that the director shall grant leases, 4625
easements, or licenses of university land for periods not to 4626
exceed twenty-five years for purposes approved by the respective 4627
university's board of trustees wherein the uses are compatible 4628
with the uses and needs of the university and may grant leases of 4629
university land for periods not to exceed forty years for purposes 4630
approved by the respective university's board of trustees pursuant 4631
to section 123.77 of the Revised Code. 4632

(10) To lease ~~office space in buildings~~ for the use of a 4633
state agency; 4634

(11) To have general supervision and care of the storerooms, 4635
offices, and buildings leased for the use of a state agency; 4636

(12) To exercise general custodial care of all real property 4637
of the state; 4638

(13) To assign and group together state offices in any city 4639
in the state and to establish, in cooperation with the state 4640
agencies involved, rules governing space requirements for office 4641
or storage use; 4642

(14) To lease for a period not to exceed forty years, 4643
pursuant to a contract providing for the construction thereof 4644
under a lease-purchase plan, buildings, structures, and other 4645
improvements for any public purpose, and, in conjunction 4646
therewith, to grant leases, easements, or licenses for lands under 4647
the control of a state agency for a period not to exceed forty 4648
years. The lease-purchase plan shall provide that at the end of 4649
the lease period, the buildings, structures, and related 4650
improvements, together with the land on which they are situated, 4651
shall become the property of the state without cost. 4652

(a) Whenever any building, structure, or other improvement is 4653
to be so leased by a state agency, the department shall retain 4654
either basic plans, specifications, bills of materials, and 4655
estimates of cost with sufficient detail to afford bidders all 4656
needed information or, alternatively, all of the following plans, 4657
details, bills of materials, and specifications: 4658

(i) Full and accurate plans suitable for the use of mechanics 4659
and other builders in the improvement; 4660

(ii) Details to scale and full sized, so drawn and 4661
represented as to be easily understood; 4662

(iii) Accurate bills showing the exact quantity of different 4663
kinds of material necessary to the construction; 4664

(iv) Definite and complete specifications of the work to be 4665
performed, together with such directions as will enable a 4666
competent mechanic or other builder to carry them out and afford 4667

bidders all needed information; 4668

(v) A full and accurate estimate of each item of expense and 4669
of the aggregate cost thereof. 4670

(b) The department shall give public notice, in such 4671
newspaper, in such form, and with such phraseology as the director 4672
of administrative services prescribes, published once each week 4673
for four consecutive weeks, of the time when and place where bids 4674
will be received for entering into an agreement to lease to a 4675
state agency a building, structure, or other improvement. The last 4676
publication shall be at least eight days preceding the day for 4677
opening the bids. The bids shall contain the terms upon which the 4678
builder would propose to lease the building, structure, or other 4679
improvement to the state agency. The form of the bid approved by 4680
the department shall be used, and a bid is invalid and shall not 4681
be considered unless that form is used without change, alteration, 4682
or addition. Before submitting bids pursuant to this section, any 4683
builder shall comply with Chapter 153. of the Revised Code. 4684

(c) On the day and at the place named for receiving bids for 4685
entering into lease agreements with a state agency, the director 4686
of administrative services shall open the bids and shall publicly 4687
proceed immediately to tabulate the bids upon duplicate sheets. No 4688
lease agreement shall be entered into until the bureau of workers' 4689
compensation has certified that the person to be awarded the lease 4690
agreement has complied with Chapter 4123. of the Revised Code, 4691
until, if the builder submitting the lowest and best bid is a 4692
foreign corporation, the secretary of state has certified that the 4693
corporation is authorized to do business in this state, until, if 4694
the builder submitting the lowest and best bid is a person 4695
nonresident of this state, the person has filed with the secretary 4696
of state a power of attorney designating the secretary of state as 4697
its agent for the purpose of accepting service of summons in any 4698
action brought under Chapter 4123. of the Revised Code, and until 4699

the agreement is submitted to the attorney general and the 4700
attorney general's approval is certified thereon. Within thirty 4701
days after the day on which the bids are received, the department 4702
shall investigate the bids received and shall determine that the 4703
bureau and the secretary of state have made the certifications 4704
required by this section of the builder who has submitted the 4705
lowest and best bid. Within ten days of the completion of the 4706
investigation of the bids, the department shall award the lease 4707
agreement to the builder who has submitted the lowest and best bid 4708
and who has been certified by the bureau and secretary of state as 4709
required by this section. If bidding for the lease agreement has 4710
been conducted upon the basis of basic plans, specifications, 4711
bills of materials, and estimates of costs, upon the award to the 4712
builder the department, or the builder with the approval of the 4713
department, shall appoint an architect or engineer licensed in 4714
this state to prepare such further detailed plans, specifications, 4715
and bills of materials as are required to construct the building, 4716
structure, or improvement. The department shall adopt such rules 4717
as are necessary to give effect to this section. The department 4718
may reject any bid. Where there is reason to believe there is 4719
collusion or combination among bidders, the bids of those 4720
concerned therein shall be rejected. 4721

(15) To acquire by purchase, gift, devise, or grant and to 4722
transfer, lease, or otherwise dispose of all real property 4723
required to assist in the development of a conversion facility as 4724
defined in section 5709.30 of the Revised Code as that section 4725
existed before its repeal by Amended Substitute House Bill 95 of 4726
the 125th general assembly; 4727

(16) To lease for a period not to exceed forty years, 4728
notwithstanding any other division of this section, the 4729
state-owned property located at 408-450 East Town Street, 4730
Columbus, Ohio, formerly the state school for the deaf, to a 4731

developer in accordance with this section. "Developer," as used in 4732
this section, has the same meaning as in section 123.77 of the 4733
Revised Code. 4734

Such a lease shall be for the purpose of development of the 4735
land for use by senior citizens by constructing, altering, 4736
renovating, repairing, expanding, and improving the site as it 4737
existed on June 25, 1982. A developer desiring to lease the land 4738
shall prepare for submission to the department a plan for 4739
development. Plans shall include provisions for roads, sewers, 4740
water lines, waste disposal, water supply, and similar matters to 4741
meet the requirements of state and local laws. The plans shall 4742
also include provision for protection of the property by insurance 4743
or otherwise, and plans for financing the development, and shall 4744
set forth details of the developer's financial responsibility. 4745

The department may employ, as employees or consultants, 4746
persons needed to assist in reviewing the development plans. Those 4747
persons may include attorneys, financial experts, engineers, and 4748
other necessary experts. The department shall review the 4749
development plans and may enter into a lease if it finds all of 4750
the following: 4751

(a) The best interests of the state will be promoted by 4752
entering into a lease with the developer; 4753

(b) The development plans are satisfactory; 4754

(c) The developer has established the developer's financial 4755
responsibility and satisfactory plans for financing the 4756
development. 4757

The lease shall contain a provision that construction or 4758
renovation of the buildings, roads, structures, and other 4759
necessary facilities shall begin within one year after the date of 4760
the lease and shall proceed according to a schedule agreed to 4761
between the department and the developer or the lease will be 4762

terminated. The lease shall contain such conditions and 4763
stipulations as the director considers necessary to preserve the 4764
best interest of the state. Moneys received by the state pursuant 4765
to this lease shall be paid into the general revenue fund. The 4766
lease shall provide that at the end of the lease period the 4767
buildings, structures, and related improvements shall become the 4768
property of the state without cost. 4769

(17) To lease to any person any tract of land owned by the 4770
state and under the control of the department, or any part of such 4771
a tract, for the purpose of drilling for or the pooling of oil or 4772
gas. Such a lease shall be granted for a period not exceeding 4773
forty years, with the full power to contract for, determine the 4774
conditions governing, and specify the amount the state shall 4775
receive for the purposes specified in the lease, and shall be 4776
prepared as in other cases. 4777

(18) To manage the use of space owned and controlled by the 4778
department, including space in property under the jurisdiction of 4779
the Ohio building authority, by doing all of the following: 4780

(a) Biennially implementing, by state agency location, a 4781
census of agency employees assigned space; 4782

(b) Periodically in the discretion of the director of 4783
administrative services: 4784

(i) Requiring each state agency to categorize the use of 4785
space allotted to the agency between office space, common areas, 4786
storage space, and other uses, and to report its findings to the 4787
department; 4788

(ii) Creating and updating a master space utilization plan 4789
for all space allotted to state agencies. The plan shall 4790
incorporate space utilization metrics. 4791

(iii) Conducting a cost-benefit analysis to determine the 4792
effectiveness of state-owned buildings; 4793

(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus. 4794
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(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility. 4796
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(B) This section and section 125.02 of the Revised Code shall not interfere with any of the following: 4800
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(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories; 4802
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(2) The power of the director of transportation in acquiring rights-of-way for the state highway system, or the leasing of lands for division or resident district offices, or the leasing of lands or buildings required in the maintenance operations of the department of transportation, or the purchase of real property for garage sites or division or resident district offices, or in preparing plans and specifications for and constructing such buildings as the director may require in the administration of the department; 4807
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(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of 4816
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public safety, and the power of the superintendent of the state 4825
highway patrol in the purchase or leasing of real property and 4826
buildings needed by the patrol, to negotiate the sale of real 4827
property owned by the patrol, to rent or lease real property owned 4828
or leased by the patrol, and to make or cause to be made repairs 4829
to all property owned or under the control of the patrol; 4830

(4) The power of the division of liquor control in the 4831
leasing or purchasing of retail outlets and warehouse facilities 4832
for the use of the division; 4833

(5) The power of the director of development to enter into 4834
leases of real property, buildings, and office space to be used 4835
solely as locations for the state's foreign offices to carry out 4836
the purposes of section 122.05 of the Revised Code; 4837

(6) The power of the director of environmental protection to 4838
enter into environmental covenants, to grant and accept easements, 4839
or to sell property pursuant to division (G) of section 3745.01 of 4840
the Revised Code. 4841

(C) Purchases for, and the custody and repair of, buildings 4842
under the management and control of the capitol square review and 4843
advisory board, the rehabilitation services commission, the bureau 4844
of workers' compensation, or the departments of public safety, job 4845
and family services, mental health, mental retardation and 4846
developmental disabilities, and rehabilitation and correction, and 4847
buildings of educational and benevolent institutions under the 4848
management and control of boards of trustees, are not subject to 4849
the control and jurisdiction of the department of administrative 4850
services. 4851

(D) Any instrument by which real property is acquired 4852
pursuant to this section shall identify the agency of the state 4853
that has the use and benefit of the real property as specified in 4854
section 5301.012 of the Revised Code. 4855

Sec. 123.152. (A) As used in this section, "EDGE business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture certified as a participant in the encouraging diversity, growth, and equity program by the director of administrative services under this section of the Revised Code.

(B) The director of administrative services shall establish a business assistance program known as the encouraging diversity, growth, and equity program and shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the program that do all of the following:

(1) Establish procedures by which a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture may apply for certification as an EDGE business enterprise;

(2) Except as provided in division (B)(14) of this section, establish agency procurement goals, including procurement goals for the Ohio housing finance agency, the third frontier commission, and the clean Ohio council, for contracting with EDGE business enterprises in the award of contracts under Chapters 123., 125., and 153. of the Revised Code based on the availability of eligible program participants by region or geographic area, as determined by the director, and by standard industrial code or equivalent code classification.

(a) Goals established under division (B)(2) of this section shall be based on a percentage level of participation and a percentage of contractor availability.

(b) Goals established under division (B)(2) of this section shall be applied at the contract level, relative to an overall dollar goal for each state agency, in accordance with the following certification categories: construction, architecture,

and engineering; professional services; goods and services; and 4887
information technology services. 4888

(3) Establish a system of certifying EDGE business 4889
enterprises based on a requirement that the business owner or 4890
owners show both social and economic disadvantage based on the 4891
following, as determined to be sufficient by the director: 4892

(a) Relative wealth of the business seeking certification as 4893
well as the personal wealth of the owner or owners of the 4894
business; 4895

(b) Social disadvantage based on any of the following: 4896

(i) A rebuttable presumption when the business owner or 4897
owners demonstrate membership in a racial minority group or show 4898
personal disadvantage due to color, ethnic origin, gender, 4899
physical disability, long-term residence in an environment 4900
isolated from the mainstream of American society, location in an 4901
area of high unemployment; 4902

(ii) Some other demonstration of personal disadvantage not 4903
common to other small businesses; 4904

(iii) By business location in a qualified census tract. 4905

(c) Economic disadvantage based on economic and business size 4906
thresholds and eligibility criteria designed to stimulate economic 4907
development through contract awards to businesses located in 4908
qualified census tracts. 4909

(4) Establish standards to determine when an EDGE business 4910
enterprise no longer qualifies for EDGE business enterprise 4911
certification; 4912

(5) Develop a process for evaluating and adjusting goals 4913
established by this section to determine what adjustments are 4914
necessary to achieve participation goals established by the 4915
director; 4916

(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;	4917 4918 4919 4920
(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;	4921 4922 4923
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	4924 4925
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	4926 4927 4928
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	4929 4930 4931
(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;	4932 4933 4934
(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;	4935 4936 4937 4938
(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies;	4939 4940 4941 4942
(14) Establish guidelines for state universities as defined in section 3345.011 of the Revised Code and the Ohio school facilities commission created in section 3318.30 of the Revised Code for awarding contracts pursuant to Chapters 153., 3318., and	4943 4944 4945 4946

3345. of the Revised Code to allow the universities and commission 4947
to establish agency procurement goals for contracting with EDGE 4948
business enterprises. 4949

In complying with divisions (B)(2) and (14) of this section, 4950
a state agency or state university or the Ohio housing finance 4951
agency, the third frontier commission, the clean Ohio council, or 4952
the Ohio school facilities commission shall comply with executive 4953
order 2008-13S. 4954

(C) Business and personal financial information and trade 4955
secrets submitted by encouraging diversity, growth, and equity 4956
program applicants to the director pursuant to this section are 4957
not public records for purposes of section 149.43 of the Revised 4958
Code, unless the director presents the financial information or 4959
trade secrets at a public hearing or public proceeding regarding 4960
the applicant's eligibility to participate in the program. 4961

Sec. 124.03. (A) The state personnel board of review shall 4962
exercise the following powers and perform the following duties: 4963

(1) Hear appeals, as provided by law, of employees in the 4964
classified state service from final decisions of appointing 4965
authorities or the director of administrative services relative to 4966
reduction in pay or position, job abolishment, layoff, 4967
suspension, discharge, assignment or reassignment to a new or 4968
different position classification, or refusal of the director, or 4969
anybody authorized to perform the director's functions, to 4970
reassign an employee to another classification or to reclassify 4971
the employee's position with or without a job audit under division 4972
(D) of section 124.14 of the Revised Code. As used in this 4973
division, "discharge" includes disability separations. 4974

The state personnel board of review may affirm, disaffirm, or 4975
modify the decisions of the appointing authorities or the 4976
director, as the case may be, and its decision is final. The 4977

~~board's~~ decisions of the state personnel board of review shall be 4978
consistent with the applicable classification specifications. 4979

The state personnel board of review shall not be deprived of 4980
jurisdiction to hear any appeal due to the failure of an 4981
appointing authority to file its decision with the board. Any 4982
final decision of an appointing authority or of the director not 4983
filed in the manner provided in this chapter shall be disaffirmed. 4984

The state personnel board of review may place an exempt 4985
employee, as defined in section 124.152 of the Revised Code, into 4986
a bargaining unit classification, if the state personnel board of 4987
review determines that the bargaining unit classification is the 4988
proper classification for that employee. Notwithstanding Chapter 4989
4117. of the Revised Code or instruments and contracts negotiated 4990
under it, such placements are at the ~~board's~~ discretion of the 4991
state personnel board of review. 4992

The mere failure of an employee's appointing authority to 4993
file a statement with the department of administrative services 4994
indicating that the employee is in the unclassified civil service, 4995
or the mere late filing of such a statement, does not prevent the 4996
state personnel board of review from determining that the employee 4997
is in the unclassified civil service. In determining whether an 4998
employee is in the unclassified civil service, the state personnel 4999
board of review shall consider the inherent nature of the duties 5000
of the employee's classification during the two-year period 5001
immediately preceding the appointing authority's appealable action 5002
relating to the employee. 5003

In any hearing before the state personnel board of review, 5004
including any hearing at which a record is taken that may be the 5005
basis of an appeal to a court, an employee may be represented by a 5006
person permitted to practice before the state personnel board of 5007
review who is not an attorney at law as long as the person does 5008
not receive any compensation from the employee for the 5009

representation. 5010

(2) Hear appeals, as provided by law, of appointing 5011
authorities from final decisions of the director relative to the 5012
classification or reclassification of any position in the 5013
classified state service under the jurisdiction of that appointing 5014
authority. The state personnel board of review may affirm, 5015
disaffirm, or modify the decisions of the director, and its 5016
decision is final. The ~~board's~~ decisions of the state personnel 5017
board of review shall be consistent with the applicable 5018
classification specifications. 5019

(3) Exercise the authority provided by section 124.40 of the 5020
Revised Code, for appointment, removal, and supervision of 5021
municipal and civil service township civil service commissions; 5022

(4) ~~Appoint a secretary, referees, examiners, and whatever~~ 5023
~~other~~ Utilize employees ~~are necessary~~ provided by the state 5024
employment relations board in the exercise of ~~its~~ the powers and 5025
performance of ~~its~~ the duties and functions. ~~The~~ of the state 5026
personnel board ~~shall determine appropriate education and~~ 5027
~~experience requirements for its secretary, referees, examiners,~~ 5028
~~and other employees and shall prescribe their duties. A referee or~~ 5029
~~examiner does not need to have been admitted to the practice of~~ 5030
~~law.~~ of review under this chapter; 5031

(5) Maintain a journal that shall be open to public 5032
inspection, in which it shall keep a record of all of its 5033
proceedings and of the vote of each of its members upon every 5034
action taken by it; 5035

(6) Adopt rules in accordance with Chapter 119. of the 5036
Revised Code relating to the procedure of the state personnel 5037
board of review in administering the laws it has the authority or 5038
duty to administer and for the purpose of invoking the 5039
jurisdiction of the state personnel board of review in hearing 5040

appeals of appointing authorities and employees in matters set 5041
forth in divisions (A)(1) and (2) of this section; 5042

(7) Subpoena and require the attendance and testimony of 5043
witnesses and the production of books, papers, public records, and 5044
other documentary evidence pertinent to any matter it has 5045
authority to investigate, inquire into, or hear in the same manner 5046
and to the same extent as provided by division (G) of section 5047
124.09 of the Revised Code. All witness fees shall be paid in the 5048
manner set forth in that division. 5049

(B) The state personnel board of review shall exist as a 5050
separate entity within the administrative structure of the state 5051
employment relations board. 5052

(C) The state personnel board of review shall be funded by 5053
general revenue fund appropriations. All moneys received by the 5054
state personnel board of review for copies of documents, rule 5055
books, and transcriptions shall be paid into the state treasury to 5056
the credit of the ~~transcript and other documents training,~~ 5057
publications, and grants fund, which is hereby created to defray 5058
the cost of producing an administrative record in section 4117.24 5059
of the Revised Code. 5060

Sec. 124.04. In addition to those powers enumerated in 5061
Chapters 123. and 125. of the Revised Code and as provided 5062
elsewhere by law, the powers, duties, and functions of the 5063
department of administrative services not specifically vested in 5064
and assigned to, or to be performed by, the state personnel board 5065
of review are hereby vested in and assigned to, and shall be 5066
performed by, the director of administrative services. These 5067
powers, duties, and functions shall include, but shall not be 5068
limited to, the following powers, duties, and functions: 5069

(A) To prepare, conduct, and grade all competitive 5070
examinations for positions in the classified state service; 5071

(B) To prepare, conduct, and grade all noncompetitive examinations for positions in the classified state service;	5072 5073
(C) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified state service;	5074 5075 5076
(D) To prepare or amend, in accordance with section 124.14 of the Revised Code, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the state service;	5077 5078 5079 5080
(E) To allocate and reallocate, upon the motion of the director or upon request of an appointing authority and in accordance with section 124.14 of the Revised Code, any position, office, or employment in the state service to the appropriate classification on the basis of the duties, responsibilities, requirements, and qualifications of that position, office, or employment;	5081 5082 5083 5084 5085 5086 5087
(F) To develop and conduct personnel recruitment services for positions in the state service;	5088 5089
(G) To conduct research on specifications, classifications, and salaries of positions in the state service;	5090 5091
(H) To develop and conduct personnel training programs, including supervisory training programs and best practices plans, and to develop merit hiring processes, in cooperation with appointing authorities;	5092 5093 5094 5095
(I) To include periodically in communications sent to state employees both of the following:	5096 5097
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	5098 5099 5100
(2) Information about the liver or kidney donor and bone	5101

marrow donor leave granted under section 124.139 of the Revised Code. 5102
5103

(J) To enter into agreements with universities and colleges 5104
for in-service training of officers and employees in the civil 5105
service and to assist appointing authorities in recruiting 5106
qualified applicants; 5107

(K) To appoint examiners, inspectors, clerks, and other 5108
assistants necessary in the exercise of the powers and performance 5109
of the duties and functions which the director is by law 5110
authorized and required to exercise and perform, and to prescribe 5111
the duties of all of those employees; 5112

(L) To maintain a journal, which shall be open to public 5113
inspection, in which the director shall keep a record of the 5114
director's final decision pertaining to the classification or 5115
reclassification of positions in the classified civil service of 5116
the state and assignment or reassignment of employees in the 5117
classified civil service of the state to specific position 5118
classifications; 5119

(M) To delegate any of the powers, functions, or duties 5120
granted or assigned to the director under this chapter to any 5121
other state agency of this state as the director considers 5122
necessary; 5123

(N) To delegate any of the powers, functions, or duties 5124
granted or assigned to the director under this chapter to any 5125
political subdivision with the concurrence of the legislative 5126
authority of the political subdivision. 5127

(O) To administer a state equal employment opportunity 5128
program. 5129

Sec. 124.07. (A) The director of administrative services 5130
shall appoint examiners, inspectors, clerks, and other assistants 5131

as necessary to carry out sections 124.01 to 124.64 of the Revised Code. The director may designate persons in or out of the service of the state to serve as examiners or assistants under the director's direction. An examiner or assistant shall receive the compensation for each day actually and necessarily spent in the discharge of duties as an examiner or assistant that the director determines; provided that, if the examiner or assistant is in the service of the state or any political subdivision of the state, it shall be a part of the examiner's or assistant's official duties to render those services in connection with an examination without extra compensation.

(B) Each state agency shall pay the cost of the services and facilities furnished to it by the department of administrative services that are necessary to provide and maintain payroll services as prescribed in section 125.21 of the Revised Code and state merit standards as prescribed in sections 124.01 to 124.64 of the Revised Code for the agency. If a state-supported college or university or a municipal corporation chooses to use the services and facilities furnished by the department that are necessary to provide and maintain the services and standards so prescribed, the state-supported college or university or municipal corporation shall pay the cost of the services and facilities that the department furnishes to it. The charges against a state agency, a state-supported college or university, or a municipal corporation shall be computed on a reasonable cost basis in accordance with procedures prescribed by the director of budget and management. Any moneys the department receives from a state agency, a state-supported college or university, or a municipal corporation under this division that are in excess of the amount necessary to pay the cost of furnishing the department's services and facilities during any fiscal year shall be either refunded to or credited for the ensuing fiscal year to the state agency, the state-supported college or university, or the municipal

corporation. 5165

(C) The director of administrative services may enter into an 5166
agreement with any county, municipal corporation, or other 5167
political subdivision to furnish services and facilities of the 5168
department in the administration of a merit program or other 5169
functions related to human resources that include, but are not 5170
limited to, providing competitive examinations for positions in 5171
the classified service. The agreement shall provide that the 5172
department shall be reimbursed for the reasonable costs of those 5173
services and facilities as determined by the director. 5174

(D) All moneys received by the department as reimbursement 5175
for ~~payroll~~, a merit program, or other human resources services 5176
performed and facilities furnished under this section, such as 5177
competitive examinations administered, shall be paid into the 5178
state treasury to the credit of the human resources services fund, 5179
which is hereby created. 5180

(E) In counties of the state in which are located cities 5181
having municipal civil service commissions, the director of 5182
administrative services may designate the municipal civil service 5183
commission of the largest city within the county as the director's 5184
agent for the purpose of carrying out the provisions of sections 5185
124.01 to 124.64 of the Revised Code, within the county, that the 5186
director designates. Each municipal civil service commission 5187
designated as an agent of the director shall render to the 5188
director, at the end of each month, an itemized statement of the 5189
cost incurred by the commission for work done as the agent of the 5190
director, and the director, after approving that statement, shall 5191
pay the total amount of it to the treasurer of the municipal 5192
corporation in the same manner as other expenses of the department 5193
of administrative services. 5194

(F) The director of administrative services and the 5195
examiners, inspectors, clerks, and assistants referred to in this 5196

section shall receive, in addition to their salaries, 5197
reimbursement for necessary traveling and other expenses incurred 5198
in the actual discharge of their official duties. The director may 5199
also incur the necessary expenses for stationery, printing, and 5200
other supplies incident to the business of the department. 5201

Sec. 124.11. The civil service of the state and the several 5202
counties, cities, civil service townships, city health districts, 5203
general health districts, and city school districts of the state 5204
shall be divided into the unclassified service and the classified 5205
service. 5206

(A) The unclassified service shall comprise the following 5207
positions, which shall not be included in the classified service, 5208
and which shall be exempt from all examinations required by this 5209
chapter: 5210

(1) All officers elected by popular vote or persons appointed 5211
to fill vacancies in those offices; 5212

(2) All election officers as defined in section 3501.01 of 5213
the Revised Code; 5214

(3)(a) The members of all boards and commissions, and heads 5215
of principal departments, boards, and commissions appointed by the 5216
governor or by and with the governor's consent; 5217

(b) The heads of all departments appointed by a board of 5218
county commissioners; 5219

(c) The members of all boards and commissions and all heads 5220
of departments appointed by the mayor, or, if there is no mayor, 5221
such other similar chief appointing authority of any city or city 5222
school district; 5223

Except as otherwise provided in division (A)(17) or (C) of 5224
this section, this chapter does not exempt the chiefs of police 5225
departments and chiefs of fire departments of cities or civil 5226

service townships from the competitive classified service.	5227
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	5228 5229 5230
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	5231 5232 5233
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	5234 5235 5236
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	5237 5238 5239 5240 5241 5242 5243
(b) The library staff of any library in the state supported wholly or in part at public expense.	5244 5245
(8) Four clerical and administrative support employees for each of the elective state officers, four clerical and administrative support employees for each board of county commissioners and one such employee for each county commissioner, and four clerical and administrative support employees for other elective officers and each of the principal appointive executive officers, boards, or commissions, except for civil service commissions, that are authorized to appoint such clerical and administrative support employees;	5246 5247 5248 5249 5250 5251 5252 5253 5254
(9) The deputies and assistants of state agencies authorized to act for and on behalf of the agency, or holding a fiduciary or administrative relation to that agency and those persons employed	5255 5256 5257

by and directly responsible to elected county officials or a 5258
county administrator and holding a fiduciary or administrative 5259
relationship to such elected county officials or county 5260
administrator, and the employees of such county officials whose 5261
fitness would be impracticable to determine by competitive 5262
examination, provided that division (A)(9) of this section shall 5263
not affect those persons in county employment in the classified 5264
service as of September 19, 1961. Nothing in division (A)(9) of 5265
this section applies to any position in a county department of job 5266
and family services created pursuant to Chapter 329. of the 5267
Revised Code. 5268

(10) Bailiffs, constables, official stenographers, and 5269
commissioners of courts of record, deputies of clerks of the 5270
courts of common pleas who supervise or who handle public moneys 5271
or secured documents, and such officers and employees of courts of 5272
record and such deputies of clerks of the courts of common pleas 5273
as the director of administrative services finds it impracticable 5274
to determine their fitness by competitive examination; 5275

(11) Assistants to the attorney general, special counsel 5276
appointed or employed by the attorney general, assistants to 5277
county prosecuting attorneys, and assistants to city directors of 5278
law; 5279

(12) Such teachers and employees in the agricultural 5280
experiment stations; such students in normal schools, colleges, 5281
and universities of the state who are employed by the state or a 5282
political subdivision of the state in student or intern 5283
classifications; and such unskilled labor positions as the 5284
director of administrative services or any municipal civil service 5285
commission may find it impracticable to include in the competitive 5286
classified service; provided such exemptions shall be by order of 5287
the commission or the director, duly entered on the record of the 5288
commission or the director with the reasons for each such 5289

exemption;	5290
(13) Any physician or dentist who is a full-time employee of the department of mental health, the department of mental retardation and developmental disabilities, or an institution under the jurisdiction of either department; and physicians who are in residency programs at the institutions;	5291 5292 5293 5294 5295
(14) Up to twenty positions at each institution under the jurisdiction of the department of mental health or the department of mental retardation and developmental disabilities that the department director determines to be primarily administrative or managerial; and up to fifteen positions in any division of either department, excluding administrative assistants to the director and division chiefs, which are within the immediate staff of a division chief and which the director determines to be primarily and distinctively administrative and managerial;	5296 5297 5298 5299 5300 5301 5302 5303 5304
(15) Noncitizens of the United States employed by the state, or its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of this state, or medical assistants, in mental or chronic disease hospitals, or institutions;	5305 5306 5307 5308 5309
(16) Employees of the governor's office;	5310
(17) Fire chiefs and chiefs of police in civil service townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code;	5311 5312 5313
(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors, and program directors;	5314 5315 5316 5317 5318
(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of mental	5319 5320

retardation and developmental disabilities; 5321

(20) Physicians, nurses, and other employees of a county 5322
hospital who are appointed pursuant to sections 339.03 and 339.06 5323
of the Revised Code; 5324

(21) The executive director of the state medical board, who 5325
is appointed pursuant to division (B) of section 4731.05 of the 5326
Revised Code; 5327

(22) County directors of job and family services as provided 5328
in section 329.02 of the Revised Code and administrators appointed 5329
under section 329.021 of the Revised Code; 5330

(23) A director of economic development who is hired pursuant 5331
to division (A) of section 307.07 of the Revised Code; 5332

(24) Chiefs of construction and compliance, of operations and 5333
maintenance, of worker protection, and of licensing and 5334
certification in the division of ~~industrial compliance~~ labor in 5335
the department of commerce; 5336

(25) The executive director of a county transit system 5337
appointed under division (A) of section 306.04 of the Revised 5338
Code; 5339

(26) Up to five positions at each of the administrative 5340
departments listed in section 121.02 of the Revised Code and at 5341
the department of taxation, department of the adjutant general, 5342
department of education, Ohio board of regents, bureau of workers' 5343
compensation, industrial commission, state lottery commission, and 5344
public utilities commission of Ohio that the head of that 5345
administrative department or of that other state agency determines 5346
to be involved in policy development and implementation. The head 5347
of the administrative department or other state agency shall set 5348
the compensation for employees in these positions at a rate that 5349
is not less than the minimum compensation specified in pay range 5350
41 but not more than the maximum compensation specified in pay 5351

range 44 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A)(26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation.

(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;

(28) For cities, counties, civil service townships, city health districts, general health districts, and city school districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;

(29) Employees who receive intermittent or temporary appointments under division (B) of section 124.30 of the Revised Code;

(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;

(32) Employees placed in the unclassified service by another section of the Revised Code.

(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service

township police or fire department having ten or more full-time 5383
paid employees. The classified service consists of two classes, 5384
which shall be designated as the competitive class and the 5385
unskilled labor class. 5386

(1) The competitive class shall include all positions and 5387
employments in the state and the counties, cities, city health 5388
districts, general health districts, and city school districts of 5389
the state, and, upon the creation by the board of trustees of a 5390
civil service township of a township civil service commission, all 5391
positions in a civil service township police or fire department 5392
having ten or more full-time paid employees, for which it is 5393
practicable to determine the merit and fitness of applicants by 5394
competitive examinations. Appointments shall be made to, or 5395
employment shall be given in, all positions in the competitive 5396
class that are not filled by promotion, reinstatement, transfer, 5397
or reduction, as provided in this chapter, and the rules of the 5398
director of administrative services, by appointment from those 5399
certified to the appointing officer in accordance with this 5400
chapter. 5401

(2) The unskilled labor class shall include ordinary 5402
unskilled laborers. Vacancies in the labor class for positions in 5403
service of the state shall be filled by appointment from lists of 5404
applicants registered by the director. Vacancies in the labor 5405
class for all other positions shall be filled by appointment from 5406
lists of applicants registered by a commission. The director or 5407
the commission, as applicable, by rule, shall require an applicant 5408
for registration in the labor class to furnish evidence or take 5409
tests as the director or commission considers proper with respect 5410
to age, residence, physical condition, ability to labor, honesty, 5411
sobriety, industry, capacity, and experience in the work or 5412
employment for which application is made. Laborers who fulfill the 5413
requirements shall be placed on the eligible list for the kind of 5414

labor or employment sought, and preference shall be given in 5415
employment in accordance with the rating received from that 5416
evidence or in those tests. Upon the request of an appointing 5417
officer, stating the kind of labor needed, the pay and probable 5418
length of employment, and the number to be employed, the director 5419
or commission, as applicable, shall certify from the highest on 5420
the list double the number to be employed; from this number, the 5421
appointing officer shall appoint the number actually needed for 5422
the particular work. If more than one applicant receives the same 5423
rating, priority in time of application shall determine the order 5424
in which their names shall be certified for appointment. 5425

(C) A municipal or civil service township civil service 5426
commission may place volunteer firefighters who are paid on a 5427
fee-for-service basis in either the classified or the unclassified 5428
civil service. 5429

(D) This division does not apply to persons in the 5430
unclassified service who have the right to resume positions in the 5431
classified service under sections 4121.121, 5119.071, 5120.38, 5432
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 5433
Code. 5434

An appointing authority whose employees are paid directly by 5435
warrant of the director of budget and management may appoint a 5436
person who holds a ~~certified~~ permanent position in the classified 5437
service within the appointing authority's agency to a position in 5438
the unclassified service within that agency. A person appointed 5439
pursuant to this division to a position in the unclassified 5440
service shall retain the right to resume the position and status 5441
held by the person in the classified service immediately prior to 5442
the person's appointment to the position in the unclassified 5443
service, regardless of the number of positions the person held in 5444
the unclassified service. An employee's right to resume a position 5445
in the classified service may only be exercised when an appointing 5446

authority demotes the employee to a pay range lower than the 5447
employee's current pay range or revokes the employee's appointment 5448
to the unclassified service. An employee forfeits the right to 5449
resume a position in the classified service when the employee is 5450
removed from the position in the unclassified service due to 5451
incompetence, inefficiency, dishonesty, drunkenness, immoral 5452
conduct, insubordination, discourteous treatment of the public, 5453
neglect of duty, violation of this chapter or the rules of the 5454
director of administrative services, any other failure of good 5455
behavior, any other acts of misfeasance, malfeasance, or 5456
nonfeasance in office, or conviction of a felony. An employee also 5457
forfeits the right to resume a position in the classified service 5458
upon transfer to a different agency. 5459

Reinstatement to a position in the classified service shall 5460
be to a position substantially equal to that position in the 5461
classified service held previously, as certified by the director 5462
of administrative services. If the position the person previously 5463
held in the classified service has been placed in the unclassified 5464
service or is otherwise unavailable, the person shall be appointed 5465
to a position in the classified service within the appointing 5466
authority's agency that the director of administrative services 5467
certifies is comparable in compensation to the position the person 5468
previously held in the classified service. Service in the position 5469
in the unclassified service shall be counted as service in the 5470
position in the classified service held by the person immediately 5471
prior to the person's appointment to the position in the 5472
unclassified service. When a person is reinstated to a position in 5473
the classified service as provided in this division, the person is 5474
entitled to all rights, status, and benefits accruing to the 5475
position in the classified service during the person's time of 5476
service in the position in the unclassified service. 5477

Sec. 124.134. (A) Each full-time permanent state employee 5478

paid in accordance with section 124.152 of the Revised Code and 5479
those employees listed in divisions (B)(2) and (4) of section 5480
124.14 of the Revised Code, ~~after service of one year, shall have~~ 5481
~~earned and will be due upon the attainment of the first year of~~ 5482
~~employment, and annually thereafter, eighty hours of vacation~~ 5483
~~leave with full pay. One year of service shall be computed on the~~ 5484
~~basis of twenty six biweekly pay periods. A full time permanent~~ 5485
~~state employee with five or more years of service shall have~~ 5486
~~earned and is entitled to one hundred twenty hours of vacation~~ 5487
~~leave with full pay. A full time permanent state employee with ten~~ 5488
~~or more years of service shall have earned and is entitled to one~~ 5489
~~hundred sixty hours of vacation leave with full pay. A full time~~ 5490
~~permanent state employee with fifteen or more years of service~~ 5491
~~shall have earned and is entitled to one hundred eighty hours of~~ 5492
~~vacation leave with full pay. A full time permanent state employee~~ 5493
~~with twenty or more years of service shall have earned and is~~ 5494
~~entitled to two hundred hours of vacation leave with full pay. A~~ 5495
~~full time permanent state employee with twenty five or more years~~ 5496
~~of service shall have earned and is entitled to two hundred forty~~ 5497
~~hours of vacation leave with full pay. Such vacation leave shall~~ 5498
~~accrue to the employee at the rate of three and one tenth hours~~ 5499
~~each biweekly period for those entitled to eighty hours per year;~~ 5500
~~four and six tenths hours each biweekly period for those entitled~~ 5501
~~to one hundred twenty hours per year; six and two tenths hours~~ 5502
~~each biweekly period for those entitled to one hundred sixty hours~~ 5503
~~per year; six and nine tenths hours each biweekly period for those~~ 5504
~~entitled to one hundred eighty hours per year; seven and~~ 5505
~~seven tenths hours each biweekly period for those entitled to two~~ 5506
~~hundred hours per year; and nine and two tenths hours each~~ 5507
~~biweekly period for those entitled to two hundred forty hours per~~ 5508
~~year shall be credited with vacation leave with full pay according~~ 5509
~~to length of service and accruing at a corresponding rate per~~ 5510
biweekly pay period, as follows: 5511

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	
<u>Less than 4 years</u>	<u>3.1 hours</u>	5513
<u>4 but less than 9 years</u>	<u>4.6 hours</u>	5514
<u>9 but less than 14 years</u>	<u>6.2 hours</u>	5515
<u>14 but less than 19 years</u>	<u>6.9 hours</u>	5516
<u>19 but less than 24 years</u>	<u>7.7 hours</u>	5517
<u>24 years or more</u>	<u>9.2 hours</u>	5518

Fifty-two weeks equal one year of service. 5519

The amount of an employee's service shall be determined in 5520
accordance with the standard specified in section 9.44 of the 5521
Revised Code. Credit for prior service, including an increased 5522
vacation accrual rate and longevity supplement, shall take effect 5523
during the first pay period that begins immediately following the 5524
date the director of administrative services approves granting 5525
credit for that prior service. No employee, other than an employee 5526
who submits proof of prior service within ninety days after the 5527
date of the employee's hiring, shall receive any amount of 5528
vacation leave for the period prior to the date of the director's 5529
approval of the grant of credit for prior service. 5530

Part-time permanent employees who are paid in accordance with 5531
section 124.152 of the Revised Code and full-time permanent 5532
employees subject to this section who are in active pay status for 5533
less than eighty hours in a pay period shall earn vacation leave 5534
on a prorated basis. The ratio between the hours worked and the 5535
vacation hours earned by these classes of employees shall be the 5536
same as the ratio between the hours worked and the vacation hours 5537
earned by a full-time permanent employee with the same amount of 5538
service as provided for in this section. 5539

Vacation leave is not available for use until it appears on 5540
the employee's earning statement and the compensation described in 5541
the earning statement is available to the employee. An employee 5542
may begin using accrued vacation leave upon completion of the 5543

employee's initial probation period. 5544

(B) Employees granted leave under this section shall forfeit 5545
their right to take or to be paid for any vacation leave to their 5546
credit which is in excess of the accrual for three years. Any 5547
excess leave shall be eliminated from the employees' leave 5548
balance. If an employee's vacation leave credit is at, or will 5549
reach in the immediately following pay period, the maximum of the 5550
accrual for three years and the employee has been denied the use 5551
of vacation leave during the immediately preceding twelve months, 5552
the employee, at the employee's request, shall be paid in a pay 5553
period for the vacation leave the employee was denied, up to the 5554
maximum amount the employee would be entitled to be paid for in 5555
any pay period. An employee is not entitled to receive payment for 5556
vacation leave denied in any pay period in which the employee's 5557
vacation leave credit is not at, or will not reach in the 5558
immediately following pay period, the maximum of accrual for three 5559
years. Any vacation leave for which an employee receives payment 5560
shall be deducted from the employee's vacation leave balance. 5561
Payment shall not be made for any leave accrued in the same 5562
calendar year in which the payment is made. 5563

(C) Upon separation from state service, an employee granted 5564
leave under this section is entitled to compensation at the 5565
employee's current rate of pay for all unused vacation leave 5566
accrued under this section or section 124.13 of the Revised Code 5567
to the employee's credit. In case of transfer of an employee from 5568
one state agency to another, the employee shall retain the accrued 5569
and unused vacation leave. In case of the death of an employee, 5570
the unused vacation leave shall be paid in accordance with section 5571
2113.04 of the Revised Code, or to the employee's estate. An 5572
employee serving in a temporary work level who is eligible to 5573
receive compensation under this division shall be compensated at 5574
the base rate of pay of the employee's normal classification. 5575

Sec. 124.14. (A)(1) The director of administrative services 5576
shall establish, and may modify or rescind, by rule, a job 5577
classification plan for all positions, offices, and employments 5578
the salaries of which are paid in whole or in part by the state. 5579
The director shall group jobs within a classification so that the 5580
positions are similar enough in duties and responsibilities to be 5581
described by the same title, to have the same pay assigned with 5582
equity, and to have the same qualifications for selection applied. 5583
The director shall, by rule, assign a classification title to each 5584
classification within the classification plan. However, the 5585
director shall consider in establishing classifications, including 5586
classifications with parenthetical titles, and assigning pay 5587
ranges such factors as duties performed only on one shift, special 5588
skills in short supply in the labor market, recruitment problems, 5589
separation rates, comparative salary rates, the amount of training 5590
required, and other conditions affecting employment. The director 5591
shall describe the duties and responsibilities of the class, 5592
establish the qualifications for being employed in each position 5593
in the class, and file with the secretary of state a copy of 5594
specifications for all of the classifications. The director shall 5595
file new, additional, or revised specifications with the secretary 5596
of state before they are used. 5597

The director shall, by rule, assign each classification, 5598
either on a statewide basis or in particular counties or state 5599
institutions, to a pay range established under section 124.15 or 5600
section 124.152 of the Revised Code. The director may assign a 5601
classification to a pay range on a temporary basis for a period of 5602
six months. The director may establish, by rule adopted under 5603
Chapter 119. of the Revised Code, experimental classification 5604
plans for some or all employees paid directly by warrant of the 5605
director of budget and management. The rule shall include 5606
specifications for each classification within the plan and shall 5607

specifically address compensation ranges, and methods for 5608
advancing within the ranges, for the classifications, which may be 5609
assigned to pay ranges other than the pay ranges established under 5610
section 124.15 or 124.152 of the Revised Code. 5611

(2) The director of administrative services may reassign to a 5612
proper classification those positions that have been assigned to 5613
an improper classification. If the compensation of an employee in 5614
such a reassigned position exceeds the maximum rate of pay for the 5615
employee's new classification, the employee shall be placed in pay 5616
step X and shall not receive an increase in compensation until the 5617
maximum rate of pay for that classification exceeds the employee's 5618
compensation. 5619

(3) The director may reassign an exempt employee, as defined 5620
in section 124.152 of the Revised Code, to a bargaining unit 5621
classification if the director determines that the bargaining unit 5622
classification is the proper classification for that employee. 5623
Notwithstanding Chapter 4117. of the Revised Code or instruments 5624
and contracts negotiated under it, these placements are at the 5625
director's discretion. 5626

(4) The director shall, by rule, assign related 5627
classifications, which form a career progression, to a 5628
classification series. The director shall, by rule, assign each 5629
classification in the classification plan a five-digit number, the 5630
first four digits of which shall denote the classification series 5631
to which the classification is assigned. When a career progression 5632
encompasses more than ten classifications, the director shall, by 5633
rule, identify the additional classifications belonging to a 5634
classification series. The additional classifications shall be 5635
part of the classification series, notwithstanding the fact that 5636
the first four digits of the number assigned to the additional 5637
classifications do not correspond to the first four digits of the 5638
numbers assigned to other classifications in the classification 5639

series. 5640

(5) The director, ~~in accordance with rules adopted under~~ 5641
~~Chapter 119. of the Revised Code, shall establish, and~~ 5642
establish, modify, or rescind, a classification plan for county 5643
agencies that elect not to use the services and facilities of a 5644
county personnel department. The director shall establish any such 5645
classification plan by means of rules adopted under Chapter 119. 5646
of the Revised Code. The rules shall include a methodology for the 5647
establishment of titles unique to county agencies, the use of 5648
state classification titles and classification specifications for 5649
common positions, the criteria for a county to meet in 5650
establishing its own classification plan, and the establishment of 5651
what constitutes a classification series for county agencies. The 5652
director may assess a county agency that chooses to use the 5653
classification plan a usage fee the director determines. All usage 5654
fees the department of administrative services receives shall be 5655
paid into the state treasury to the credit of the human resources 5656
fund created in section 124.07 of the Revised Code. 5657

(B) Division (A) of this section and sections 124.15 and 5658
124.152 of the Revised Code do not apply to the following persons, 5659
positions, offices, and employments: 5660

(1) Elected officials; 5661

(2) Legislative employees, employees of the legislative 5662
service commission, employees in the office of the governor, 5663
employees who are in the unclassified civil service and exempt 5664
from collective bargaining coverage in the office of the secretary 5665
of state, auditor of state, treasurer of state, and attorney 5666
general, and employees of the supreme court; 5667

(3) Employees of a county children services board that 5668
establishes compensation rates under section 5153.12 of the 5669
Revised Code; 5670

(4) Any position for which the authority to determine 5671
compensation is given by law to another individual or entity; 5672

(5) Employees of the bureau of workers' compensation whose 5673
compensation the administrator of workers' compensation 5674
establishes under division (B) of section 4121.121 of the Revised 5675
Code. 5676

(C) The director may employ a consulting agency to aid and 5677
assist the director in carrying out this section. 5678

(D)(1) When the director proposes to modify a classification 5679
or the assignment of classes to appropriate pay ranges, the 5680
director shall send written notice of the proposed rule to the 5681
appointing authorities of the affected employees thirty days 5682
before a hearing on the proposed rule. The appointing authorities 5683
shall notify the affected employees regarding the proposed rule. 5684
The director also shall send those appointing authorities notice 5685
of any final rule that is adopted within ten days after adoption. 5686

(2) When the director proposes to reclassify any employee so 5687
that the employee is adversely affected, the director shall give 5688
to the employee affected and to the employee's appointing 5689
authority a written notice setting forth the proposed new 5690
classification, pay range, and salary. Upon the request of any 5691
classified employee who is not serving in a probationary period, 5692
the director shall perform a job audit to review the 5693
classification of the employee's position to determine whether the 5694
position is properly classified. The director shall give to the 5695
employee affected and to the employee's appointing authority a 5696
written notice of the director's determination whether or not to 5697
reclassify the position or to reassign the employee to another 5698
classification. An employee or appointing authority desiring a 5699
hearing shall file a written request for the hearing with the 5700
state personnel board of review within thirty days after receiving 5701
the notice. The board shall set the matter for a hearing and 5702

notify the employee and appointing authority of the time and place 5703
of the hearing. The employee, the appointing authority, or any 5704
authorized representative of the employee who wishes to submit 5705
facts for the consideration of the board shall be afforded 5706
reasonable opportunity to do so. After the hearing, the board 5707
shall consider anew the reclassification and may order the 5708
reclassification of the employee and require the director to 5709
assign the employee to such appropriate classification as the 5710
facts and evidence warrant. As provided in division (A)(1) of 5711
section 124.03 of the Revised Code, the board may determine the 5712
most appropriate classification for the position of any employee 5713
coming before the board, with or without a job audit. The board 5714
shall disallow any reclassification or reassignment classification 5715
of any employee when it finds that changes have been made in the 5716
duties and responsibilities of any particular employee for 5717
political, religious, or other unjust reasons. 5718

(E)(1) Employees of each county department of job and family 5719
services shall be paid a salary or wage established by the board 5720
of county commissioners. The provisions of section 124.18 of the 5721
Revised Code concerning the standard work week apply to employees 5722
of county departments of job and family services. A board of 5723
county commissioners may do either of the following: 5724

(a) Notwithstanding any other section of the Revised Code, 5725
supplement the sick leave, vacation leave, personal leave, and 5726
other benefits of any employee of the county department of job and 5727
family services of that county, if the employee is eligible for 5728
the supplement under a written policy providing for the 5729
supplement; 5730

(b) Notwithstanding any other section of the Revised Code, 5731
establish alternative schedules of sick leave, vacation leave, 5732
personal leave, or other benefits for employees not inconsistent 5733
with the provisions of a collective bargaining agreement covering 5734

the affected employees. 5735

(2) Division (E)(1) of this section does not apply to 5736
employees for whom the state employment relations board 5737
establishes appropriate bargaining units pursuant to section 5738
4117.06 of the Revised Code, except in either of the following 5739
situations: 5740

(a) The employees for whom the state employment relations 5741
board establishes appropriate bargaining units elect no 5742
representative in a board-conducted representation election. 5743

(b) After the state employment relations board establishes 5744
appropriate bargaining units for such employees, all employee 5745
organizations withdraw from a representation election. 5746

(F)(1) Notwithstanding any contrary provision of sections 5747
124.01 to 124.64 of the Revised Code, the board of trustees of 5748
each state university or college, as defined in section 3345.12 of 5749
the Revised Code, shall carry out all matters of governance 5750
involving the officers and employees of the university or college, 5751
including, but not limited to, the powers, duties, and functions 5752
of the department of administrative services and the director of 5753
administrative services specified in this chapter. Officers and 5754
employees of a state university or college shall have the right of 5755
appeal to the state personnel board of review as provided in this 5756
chapter. 5757

(2) Each board of trustees shall adopt rules under section 5758
111.15 of the Revised Code to carry out the matters of governance 5759
described in division (F)(1) of this section. Until the board of 5760
trustees adopts those rules, a state university or college shall 5761
continue to operate pursuant to the applicable rules adopted by 5762
the director of administrative services under this chapter. 5763

(G)(1) Each board of county commissioners may, by a 5764
resolution adopted by a majority of its members, establish a 5765

county personnel department to exercise the powers, duties, and 5766
functions specified in division (G) of this section. As used in 5767
division (G) of this section, "county personnel department" means 5768
a county personnel department established by a board of county 5769
commissioners under division (G)(1) of this section. 5770

(2)(a) Each board of county commissioners, by a resolution 5771
adopted by a majority of its members, may designate the county 5772
personnel department of the county to exercise the powers, duties, 5773
and functions ~~of the department of administrative services and the~~ 5774
~~director of administrative services~~ specified in sections 124.01 5775
to 124.64 and Chapter 325. of the Revised Code with regard to 5776
employees in the service of the county, except for the powers and 5777
duties of the state personnel board of review, which powers and 5778
duties shall not be construed as having been modified or 5779
diminished in any manner by division (G)(2) of this section, with 5780
respect to the employees for whom the board of county 5781
commissioners is the appointing authority or co-appointing 5782
authority. ~~The board of county commissioners shall deliver a~~ 5783
~~certified copy of the resolution to the director of administrative~~ 5784
~~services not later than ten working days after the resolution is~~ 5785
~~adopted, and the director shall inform the board in a writing sent~~ 5786
~~by certified mail of the date of receipt of the copy of the~~ 5787
~~resolution.~~ 5788

(b) ~~Upon the director's receipt of the copy of the~~ 5789
~~resolution, the powers, duties, and functions referred to in~~ 5790
~~division (G)(2)(a) of this section that may be exercised shall be~~ 5791
~~vested in and assigned to the county personnel department with~~ 5792
~~respect to the employees for whom the board of county~~ 5793
~~commissioners is the appointing authority or co-appointing~~ 5794
~~authority.~~ 5795

~~(e)~~ Nothing in division (G)(2) of this section shall be 5796
construed to limit the right of any employee who possesses the 5797

right of appeal to the state personnel board of review to continue 5798
to possess that right of appeal. 5799

~~(d)~~(c) Any board of county commissioners that has established 5800
a county personnel department may contract with the department of 5801
administrative services, another political subdivision, or an 5802
appropriate public or private entity to provide competitive 5803
testing services or other appropriate services. 5804

(3) After the county personnel department of a county has 5805
~~assumed the powers, duties, and functions of the department of~~ 5806
~~administrative services and the director of administrative~~ 5807
~~services~~ been established as described in division (G)(2) of this 5808
section, any elected official, board, agency, or other appointing 5809
authority of that county, upon written notification to the 5810
~~director~~ county personnel department, may elect to use the 5811
services and facilities of the county personnel department. Upon 5812
~~the acceptance by the director of that written notification~~ 5813
receipt of the notification by the county personnel department, 5814
the county personnel department shall exercise the powers, duties, 5815
and functions ~~of the department of administrative services and the~~ 5816
~~director~~ as described in division (G)(2) of this section with 5817
respect to the employees of that elected official, board, agency, 5818
or other appointing authority. ~~The director shall inform the~~ 5819
~~elected official, board, agency, or other appointing authority in~~ 5820
~~a writing sent by certified mail of the date of acceptance of that~~ 5821
~~written notification. Except for those employees under the~~ 5822
~~jurisdiction of the county personnel department, the director~~ 5823
~~shall continue to exercise these powers, duties, and functions~~ 5824
~~with respect to employees of the county.~~ 5825

(4) ~~When at least two years have passed since the creation of~~ 5826
~~a county personnel department, a~~ Each board of county 5827
commissioners, by a resolution adopted by a majority of its 5828
members, may disband the county personnel department ~~and return to~~ 5829

~~the department of administrative services for the administration 5830
of sections 124.01 to 124.64 and Chapter 325. of the Revised Code. 5831
The board shall deliver a certified copy of the resolution to the 5832
director of administrative services not later than ten working 5833
days after the resolution is adopted, and the director shall 5834
inform the board in a writing sent by certified mail of the date 5835
of receipt of the copy of the resolution. Upon the director's 5836
receipt of the copy of the resolution, all powers, duties, and 5837
functions previously vested in and assigned to the county 5838
personnel department shall return to the director. 5839~~

~~(5) When at least two years have passed since electing to use 5840
the services and facilities of a county personnel department, an 5841
Any elected official, board, agency, or appointing authority of a 5842
county may ~~return to the department of administrative services for 5843
the administration of sections 124.01 to 124.64 and Chapter 325.~~ 5844
~~of the Revised Code. The elected official, board, agency, or 5845
appointing authority shall send the director of administrative 5846
services a certified copy of the resolution that states its 5847
decision to return to the department of administrative services' 5848
jurisdiction, and the director shall inform the elected official, 5849
board, agency, or appointing authority in a writing sent by 5850
certified mail of the date of receipt of the copy of the 5851
resolution. Upon the director's receipt of the copy of the 5852
resolution, all powers, duties, and functions previously vested in 5853
and assigned to the county personnel department with respect to 5854
the employees of that elected official, board, agency, or 5855
appointing authority shall return to the director end its 5856
involvement with a county personnel department upon actual receipt 5857
by the department of a certified copy of the notification that 5858
contains the decision to no longer participate. 5859~~~~

~~(6) The director of administrative services may, by rule 5860
adopted in accordance with Chapter 119. of the Revised Code, shall 5861~~

prescribe criteria and procedures for ~~granting to each county~~ 5862
~~personnel department the powers, duties, and functions of the~~ 5863
~~department of administrative services and the director as~~ 5864
~~described in division (G)(2) of this section with respect to the~~ 5865
~~employees of an elected official, board, agency, or other~~ 5866
~~appointing authority or co-appointing authority. The rules shall~~ 5867
~~cover the following criteria and procedures:~~ 5868

~~(a) The notification to the department of administrative~~ 5869
~~services that an elected official, board, agency, or other~~ 5870
~~appointing authority of a county has elected to use the services~~ 5871
~~and facilities of the county personnel department; the following:~~ 5872

~~(b)(a)~~ A requirement that each county personnel department, 5873
in carrying out its duties, adhere to merit system principles with 5874
regard to employees of county departments of job and family 5875
services, child support enforcement agencies, and public child 5876
welfare agencies so that there is no threatened loss of federal 5877
funding for these agencies, and a requirement that the county be 5878
financially liable to the state for any loss of federal funds due 5879
to the action or inaction of the county personnel department. The 5880
costs associated with audits conducted to monitor compliance with 5881
division (G)(6)~~(b)(a)~~ of this section shall be ~~borne equally by~~ 5882
reimbursed to the department of administrative services ~~and the~~ 5883
county as determined by the director. All money the department 5884
receives for these audits shall be paid into the state treasury to 5885
the credit of the human resources fund created in section 124.07 5886
of the Revised Code. 5887

~~(c) The termination of services and facilities rendered by~~ 5888
~~the department of administrative services, to include rate~~ 5889
~~adjustments, time periods for termination, and other related~~ 5890
~~matters;~~ 5891

~~(d)(b)~~ Authorization for the director of administrative 5892
services to conduct periodic audits and reviews of county 5893

personnel departments to guarantee the uniform application of ~~this~~ 5894
~~granting of the director's powers, duties, and functions exercised~~ 5895
~~pursuant to division (G)(2)(a) of this section.~~ The costs of the 5896
audits and reviews shall be ~~borne equally by~~ reimbursed to the 5897
department of administrative services ~~and~~ as determined by the 5898
director by the county for which the services are performed. All 5899
money the department receives shall be paid into the state 5900
treasury to the credit of the human resources fund created in 5901
section 124.07 of the Revised Code. 5902

~~(e) The dissemination of audit findings under division~~ 5903
~~(G)(6)(d) of this section, any appeals process relating to adverse~~ 5904
~~findings by the department, and the methods whereby the county~~ 5905
~~personnel program will revert to the authority of the director of~~ 5906
~~administrative services due to misuse or nonuniform application of~~ 5907
~~the authority granted to the county under division (G)(2) or (3)~~ 5908
~~of this section.~~ 5909

(H) The director of administrative services shall establish 5910
the rate and method of compensation for all employees who are paid 5911
directly by warrant of the director of budget and management and 5912
who are serving in positions that the director of administrative 5913
services has determined impracticable to include in the state job 5914
classification plan. This division does not apply to elected 5915
officials, legislative employees, employees of the legislative 5916
service commission, employees who are in the unclassified civil 5917
service and exempt from collective bargaining coverage in the 5918
office of the secretary of state, auditor of state, treasurer of 5919
state, and attorney general, employees of the courts, employees of 5920
the bureau of workers' compensation whose compensation the 5921
administrator of workers' compensation establishes under division 5922
(B) of section 4121.121 of the Revised Code, or employees of an 5923
appointing authority authorized by law to fix the compensation of 5924
those employees. 5925

(I) The director shall set the rate of compensation for all 5926
intermittent, seasonal, temporary, emergency, and casual employees 5927
in the service of the state who are not considered public 5928
employees under section 4117.01 of the Revised Code. Those 5929
employees are not entitled to receive employee benefits. This rate 5930
of compensation shall be equitable in terms of the rate of 5931
employees serving in the same or similar classifications. This 5932
division does not apply to elected officials, legislative 5933
employees, employees of the legislative service commission, 5934
employees who are in the unclassified civil service and exempt 5935
from collective bargaining coverage in the office of the secretary 5936
of state, auditor of state, treasurer of state, and attorney 5937
general, employees of the courts, employees of the bureau of 5938
workers' compensation whose compensation the administrator 5939
establishes under division (B) of section 4121.121 of the Revised 5940
Code, or employees of an appointing authority authorized by law to 5941
fix the compensation of those employees. 5942

Sec. 124.15. (A) Board and commission members appointed prior 5943
to July 1, 1991, shall be paid a salary or wage in accordance with 5944
the following schedules of rates: 5945

Schedule B 5946

Pay Ranges and Step Values 5947

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	5949
Annually	11897.60	12292.80	12688.00	13124.80	5950
	Step 5	Step 6			5951
Hourly	6.52	6.75			5952
Annually	13561.60	14040.00			5953
	Step 1	Step 2	Step 3	Step 4	5954
24 Hourly	6.00	6.20	6.41	6.63	5955
Annually	12480.00	12896.00	13332.80	13790.40	5956

		Step 5	Step 6			5957
	Hourly	6.87	7.10			5958
	Annually	14289.60	14768.00			5959
		Step 1	Step 2	Step 3	Step 4	5960
25	Hourly	6.31	6.52	6.75	6.99	5961
	Annually	13124.80	13561.60	14040.00	14539.20	5962
		Step 5	Step 6			5963
	Hourly	7.23	7.41			5964
	Annually	15038.40	15412.80			5965
		Step 1	Step 2	Step 3	Step 4	5966
26	Hourly	6.63	6.87	7.10	7.32	5967
	Annually	13790.40	14289.60	14768.00	15225.60	5968
		Step 5	Step 6			5969
	Hourly	7.53	7.77			5970
	Annually	15662.40	16161.60			5971
		Step 1	Step 2	Step 3	Step 4	5972
27	Hourly	6.99	7.23	7.41	7.64	5973
	Annually	14534.20	15038.40	15412.80	15891.20	5974
		Step 5	Step 6	Step 7		5975
	Hourly	7.88	8.15	8.46		5976
	Annually	16390.40	16952.00	17596.80		5977
		Step 1	Step 2	Step 3	Step 4	5978
28	Hourly	7.41	7.64	7.88	8.15	5979
	Annually	15412.80	15891.20	16390.40	16952.00	5980
		Step 5	Step 6	Step 7		5981
	Hourly	8.46	8.79	9.15		5982
	Annually	17596.80	18283.20	19032.00		5983
		Step 1	Step 2	Step 3	Step 4	5984
29	Hourly	7.88	8.15	8.46	8.79	5985
	Annually	16390.40	16952.00	17596.80	18283.20	5986
		Step 5	Step 6	Step 7		5987
	Hourly	9.15	9.58	10.01		5988
	Annually	19032.00	19926.40	20820.80		5989

		Step 1	Step 2	Step 3	Step 4	5990
30	Hourly	8.46	8.79	9.15	9.58	5991
	Annually	17596.80	18283.20	19032.00	19926.40	5992
		Step 5	Step 6	Step 7		5993
	Hourly	10.01	10.46	10.99		5994
	Annually	20820.80	21756.80	22859.20		5995
		Step 1	Step 2	Step 3	Step 4	5996
31	Hourly	9.15	9.58	10.01	10.46	5997
	Annually	19032.00	19962.40	20820.80	21756.80	5998
		Step 5	Step 6	Step 7		5999
	Hourly	10.99	11.52	12.09		6000
	Annually	22859.20	23961.60	25147.20		6001
		Step 1	Step 2	Step 3	Step 4	6002
32	Hourly	10.01	10.46	10.99	11.52	6003
	Annually	20820.80	21756.80	22859.20	23961.60	6004
		Step 5	Step 6	Step 7	Step 8	6005
	Hourly	12.09	12.68	13.29	13.94	6006
	Annually	25147.20	26374.40	27643.20	28995.20	6007
		Step 1	Step 2	Step 3	Step 4	6008
33	Hourly	10.99	11.52	12.09	12.68	6009
	Annually	22859.20	23961.60	25147.20	26374.40	6010
		Step 5	Step 6	Step 7	Step 8	6011
	Hourly	13.29	13.94	14.63	15.35	6012
	Annually	27643.20	28995.20	30430.40	31928.00	6013
		Step 1	Step 2	Step 3	Step 4	6014
34	Hourly	12.09	12.68	13.29	13.94	6015
	Annually	25147.20	26374.40	27643.20	28995.20	6016
		Step 5	Step 6	Step 7	Step 8	6017
	Hourly	14.63	15.35	16.11	16.91	6018
	Annually	30430.40	31928.00	33508.80	35172.80	6019
		Step 1	Step 2	Step 3	Step 4	6020
35	Hourly	13.29	13.94	14.63	15.35	6021
	Annually	27643.20	28995.20	30430.40	31928.00	6022

		Step 5	Step 6	Step 7	Step 8	6023
	Hourly	16.11	16.91	17.73	18.62	6024
	Annually	33508.80	35172.80	36878.40	38729.60	6025
		Step 1	Step 2	Step 3	Step 4	6026
36	Hourly	14.63	15.35	16.11	16.91	6027
	Annually	30430.40	31928.00	33508.80	35172.80	6028
		Step 5	Step 6	Step 7	Step 8	6029
	Hourly	17.73	18.62	19.54	20.51	6030
	Annually	36878.40	38729.60	40643.20	42660.80	6031
Schedule C						6032
Pay Range and Values						6033
Range		Minimum		Maximum		6034
41	Hourly	10.44		15.72		6035
	Annually	21715.20		32697.60		6036
42	Hourly	11.51		17.35		6037
	Annually	23940.80		36088.00		6038
43	Hourly	12.68		19.12		6039
	Annually	26374.40		39769.60		6040
44	Hourly	13.99		20.87		6041
	Annually	29099.20		43409.60		6042
45	Hourly	15.44		22.80		6043
	Annually	32115.20		47424.00		6044
46	Hourly	17.01		24.90		6045
	Annually	35380.80		51792.00		6046
47	Hourly	18.75		27.18		6047
	Annually	39000.00		56534.40		6048
48	Hourly	20.67		29.69		6049
	Annually	42993.60		61755.20		6050
49	Hourly	22.80		32.06		6051
	Annually	47424.00		66684.80		6052
(B) The pay schedule of all employees shall be on a biweekly						6053
basis, with amounts computed on an hourly basis.						6054

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code.

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them.

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments provided to the employees covered by those agreements should also be provided to employees in the service of the state who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing the review, the director of administrative services, with the approval of the director of budget and management, may provide to some or all of these employees any payment or benefit, except for salary, contained in such a collective bargaining agreement even

if it is similar to a payment or benefit already provided by law 6087
to some or all of these employees. Any payment or benefit so 6088
provided shall not exceed the highest level for that payment or 6089
benefit specified in such a collective bargaining agreement. The 6090
director of administrative services shall not provide, and the 6091
director of budget and management shall not approve, any payment 6092
or benefit to such an employee under this division unless the 6093
payment or benefit is provided pursuant to a collective bargaining 6094
agreement to a state employee who is in a position with similar 6095
duties as, is supervised by, or is employed by the same appointing 6096
authority as, the employee to whom the benefit or payment is to be 6097
provided. 6098

As used in this division, "payment or benefit already 6099
provided by law" includes, but is not limited to, bereavement, 6100
personal, vacation, administrative, and sick leave, disability 6101
benefits, holiday pay, and pay supplements provided under the 6102
Revised Code, but does not include wages or salary. 6103

(E) New employees paid in accordance with schedule B of 6104
division (A) of this section or schedule E-1 of section 124.152 of 6105
the Revised Code shall be employed at the minimum rate established 6106
for the range unless otherwise provided. Employees with 6107
qualifications that are beyond the minimum normally required for 6108
the position and that are determined by the director to be 6109
exceptional may be employed in, or may be transferred or promoted 6110
to, a position at an advanced step of the range. Further, in time 6111
of a serious labor market condition when it is relatively 6112
impossible to recruit employees at the minimum rate for a 6113
particular classification, the entrance rate may be set at an 6114
advanced step in the range by the director of administrative 6115
services. This rate may be limited to geographical regions of the 6116
state. Appointments made to an advanced step under the provision 6117
regarding exceptional qualifications shall not affect the step 6118

assignment of employees already serving. However, anytime the 6119
hiring rate of an entire classification is advanced to a higher 6120
step, all incumbents of that classification being paid at a step 6121
lower than that being used for hiring, shall be advanced beginning 6122
at the start of the first pay period thereafter to the new hiring 6123
rate, and any time accrued at the lower step will be used to 6124
calculate advancement to a succeeding step. If the hiring rate of 6125
a classification is increased for only a geographical region of 6126
the state, only incumbents who work in that geographical region 6127
shall be advanced to a higher step. When an employee in the 6128
unclassified service changes from one state position to another or 6129
is appointed to a position in the classified service, or if an 6130
employee in the classified service is appointed to a position in 6131
the unclassified service, the employee's salary or wage in the new 6132
position shall be determined in the same manner as if the employee 6133
were an employee in the classified service. When an employee in 6134
the unclassified service who is not eligible for step increases is 6135
appointed to a classification in the classified service under 6136
which step increases are provided, future step increases shall be 6137
based on the date on which the employee last received a pay 6138
increase. If the employee has not received an increase during the 6139
previous year, the date of the appointment to the classified 6140
service shall be used to determine the employee's annual step 6141
advancement eligibility date. In reassigning any employee to a 6142
classification resulting in a pay range increase or to a new pay 6143
range as a result of a promotion, an increase pay range 6144
adjustment, or other classification change resulting in a pay 6145
range increase, the director shall assign such employee to the 6146
step in the new pay range that will provide an increase of 6147
approximately four per cent if the new pay range can accommodate 6148
the increase. When an employee is being assigned to a 6149
classification or new pay range as the result of a class plan 6150
change, if the employee has completed a probationary period, the 6151

employee shall be placed in a step no lower than step two of the 6152
new pay range. If the employee has not completed a probationary 6153
period, the employee may be placed in step one of the new pay 6154
range. Such new salary or wage shall become effective on such date 6155
as the director determines. 6156

(F) If employment conditions and the urgency of the work 6157
require such action, the director of administrative services may, 6158
upon the application of a department head, authorize payment at 6159
any rate established within the range for the class of work, for 6160
work of a casual or intermittent nature or on a project basis. 6161
Payment at such rates shall not be made to the same individual for 6162
more than three calendar months in any one calendar year. Any such 6163
action shall be subject to the approval of the director of budget 6164
and management as to the availability of funds. This section and 6165
sections 124.14 and 124.152 of the Revised Code do not repeal any 6166
authority of any department or public official to contract with or 6167
fix the compensation of professional persons who may be employed 6168
temporarily for work of a casual nature or for work on a project 6169
basis. 6170

(G)(1) Except as provided in ~~division~~ divisions (G)(2) and 6171
(3) of this section, each state employee paid in accordance with 6172
schedule B of this section or schedule E-1 of section 124.152 of 6173
the Revised Code shall be eligible for advancement to succeeding 6174
steps in the range for the employee's class or grade according to 6175
the schedule established in this division. Beginning on the first 6176
day of the pay period within which the employee completes the 6177
prescribed probationary period in the employee's classification 6178
with the state, each employee shall receive an automatic salary 6179
adjustment equivalent to the next higher step within the pay range 6180
for the employee's class or grade. 6181

~~Each~~ Except as provided in divisions (G)(2) and (3) of this 6182
section, each employee paid in accordance with schedule E-1 of 6183

section 124.152 of the Revised Code shall be eligible to advance 6184
to the next higher step until the employee reaches the top step in 6185
the range for the employee's class or grade, if the employee has 6186
maintained satisfactory performance in accordance with criteria 6187
established by the employee's appointing authority. Those step 6188
advancements shall not occur more frequently than once in any 6189
twelve-month period. 6190

~~When an employee is promoted or reassigned to a higher pay~~ 6191
~~range, the employee's step indicator shall return to "0" or be~~ 6192
~~adjusted to account for a probationary period, as appropriate.~~ 6193
When an employee is promoted, the step entry date shall be set to 6194
account for a probationary period. When an employee is reassigned 6195
to a higher pay range, the step entry date shall be set to allow 6196
an employee who is not at the highest step of the range to receive 6197
a step advancement one year from the reassignment date. Step 6198
advancement shall not be affected by demotion. A promoted employee 6199
shall advance to the next higher step of the pay range on the 6200
first day of the pay period in which the required probationary 6201
period is completed. Step advancement shall become effective at 6202
the beginning of the pay period within which the employee attains 6203
the necessary length of service. Time spent on authorized leave of 6204
absence shall be counted for this purpose. 6205

If determined to be in the best interest of the state 6206
service, the director of administrative services may, either 6207
statewide or in selected agencies, adjust the dates on which 6208
annual step advancements are received by employees paid in 6209
accordance with schedule E-1 of section 124.152 of the Revised 6210
Code. 6211

~~(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of~~ 6212
~~this section, there~~ There shall be a moratorium on annual step 6213
advancements under division (G)(1) of this section ~~from the pay~~ 6214
~~period beginning June 29, 2003~~ June 21, 2009, through ~~the pay~~ 6215

~~period ending June 25, 2005~~ June 20, 2011. Step advancements shall 6216
resume with the pay period beginning ~~June 26, 2005~~ June 21, 2011. 6217
Upon the resumption of step advancements, there shall be no 6218
retroactive step advancements for the period the moratorium was in 6219
effect. The moratorium shall not affect an employee's performance 6220
evaluation schedule. 6221

~~(ii) During the moratorium under division (G)(2)(a)(i) of~~ 6222
~~this section, an employee who is hired or promoted and serves a~~ 6223
~~probationary period in the employee's new position shall advance~~ 6224
~~to the next step in the employee's pay range upon successful~~ 6225
~~completion of the employee's probationary period. Thereafter, the~~ 6226
~~employee is subject to the moratorium. An employee who begins a~~ 6227
~~probationary period before June 21, 2009, shall advance to the~~ 6228
~~next step in the employee's pay range at the end of probation, and~~ 6229
~~then become subject to the moratorium. An employee who is hired,~~ 6230
~~promoted, or reassigned to a higher pay range between June 21,~~ 6231
~~2009, through June 20, 2011, shall not advance to the next step in~~ 6232
~~the employee's pay range until the next anniversary of the~~ 6233
~~employee's date of hire, promotion, or reassignment that occurs on~~ 6234
~~or after June 21, 2011.~~ 6235

(b) The moratorium under division (G)(2)(a)(~~i~~) of this 6236
section shall apply to the employees of the secretary of state, 6237
the auditor of state, the treasurer of state, and the attorney 6238
general, who are subject to this section unless the secretary of 6239
state, the auditor of state, the treasurer of state, or the 6240
attorney general decides to exempt the office's employees from the 6241
moratorium and so notifies the director of administrative services 6242
in writing on or before ~~July 1, 2003~~ July 1, 2009. 6243

(3) Employees in intermittent positions shall be employed at 6244
the minimum rate established for the pay range for their 6245
classification and are not eligible for step advancements. 6246

(H) Employees in appointive managerial or professional 6247

positions paid in accordance with schedule C of this section or 6248
schedule E-2 of section 124.152 of the Revised Code may be 6249
appointed at any rate within the appropriate pay range. This rate 6250
of pay may be adjusted higher or lower within the respective pay 6251
range at any time the appointing authority so desires as long as 6252
the adjustment is based on the employee's ability to successfully 6253
administer those duties assigned to the employee. Salary 6254
adjustments shall not be made more frequently than once in any 6255
six-month period under this provision to incumbents holding the 6256
same position and classification. 6257

(I) When an employee is assigned to duty outside this state, 6258
the employee may be compensated, upon request of the department 6259
head and with the approval of the director of administrative 6260
services, at a rate not to exceed fifty per cent in excess of the 6261
employee's current base rate for the period of time spent on that 6262
duty. 6263

(J) Unless compensation for members of a board or commission 6264
is otherwise specifically provided by law, the director of 6265
administrative services shall establish the rate and method of 6266
payment for members of boards and commissions pursuant to the pay 6267
schedules listed in section 124.152 of the Revised Code. 6268

(K) Regular full-time employees in positions assigned to 6269
classes within the instruction and education administration series 6270
under the rules of the director of administrative services, except 6271
certificated employees on the instructional staff of the state 6272
school for the blind or the state school for the deaf, whose 6273
positions are scheduled to work on the basis of an academic year 6274
rather than a full calendar year, shall be paid according to the 6275
pay range assigned by such rules but only during those pay periods 6276
included in the academic year of the school where the employee is 6277
located. 6278

(1) Part-time or substitute teachers or those whose period of 6279

employment is other than the full academic year shall be 6280
compensated for the actual time worked at the rate established by 6281
this section. 6282

(2) Employees governed by this division are exempt from 6283
sections 124.13 and 124.19 of the Revised Code. 6284

(3) Length of service for the purpose of determining 6285
eligibility for step advancements as provided by division (G) of 6286
this section and for the purpose of determining eligibility for 6287
longevity pay supplements as provided by division (E) of section 6288
124.181 of the Revised Code shall be computed on the basis of one 6289
full year of service for the completion of each academic year. 6290

(L) The superintendent of the state school for the deaf and 6291
the superintendent of the state school for the blind shall, 6292
subject to the approval of the superintendent of public 6293
instruction, carry out both of the following: 6294

(1) Annually, between the first day of April and the last day 6295
of June, establish for the ensuing fiscal year a schedule of 6296
hourly rates for the compensation of each certificated employee on 6297
the instructional staff of that superintendent's respective school 6298
constructed as follows: 6299

(a) Determine for each level of training, experience, and 6300
other professional qualification for which an hourly rate is set 6301
forth in the current schedule, the per cent that rate is of the 6302
rate set forth in such schedule for a teacher with a bachelor's 6303
degree and no experience. If there is more than one such rate for 6304
such a teacher, the lowest rate shall be used to make the 6305
computation. 6306

(b) Determine which six city, local, and exempted village 6307
school districts with territory in Franklin county have in effect 6308
on, or have adopted by, the first day of April for the school year 6309
that begins on the ensuing first day of July, teacher salary 6310

schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

(c) Divide the sum of such six highest minimum salaries by ten thousand five hundred sixty;

(d) Multiply each per cent determined in division (L)(1)(a) of this section by the quotient obtained in division (L)(1)(c) of this section;

(e) One hundred five per cent of each product thus obtained shall be the hourly rate for the corresponding level of training, experience, or other professional qualification in the schedule for the ensuing fiscal year.

(2) Annually, assign each certificated employee on the instructional staff of the superintendent's respective school to an hourly rate on the schedule that is commensurate with the employee's training, experience, and other professional qualifications.

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an academic year, the employee's annual salary shall be calculated in accordance with the following formula:

(a) Multiply the number of days the employee is required to work pursuant to the employee's contract by eight;

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply 6341
to an employee who is paid under this division. 6342

As used in this division, "academic year" means the number of 6343
days in each school year that the schools are required to be open 6344
for instruction with pupils in attendance. Upon completing an 6345
academic year, an employee paid under this division shall be 6346
deemed to have completed one year of service. An employee paid 6347
under this division is eligible to receive a pay supplement under 6348
division (L)(1), (2), or (3) of section 124.181 of the Revised 6349
Code for which the employee qualifies, but is not eligible to 6350
receive a pay supplement under division (L)(4) or (5) of that 6351
section. An employee paid under this division is eligible to 6352
receive a pay supplement under division (L)(6) of section 124.181 6353
of the Revised Code for which the employee qualifies, except that 6354
the supplement is not limited to a maximum of five per cent of the 6355
employee's regular base salary in a calendar year. 6356

(M) Division (A) of this section does not apply to "exempt 6357
employees," as defined in section 124.152 of the Revised Code, who 6358
are paid under that section. 6359

Notwithstanding any other provisions of this chapter, when an 6360
employee transfers between bargaining units or transfers out of or 6361
into a bargaining unit, the director of administrative services 6362
shall establish the employee's compensation and adjust the maximum 6363
leave accrual schedule as the director deems equitable. 6364

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 6365
and (3) of this section, each exempt employee shall be paid a 6366
salary or wage in accordance with schedule E-1 or schedule E-2 of 6367
division (B), ~~(C), or (D)~~ of this section, ~~as applicable.~~ 6368

(2) Each exempt employee who holds a position in the 6369
unclassified civil service pursuant to division (A)(26) or (30) of 6370
section 124.11 of the Revised Code may be paid a salary or wage in 6371

accordance with schedule E-1, schedule E-1 for step seven only, or 6372
schedule E-2 of division (B), or (C), ~~(D)~~, ~~(E)~~, ~~(F)~~, ~~or~~ (G) of 6373
this section, as applicable. 6374

(3)(a) Except as provided in division (A)(3)(b) of this 6375
section, each exempt employee who was paid a salary or wage at 6376
step 7 in the employee's pay range on June 28, 2003, in accordance 6377
with the applicable schedule E-1 of former section 124.152 of the 6378
Revised Code and who continued to be so paid on June 29, 2003, 6379
shall be paid a salary or wage in the corresponding pay range in 6380
schedule E-1 for step seven only of division ~~(E)~~, ~~(F)~~, ~~or~~ (G) (C) 6381
of this section, ~~as applicable~~, for as long as the employee 6382
remains in the position the employee held as of July 1, 2003. 6383

(b) Except as provided in division (A)(3)(c) of this section, 6384
if an exempt employee who is being paid a salary or wage in 6385
accordance with schedule E-1 for step seven only of division ~~(E)~~, 6386
~~(F)~~, ~~or~~ (G) (C) of this section, ~~as applicable~~, moves to another 6387
position, the employee shall not receive a salary or wage for that 6388
position or any other position in the future in accordance with 6389
that schedule. 6390

(c) If an exempt employee who is being paid a salary or wage 6391
in accordance with schedule E-1 for step seven only of division 6392
~~(E)~~, ~~(F)~~, ~~or~~ (G) (C) of this section, ~~as applicable~~, moves to 6393
another position assigned to pay range 12 or above, the appointing 6394
authority may assign the employee to be paid a salary or wage in 6395
the appropriate pay range for that position in accordance with the 6396
~~applicable~~ schedule E-1 for step seven only of division (C) of 6397
this section, provided that the appointing authority so notifies 6398
the director of administrative services in writing at the time the 6399
employee is appointed to that position. 6400

~~(B) Beginning on the first day of the pay period that 6401
includes July 1, 2006, each exempt employee who must be paid in 6402
accordance with schedule E-1 or schedule E-2 of this section shall 6403~~

~~be paid a salary or wage in accordance with the following schedule of rates:~~ 6404
 6405

~~Schedule E-1~~ 6406

~~Pay Ranges and Step Values~~ 6407

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			6410
	Annually	19552	20426	21299	22214			6411
2	Hourly	11.40	11.88	12.40	12.94			6412
	Annually	23712	24710	25792	26915			6413
3	Hourly	11.94	12.48	13.03	13.60			6414
	Annually	24835	25958	27102	28288			6415
4	Hourly	12.54	13.10	13.72	14.34			6416
	Annually	26083	27248	28538	29827			6417
5	Hourly	13.15	13.75	14.34	14.97			6418
	Annually	27352	28600	29827	31138			6419
6	Hourly	13.86	14.43	15.07	15.69			6420
	Annually	28829	30014	31346	32635			6421
7	Hourly	14.72	15.27	15.88	16.44	17.08		6422
	Annually	30618	31762	33030	34195	35526		6423
8	Hourly	15.56	16.24	16.95	17.71	18.46		6424
	Annually	32365	33779	35256	36837	38397		6425
9	Hourly	16.60	17.46	18.32	19.23	20.21		6426
	Annually	34528	36317	38106	39998	42037		6427
10	Hourly	17.91	18.89	19.90	21.05	22.18		6428
	Annually	37253	39291	41392	43784	46134		6429
11	Hourly	19.50	20.64	21.84	23.06	24.38		6430
	Annually	40560	42931	45427	47965	50710		6431
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	6432
	Annually	44741	47258	49795	52562	55494	58510	6433
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	6434
	Annually	49317	52021	54891	57824	61069	64397	6435

14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	6436
	Annually	54246	57304	60382	63690	67288	71032	6437
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	6438
	Annually	59571	62920	66477	70138	74027	78104	6439
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	6440
	Annually	65686	69326	73154	77251	81515	86174	6441
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	6442
	Annually	72384	76378	80662	85114	89856	94869	6443
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	6444
	Annually	79768	84178	88920	93808	99008	104541	6445

Schedule E-2 6446

	Range		Minimum		Maximum		6447
41	Hourly		16.23		34.77		6448
	Annually		33758		72322		6449
42	Hourly		17.89		38.41		6450
	Annually		37211		79893		6451
43	Hourly		19.70		42.30		6452
	Annually		40976		87984		6453
44	Hourly		21.73		46.21		6454
	Annually		45198		96117		6455
45	Hourly		24.01		50.44		6456
	Annually		49941		104915		6457
46	Hourly		26.43		55.13		6458
	Annually		54974		114670		6459
47	Hourly		29.14		60.16		6460
	Annually		60611		125133		6461
48	Hourly		32.14		65.65		6462
	Annually		66851		136552		6463
49	Hourly		35.44		70.89		6464
	Annually		73715		147451		6465

~~(C) Beginning on the first day of the pay period that~~ 6466
~~includes July 1, 2007, each exempt employee who must be paid in~~ 6467
~~accordance with schedule E-1 or schedule E-2 of this section shall~~ 6468

~~be paid a salary or wage in accordance with the following schedule~~ 6469
~~of rates:~~ 6470

~~Schedule E-1~~ 6471

~~Pay Ranges and Step Values~~ 6472

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.73	10.16	10.60	11.05			6475
	Annually	20238	21133	22048	22984			6476
2	Hourly	11.80	12.30	12.83	13.39			6477
	Annually	24544	25584	26686	27851			6478
3	Hourly	12.36	12.92	13.49	14.08			6479
	Annually	25709	26874	28059	29286			6480
4	Hourly	12.98	13.56	14.20	14.84			6481
	Annually	26998	28205	29536	30867			6482
5	Hourly	13.61	14.23	14.84	15.49			6483
	Annually	28309	29598	30867	32219			6484
6	Hourly	14.35	14.94	15.60	16.24			6485
	Annually	29848	31075	32448	33779			6486
7	Hourly	15.24	15.80	16.44	17.02	17.68		6487
	Annually	31699	32864	34195	35402	36774		6488
8	Hourly	16.10	16.81	17.54	18.33	19.11		6489
	Annually	33488	34965	36483	38126	39749		6490
9	Hourly	17.18	18.07	18.96	19.90	20.92		6491
	Annually	35734	37586	39437	41392	43514		6492
10	Hourly	18.54	19.55	20.60	21.79	22.96		6493
	Annually	38563	40664	42848	45323	47757		6494
11	Hourly	20.18	21.36	22.60	23.87	25.23		6495
	Annually	41974	44429	47008	49650	52478		6496
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	6497
	Annually	46301	48922	51542	54392	57429	60549	6498
13	Hourly	24.54	25.89	27.31	28.77	30.39	32.04	6499
	Annually	51043	53851	56805	59842	63211	66643	6500

14	Hourly	26.99	28.51	30.05	31.69	33.48	35.35	6501
	Annually	56139	59301	62504	65915	69638	73528	6502
15	Hourly	29.64	31.31	33.08	34.90	36.84	38.86	6503
	Annually	61651	65125	68806	72592	76627	80829	6504
16	Hourly	32.69	34.50	36.40	38.44	40.56	42.88	6505
	Annually	67995	71760	75712	79955	84365	89190	6506
17	Hourly	36.02	38.01	40.14	42.35	44.71	47.21	6507
	Annually	74922	79061	83491	88088	92997	98197	6508
18	Hourly	39.69	41.89	44.25	46.68	49.27	52.02	6509
	Annually	82555	87131	92040	97094	102482	108202	6510
	Schedule E-2							6511
	Range		Minimum			Maximum		6512
41	Hourly		16.23			35.99		6513
	Annually		33758			74859		6514
42	Hourly		17.89			39.75		6515
	Annually		37211			82680		6516
43	Hourly		19.70			43.78		6517
	Annually		40976			91062		6518
44	Hourly		21.73			47.83		6519
	Annually		45198			99486		6520
45	Hourly		24.01			52.21		6521
	Annually		49941			108597		6522
46	Hourly		26.43			57.06		6523
	Annually		54974			118685		6524
47	Hourly		29.14			62.27		6525
	Annually		60611			129522		6526
48	Hourly		32.14			67.95		6527
	Annually		66851			141336		6528
49	Hourly		35.44			73.37		6529
	Annually		73715			152610		6530

(D) Beginning on the first day of the pay period that 6531
 includes July 1, 2008, each exempt employee who must be paid in 6532
 accordance with schedule E-1 or schedule E-2 of this section shall 6533

be paid a salary or wage in accordance with the following schedule 6534
 of rates: 6535

Schedule E-1 6536

Pay Ranges and Step Values 6537

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	10.07	10.52	10.97	11.44			6540
	Annually	20946	21882	22818	23795			6541
2	Hourly	12.21	12.73	13.28	13.86			6542
	Annually	25397	26478	27622	28829			6543
3	Hourly	12.79	13.37	13.96	14.57			6544
	Annually	26603	27810	29037	30306			6545
4	Hourly	13.43	14.03	14.70	15.36			6546
	Annually	27934	29182	30576	31949			6547
5	Hourly	14.09	14.73	15.36	16.03			6548
	Annually	29307	30638	31949	33342			6549
6	Hourly	14.85	15.46	16.15	16.81			6550
	Annually	30888	32157	33592	34965			6551
7	Hourly	15.77	16.35	17.02	17.62	18.30		6552
	Annually	32802	34008	35402	36650	38064		6553
8	Hourly	16.66	17.40	18.15	18.97	19.78		6554
	Annually	34653	36192	37752	39458	41142		6555
9	Hourly	17.78	18.70	19.62	20.60	21.65		6556
	Annually	36982	38896	40810	42848	45032		6557
10	Hourly	19.19	20.23	21.32	22.55	23.76		6558
	Annually	39915	42078	44346	46904	49421		6559
11	Hourly	20.89	22.11	23.39	24.71	26.11		6560
	Annually	43451	45989	48651	51397	54309		6561
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	6562
	Annually	47923	50627	53352	56306	59446	62670	6563
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	6564
	Annually	52832	55744	58802	61942	65416	68973	6565

14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	6566
	Annually	58094	61381	64688	68224	72072	76107	6567
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	6568
	Annually	63814	67413	71219	75130	79310	83658	6569
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	6570
	Annually	70366	74277	78354	82763	87318	92310	6571
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	6572
	Annually	77542	81827	86403	91166	96242	101629	6573
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	6574
	Annually	85446	90189	95264	100485	106059	111987	6575
Schedule E-2								6576
	Range			Minimum			Maximum	6577
41	Hourly			16.23			37.25	6578
	Annually			33758			77480	6579
42	Hourly			17.89			41.14	6580
	Annually			37211			85571	6581
43	Hourly			19.70			45.31	6582
	Annually			40976			94245	6583
44	Hourly			21.73			49.50	6584
	Annually			45198			102960	6585
45	Hourly			24.01			54.04	6586
	Annually			49941			112403	6587
46	Hourly			26.43			59.06	6588
	Annually			54974			122845	6589
47	Hourly			29.14			64.45	6590
	Annually			60611			134056	6591
48	Hourly			32.14			70.33	6592
	Annually			66851			146286	6593
49	Hourly			35.44			75.94	6594
	Annually			73715			157955	6595

~~(E) Beginning on the first day of the pay period that~~ 6596
~~includes July 1, 2006, each exempt employee who must be paid in~~ 6597
~~accordance with schedule E-1 for step seven only shall be paid a~~ 6598

~~salary or wage in accordance with the following schedule of rates:~~ 6599

~~Schedule E 1 for Step Seven Only~~ 6600

~~Pay Ranges and Step Seven Values~~ 6601

~~Range~~ 6602

~~12 Hourly 29.68~~ 6603

~~Annually 61734~~ 6604

~~13 Hourly 32.66~~ 6605

~~Annually 67933~~ 6606

~~14 Hourly 36.01~~ 6607

~~Annually 74901~~ 6608

~~15 Hourly 39.61~~ 6609

~~Annually 82389~~ 6610

~~16 Hourly 43.70~~ 6611

~~Annually 90896~~ 6612

~~17 Hourly 48.13~~ 6613

~~Annually 100110~~ 6614

~~18 Hourly 53.02~~ 6615

~~Annually 110282~~ 6616

~~(F) Beginning on the first day of the pay period that~~ 6617

~~includes July 1, 2007, each exempt employee who must be paid in~~ 6618

~~accordance with schedule E 1 for step seven only shall be paid a~~ 6619

~~salary or wage in accordance with the following schedule of rates:~~ 6620

~~Schedule E 1 for Step Seven Only~~ 6621

~~Pay Ranges and Step Values~~ 6622

~~Range~~ 6623

~~12 Hourly 30.72~~ 6624

~~Annually 63898~~ 6625

~~13 Hourly 33.80~~ 6626

~~Annually 70304~~ 6627

~~14 Hourly 37.27~~ 6628

~~Annually 77522~~ 6629

~~15 Hourly 41.00~~ 6630

	Annually	85280	6631
16	Hourly	45.23	6632
	Annually	94078	6633
17	Hourly	49.81	6634
	Annually	103605	6635
18	Hourly	54.88	6636
	Annually	114150	6637

~~(G)~~(C) Beginning on the first day of the pay period that 6638
includes July 1, 2008, each exempt employee who must be paid in 6639
accordance with salary schedule E-1 for step seven only shall be 6640
paid a salary or wage in accordance with the following schedule of 6641
rates: 6642

Schedule E-1 for Step Seven Only 6643

Pay Ranges and Step Values 6644

	Range		6645
12	Hourly	31.80	6646
	Annually	66144	6647
13	Hourly	34.98	6648
	Annually	72758	6649
14	Hourly	38.57	6650
	Annually	80226	6651
15	Hourly	42.44	6652
	Annually	88275	6653
16	Hourly	46.81	6654
	Annually	97365	6655
17	Hourly	51.55	6656
	Annually	107224	6657
18	Hourly	56.80	6658
	Annually	118144	6659

~~(H)~~(D) As used in this section, "exempt employee" means a 6660
permanent full-time or permanent part-time employee paid directly 6661
by warrant of the director of budget and management whose position 6662

is included in the job classification plan established under 6663
division (A) of section 124.14 of the Revised Code but who is not 6664
considered a public employee for the purposes of Chapter 4117. of 6665
the Revised Code. As used in this section, "exempt employee" also 6666
includes a permanent full-time or permanent part-time employee of 6667
the secretary of state, auditor of state, treasurer of state, or 6668
attorney general who has not been placed in an appropriate 6669
bargaining unit by the state employment relations board. 6670

Sec. 124.18. (A) Forty hours shall be the standard work week 6671
for all employees whose salary or wage is paid in whole or in part 6672
by the state or by any state-supported college or university. When 6673
any employee whose salary or wage is paid in whole or in part by 6674
the state or by any state-supported college or university is 6675
required by an authorized administrative authority to be in an 6676
active pay status more than forty hours in any calendar week, the 6677
employee shall be compensated for such time over forty hours, 6678
except as otherwise provided in this section, at one and one-half 6679
times the employee's regular rate of pay. The use of sick leave or 6680
any leave used in lieu of sick leave shall not be considered to be 6681
active pay status for the purposes of earning overtime or 6682
compensatory time by employees whose wages are paid directly by 6683
warrant of the director of budget and management. A flexible-hours 6684
employee is not entitled to compensation for overtime work unless 6685
the employee's authorized administrative authority required the 6686
employee to be in active pay status for more than forty hours in a 6687
calendar week, regardless of the number of hours the employee 6688
works on any day in the same calendar week. 6689

Such compensation for overtime work shall be paid no later 6690
than at the conclusion of the next succeeding pay period. 6691

If the employee elects to take compensatory time off in lieu 6692
of overtime pay for any overtime worked, such compensatory time 6693

shall be granted by the employee's administrative superior, on a 6694
time and one-half basis, at a time mutually convenient to the 6695
employee and the administrative superior. Compensatory time is not 6696
available for use until it appears on the employee's earning 6697
statement and the compensation described in the earning statement 6698
is available to the employee. 6699

An employee may accrue compensatory time to a maximum of two 6700
hundred forty hours, except that public safety employees and other 6701
employees who meet the criteria established in the "Federal Fair 6702
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 6703
as amended, may accrue a maximum of four hundred eighty hours of 6704
compensatory time. An employee shall be paid at the employee's 6705
regular rate of pay for any hours of compensatory time accrued in 6706
excess of these maximum amounts if the employee has not used the 6707
compensatory time within ~~one~~ three hundred ~~eighty~~ sixty-five days 6708
after it is granted, if the employee transfers to another agency 6709
of the state, or if a change in the employee's status exempts the 6710
employee from the payment of overtime compensation. Upon the 6711
termination of employment, any employee with accrued but unused 6712
compensatory time shall be paid for that time at a rate that is 6713
the greater of the employee's final regular rate of pay or the 6714
employee's average regular rate of pay during the employee's last 6715
three years of employment with the state. 6716

No overtime, as described in this section, can be paid unless 6717
it has been authorized by the authorized administrative authority. 6718
Employees may be exempted from the payment of compensation as 6719
required by this section only under the criteria for exemption 6720
from the payment of overtime compensation established in the 6721
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 6722
U.S.C.A. 207, 213, as amended. With the approval of the director 6723
of administrative services, the appointing authority may establish 6724
a policy to grant compensatory time or to pay compensation to 6725

state employees who are exempt from overtime compensation. With 6726
the approval of the board of county commissioners, a county human 6727
services department may establish a policy to grant compensatory 6728
time or to pay compensation to employees of the department who are 6729
exempt from overtime compensation. 6730

(B)(1) An employee, whose salary or wage is paid in whole or 6731
in part by the state, shall be paid for the holidays declared in 6732
section 124.19 of the Revised Code and shall not be required to 6733
work on those holidays, unless, in the opinion of the employee's 6734
responsible administrative authority, failure to work on those 6735
holidays would impair the public service. ~~An~~ 6736

(2) An employee paid directly by warrant of the director of 6737
budget and management who is scheduled to work on a holiday the 6738
first day of January, the commemoration of memorial day, the 6739
fourth day of July, the fourth Thursday in November, or the 6740
twenty-fifth day of December and who does not report to work the 6741
day before, the day of, or the day after the holiday due to an 6742
illness of the employee or of a member of the employee's immediate 6743
family shall not receive holiday pay as provided by this division, 6744
unless the employee can provide documentation of extenuating 6745
circumstances that prohibited the employee from so reporting to 6746
work. ~~An~~ If the employee works a shift between the employee's 6747
scheduled shift and the holiday, the employee shall be paid for 6748
the holiday. 6749

(3) An employee also shall not be paid for a holiday unless 6750
the employee was in active pay status on the scheduled work day 6751
immediately preceding the holiday, except that an employee need 6752
not be in active pay status on that work day in order to be paid 6753
for the holiday if the employee is participating in a mandatory or 6754
voluntary cost savings day under section 124.392 of the Revised 6755
Code. 6756

~~(2)~~(4) If any of the holidays declared in section 124.19 of 6757

the Revised Code falls on Saturday, the Friday immediately 6758
preceding shall be observed as the holiday. If any of the holidays 6759
declared in section 124.19 of the Revised Code falls on Sunday, 6760
the Monday immediately succeeding shall be observed as the 6761
holiday. Employees whose work schedules are based on the 6762
requirements of a seven-days-a-week work operation shall observe 6763
holidays on the actual days specified in section 124.19 of the 6764
Revised Code. 6765

~~(3)~~(5) If an employee's work schedule is other than Monday 6766
through Friday, the employee shall be entitled to eight hours of 6767
holiday pay for holidays observed on the employee's day off 6768
regardless of the day of the week on which they are observed. 6769

~~(4)~~(6) A full-time permanent employee is entitled to a 6770
minimum of eight hours of pay for each holiday regardless of the 6771
employee's work shift and work schedule. A flexible-hours 6772
employee, who is normally scheduled to work in excess of eight 6773
hours on a day on which a holiday falls, either shall be required 6774
to work an alternate schedule for that week or shall receive 6775
additional holiday pay for the hours the employee is normally 6776
scheduled to work. Such an alternate schedule may require a 6777
flexible-hours employee to work five shifts consisting of eight 6778
hours each during the week including the holiday, and, in that 6779
case, the employee shall receive eight hours of holiday pay for 6780
the day the holiday is observed. 6781

~~(5) Part-time (7) Except as provided under section 124.392 of~~ 6782
~~the Revised Code, part-time permanent employees shall receive four~~ 6783
~~hours of holiday pay on a pro-rated basis, based upon the daily~~ 6784
~~average of actual hours worked, excluding overtime hours worked,~~ 6785
~~in the previous calendar quarter. The figure shall be calculated~~ 6786
~~for the preceding calendar quarter on the first day of January,~~ 6787
~~April, July, and October of each year regardless of the employee's~~ 6788
~~work shift and work schedule.~~ 6789

~~(6)~~(8) When an employee who is eligible for overtime pay 6790
under this section is required by the employee's responsible 6791
administrative authority to work on the day observed as a holiday, 6792
the employee shall be entitled to pay for such time worked at one 6793
and one-half times the employee's regular rate of pay in addition 6794
to the employee's regular pay, or to be granted compensatory time 6795
off at time and one-half thereafter, at the employee's option. 6796
Payment at such rate shall be excluded in the calculation of hours 6797
in active pay status. 6798

(C) Each appointing authority may designate the number of 6799
employees in an agency who are flexible-hours employees. The 6800
appointing authority may establish for each flexible-hours 6801
employee a specified minimum number of hours to be worked each day 6802
that is consistent with the "Federal Fair Labor Standards Act of 6803
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 6804

(D) This section shall be uniformly administered for 6805
employees as defined in section 124.01 of the Revised Code and by 6806
the personnel departments of state-supported colleges and 6807
universities for employees of state-supported colleges and 6808
universities. If employees are not paid directly by warrant of the 6809
director of budget and management, the political subdivision shall 6810
determine whether the use of sick leave shall be considered to be 6811
active pay status for purposes of those employees earning overtime 6812
or compensatory time. 6813

(E) Policies relating to the payment of overtime pay or the 6814
granting of compensatory time off shall be adopted by the chief 6815
administrative officer of the house of representatives for 6816
employees of the house of representatives, by the clerk of the 6817
senate for employees of the senate, and by the director of the 6818
legislative service commission for all other legislative 6819
employees. 6820

(F) As used in this section, "regular rate of pay" means the 6821

base rate of pay an employee receives plus any pay supplements 6822
received pursuant to section 124.181 of the Revised Code. 6823

Sec. 124.183. (A) As used in this section, "active payroll" 6824
~~means when an employee is actively working; on military, workers'~~ 6825
~~compensation, occupational injury, or disability leave; or on an~~ 6826
~~approved leave of absence~~ conditions under which an employee is in 6827
active pay status or eligible to receive pay for an approved leave 6828
of absence including, but not limited to, occupational injury 6829
leave, disability leave, or workers' compensation. 6830

~~(B)(1) Each permanent employee paid in accordance with~~ 6831
~~schedule E-1 of section 124.152 of the Revised Code who was~~ 6832
~~appointed on or before March 6, 2003, and remains continuously on~~ 6833
~~the active payroll through November 14, 2004, shall receive a~~ 6834
~~one-time pay supplement. The supplement shall be a two per cent~~ 6835
~~lump sum payment that is based on the annualization of the top~~ 6836
~~step of the pay range in schedule E-1 that the employee is in on~~ 6837
~~November 14, 2004.~~ 6838

~~(2) Each permanent employee paid in accordance with schedule~~ 6839
~~E-1 for step seven only of section 124.152 of the Revised Code who~~ 6840
~~was appointed on or before March 6, 2003, and remains continuously~~ 6841
~~on the active payroll through November 14, 2004, shall receive a~~ 6842
~~one-time pay supplement. The supplement shall be a two per cent~~ 6843
~~lump sum payment that is based on the annualization of step 6 of~~ 6844
~~the pay range in schedule E-1 of section 124.152 of the Revised~~ 6845
~~Code that corresponds with the pay range in schedule E-1 for step~~ 6846
~~seven only that the employee is in on November 14, 2004.~~ 6847

~~(3) Each permanent employee paid under schedule E-2 of~~ 6848
~~section 124.152 of the Revised Code who was appointed on or before~~ 6849
~~March 6, 2003, and remains continuously on the active payroll~~ 6850
~~through November 14, 2004, shall receive a one-time pay~~ 6851
~~supplement. The supplement shall be a two per cent lump sum~~ 6852

~~payment that is based upon the annualization of the maximum hourly
rate of the pay range in schedule E-2 that the employee is in on
November 14, 2004.~~

~~(C) Each permanent employee who is exempt from collective
bargaining, is not covered by division (B) of this section, was
appointed on or before March 6, 2003, and remains continuously on
the active payroll through November 14, 2004, shall receive a
one-time pay supplement. The supplement shall be a two per cent
lump-sum payment that is based upon the annualization of the base
rate of the employee's pay on November 14, 2004.~~

~~(D) A part-time employee who is eligible to receive a
one-time pay supplement under division (B) or (C) of this section
shall have the employee's one-time pay supplement pro-rated based
on the number of hours worked in the twenty-six pay periods prior
to November 14, 2004.~~

~~An employee who is eligible to receive a one-time pay
supplement under division (B) or (C) of this section and was on a
voluntary leave of absence shall have the employee's one-time pay
supplement pro-rated based on the number of hours worked in the
twenty-six pay periods prior to November 14, 2004.~~

~~(E) A one-time pay supplement under this section shall be
paid in the employee's first paycheck in December of 2004.~~

~~(F) This section applies only to employees who are eligible
to receive personal leave under section 124.386 of the Revised
Code.~~

~~(C)(1) Employees who are in active payroll status on July 30,
2011, shall receive a one-time pay supplement in the earnings
statements they receive on August 26, 2011. Full-time employees
shall receive a one-time pay supplement equivalent to thirty-two
hours of personal leave or a one-time pay supplement equivalent to
half the hours of personal leave the employee lost during the~~

moratorium under division (A) of section 124.386 of the Revised Code, whichever is less. Part-time employees shall receive a one-time pay supplement equivalent to sixteen hours of personal leave. 6884
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(2) Employees who are not in active payroll status on July 30, 2011, due to military leave or an absence taken under the federal Family and Medical Leave Act are eligible to receive the one-time pay supplement. 6888
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(D) Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be subject to withholding for deposit into any state retirement system. Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be used for calculation purposes in determining an employee's retirement benefits in any state retirement system. 6892
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~~(G)(1) This section does not apply to employees of the general assembly, legislative agencies, or the supreme court.~~ 6899
6900

~~(2)(E) This section does not apply to employees of the secretary of state, the auditor of state, the treasurer of state, or the attorney general unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides that the office's employees should be eligible for the one-time pay supplement and so notifies participated in the moratorium under division (H) of section 124.386 of the Revised Code and notified the director of administrative services in writing on or before ~~July 1, 2004~~ July 1, 2009, of the decision to participate in the one-time pay supplement.~~ 6901
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Sec. 124.22. Rules establishing educational requirements as a condition of taking a civil service examination shall only be adopted with respect to positions for which educational requirements are expressly imposed by a section of the Revised 6911
6912
6913
6914

Code or federal requirements or for which the director determines 6915
that the educational requirements are job-related. An applicant 6916
for a civil service examination must be a United States citizen or 6917
have ~~legally declared the intention of becoming a United States~~ 6918
~~citizen~~ a valid permanent resident card. 6919

Sec. 124.23. (A) All applicants for positions and places in 6920
the classified service shall be subject to examination, except for 6921
applicants for positions as professional or certified service and 6922
paraprofessional employees of county boards of mental retardation 6923
and developmental disabilities, who shall be hired in the manner 6924
provided in section 124.241 of the Revised Code. 6925

(B) Any examination administered under this section shall be 6926
public and be open to all citizens of the United States and those 6927
persons who have legally declared their intentions of becoming 6928
United States citizens, ~~within certain limitations to be~~ 6929
~~determined by.~~ For examinations administered for positions in the 6930
service of the state, the director of administrative services may 6931
determine certain limitations as to citizenship, age, experience, 6932
education, health, habit, and moral character. ~~Any~~ 6933

(C) Any person who has completed service in the uniformed 6934
services, who has been honorably discharged from the uniformed 6935
services or transferred to the reserve with evidence of 6936
satisfactory service, and who is a resident of this state and any 6937
member of the national guard or a reserve component of the armed 6938
forces of the United States who has completed more than one 6939
hundred eighty days of active duty service pursuant to an 6940
executive order of the president of the United States or an act of 6941
the congress of the United States may file with the director a 6942
certificate of service or honorable discharge, and, upon this 6943
filing, the person shall receive additional credit of twenty per 6944
cent of the person's total grade given in the regular examination 6945

in which the person receives a passing grade. 6946

As used in this division, "service in the uniformed services" 6947
and "uniformed services" have the same meanings as in the 6948
"Uniformed Services Employment and Reemployment Rights Act of 6949
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 6950

~~(C)~~(D) An examination may include an evaluation of such 6951
factors as education, training, capacity, knowledge, manual 6952
dexterity, and physical or psychological fitness. An examination 6953
shall consist of one or more tests in any combination. Tests may 6954
be written, oral, physical, demonstration of skill, or an 6955
evaluation of training and experiences and shall be designed to 6956
fairly test the relative capacity of the persons examined to 6957
discharge the particular duties of the position for which 6958
appointment is sought. Tests may include structured interviews, 6959
assessment centers, work simulations, examinations of knowledge, 6960
skills, and abilities, and any other acceptable testing methods. 6961
If minimum or maximum requirements are established for any 6962
examination, they shall be specified in the examination 6963
announcement. 6964

~~(D)~~(E) The director of administrative services shall have 6965
control of all examinations administered for positions in the 6966
service of the state and all other examinations the director 6967
administers as provided in section 124.07 of the Revised Code, 6968
except as otherwise provided in sections 124.01 to 124.64 of the 6969
Revised Code. ~~No~~ 6970

(F) No questions in any examination shall relate to political 6971
or religious opinions or affiliations. No credit for seniority, 6972
efficiency, or any other reason shall be added to an applicant's 6973
examination grade unless the applicant achieves at least the 6974
minimum passing grade on the examination without counting that 6975
extra credit. 6976

~~(E)~~(G) Except as otherwise provided in sections 124.01 to 6977
124.64 of the Revised Code, the director of administrative 6978
services shall give reasonable notice of the time, place, and 6979
general scope of every competitive examination for appointment ~~to~~ 6980
~~a position in the civil service that the director administers for~~ 6981
positions in the service of the state. The director shall send 6982
written, printed, or electronic notices of every examination to be 6983
conducted for positions in the ~~state~~ classified civil service of 6984
the state to each agency of the type the director of job and 6985
family services specifies and, in the case of a county in which no 6986
such agency is located, to the clerk of the court of common pleas 6987
of that county and to the clerk of each city located within that 6988
county. Those notices shall be posted in conspicuous public places 6989
in the designated agencies or the courthouse, and city hall of the 6990
cities, of the counties in which no designated agency is located 6991
for at least two weeks preceding any examination involved, and in 6992
a conspicuous place in the office of the director of 6993
administrative services for at least two weeks preceding any 6994
examination involved. In case of examinations limited by the 6995
director to a district, county, city, or department, the director 6996
shall provide by rule for adequate publicity of an examination in 6997
the district, county, city, or department within which competition 6998
is permitted. 6999

Sec. 124.321. (A) Whenever it becomes necessary for an 7000
appointing authority to reduce its work force, the appointing 7001
authority shall lay off employees or abolish their positions in 7002
accordance with sections 124.321 to 124.327 of the Revised Code 7003
~~and.~~ If the affected work force is in the service of the state, 7004
the reduction shall also be in compliance with the rules of the 7005
director of administrative services. 7006

(B)(1) Employees may be laid off as a result of a lack of 7007
funds within an appointing authority. For appointing authorities 7008

that employ persons whose salary or wage is paid by warrant of the 7009
director of budget and management, the director of budget and 7010
management shall be responsible for determining, consistent with 7011
the rules adopted under division (B)(3) of this section, whether a 7012
lack of funds exists. For appointing authorities that employ 7013
persons whose salary or wage is paid other than by warrant of the 7014
director of budget and management, the appointing authority itself 7015
shall determine whether a lack of funds exists ~~and shall file a~~ 7016
~~statement of rationale and supporting documentation with the~~ 7017
~~director of administrative services prior to sending the layoff~~ 7018
~~notice.~~ 7019

(2) As used in this division, a "lack of funds" means an 7020
appointing authority has a current or projected deficiency of 7021
funding to maintain current, or to sustain projected, levels of 7022
staffing and operations. This section does not require any 7023
transfer of money between funds in order to offset a deficiency or 7024
projected deficiency of funding for programs funded by the federal 7025
government, special revenue accounts, or proprietary accounts. 7026
Whenever a program receives funding through a grant or similar 7027
mechanism, a lack of funds shall be presumed for the positions 7028
assigned to and the employees who work under the grant or similar 7029
mechanism if, for any reason, the funding is reduced or withdrawn. 7030

(3) The director of budget and management shall adopt rules, 7032
under Chapter 119. of the Revised Code, for agencies whose 7033
employees are paid by warrant of the director of budget and 7034
management, for determining whether a lack of funds exists. 7035

(C)(1) Employees may be laid off as a result of lack of work 7036
within an appointing authority. For appointing authorities whose 7037
employees are paid by warrant of the director of budget and 7038
management, the director of administrative services shall 7039
determine, consistent with the rules adopted under division (F) of 7040

this section, whether a lack of work exists. All other appointing
authorities shall themselves determine whether a lack of work
exists ~~and shall file a statement of rationale and supporting
documentation with the director of administrative services prior
to sending the layoff notice.~~

(2) As used in this division, a "lack of work" means an
appointing authority has a current or projected decrease in
workload that requires a reduction of current or projected
staffing levels in its organization or structure. The
determination of a lack of work shall indicate the current or
projected decrease in workload and whether the current or
projected staffing levels of the appointing authority will be
excessive.

(D)(1) Employees may be laid off as a result of abolishment
of positions. As used in this division, "abolishment" means the
deletion of a position or positions from the organization or
structure of an appointing authority.

For purposes of this division, an appointing authority may
abolish positions for any one or any combination of the following
reasons: as a result of a reorganization for the efficient
operation of the appointing authority, for reasons of economy, or
for lack of work.

(2)(a) Reasons of economy permitting an appointing authority
to abolish a position and to lay off the holder of that position
under this division shall be determined at the time the appointing
authority proposes to abolish the position. The reasons of economy
shall be based on the appointing authority's estimated amount of
savings with respect to salary, benefits, and other matters
associated with the abolishment of the position, except that the
reasons of economy associated with the position's abolishment
instead may be based on the appointing authority's estimated
amount of savings with respect to salary and benefits only, if:

(i) Either the appointing authority's operating appropriation 7073
has been reduced by an executive or legislative action, or the 7074
appointing authority has a current or projected deficiency in 7075
funding to maintain current or projected levels of staffing and 7076
operations; and 7077

(ii) In the case of a position in the service of the state, 7078
it files a notice of the position's abolishment with the director 7079
of administrative services within one year of the occurrence of 7080
the applicable circumstance described in division (D)(2)(a)(i) of 7081
this section. 7082

(b) The following principles apply when a circumstance 7083
described in division (D)(2)(a)(i) of this section would serve to 7084
authorize an appointing authority to abolish a position and to lay 7085
off the holder of the position under this division based on the 7086
appointing authority's estimated amount of savings with respect to 7087
salary and benefits only: 7088

(i) The position's abolishment shall be done in good faith 7089
and not as a subterfuge for discipline. 7090

(ii) If a circumstance affects a specific program only, the 7091
appointing authority only may abolish a position within that 7092
program. 7093

(iii) If a circumstance does not affect a specific program 7094
only, the appointing authority may identify a position that it 7095
considers appropriate for abolishment based on the reasons of 7096
economy. 7097

(3) Each appointing authority shall determine itself whether 7098
any position should be abolished. An appointing authority 7099
abolishing any position in the service of the state shall file a 7100
statement of rationale and supporting documentation with the 7101
director of administrative services prior to sending the notice of 7102
abolishment. 7103

If an abolishment results in a reduction of the work force, 7104
the appointing authority shall follow the procedures for laying 7105
off employees, subject to the following modifications: 7106

(a) The employee whose position has been abolished shall have 7107
the right to fill an available vacancy within the employee's 7108
classification. 7109

(b) If the employee whose position has been abolished has 7110
more retention points than any other employee serving in the same 7111
classification, the employee with the fewest retention points 7112
shall be displaced. 7113

(c) If the employee whose position has been abolished has the 7114
fewest retention points in the classification, the employee shall 7115
have the right to fill an available vacancy in a lower 7116
classification in the classification series. 7117

(d) If the employee whose position has been abolished has the 7118
fewest retention points in the classification, the employee shall 7119
displace the employee with the fewest retention points in the next 7120
or successively lower classification in the classification series. 7121

(E) Notwithstanding any contrary provision of the 7122
displacement procedure described in section 124.324 of the Revised 7123
Code for employees to displace other employees during a layoff, 7124
the director of administrative services or a county appointing 7125
authority may establish a paper lay-off process under which 7126
employees who are to be laid off or displaced may be required, 7127
before the date of their paper layoff, to preselect their options 7128
for displacing other employees. 7129

(F) The director of administrative services shall adopt rules 7130
under Chapter 119. of the Revised Code for the determination of 7131
lack of work within an appointing authority, for the abolishment 7132
of positions by an appointing authority, and for the 7133
implementation of this section as it relates to positions in the 7134

service of the state. 7135

Sec. 124.324. (A) A laid-off employee has the right to 7136
displace the employee with the fewest retention points in the 7137
following order: 7138

(1) Within the classification and appointment category from 7139
which the employee was laid off; 7140

(2) Within the classification series and appointment category 7141
from which the employee was laid off; 7142

(3) Within the classification and appointment category the 7143
employee held immediately prior to holding the classification from 7144
which the employee was laid off, except that the employee may not 7145
displace employees in a classification if the employee does not 7146
meet the minimum qualifications of the classification or if the 7147
employee last held the classification more than three years prior 7148
to the date on which the employee was laid off. 7149

If, after exercising displacement rights, an employee is 7150
subject to further layoff action, the employee's displacement 7151
rights shall be in accordance with the classification from which 7152
the employee was first laid off. 7153

The director of administrative services shall verify the 7154
calculation of the retention points of all employees in the 7155
service of the state in an affected classification in accordance 7156
with section 124.325 of the Revised Code. 7157

(B) Following the order of layoff as stated in section 7158
124.323 of the Revised Code, an employee laid off in the 7159
classified civil service shall displace another employee within 7160
the same appointing authority or independent institution and 7161
layoff jurisdiction in the following manner: 7162

(1) Each laid-off employee possessing more retention points 7163
shall displace the employee with the fewest retention points in 7164

the next lower classification or successively lower classification 7165
in the same classification series. 7166

(2) Any employee displaced by an employee possessing more 7167
retention points shall displace the employee with the fewest 7168
retention points in the next lower classification or successively 7169
lower classification in the same classification series. This 7170
process shall continue, if necessary, until the employee with the 7171
fewest retention points in the lowest classification of the 7172
classification series of the same appointing authority or 7173
independent institution has been reached and, if necessary, laid 7174
off. 7175

(C) Employees shall notify the appointing authority of their 7176
intention to exercise their displacement rights, within five days 7177
after receiving notice of layoff. This division does not apply if 7178
the director of administrative services has established a paper 7179
lay-off process pursuant to division (E) of section 124.321 of the 7180
Revised Code that includes a different notification requirement 7181
for employees exercising their displacement rights under that 7182
process. 7183

(D) No employee shall displace an employee for whose position 7184
or classification there are certain position-specific minimum 7185
qualifications, as established by the appointing authority and 7186
reviewed for validity by the department of administrative 7187
services, or as established by bona fide occupational 7188
qualification, unless the employee desiring to displace another 7189
employee possesses the requisite position-specific minimum 7190
qualifications for the position or classification. 7191

(E) If an employee exercising displacement rights must 7192
displace an employee in another county within the same layoff 7193
district, the displacement shall not be construed to be a 7194
transfer. 7195

(F) The director of administrative services shall adopt rules 7196
under Chapter 119. of the Revised Code for the implementation of 7197
this section as it relates to positions in the service of the 7198
state. 7199

Sec. 124.325. (A) Retention points to reflect the length of 7200
continuous service and efficiency in service for all employees 7201
affected by a layoff shall be verified by the director of 7202
administrative services for positions in the service of the state. 7203

(B) An employee's length of continuous service will be 7204
carried from one layoff jurisdiction to another so long as no 7205
break in service occurs between transfers or appointments. 7206

(C) If two or more employees have an identical number of 7207
retention points, employees having the shortest period of 7208
continuous service shall be laid off first. 7209

(D)(1) As used in this division, "affected employee" means a 7210
city employee who becomes a county employee, or a county employee 7211
who becomes a city employee, as the result of any of the 7212
following: 7213

(a) The merger of a city and a county office; 7214

(b) The merger of city and county functions or duties; 7215

(c) The transfer of functions or duties between a city and 7216
county. 7217

(2) For purposes of this section, the new employer of any 7218
affected employee shall treat the employee's prior service with a 7219
former employer as if it had been served with the new employer. 7220

(E) The director of administrative services shall adopt rules 7221
in accordance with Chapter 119. of the Revised Code to establish a 7222
system for the assignment of retention points for each employee in 7223
the service of the state in a classification affected by a layoff 7224
and for determining, in those instances where employees in the 7225

service of the state have identical retention points, which 7226
employee shall be laid off first. 7227

Sec. 124.34. (A) The tenure of every officer or employee in 7228
the classified service of the state and the counties, civil 7229
service townships, cities, city health districts, general health 7230
districts, and city school districts of the state, holding a 7231
position under this chapter, shall be during good behavior and 7232
efficient service. No officer or employee shall be reduced in pay 7233
or position, fined, suspended, or removed, or have the officer's 7234
or employee's longevity reduced or eliminated, except as provided 7235
in section 124.32 of the Revised Code, and for incompetency, 7236
inefficiency, dishonesty, drunkenness, immoral conduct, 7237
insubordination, discourteous treatment of the public, neglect of 7238
duty, violation of any policy or work rule of the officer's or 7239
employee's appointing authority, violation of this chapter or the 7240
rules of the director of administrative services or the 7241
commission, any other failure of good behavior, any other acts of 7242
misfeasance, malfeasance, or nonfeasance in office, or conviction 7243
of a felony. The denial of a one-time pay supplement or a bonus to 7244
an officer or employee is not a reduction in pay for purposes of 7245
this section. 7246

This section does not apply to any modifications or 7247
reductions in pay authorized by section 124.392 of the Revised 7248
Code. 7249

An appointing authority may require an employee who is 7250
suspended to report to work to serve the suspension. An employee 7251
serving a suspension in this manner shall continue to be 7252
compensated at the employee's regular rate of pay for hours 7253
worked. The disciplinary action shall be recorded in the 7254
employee's personnel file in the same manner as other disciplinary 7255
actions and has the same effect as a suspension without pay for 7256

the purpose of recording disciplinary actions. 7257

A finding by the appropriate ethics commission, based upon a 7258
preponderance of the evidence, that the facts alleged in a 7259
complaint under section 102.06 of the Revised Code constitute a 7260
violation of Chapter 102., section 2921.42, or section 2921.43 of 7261
the Revised Code may constitute grounds for dismissal. Failure to 7262
file a statement or falsely filing a statement required by section 7263
102.02 of the Revised Code may also constitute grounds for 7264
dismissal. The tenure of an employee in the career professional 7265
service of the department of transportation is subject to section 7266
5501.20 of the Revised Code. 7267

Conviction of a felony is a separate basis for reducing in 7268
pay or position, suspending, or removing an officer or employee, 7269
even if the officer or employee has already been reduced in pay or 7270
position, suspended, or removed for the same conduct that is the 7271
basis of the felony. An officer or employee may not appeal to the 7272
state personnel board of review or the commission any disciplinary 7273
action taken by an appointing authority as a result of the 7274
officer's or employee's conviction of a felony. If an officer or 7275
employee removed under this section is reinstated as a result of 7276
an appeal of the removal, any conviction of a felony that occurs 7277
during the pendency of the appeal is a basis for further 7278
disciplinary action under this section upon the officer's or 7279
employee's reinstatement. 7280

A person convicted of a felony immediately forfeits the 7281
person's status as a classified employee in any public employment 7282
on and after the date of the conviction for the felony. If an 7283
officer or employee is removed under this section as a result of 7284
being convicted of a felony or is subsequently convicted of a 7285
felony that involves the same conduct that was the basis for the 7286
removal, the officer or employee is barred from receiving any 7287
compensation after the removal notwithstanding any modification or 7288

disaffirmance of the removal, unless the conviction for the felony 7289
is subsequently reversed or annulled. 7290

Any person removed for conviction of a felony is entitled to 7291
a cash payment for any accrued but unused sick, personal, and 7292
vacation leave as authorized by law. If subsequently reemployed in 7293
the public sector, the person shall qualify for and accrue these 7294
forms of leave in the manner specified by law for a newly 7295
appointed employee and shall not be credited with prior public 7296
service for the purpose of receiving these forms of leave. 7297

As used in this division, "felony" means any of the 7298
following: 7299

(1) A felony that is an offense of violence as defined in 7300
section 2901.01 of the Revised Code; 7301

(2) A felony that is a felony drug abuse offense as defined 7302
in section 2925.01 of the Revised Code; 7303

(3) A felony under the laws of this or any other state or the 7304
United States that is a crime of moral turpitude; 7305

(4) A felony involving dishonesty, fraud, or theft; 7306

(5) A felony that is a violation of section 2921.05, 2921.32, 7307
or 2921.42 of the Revised Code. 7308

(B) In case of a reduction, a suspension of more than forty 7309
~~or more~~ work hours in the case of an employee exempt from the 7310
payment of overtime compensation, a suspension of more than 7311
twenty-four ~~or more~~ work hours in the case of an employee required 7312
to be paid overtime compensation, a fine of more than forty ~~or~~ 7313
~~more~~ hours' pay in the case of an employee exempt from the payment 7314
of overtime compensation, a fine of more than twenty-four ~~or more~~ 7315
hours' pay in the case of an employee required to be paid overtime 7316
compensation, or removal, except for the reduction or removal of a 7317
probationary employee, the appointing authority shall serve the 7318

employee with a copy of the order of reduction, fine, suspension, 7319
or removal, which order shall state the reasons for the action. 7320

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Within ten days following the date on which the order is 7322
served or, in the case of an employee in the career professional 7323
service of the department of transportation, within ten days 7324
following the filing of a removal order, the employee, except as 7325
otherwise provided in this section, may file an appeal of the 7326
order in writing with the state personnel board of review or the 7327
commission. For purposes of this section, the date on which an 7328
order is served is the date of hand delivery of the order or the 7329
date of delivery of the order by certified United States mail, 7330
whichever occurs first. If an appeal is filed, the board or 7331
commission shall forthwith notify the appointing authority and 7332
shall hear, or appoint a trial board to hear, the appeal within 7333
thirty days from and after its filing with the board or 7334
commission. The board, commission, or trial board may affirm, 7335
disaffirm, or modify the judgment of the appointing authority. 7336
However, in an appeal of a removal order based upon a violation of 7337
a last chance agreement, the board, commission, or trial board may 7338
only determine if the employee violated the agreement and thus 7339
affirm or disaffirm the judgment of the appointing authority. 7340

In cases of removal or reduction in pay for disciplinary 7341
reasons, either the appointing authority or the officer or 7342
employee may appeal from the decision of the state personnel board 7343
of review or the commission, and any such appeal shall be to the 7344
court of common pleas of the county in which the appointing 7345
authority is located, or to the court of common pleas of Franklin 7346
county, as provided by section 119.12 of the Revised Code. 7347

(C) In the case of the suspension for any period of time, or 7348
a fine, demotion, or removal, of a chief of police, a chief of a 7349
fire department, or any member of the police or fire department of 7350

a city or civil service township, who is in the classified civil 7351
service, the appointing authority shall furnish the chief or 7352
member with a copy of the order of suspension, fine, demotion, or 7353
removal, which order shall state the reasons for the action. The 7354
order shall be filed with the municipal or civil service township 7355
civil service commission. Within ten days following the filing of 7356
the order, the chief or member may file an appeal, in writing, 7357
with the commission. If an appeal is filed, the commission shall 7358
forthwith notify the appointing authority and shall hear, or 7359
appoint a trial board to hear, the appeal within thirty days from 7360
and after its filing with the commission, and it may affirm, 7361
disaffirm, or modify the judgment of the appointing authority. An 7362
appeal on questions of law and fact may be had from the decision 7363
of the commission to the court of common pleas in the county in 7364
which the city or civil service township is situated. The appeal 7365
shall be taken within thirty days from the finding of the 7366
commission. 7367

(D) A violation of division (A)(7) of section 2907.03 of the 7368
Revised Code is grounds for termination of employment of a 7369
nonteaching employee under this section. 7370

(E) As used in this section, "last chance agreement" means an 7371
agreement signed by both an appointing authority and an officer or 7372
employee of the appointing authority that describes the type of 7373
behavior or circumstances that, if it occurs, will automatically 7374
lead to removal of the officer or employee without the right of 7375
appeal to the state personnel board of review or the appropriate 7376
commission. 7377

Sec. 124.381. Each (A)(1) Each employee paid in accordance 7378
with section 124.152 of the Revised Code and each employee listed 7379
in division (B)(2) or (4) of section 124.14 of the Revised Code, 7380
including an employee who is not eligible for occupational injury 7381

leave under division (A)(2) of this section, shall receive salary 7382
continuation not to exceed four hundred eighty hours at the 7383
employee's total rate of pay for absence as a result of injury 7384
incurred during the performance of, or arising out of, state 7385
employment. An employee is ineligible to receive salary 7386
continuation until the implementation date established in rules 7387
adopted under division (C)(1) of this section. In any case when an 7388
employee's absence as a result of such an injury extends beyond 7389
four hundred eighty hours, the employee immediately becomes 7390
subject to sections 124.382 and 124.385 of the Revised Code 7391
regarding sick leave and disability leave benefits. 7392

(2) Each employee of the department of rehabilitation and 7393
correction, the department of mental health, the department of 7394
mental retardation and developmental disabilities, or the Ohio 7395
veteran's home agency department of veterans services, or each 7396
employee of the department of education who works at the Ohio 7397
schools for the deaf and blind, and each employee of the 7398
department of youth services as established in division (A) of 7399
section 124.14 of the Revised Code who suffers bodily injury 7400
inflicted by an inmate, patient, client, youth, or student in the 7401
facilities sustains a qualifying physical condition inflicted by a 7402
ward of these agencies during the time the employee is lawfully 7403
carrying out the assigned duties of the employee's position shall 7404
be paid occupational injury leave at the employee's total rate of 7405
pay during the period the employee is disabled as a result of that 7406
injury qualifying physical condition, but in no case to exceed ~~one~~ 7407
~~hundred twenty work days~~ nine hundred sixty hours, in lieu of 7408
workers' compensation. Pay made according to this ~~section~~ division 7409
shall not be charged to the employee's accumulation of sick leave 7410
credit. In any case when an employee's disability as a result of 7411
such a qualifying physical condition extends beyond nine hundred 7412
sixty hours, the employee immediately becomes subject to sections 7413
124.382 and 124.385 of the Revised Code regarding sick leave and 7414

disability leave benefits. 7415

(B) An employee who is receiving salary continuation or occupational injury leave under division (A)(1) or (2) of this section is not eligible for other paid leave, including holiday pay, while receiving benefits under either division. While an employee is receiving salary continuation or occupational injury leave under division (A)(1) or (2) of this section, vacation leave credit ceases to accrue to the employee under section 124.134 of the Revised Code, but sick leave credit and personal leave credit continue to accrue to the employee under sections 124.382 and 124.386 of the Revised Code. 7416
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(C)(1) The director of administrative services shall adopt rules for the administration of both the salary continuation program and the occupational injury leave program. The rules shall include, but not be limited to, provisions for determining a disability, for filing a claim for leave under this section, and for allowing or denying claims for the leave. 7426
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~~During the time an employee is receiving injury compensation as provided in this section, the employee shall be exempt from the accumulation of vacation leave credit under section 124.134 of the Revised Code but shall continue to receive sick leave credit and personal leave credit under sections 124.382 and 124.386 of the Revised Code.~~ 7432
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~~In any case when an employee's disability, as covered by this section, extends beyond one hundred twenty work days, the employee shall immediately become subject to sections 124.382 and 124.385 of the Revised Code regarding sick leave and disability leave benefits.~~ 7438
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(2) The director also may adopt rules for the payment of health benefits while an employee is on workers' compensation leave. 7443
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(D) An appointing authority may apply to the director of 7446
administrative services to grant salary continuation under 7447
division (A)(1) of this section or occupational injury leave ~~in~~ 7448
~~accordance with~~ under division (A)(2) of this section to law 7449
enforcement personnel employed by the agency. 7450

Sec. 124.382. (A) As used in this section and sections 7451
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 7452

(1) "Pay period" means the fourteen-day period of time during 7453
which the payroll is accumulated, as determined by the director of 7454
administrative services. 7455

(2) "Active pay status" means the conditions under which an 7456
employee is eligible to receive pay, and includes, but is not 7457
limited to, vacation leave, sick leave, personal leave, 7458
bereavement leave, and administrative leave. 7459

(3) "No pay status" means the conditions under which an 7460
employee is ineligible to receive pay and includes, but is not 7461
limited to, leave without pay, leave of absence, and disability 7462
leave. 7463

(4) "Disability leave" means the leave granted pursuant to 7464
section 124.385 of the Revised Code. 7465

(5) "Full-time permanent employee" means an employee whose 7466
regular hours of duty total eighty hours in a pay period in a 7467
state agency and whose appointment is not for a limited period of 7468
time. 7469

(6) "Base rate of pay" means the rate of pay established 7470
under schedule B or C of section 124.15 of the Revised Code or 7471
under schedule E-1, schedule E-1 for step seven only, or schedule 7472
E-2 of section 124.152 of the Revised Code, plus any supplement 7473
provided under section 124.181 of the Revised Code, plus any 7474
supplements enacted into law which are added to schedule B or C of 7475

section 124.15 of the Revised Code or to schedule E-1, schedule 7476
E-1 for step seven only, or schedule E-2 of section 124.152 of the 7477
Revised Code. 7478

(7) "Part-time permanent employee" means an employee whose 7479
regular hours of duty total less than eighty hours in a pay period 7480
in a state agency and whose appointment is not for a limited 7481
period of time. 7482

(B) Each full-time permanent and part-time permanent employee 7483
whose salary or wage is paid directly by warrant of the director 7484
of budget and management shall be credited with sick leave of 7485
three and one-tenth hours for each completed eighty hours of 7486
service, excluding overtime hours worked. Sick leave is not 7487
available for use until it appears on the employee's earning 7488
statement and the compensation described in the earning statement 7489
is available to the employee. 7490

(C) Any sick leave credit provided pursuant to division (B) 7491
of this section, remaining as of the last day of the pay period 7492
preceding the first paycheck the employee receives in December, 7493
shall be converted pursuant to section 124.383 of the Revised 7494
Code. 7495

(D) Employees may use sick leave, provided a credit balance 7496
is available, upon approval of the responsible administrative 7497
officer of the employing unit, for absence due to personal 7498
illness, pregnancy, injury, exposure to contagious disease that 7499
could be communicated to other employees, and illness, injury, or 7500
death in the employee's immediate family. When sick leave is used, 7501
it shall be deducted from the employee's credit on the basis of 7502
absence from previously scheduled work in such increments of an 7503
hour and at such a compensation rate as the director of 7504
administrative services determines. The appointing authority of 7505
each employing unit may require an employee to furnish a 7506
satisfactory, signed statement to justify the use of sick leave. 7507

If, after having utilized the credit provided by this 7508
section, an employee utilizes sick leave that was accumulated 7509
prior to November 15, 1981, compensation for such sick leave used 7510
shall be at a rate as the director determines. 7511

(E)(1) The previously accumulated sick leave balance of an 7512
employee who has been separated from the public service, for which 7513
separation payments pursuant to section 124.384 of the Revised 7514
Code have not been made, shall be placed to the employee's credit 7515
upon the employee's reemployment in the public service, if the 7516
reemployment takes place within ten years of the date on which the 7517
employee was last terminated from public service. 7518

(2) The previously accumulated sick leave balance of an 7519
employee who has separated from a school district shall be placed 7520
to the employee's credit upon the employee's appointment as an 7521
unclassified employee of the state department of education, if all 7522
of the following apply: 7523

(a) The employee accumulated the sick leave balance while 7524
employed by the school district. 7525

(b) The employee did not receive any separation payments for 7526
the sick leave balance. 7527

(c) The employee's employment with the department takes place 7528
within ten years after the date on which the employee separated 7529
from the school district. 7530

(F) An employee who transfers from one public agency to 7531
another shall be credited with the unused balance of the 7532
employee's accumulated sick leave. 7533

(G) The director of administrative services shall establish 7534
procedures to uniformly administer this section. No sick leave may 7535
be granted to a state employee upon or after the employee's 7536
retirement or termination of employment. 7537

(H) As used in this division, "active payroll" means 7538
conditions under which an employee is in active pay status or 7539
eligible to receive pay for an approved leave of absence, 7540
including, but not limited to, occupational injury leave, 7541
disability leave, or workers' compensation. 7542

(1) Employees who are in active payroll status on June 18, 7543
2011, shall receive a one-time credit of additional sick leave in 7544
the pay period that begins on July 1, 2011. Full-time employees 7545
shall receive a one-time credit of thirty-two hours of additional 7546
sick leave or a credit of additional sick leave equivalent to half 7547
the hours of personal leave the employee lost during the 7548
moratorium under division (A) of section 124.386 of the Revised 7549
Code, whichever is less. Part-time employees shall receive a 7550
one-time credit of sixteen hours of additional sick leave. 7551

(2) Employees who are not in active payroll status due to 7552
military leave or an absence taken in accordance with the federal 7553
"Family and Medical Leave Act" are eligible to receive the 7554
one-time additional sick leave credit. 7555

(3) The one-time additional sick leave credit does not apply 7556
to employees of the secretary of state, auditor of state, 7557
treasurer of state, or attorney general unless the secretary of 7558
state, auditor of state, treasurer of state, or attorney general 7559
participated in the moratorium under division (H) of section 7560
124.386 of the Revised Code and notified the director of 7561
administrative services on or before July 1, 2009, of the decision 7562
to participate in the one-time additional sick leave credit. 7563

Sec. 124.385. (A) An employee is eligible for disability 7564
leave benefits under this section if the employee has completed 7565
one year of continuous state service immediately prior to the date 7566
of the disability and if any of the following applies: 7567

(1) The employee is a full-time permanent employee and is 7568

eligible for sick leave credit pursuant to division (B) of section 7569
124.382 of the Revised Code. 7570

(2) The employee is a part-time permanent employee who has 7571
worked at least fifteen hundred hours within the twelve-month 7572
period immediately preceding the date of disability and is 7573
eligible for sick leave credit under division (B) of section 7574
124.382 of the Revised Code. 7575

(3) The employee is a full-time permanent or part-time 7576
permanent employee, is on disability leave or leave of absence for 7577
medical reasons, and would be eligible for sick leave credit 7578
pursuant to division (B) of section 124.382 of the Revised Code 7579
except that the employee is in no pay status due to the employee's 7580
medical condition. 7581

(B) The director of administrative services, by rule adopted 7582
in accordance with Chapter 119. of the Revised Code, shall 7583
establish a disability leave program. The rule shall include, but 7584
shall not be limited to, the following: 7585

(1) Procedures to be followed for determining disability; 7586

(2) Provisions for the allowance of disability leave due to 7587
illness or injury; 7588

(3) Provisions for the continuation of service credit for 7589
employees granted disability leave, including service credit 7590
towards retirement, as provided by the applicable statute; 7591

(4) The establishment of a minimum level of benefit and of a 7592
waiting period before benefits begin; 7593

(5) Provisions setting a maximum length of benefit and 7594
requiring that employees eligible to apply for disability 7595
retirement shall do so prior to completing the first six months of 7596
their period of disability. The director's rules shall indicate 7597
those employees required to apply for disability retirement. If an 7598

employee is approved to receive disability retirement, the 7599
employee shall receive the retirement benefit and a supplement 7600
payment that equals a percentage of the employee's base rate of 7601
pay and that, when added to the retirement benefit, equals no more 7602
than the percentage of pay received by employees after the first 7603
six months of disability. This supplemental payment shall not be 7604
considered earnable salary, compensation, or salary, and is not 7605
subject to contributions, under Chapter 145., 742., 3307., 3309., 7606
or 5505. of the Revised Code. 7607

(6) Provisions that allow employees to utilize available sick 7608
leave, personal leave, compensatory time, or vacation leave 7609
balances to supplement the benefits payable under this section. 7610
The balances used to supplement the benefits, plus any amount 7611
contributed by the state as provided in division (D) of this 7612
section, shall be paid at the employee's base rate of pay in an 7613
amount sufficient to give employees up to one hundred per cent of 7614
pay for time on disability. 7615

(7) Procedures for appealing denial of payment of a claim, 7616
including the following: 7617

(a) A maximum of thirty days to file an appeal by the 7618
employee; 7619

(b) A maximum of fifteen days for the parties to select a 7620
third-party opinion pursuant to division (F) of this section, 7621
unless an extension is agreed to by the parties; 7622

(c) A maximum of thirty days for the third party to render an 7623
opinion. 7624

(8) Provisions for approving leave of absence for medical 7625
reasons where an employee is in no pay status because the employee 7626
has used all the employee's sick leave, personal leave, vacation 7627
leave, and compensatory time; 7628

(9) Provisions for precluding the payment of benefits if the 7629

injury for which the benefits are sought is covered by a workers' 7630
compensation plan; 7631

(10) Provisions for precluding the payment of benefits in 7632
order to ensure that benefits are provided in a consistent manner. 7633

(C) Except as provided in division (B)(6) of this section, 7634
time off for an employee granted disability leave is not 7635
chargeable to any other leave granted by other sections of the 7636
Revised Code. 7637

(D) While an employee is on an approved disability leave, the 7638
employer's and employee's share of health, life, and other 7639
insurance benefits shall be paid by the state, and the retirement 7640
contribution shall be paid as follows: 7641

(1) The employer's share shall be paid by the state. 7642

(2) For the first three months, the employee's share shall be 7643
paid by the employee. 7644

(3) After the first three months, the employee's share shall 7645
be paid by the state. 7646

(E) The approval for disability leave shall be made by the 7647
director, upon recommendation by the appointing authority. The 7648
director may delegate to any appointing authority the authority to 7649
approve disability benefits for a standard recovery period. 7650

(F) If a request for disability leave is denied based on a 7651
medical determination, the director shall obtain a medical opinion 7652
from a third party. The decision of the third party is binding. 7653

(G) The rule adopted by the director under division (B) of 7654
this section shall not deny disability leave benefits for an 7655
illness or injury to an employee who is a veteran of the United 7656
States armed forces because the employee contracted the illness or 7657
received the injury in the course of or as a result of military 7658
service and the illness or injury is or may be covered by a 7659

compensation plan administered by the United States department of 7660
veterans affairs. 7661

Sec. 124.386. (A) Each full-time permanent employee paid in 7662
accordance with section 124.152 of the Revised Code and those 7663
full-time permanent employees listed in divisions (B)(2) and (4) 7664
of section 124.14 of the Revised Code shall be credited with 7665
thirty-two hours of personal leave each year. Each part-time 7666
permanent employee paid in accordance with section 124.152 of the 7667
Revised Code and those part-time permanent employees listed in 7668
divisions (B)(2) and (4) of section 124.14 of the Revised Code 7669
shall receive a pro-rated personal leave credit as determined by 7670
rule of the director of administrative services. The credit shall 7671
be made to each eligible employee in the first pay the employee 7672
receives in December. Employees, upon giving reasonable notice to 7673
the responsible administrative officer of the appointing 7674
authority, may use personal leave for absence due to mandatory 7675
court appearances, legal or business matters, family emergencies, 7676
unusual family obligations, medical appointments, weddings, 7677
religious holidays not listed in section 124.19 of the Revised 7678
Code, or any other matter of a personal nature. Personal leave may 7679
not be used on a holiday when an employee is scheduled to work. 7680

Personal leave is not available for use until it appears on 7681
the employee's earning statement and the compensation described in 7682
the earning statement is available to the employee. 7683

There shall be a moratorium on personal leave accrual 7684
beginning with the credit employees would have received in 7685
December 2009. Personal leave accrual shall resume with employees 7686
receiving credit in December 2011 and there shall be no 7687
retroactive grant of credit for the period the moratorium was in 7688
effect. 7689

(B) When personal leave is used, it shall be deducted from 7690

the unused balance of the employee's personal leave on the basis 7691
of absence in such increments of an hour as the director of 7692
administrative services determines. Compensation for personal 7693
leave shall be equal to the employee's base rate of pay. 7694

(C) A newly appointed full-time permanent employee or a 7695
~~nonfull-time~~ non-full-time employee who receives a full-time 7696
permanent appointment shall be credited with personal leave of 7697
thirty-two hours, less one and two-tenths hours for each pay 7698
period that has elapsed following the first paycheck the employee 7699
receives in December, until the first day of the pay period during 7700
which the appointment was effective. 7701

(D) The director of administrative services shall allow 7702
employees to elect one of the following options with respect to 7703
the unused balance of personal leave: 7704

(1) Carry forward the balance. The maximum credit that shall 7705
be available to an employee at any one time is forty hours. 7706

(2) Convert the balance to accumulated sick leave, to be used 7707
in the manner provided by section 124.382 of the Revised Code; 7708

(3) Receive a cash benefit. The cash benefit shall equal one 7709
hour of the employee's base rate of pay for every hour of unused 7710
credit that is converted. An employee serving in a temporary work 7711
level who elects to convert unused personal leave to cash shall do 7712
so at the base rate of pay of the employee's normal 7713
classification. Such cash benefit shall not be subject to 7714
contributions to any of the retirement systems, either by the 7715
employee or the employer. 7716

There shall be a moratorium on the payment for conversion of 7717
unused personal leave until December 2011. 7718

(E) A full-time permanent employee who separates from state 7719
service or becomes ineligible to be credited with leave under this 7720
section shall receive a reduction of personal leave credit of one 7721

and two-tenths hours for each pay period that remains beginning 7722
with the first pay period following the date of separation or the 7723
effective date of the employee's ineligibility until the pay 7724
period preceding the next base pay period. After calculation of 7725
the reduction of an employee's personal leave credit, the employee 7726
is entitled to compensation for any remaining personal leave 7727
credit at the employee's current base rate of pay. If the 7728
reduction results in a number of hours less than zero, the cash 7729
equivalent value of such number of hours shall be deducted from 7730
any compensation that remains payable to the employee, or from the 7731
cash conversion value of any vacation or sick leave that remains 7732
credited to the employee. An employee serving in a temporary work 7733
level who is eligible to receive compensation under this section 7734
shall be compensated at the base rate of pay of the employee's 7735
normal classification. 7736

(F) An employee who transfers from one public agency to 7737
another public agency in which the employee is eligible for the 7738
credit provided under this section shall be credited with the 7739
unused balance of personal leave. 7740

(G) The director of administrative services shall establish 7741
procedures to uniformly administer this section. No personal leave 7742
may be granted to a state employee upon or after retirement or 7743
termination of employment. 7744

(H) The moratoria imposed under divisions (A) and (D)(3) of 7745
this section shall apply to employees of the secretary of state, 7746
auditor of state, treasurer of state, and attorney general who are 7747
subject to this section unless the secretary of state, auditor of 7748
state, treasurer of state, or attorney general decides to exempt 7749
the office's employees from the moratoria and so notifies the 7750
director of administrative services in writing on or before July 7751
1, 2009. 7752

Sec. 124.392. (A) As used in this section, ~~"exempt":~~ 7753

(1) "Exempt employee" has the same meaning as in section 7754
124.152 of the Revised Code. 7755

(2) "Fiscal emergency" means a fiscal emergency declared by 7756
the governor under section 126.05 of the Revised Code. 7757

(B) The director of administrative services may establish a 7758
voluntary cost savings program for exempt employees. ~~The~~ 7759

(C) The director of administrative services shall establish a 7760
mandatory cost savings program applicable to exempt employees. 7761
Subject to division (C)(1) of this section, the program may 7762
include, but is not limited to, a loss of pay or loss of holiday 7763
pay as determined by the director. The program may be administered 7764
differently among exempt employees based on their classifications, 7765
appointment categories, appointing authorities, or other relevant 7766
distinctions. 7767

(1) Each full-time exempt employee shall participate in the 7768
program for a total of eighty hours of mandatory cost savings in 7769
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 7770
employee shall participate in the program by not receiving holiday 7771
pay during both fiscal year 2010 and fiscal year 2011. Each 7772
employee of the secretary of state, auditor of state, treasurer of 7773
state, and attorney general shall participate in the program 7774
unless the secretary of state, auditor of state, treasurer of 7775
state, or attorney general decides to exempt the officer's 7776
employees from the program and so notifies the director of 7777
administrative services in writing on or before July 1, 2009. 7778

(2) After June 30, 2011, the director of administrative 7779
services, in consultation with the director of budget and 7780
management, may implement mandatory cost savings days applicable 7781
to exempt employees in the event of a fiscal emergency. Each 7782

employee of the secretary of state, auditor of state, treasurer of 7783
state, and attorney general shall participate in the mandatory 7784
cost savings days unless the secretary of state, auditor of state, 7785
treasurer of state, or attorney general decides to exempt the 7786
officer's employees from the mandatory cost savings days and so 7787
notifies the director of administrative services in the manner the 7788
director of administrative services prescribes by rule adopted 7789
under this section. 7790

(D) The director shall adopt rules in accordance with Chapter 7791
119. of the Revised Code to provide for the administration of the 7792
~~program~~ mandatory cost savings program and days. 7793

Sec. 124.81. (A) Except as provided in division ~~(E)~~(F) of 7794
this section, the department of administrative services in 7795
consultation with the superintendent of insurance shall negotiate 7796
with and, in accordance with the competitive selection procedures 7797
of Chapter 125. of the Revised Code, contract with one or more 7798
insurance companies authorized to do business in this state, for 7799
the issuance of one of the following: 7800

(1) A policy of group life insurance covering all state 7801
employees who are paid directly by warrant of the state auditor, 7802
including elected state officials; 7803

(2) A combined policy, or coordinated policies of one or more 7804
insurance companies or health insuring corporations in combination 7805
with one or more insurance companies providing group life and 7806
health, medical, hospital, dental, or surgical insurance, or any 7807
combination thereof, covering all such employees; 7808

(3) A policy that may include, but is not limited to, 7809
hospitalization, surgical, major medical, dental, vision, and 7810
medical care, disability, hearing aids, prescription drugs, group 7811
life, life, sickness, and accident insurance, group legal 7812
services, or a combination of the above benefits for some or all 7813

of the employees paid in accordance with section 124.152 of the Revised Code and for some or all of the employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code, and their immediate dependents.

(B) The department of administrative services in consultation with the superintendent of insurance shall negotiate with and, in accordance with the competitive selection procedures of Chapter 125. of the Revised Code, contract with one or more insurance companies authorized to do business in this state, for the issuance of a policy of group life insurance covering all municipal and county court judges. The amount of such coverage shall be an amount equal to the aggregate salary set forth for each municipal court judge in sections 141.04 and 1901.11 of the Revised Code, and set forth for each county court judge in sections 141.04 and 1907.16 of the Revised Code. On and after the effective date of the policy of group life insurance coverage, a municipal or county court judge is ineligible for life insurance coverage from a county or other political subdivision.

(C) If a state employee uses all accumulated sick leave and then goes on an extended medical disability, the policyholder shall continue at no cost to the employee the coverage of the group life insurance for such employee for the period of such extended leave, but not beyond three years.

~~(C)~~(D) If a state employee insured under a group life insurance policy as provided in division (A) of this section is laid off pursuant to section 124.32 of the Revised Code, such employee by request to the policyholder, made no later than the effective date of the layoff, may elect to continue the employee's group life insurance for the one-year period through which the employee may be considered to be on laid-off status by paying the policyholder through payroll deduction or otherwise twelve times the monthly premium computed at the existing average rate for the

group life case for the amount of the employee's insurance 7846
thereunder at the time of the employee's layoff. The policyholder 7847
shall pay the premiums to the insurance company at the time of the 7848
next regular monthly premium payment for the actively insured 7849
employees and furnish the company appropriate data as to such 7850
laid-off employees. At the time an employee receives written 7851
notice of a layoff, the policyholder shall also give such employee 7852
written notice of the opportunity to continue group life insurance 7853
in accordance with this division. When such laid-off employee is 7854
reinstated for active work before the end of the one-year period, 7855
the employee shall be reclassified as insured again as an active 7856
employee under the group and appropriate refunds for the number of 7857
full months of unearned premium payment shall be made by the 7858
policyholder. 7859

~~(D)~~(E) This section does not affect the conversion rights of 7860
an insured employee when the employee's group insurance terminates 7861
under the policy. 7862

~~(E)~~(F) Notwithstanding division (A) of this section, the 7863
department may provide benefits equivalent to those that may be 7864
paid under a policy issued by an insurance company, or the 7865
department may, to comply with a collectively bargained contract, 7866
enter into an agreement with a jointly administered trust fund 7867
which receives contributions pursuant to a collective bargaining 7868
agreement entered into between this state, or any of its political 7869
subdivisions, and any collective bargaining representative of the 7870
employees of this state or any political subdivision for the 7871
purpose of providing for self-insurance of all risk in the 7872
provision of fringe benefits similar to those that may be paid 7873
pursuant to division (A) of this section, and the jointly 7874
administered trust fund may provide through the self-insurance 7875
method specific fringe benefits as authorized by the rules of the 7876
board of trustees of the jointly administered trust fund. Amounts 7877

from the fund may be used to pay direct and indirect costs that 7878
are attributable to consultants or a third-party administrator and 7879
that are necessary to administer this section. Benefits provided 7880
under this section include, but are not limited to, 7881
hospitalization, surgical care, major medical care, disability, 7882
dental care, vision care, medical care, hearing aids, prescription 7883
drugs, group life insurance, sickness and accident insurance, 7884
group legal services, or a combination of the above benefits, for 7885
the employees and their immediate dependents. 7886

~~(F)~~(G) Notwithstanding any other provision of the Revised 7887
Code, any public employer, including the state, and any of its 7888
political subdivisions, including, but not limited to, any county, 7889
county hospital, municipal corporation, township, park district, 7890
school district, state institution of higher education, public or 7891
special district, state agency, authority, commission, or board, 7892
or any other branch of public employment, and any collective 7893
bargaining representative of employees of the state or any 7894
political subdivision may agree in a collective bargaining 7895
agreement that any mutually agreed fringe benefit including, but 7896
not limited to, hospitalization, surgical care, major medical 7897
care, disability, dental care, vision care, medical care, hearing 7898
aids, prescription drugs, group life insurance, sickness and 7899
accident insurance, group legal services, or a combination 7900
thereof, for employees and their dependents be provided through a 7901
mutually agreed upon contribution to a jointly administered trust 7902
fund. Amounts from the fund may be used to pay direct and indirect 7903
costs that are attributable to consultants or a third-party 7904
administrator and that are necessary to administer this section. 7905
The amount, type, and structure of fringe benefits provided under 7906
this division is subject to the determination of the board of 7907
trustees of the jointly administered trust fund. Notwithstanding 7908
any other provision of the Revised Code, competitive bidding does 7909
not apply to the purchase of fringe benefits for employees under 7910

this division through a jointly administered trust fund. 7911

Sec. 124.821. The health care spending account fund is hereby 7912
created in the state treasury. The director of administrative 7913
services shall use money in the fund to make payments with regard 7914
to the participation of state employees in flexible spending 7915
accounts for certain nonreimbursed medical and dental expenses 7916
under section 125 of the Internal Revenue Code. All investment 7917
earnings on money in the fund shall be credited to the fund. 7918

Sec. 124.822. The dependent care spending account fund is 7919
hereby created in the state treasury. The director of 7920
administrative services shall use money in the fund to make 7921
payments with regard to the participation of state employees in 7922
flexible spending accounts for work-related dependent care 7923
expenses under section 125 of the Internal Revenue Code. All 7924
investment earnings on money in the fund shall be credited to the 7925
fund. 7926

Sec. 124.86. There is hereby created in the state treasury 7927
the employee educational development fund, to be used to pay the 7928
state administrative costs of any education program undertaken 7929
pursuant to specific collective bargaining agreements identified 7930
in uncodified law governing expenditure of the fund. The director 7931
of administrative services shall establish, and shall obtain the 7932
approval of the director of budget and management for, a charge 7933
for each such program that is sufficient only to recover those 7934
costs. All money collected from such a charge shall be deposited 7935
to the credit of the fund, and all interest earned on the fund 7936
shall accrue to the fund. The director of administrative services 7937
shall administer the fund in accordance with the respective 7938
collective bargaining agreements and may adopt rules for the 7939
purpose of this administration. 7940

Sec. 125.081. (A) From the purchases that the department of 7941
administrative services is required by law to make through 7942
competitive selection, the director of administrative services 7943
shall select a number of such purchases, the aggregate value of 7944
which equals approximately fifteen per cent of the estimated total 7945
value of all such purchases to be made in the current fiscal year. 7946
The director shall set aside the purchases selected for 7947
competition only by minority business enterprises, as defined in 7948
division (E)(1) of section 122.71 of the Revised Code. The 7949
competitive selection procedures for such purchases set aside 7950
shall be the same as for all other purchases the department is 7951
required to make through competitive selection, except that only 7952
minority business enterprises certified by the equal employment 7953
opportunity coordinator of the department of administrative 7954
services in accordance with the rules adopted under division 7955
(B)(1) of section 123.151 of the Revised Code and listed by the 7956
director under division (B) of section 125.08 of the Revised Code 7957
shall be qualified to compete. 7958

(B) To the extent that any agency of the state, including 7959
state universities as defined in section 3345.011 of the Revised 7960
Code and the Ohio housing finance agency, the third frontier 7961
commission, the clean Ohio council, and the Ohio school facilities 7962
commission, other than the department of administrative services, 7963
the legislative and judicial branches, boards of elections, and 7964
the adjutant general, is authorized to make purchases, the agency 7965
shall set aside a number of purchases, the aggregate value of 7966
which equals approximately fifteen per cent of the aggregate value 7967
of such purchases for the current fiscal year for competition by 7968
minority business enterprises only. The procedures for such 7969
purchases shall be the same as for all other such purchases made 7970
by the agency, except that only minority business enterprises 7971
certified by the equal employment opportunity coordinator in 7972

accordance with rules adopted under division (B)(1) of section 7973
123.151 of the Revised Code shall be qualified to compete. 7974

In awarding contracts under division (A) or (B) of this 7975
section, the department of administrative services or another 7976
state agency shall comply with executive order 2008-13S. 7977

(C) In the case of purchases set aside under division (A) or 7978
(B) of this section, if no bid is submitted by a minority business 7979
enterprise, the purchase shall be made according to usual 7980
procedures. The contracting agency shall from time to time set 7981
aside such additional purchases for which only minority business 7982
enterprises may compete, as are necessary to replace those 7983
purchases previously set aside for which no minority business 7984
enterprises bid and to ensure that, in any fiscal year, the 7985
aggregate amount of contracts awarded to minority business 7986
enterprises will equal approximately fifteen per cent of the total 7987
amount of contracts awarded by the agency. 7988

(D) The provisions of this section shall not preclude any 7989
minority business enterprise from competing for any other state 7990
purchases that are not specifically set aside for minority 7991
business enterprises. 7992

(E) No funds of any state agency shall be expended in any 7993
fiscal year for any purchase for which competitive selection is 7994
required, until the director of the department of administrative 7995
services certifies to the equal employment opportunity 7996
coordinator, the clerk of the senate, and the clerk of the house 7997
of representatives of the general assembly that approximately 7998
fifteen per cent of the aggregate amount of the projected 7999
expenditure for such purchases in the fiscal year has been set 8000
aside as provided for in this section. 8001

(F) Any person who intentionally misrepresents self as 8002
owning, controlling, operating, or participating in a minority 8003

business enterprise for the purpose of obtaining contracts, 8004
subcontracts, or any other benefits under this section shall be 8005
guilty of theft by deception as provided for in section 2913.02 of 8006
the Revised Code. 8007

Sec. 125.20. (A) Within one hundred eighty days after the 8008
effective date of this section, the director of administrative 8009
services shall establish an electronic site accessible through the 8010
internet to publish the following: 8011

(1) A database containing each state employee's year-to-date 8012
gross pay and pay from the most recent pay period. The database 8013
shall contain searchable fields including the name of the agency, 8014
position title, and employee name. 8015

(2) A database containing agency expenditures for goods and 8016
services that shall contain searchable fields including the name 8017
of the agency, expenditure amount, category of good or service for 8018
which an expenditure is made, and contractor or vendor name; 8019

(3) A database containing tax credits granted to business 8020
entities that shall contain searchable fields, including the name 8021
under which the tax credit is known, the name of the entity 8022
receiving the credit, and the county in which the credit 8023
recipient's principal place of business in this state is located. 8024

(B) Daily, each executive agency shall provide to the 8025
department of administrative services information to be published 8026
in the databases under division (A) of this section. The director 8027
of administrative services may adopt rules governing the means by 8028
which information is submitted and databases are updated. 8029

Sec. 125.22. (A) The department of administrative services 8030
shall establish the central service agency to perform ~~routine~~ and 8031
provide support for the following boards and commissions: 8032

(1) Architects board; 8033

(2) Barber board;	8034
(3) State chiropractic board;	8035
(4) State board of cosmetology;	8036
(5) Accountancy board;	8037
(6) State dental board;	8038
(7) State board of optometry;	8039
(8) Ohio occupational therapy, physical therapy, and athletic trainers board;	8040 8041
(9) State board of registration for professional engineers and surveyors;	8042 8043
(10) State board of sanitarian registration;	8044
(11) Board of embalmers and funeral directors;	8045
(12) State board of psychology;	8046
(13) Ohio optical dispensers board;	8047
(14) Board of <u>speech-language</u> pathology and audiology;	8048
(15) Counselor, social worker, and marriage and family therapist board;	8049 8050
(16) State veterinary medical licensing board;	8051
(17) Ohio board of dietetics;	8052
(18) Commission on Hispanic-Latino affairs;	8053
(19) Ohio respiratory care board;	8054
(20) Ohio commission on African American males;	8055
(21) Chemical dependency professionals board;	8056
<u>(21) State medical board;</u>	8057
<u>(22) Board of nursing;</u>	8058
<u>(23) State board of pharmacy;</u>	8059

<u>(24) Ohio medical transportation board;</u>	8060
<u>(25) Ohio athletic commission;</u>	8061
<u>(26) Board of motor vehicle collision repair;</u>	8062
<u>(27) Manufactured homes commission;</u>	8063
<u>(28) Board of orthotics, prosthetics, and pedorthics;</u>	8064
<u>(29) State board of career colleges and schools.</u>	8065
(B)(1) Notwithstanding any other section of the Revised Code	8066
<u>On or before June 30, 2010, the agency, in conjunction with the</u>	8067
<u>individual boards and commissions named in division (A) of the</u>	8068
<u>section, shall develop and implement specific service level</u>	8069
<u>agreements and agency specific addendums to perform and provide</u>	8070
the following routine support services for the those boards and	8071
commissions named in division (A) of this section unless the	8072
controlling board exempts a board or commission from this	8073
requirement on the recommendation of the director of	8074
administrative services. The service level agreements may provide	8075
<u>for all or some of the following services:</u>	8076
(a) Preparing <u>Making recommendations regarding and preparing</u>	8077
<u>and processing of payroll and other personnel documents;</u>	8078
(b) Preparing and processing vouchers, purchase orders,	8079
encumbrances, and other accounting documents;	8080
(c) Maintaining ledgers of accounts and balances;	8081
(d) Preparing and monitoring budgets and allotment plans in	8082
consultation with the boards and commissions;	8083
(e) Other routine support services that the director of	8084
administrative services considers <u>agency and the boards and</u>	8085
<u>commissions consider</u> appropriate to achieve efficiency.	8086
(2) The agency may perform <u>and provide</u> other services which a	8087
board or commission named in division (A) of this section	8088

delegates to the agency and the agency accepts. 8089

(3) The agency may perform and provide any service for any 8090
professional or occupational licensing board not named in division 8091
(A) of this section or any commission if the board or commission 8092
requests such service and the agency accepts. 8093

(C) The director of administrative services shall be the 8094
appointing authority for the agency. 8095

(D) The agency shall determine the fees to be charged to the 8096
boards and commissions, which shall be in proportion to the 8097
services performed or provided for each board or commission. All 8098
services shall be documented in the service level agreements and 8099
addendums signed by the agency and the boards and commissions. 8100

(E) Each board or commission named in division (A) of this 8101
section and any other board or commission requesting services from 8102
the agency shall pay these fees to the agency from the general 8103
revenue fund maintenance account of the board or commission or 8104
from such other fund as the operating expenses of the board or 8105
commission are paid. Any amounts set aside for a fiscal year by a 8106
board or commission to allow for the payment of fees shall be used 8107
only for the services performed or provided by the agency in that 8108
fiscal year. All receipts collected by the agency shall be 8109
deposited in the state treasury to the credit of the central 8110
service agency fund, which is hereby created. All expenses 8111
incurred by the agency in performing or providing services for the 8112
boards or commissions shall be paid from the fund. 8113

(F) ~~Nothing in this section shall be construed as a grant of~~ 8114
~~authority for the~~ The central service agency ~~to~~ may initiate or 8115
deny those personnel or fiscal actions ~~for the boards and~~ 8116
~~commissions~~ that are addressed in a service level agreement or 8117
addendum, subject to the terms and conditions of the agreement or 8118
addendum. The central service agency may in writing initiate or 8119

deny personnel or fiscal actions that are contrary to state law or 8120
policy. The state law or policy shall be stated in the initiation 8121
or denial. 8122

Sec. 125.24. With respect to any contract entered into under 8123
this chapter, which is made by the state or in whole or in part 8124
supported by state funds, a contractor shall comply with any 8125
regulation or ordinance that relates to the health, safety, 8126
status, and welfare of employees and that is enacted by the 8127
political subdivision in which the contract is to be performed. 8128

Sec. 125.831. As used in sections 125.831 to 125.834 of the 8129
Revised Code: 8130

(A) "Alternative fuel" means any of the following fuels used 8131
in a motor vehicle: 8132

(1) E85 blend fuel; 8133

(2) Blended biodiesel; 8134

(3) Natural gas; 8135

(4) Liquefied petroleum gas; 8136

(5) Hydrogen; 8137

(6) Compressed air; 8138

(7) Any power source, including electricity; 8139

~~(7)~~(8) Any fuel not described in divisions (A)(1) to ~~(6)~~(7) 8140
of this section that the United States department of energy 8141
determines, by final rule, to be substantially not petroleum, and 8142
that would yield substantial energy security and environmental 8143
benefits. 8144

(B) "Biodiesel" means a mono-alkyl ester combustible liquid 8145
fuel that is derived from vegetable oils or animal fats, or any 8146
combination of those reagents that meets the American society for 8147

testing and materials specification for biodiesel fuel (B100) 8148
blend stock distillate fuels and any other standards that the 8149
director of administrative services adopts by rule. 8150

(C) "Blended biodiesel" means a blend of biodiesel with 8151
petroleum based diesel fuel in which the resultant product 8152
contains not less than twenty per cent biodiesel that meets the 8153
American society for testing and materials specification for 8154
blended diesel fuel and any other standards that the director of 8155
administrative services adopts by rule. 8156

(D) "Diesel fuel" means any liquid fuel that is capable of 8157
use in discrete form or as a blend component in the operation of 8158
engines of the diesel type. 8159

(E) "E85 blend fuel" means fuel containing eighty-five per 8160
cent or more ethanol as defined in section 5733.46 of the Revised 8161
Code or containing any other percentage of not less than seventy 8162
per cent ethanol if the United States department of energy 8163
determines, by rule, that the lower percentage is necessary to 8164
provide for the requirements of cold start, safety, or vehicle 8165
functions, and that meets the American society for testing and 8166
materials specification for E85 blend fuel and any other standards 8167
that the director of administrative services adopts by rule. 8168

(F) "Law enforcement officer" means an officer, agent, or 8169
employee of a state agency upon whom, by statute, a duty to 8170
conserve the peace or to enforce all or certain laws is imposed 8171
and the authority to arrest violators is conferred, within the 8172
limits of that statutory duty and authority, but does not include 8173
such an officer, agent, or employee if that duty and authority is 8174
location specific. 8175

(G)(1) "Motor vehicle" means any automobile, car minivan, 8176
cargo van, passenger van, sport utility vehicle, or pickup truck 8177
with a gross vehicle weight of under twelve thousand pounds. 8178

(2) "Motor vehicle" does not include, except for the purposes 8179
of division (C) of section 125.832 of the Revised Code, any 8180
vehicle described in division (G)(1) of this section that is used 8181
by a law enforcement officer and law enforcement agency or any 8182
vehicle that is so described and that is equipped with specialized 8183
equipment that is not normally found in such a vehicle and that is 8184
used to carry out a state agency's specific and specialized duties 8185
and responsibilities. 8186

(H) "Specialized equipment" does not include standard mobile 8187
radios with no capabilities other than voice communication, 8188
exterior and interior lights, or roof-mounted caution lights. 8189

(I) "State agency" means every organized body, office, board, 8190
authority, commission, or agency established by the laws of the 8191
state for the exercise of any governmental or quasi-governmental 8192
function of state government regardless of the funding source for 8193
that entity, other than any state institution of higher education, 8194
the office of the governor, lieutenant governor, auditor of state, 8195
treasurer of state, secretary of state, or attorney general, the 8196
general assembly or any legislative agency, the courts or any 8197
judicial agency, or any state retirement system or retirement 8198
program established by or referenced in the Revised Code. 8199

(J) "State institution of higher education" has the same 8200
meaning as in section 3345.011 of the Revised Code. 8201

Sec. 126.05. On or before the tenth day of each month, the 8202
director of budget and management shall furnish to the governor 8203
statements in such form as the governor requires showing the 8204
condition of the general revenue fund. The statements shall 8205
provide a summary of the status of appropriations to enable the 8206
governor to exercise and maintain effective supervision and 8207
control over the expenditures of the state. The director shall 8208
also furnish statements the governor requests showing the 8209

condition of any other fund. 8210

If the governor ascertains that the available revenue 8211
receipts and balances for the general revenue fund for the current 8212
fiscal year will in all probability be less than the 8213
appropriations for the year, ~~he~~ the governor shall issue such 8214
orders to the state agencies as will prevent their expenditures 8215
and incurred obligations from exceeding such revenue receipts and 8216
balances. 8217

If the governor ascertains that the available revenue 8218
receipts and balances for any fund other than the general revenue 8219
fund for the current fiscal year will in all probability be less 8220
than the appropriations for the year, ~~he~~ the governor may issue 8221
such orders to the state agencies as will prevent their 8222
expenditures and incurred obligations from exceeding such revenue 8223
receipts and balances. 8224

If the governor determines that the available revenue 8225
receipts and balances in any fund or across funds will likely be 8226
less than the appropriations for the year, the governor may 8227
declare a fiscal emergency and may issue such orders as necessary 8228
to the director of budget and management to reduce expenditures, 8229
or to the director of administrative services to implement 8230
personnel actions consistent therewith, including, but not limited 8231
to, mandatory cost savings days under section 124.392 of the 8232
Revised Code. 8233

As used in this section, "expenditures and incurred 8234
obligations" includes all moneys expended or obligated pursuant to 8235
appropriations by the general assembly that are calculated and 8236
distributed pursuant to a distribution formula in law. 8237

Sec. 126.21. (A) The director of budget and management shall 8238
do all of the following: 8239

- (1) Keep all necessary accounting records; 8240
- (2) Prescribe and maintain the accounting system of the state 8241
and establish appropriate accounting procedures and charts of 8242
accounts; 8243
- (3) Establish procedures for the use of written, electronic, 8244
optical, or other communications media for approving and reviewing 8245
payment vouchers; 8246
- (4) Reconcile, in the case of any variation between the 8247
amount of any appropriation and the aggregate amount of items of 8248
the appropriation, with the advice and assistance of the state 8249
agency affected by it and the legislative service commission, 8250
totals so as to correspond in the aggregate with the total 8251
appropriation. In the case of a conflict between the item and the 8252
total of which it is a part, the item shall be considered the 8253
intended appropriation. 8254
- (5) Evaluate on an ongoing basis and, if necessary, recommend 8255
improvements to the internal controls used in state agencies; 8256
- (6) Authorize the establishment of petty cash accounts. The 8257
director may withdraw approval for any petty cash account and 8258
require the officer in charge to return to the state treasury any 8259
unexpended balance shown by the officer's accounts to be on hand. 8260
Any officer who is issued a warrant for petty cash shall render a 8261
detailed account of the expenditures of the petty cash and shall 8262
report when requested the balance of petty cash on hand at any 8263
time. 8264
- (7) Process orders, invoices, vouchers, claims, and payrolls 8265
and prepare financial reports and statements; 8266
- (8) Perform extensions, reviews, and compliance checks prior 8267
to or after approving a payment as the director considers 8268
necessary; 8269

(9) Issue the official comprehensive annual financial report 8270
of the state. The report shall cover all funds of the state 8271
reporting entity and shall include basic financial statements and 8272
required supplementary information prepared in accordance with 8273
generally accepted accounting principles and other information as 8274
the director provides. All state agencies, authorities, 8275
institutions, offices, retirement systems, and other component 8276
units of the state reporting entity as determined by the director 8277
shall furnish the director whatever financial statements and other 8278
information the director requests for the report, in the form, at 8279
the times, covering the periods, and with the attestation the 8280
director prescribes. The information for state institutions of 8281
higher education, as defined in section 3345.011 of the Revised 8282
Code, shall be submitted to the chancellor by the Ohio board of 8283
regents. The board shall establish a due date by which each such 8284
institution shall submit the information to the board, but no such 8285
date shall be later than one hundred twenty days after the end of 8286
the state fiscal year unless a later date is approved by the 8287
director. 8288

(B) In addition to the director's duties under division (A) 8289
of this section, the director may establish and administer one or 8290
more state payment card programs that permit or require state 8291
agencies to use a payment card to purchase equipment, materials, 8292
supplies, or services in accordance with guidelines issued by the 8293
director. The chief administrative officer of a state agency that 8294
uses a payment card for such purposes shall ensure that purchases 8295
made with the card are made in accordance with the guidelines 8296
issued by the director and do not exceed the unexpended, 8297
unencumbered, unobligated balance in the appropriation to be 8298
charged for the purchase. State agencies may participate in only 8299
those state payment card programs that the director establishes 8300
pursuant to this section. 8301

(C) In addition to the director's duties under divisions (A) 8302
and (B) of this section, the director may enter into any contract 8303
or agreement necessary for and incidental to the performance of 8304
the director's duties or the duties of the office of budget and 8305
management, including, but not limited to, contracts relating to 8306
the consolidation of statewide financing functions and common 8307
transactional processes. 8308

(D) In addition to the director's duties under divisions (A), 8309
(B), and (C) of this section, the director may appoint and fix the 8310
compensation of employees of the office of budget and management 8311
whose primary duties include the consolidation of statewide 8312
financing functions and common transactional processes. 8313

Sec. 127.16. (A) Upon the request of either a state agency or 8314
the director of budget and management and after the controlling 8315
board determines that an emergency or a sufficient economic reason 8316
exists, the controlling board may approve the making of a purchase 8317
without competitive selection as provided in division (B) of this 8318
section. 8319

(B) Except as otherwise provided in this section, no state 8320
agency, using money that has been appropriated to it directly, 8321
shall: 8322

(1) Make any purchase from a particular supplier, that would 8323
amount to fifty thousand dollars or more when combined with both 8324
the amount of all disbursements to the supplier during the fiscal 8325
year for purchases made by the agency and the amount of all 8326
outstanding encumbrances for purchases made by the agency from the 8327
supplier, unless the purchase is made by competitive selection or 8328
with the approval of the controlling board; 8329

(2) Lease real estate from a particular supplier, if the 8330
lease would amount to seventy-five thousand dollars or more when 8331
combined with both the amount of all disbursements to the supplier 8332

during the fiscal year for real estate leases made by the agency 8333
and the amount of all outstanding encumbrances for real estate 8334
leases made by the agency from the supplier, unless the lease is 8335
made by competitive selection or with the approval of the 8336
controlling board. 8337

(C) Any person who authorizes a purchase in violation of 8338
division (B) of this section shall be liable to the state for any 8339
state funds spent on the purchase, and the attorney general shall 8340
collect the amount from the person. 8341

(D) Nothing in division (B) of this section shall be 8342
construed as: 8343

(1) A limitation upon the authority of the director of 8344
transportation as granted in sections 5501.17, 5517.02, and 8345
5525.14 of the Revised Code; 8346

(2) Applying to medicaid provider agreements under Chapter 8347
5111. of the Revised Code or payments or provider agreements under 8348
the disability medical assistance program established under 8349
Chapter 5115. of the Revised Code; 8350

(3) Applying to the purchase of examinations from a sole 8351
supplier by a state licensing board under Title XLVII of the 8352
Revised Code; 8353

(4) Applying to entertainment contracts for the Ohio state 8354
fair entered into by the Ohio expositions commission, provided 8355
that the controlling board has given its approval to the 8356
commission to enter into such contracts and has approved a total 8357
budget amount for such contracts as agreed upon by commission 8358
action, and that the commission causes to be kept itemized records 8359
of the amounts of money spent under each contract and annually 8360
files those records with the clerk of the house of representatives 8361
and the clerk of the senate following the close of the fair; 8362

(5) Limiting the authority of the chief of the division of 8363

mineral resources management to contract for reclamation work with 8364
an operator mining adjacent land as provided in section 1513.27 of 8365
the Revised Code; 8366

(6) Applying to investment transactions and procedures of any 8367
state agency, except that the agency shall file with the board the 8368
name of any person with whom the agency contracts to make, broker, 8369
service, or otherwise manage its investments, as well as the 8370
commission, rate, or schedule of charges of such person with 8371
respect to any investment transactions to be undertaken on behalf 8372
of the agency. The filing shall be in a form and at such times as 8373
the board considers appropriate. 8374

(7) Applying to purchases made with money for the per cent 8375
for arts program established by section 3379.10 of the Revised 8376
Code; 8377

(8) Applying to purchases made by the rehabilitation services 8378
commission of services, or supplies, that are provided to persons 8379
with disabilities, or to purchases made by the commission in 8380
connection with the eligibility determinations it makes for 8381
applicants of programs administered by the social security 8382
administration; 8383

(9) Applying to payments by the department of job and family 8384
services under section 5111.13 of the Revised Code for group 8385
health plan premiums, deductibles, coinsurance, and other 8386
cost-sharing expenses; 8387

(10) Applying to any agency of the legislative branch of the 8388
state government; 8389

(11) Applying to agreements or contracts entered into under 8390
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 8391
Revised Code; 8392

(12) Applying to purchases of services by the adult parole 8393
authority under section 2967.14 of the Revised Code or by the 8394

department of youth services under section 5139.08 of the Revised Code;	8395
	8396
(13) Applying to dues or fees paid for membership in an organization or association;	8397
	8398
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	8399
	8400
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	8401
	8402
	8403
	8404
(16) Applying to purchases of tickets for passenger air transportation;	8405
	8406
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	8407
	8408
	8409
(18) Applying to the judicial branch of state government;	8410
(19) Applying to purchases of liquor for resale by the division of liquor control;	8411
	8412
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	8413
	8414
	8415
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	8416
	8417
	8418
	8419
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	8420
	8421
	8422
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	8423
	8424

(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	8425 8426 8427 8428
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	8429 8430 8431
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	8432 8433 8434 8435 8436
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	8437 8438 8439
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	8440 8441 8442
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	8443 8444 8445 8446 8447 8448
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	8449 8450 8451 8452 8453
(31) Applying to the department of job and family services' purchases of health assistance services under the children's	8454 8455

health insurance program part I provided for under section 5101.50 8456
of the Revised Code, the children's health insurance program part 8457
II provided for under section 5101.51 of the Revised Code, or the 8458
children's health insurance program part III provided for under 8459
section 5101.52 of the Revised Code, or the children's buy-in 8460
program provided for under sections 5101.5211 to 5101.5216 of the 8461
Revised Code; 8462

(32) Applying to payments by the attorney general from the 8463
reparations fund to hospitals and other emergency medical 8464
facilities for performing medical examinations to collect physical 8465
evidence pursuant to section 2907.28 of the Revised Code; 8466

(33) Applying to contracts with a contracting authority or 8467
administrative receiver under division (B) of section 5126.056 of 8468
the Revised Code; 8469

(34) Applying to ~~reimbursements paid to the United States~~ 8470
~~department of veterans affairs for pharmaceutical and patient~~ 8471
~~supply purchases made on behalf of the Ohio veterans' home agency~~ 8472
purchases of goods and services by the department of veterans 8473
services in accordance with the terms of contracts entered into by 8474
the United States department of veterans affairs; 8475

~~(35) Applying to agreements entered into with terminal~~ 8476
~~distributors of dangerous drugs under section 173.79 of the~~ 8477
~~Revised Code;~~ 8478

~~(36)~~ Applying to payments by the superintendent of the bureau 8479
of criminal identification and investigation to the federal bureau 8480
of investigation for criminal records checks pursuant to section 8481
109.572 of the Revised Code. 8482

(E) When determining whether a state agency has reached the 8483
cumulative purchase thresholds established in divisions (B)(1) and 8484
(2) of this section, all of the following purchases by such agency 8485
shall not be considered: 8486

(1) Purchases made through competitive selection or with controlling board approval;	8487 8488
(2) Purchases listed in division (D) of this section;	8489
(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.	8490 8491
(F) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	8492 8493 8494
Sec. 131.33. (A) No state agency shall incur an obligation which exceeds the agency's current appropriation authority. Unexpended <u>Except as provided in division (D) of this section,</u> <u>unexpended</u> balances of appropriations shall, at the close of the period for which the appropriations are made, revert to the funds from which the appropriations were made, except that the director of budget and management shall transfer such unexpended balances from the first fiscal year to the second fiscal year of an agency's appropriations to the extent necessary for voided warrants to be reissued pursuant to division (C) of section 126.37 of the Revised Code.	8495 8496 8497 8498 8499 8500 8501 8502 8503 8504 8505
Except as provided in this section, appropriations made to a specific fiscal year shall be expended only to pay liabilities incurred within that fiscal year.	8506 8507 8508
<u>(B)</u> All payrolls shall be charged to the allotments of the fiscal quarters in which the applicable payroll vouchers are certified by the director of budget and management in accordance with section 126.07 of the Revised Code. As used in this section <u>division</u> , "payrolls" means any payment made in accordance with section 125.21 of the Revised Code.	8509 8510 8511 8512 8513 8514
<u>(C)</u> Legal liabilities from prior fiscal years for which there is no reappropriation authority shall be discharged from the	8515 8516

unencumbered balances of current appropriations. 8517

(D)(1) Federal grant funds obligated by the department of job 8518
and family services for financial allocations to county family 8519
services agencies and local workforce investment boards may, at 8520
the discretion of the director of job and family services, be 8521
available for expenditure for the duration of the federal grant 8522
period of obligation and liquidation, as follows: 8523

(a) At the end of the state fiscal year, all unexpended 8524
county family services agency and local workforce investment board 8525
financial allocations obligated from federal grant funds may 8526
continue to be valid for expenditure during subsequent state 8527
fiscal years. 8528

(b) The financial allocations described in division (D)(1)(a) 8529
of this section shall be reconciled at the end of the federal 8530
grant period of availability or as required by federal law, 8531
regardless of the state fiscal year of the appropriation. 8532

(2) The director of job and family services may adopt rules 8533
in accordance with section 111.15 of the Revised Code, as if they 8534
were internal management rules, as necessary to implement division 8535
(D) of this section. 8536

(3) As used in division (D) of this section: 8537

(a) "County family services agency" has the same meaning as 8538
in section 307.981 of the Revised Code. 8539

(b) "Local workforce investment board" means a local 8540
workforce investment board established under section 117 of the 8541
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832, 8542
as amended. 8543

Sec. 133.06. (A) A school district shall not incur, without a 8544
vote of the electors, net indebtedness that exceeds an amount 8545
equal to one-tenth of one per cent of its tax valuation, except as 8546

provided in divisions (G) and (H) of this section and in division 8547
(C) of section 3313.372 of the Revised Code, or as prescribed in 8548
section 3318.052 or 3318.44 of the Revised Code, or as provided in 8549
division (J) of this section. 8550

(B) Except as provided in divisions (E), (F), and (I) of this 8551
section, a school district shall not incur net indebtedness that 8552
exceeds an amount equal to nine per cent of its tax valuation. 8553

(C) A school district shall not submit to a vote of the 8554
electors the question of the issuance of securities in an amount 8555
that will make the district's net indebtedness after the issuance 8556
of the securities exceed an amount equal to four per cent of its 8557
tax valuation, unless the superintendent of public instruction, 8558
acting under policies adopted by the state board of education, and 8559
the tax commissioner, acting under written policies of the 8560
commissioner, consent to the submission. A request for the 8561
consents shall be made at least one hundred five days prior to the 8562
election at which the question is to be submitted. 8563

The superintendent of public instruction shall certify to the 8564
district the superintendent's and the tax commissioner's decisions 8565
within thirty days after receipt of the request for consents. 8566

If the electors do not approve the issuance of securities at 8567
the election for which the superintendent of public instruction 8568
and tax commissioner consented to the submission of the question, 8569
the school district may submit the same question to the electors 8570
on the date that the next special election may be held under 8571
section 3501.01 of the Revised Code without submitting a new 8572
request for consent. If the school district seeks to submit the 8573
same question at any other subsequent election, the district shall 8574
first submit a new request for consent in accordance with this 8575
division. 8576

(D) In calculating the net indebtedness of a school district, 8577

none of the following shall be considered: 8578

(1) Securities issued to acquire school buses and other 8579
equipment used in transporting pupils or issued pursuant to 8580
division (D) of section 133.10 of the Revised Code; 8581

(2) Securities issued under division (F) of this section, 8582
under section 133.301 of the Revised Code, and, to the extent in 8583
excess of the limitation stated in division (B) of this section, 8584
under division (E) of this section; 8585

(3) Indebtedness resulting from the dissolution of a joint 8586
vocational school district under section 3311.217 of the Revised 8587
Code, evidenced by outstanding securities of that joint vocational 8588
school district; 8589

(4) Loans, evidenced by any securities, received under 8590
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 8591
Revised Code; 8592

(5) Debt incurred under section 3313.374 of the Revised Code; 8593

(6) Debt incurred pursuant to division (B)(5) of section 8594
3313.37 of the Revised Code to acquire computers and related 8595
hardware; 8596

(7) Debt incurred under section 3318.042 of the Revised Code. 8597

(E) A school district may become a special needs district as 8598
to certain securities as provided in division (E) of this section. 8599

(1) A board of education, by resolution, may declare its 8600
school district to be a special needs district by determining both 8601
of the following: 8602

(a) The student population is not being adequately serviced 8603
by the existing permanent improvements of the district. 8604

(b) The district cannot obtain sufficient funds by the 8605
issuance of securities within the limitation of division (B) of 8606
this section to provide additional or improved needed permanent 8607

improvements in time to meet the needs. 8608

(2) The board of education shall certify a copy of that 8609
resolution to the superintendent of public instruction with a 8610
statistical report showing all of the following: 8611

(a) A history of and a projection of the growth of the 8612
student population; 8613

(b) The history of and a projection of the growth of the tax 8614
valuation; 8615

(c) The projected needs; 8616

(d) The estimated cost of permanent improvements proposed to 8617
meet such projected needs. 8618

(3) The superintendent of public instruction shall certify 8619
the district as an approved special needs district if the 8620
superintendent finds both of the following: 8621

(a) The district does not have available sufficient 8622
additional funds from state or federal sources to meet the 8623
projected needs. 8624

(b) The projection of the potential average growth of tax 8625
valuation during the next five years, according to the information 8626
certified to the superintendent and any other information the 8627
superintendent obtains, indicates a likelihood of potential 8628
average growth of tax valuation of the district during the next 8629
five years of an average of not less than three per cent per year. 8630
The findings and certification of the superintendent shall be 8631
conclusive. 8632

(4) An approved special needs district may incur net 8633
indebtedness by the issuance of securities in accordance with the 8634
provisions of this chapter in an amount that does not exceed an 8635
amount equal to the greater of the following: 8636

(a) Nine per cent of the sum of its tax valuation plus an 8637

amount that is the product of multiplying that tax valuation by 8638
the percentage by which the tax valuation has increased over the 8639
tax valuation on the first day of the sixtieth month preceding the 8640
month in which its board determines to submit to the electors the 8641
question of issuing the proposed securities; 8642

(b) Nine per cent of the sum of its tax valuation plus an 8643
amount that is the product of multiplying that tax valuation by 8644
the percentage, determined by the superintendent of public 8645
instruction, by which that tax valuation is projected to increase 8646
during the next ten years. 8647

(F) A school district may issue securities for emergency 8648
purposes, in a principal amount that does not exceed an amount 8649
equal to three per cent of its tax valuation, as provided in this 8650
division. 8651

(1) A board of education, by resolution, may declare an 8652
emergency if it determines both of the following: 8653

(a) School buildings or other necessary school facilities in 8654
the district have been wholly or partially destroyed, or condemned 8655
by a constituted public authority, or that such buildings or 8656
facilities are partially constructed, or so constructed or planned 8657
as to require additions and improvements to them before the 8658
buildings or facilities are usable for their intended purpose, or 8659
that corrections to permanent improvements are necessary to remove 8660
or prevent health or safety hazards. 8661

(b) Existing fiscal and net indebtedness limitations make 8662
adequate replacement, additions, or improvements impossible. 8663

(2) Upon the declaration of an emergency, the board of 8664
education may, by resolution, submit to the electors of the 8665
district pursuant to section 133.18 of the Revised Code the 8666
question of issuing securities for the purpose of paying the cost, 8667
in excess of any insurance or condemnation proceeds received by 8668

the district, of permanent improvements to respond to the 8669
emergency need. 8670

(3) The procedures for the election shall be as provided in 8671
section 133.18 of the Revised Code, except that: 8672

(a) The form of the ballot shall describe the emergency 8673
existing, refer to this division as the authority under which the 8674
emergency is declared, and state that the amount of the proposed 8675
securities exceeds the limitations prescribed by division (B) of 8676
this section; 8677

(b) The resolution required by division (B) of section 133.18 8678
of the Revised Code shall be certified to the county auditor and 8679
the board of elections at least seventy-five days prior to the 8680
election; 8681

(c) The county auditor shall advise and, not later than 8682
sixty-five days before the election, confirm that advice by 8683
certification to, the board of education of the information 8684
required by division (C) of section 133.18 of the Revised Code; 8685

(d) The board of education shall then certify its resolution 8686
and the information required by division (D) of section 133.18 of 8687
the Revised Code to the board of elections not less than sixty 8688
days prior to the election. 8689

(4) Notwithstanding division (B) of section 133.21 of the 8690
Revised Code, the first principal payment of securities issued 8691
under this division may be set at any date not later than sixty 8692
months after the earliest possible principal payment otherwise 8693
provided for in that division. 8694

(G) The board of education may contract with an architect, 8695
professional engineer, or other person experienced in the design 8696
and implementation of energy conservation measures for an analysis 8697
and recommendations pertaining to installations, modifications of 8698
installations, or remodeling that would significantly reduce 8699

energy consumption in buildings owned by the district. The report 8700
shall include estimates of all costs of such installations, 8701
modifications, or remodeling, including costs of design, 8702
engineering, installation, maintenance, repairs, and debt service, 8703
and estimates of the amounts by which energy consumption and 8704
resultant operational and maintenance costs, as defined by the 8705
Ohio school facilities commission, would be reduced. 8706

If the board finds after receiving the report that the amount 8707
of money the district would spend on such installations, 8708
modifications, or remodeling is not likely to exceed the amount of 8709
money it would save in energy and resultant operational and 8710
maintenance costs over the ensuing fifteen years, the board may 8711
submit to the commission a copy of its findings and a request for 8712
approval to incur indebtedness to finance the making or 8713
modification of installations or the remodeling of buildings for 8714
the purpose of significantly reducing energy consumption. 8715

If the commission determines that the board's findings are 8716
reasonable, it shall approve the board's request. Upon receipt of 8717
the commission's approval, the district may issue securities 8718
without a vote of the electors in a principal amount not to exceed 8719
nine-tenths of one per cent of its tax valuation for the purpose 8720
of making such installations, modifications, or remodeling, but 8721
the total net indebtedness of the district without a vote of the 8722
electors incurred under this and all other sections of the Revised 8723
Code, except section 3318.052 of the Revised Code, shall not 8724
exceed one per cent of the district's tax valuation. 8725

So long as any securities issued under division (G) of this 8726
section remain outstanding, the board of education shall monitor 8727
the energy consumption and resultant operational and maintenance 8728
costs of buildings in which installations or modifications have 8729
been made or remodeling has been done pursuant to division (G) of 8730
this section and shall maintain and annually update a report 8731

documenting the reductions in energy consumption and resultant 8732
operational and maintenance cost savings attributable to such 8733
installations, modifications, or remodeling. The report shall be 8734
certified by an architect or engineer independent of any person 8735
that provided goods or services to the board in connection with 8736
the energy conservation measures that are the subject of the 8737
report. The resultant operational and maintenance cost savings 8738
shall be certified by the school district treasurer. The report 8739
shall be made available to the commission upon request. 8740

(H) With the consent of the superintendent of public 8741
instruction, a school district may incur without a vote of the 8742
electors net indebtedness that exceeds the amounts stated in 8743
divisions (A) and (G) of this section for the purpose of paying 8744
costs of permanent improvements, if and to the extent that both of 8745
the following conditions are satisfied: 8746

(1) The fiscal officer of the school district estimates that 8747
receipts of the school district from payments made under or 8748
pursuant to agreements entered into pursuant to section 725.02, 8749
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 8750
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 8751
Code, or distributions under division (C) of section 5709.43 of 8752
the Revised Code, or any combination thereof, are, after 8753
accounting for any appropriate coverage requirements, sufficient 8754
in time and amount, and are committed by the proceedings, to pay 8755
the debt charges on the securities issued to evidence that 8756
indebtedness and payable from those receipts, and the taxing 8757
authority of the district confirms the fiscal officer's estimate, 8758
which confirmation is approved by the superintendent of public 8759
instruction; 8760

(2) The fiscal officer of the school district certifies, and 8761
the taxing authority of the district confirms, that the district, 8762
at the time of the certification and confirmation, reasonably 8763

expects to have sufficient revenue available for the purpose of 8764
operating such permanent improvements for their intended purpose 8765
upon acquisition or completion thereof, and the superintendent of 8766
public instruction approves the taxing authority's confirmation. 8767

The maximum maturity of securities issued under division (H) 8768
of this section shall be the lesser of twenty years or the maximum 8769
maturity calculated under section 133.20 of the Revised Code. 8770

(I) A school district may incur net indebtedness by the 8771
issuance of securities in accordance with the provisions of this 8772
chapter in excess of the limit specified in division (B) or (C) of 8773
this section when necessary to raise the school district portion 8774
of the basic project cost and any additional funds necessary to 8775
participate in a project under Chapter 3318. of the Revised Code, 8776
including the cost of items designated by the Ohio school 8777
facilities commission as required locally funded initiatives and 8778
the cost for site acquisition. The school facilities commission 8779
shall notify the superintendent of public instruction whenever a 8780
school district will exceed either limit pursuant to this 8781
division. 8782

(J) A school district whose portion of the basic project cost 8783
of its classroom facilities project under sections 3318.01 to 8784
3318.20 of the Revised Code is greater than or equal to one 8785
hundred million dollars may incur without a vote of the electors 8786
net indebtedness in an amount up to two per cent of its tax 8787
valuation through the issuance of general obligation securities in 8788
order to generate all or part of the amount of its portion of the 8789
basic project cost if the controlling board has approved the 8790
school facilities commission's conditional approval of the project 8791
under section 3318.04 of the Revised Code. The school district 8792
board and the Ohio school facilities commission shall include the 8793
dedication of the proceeds of such securities in the agreement 8794
entered into under section 3318.08 of the Revised Code. No state 8795

moneys shall be released for a project to which this section 8796
applies until the proceeds of any bonds issued under this section 8797
that are dedicated for the payment of the school district portion 8798
of the project are first deposited into the school district's 8799
project construction fund. 8800

Sec. 141.04. (A) The annual salaries of the chief justice of 8801
the supreme court and of the justices and judges named in this 8802
section payable from the state treasury are as follows, rounded to 8803
the nearest fifty dollars: 8804

(1) For the chief justice of the supreme court, the following 8805
amounts effective in the following years: 8806

(a) Beginning January 1, 2000, one hundred twenty-four 8807
thousand nine hundred dollars; 8808

(b) Beginning January 1, 2001, one hundred twenty-eight 8809
thousand six hundred fifty dollars; 8810

(c) After 2001, the amount determined under division (E)(1) 8811
of this section. 8812

(2) For the justices of the supreme court, the following 8813
amounts effective in the following years: 8814

(a) Beginning January 1, 2000, one hundred seventeen thousand 8815
two hundred fifty dollars; 8816

(b) Beginning January 1, 2001, one hundred twenty thousand 8817
seven hundred fifty dollars; 8818

(c) After 2001, the amount determined under division (E)(1) 8819
of this section. 8820

(3) For the judges of the courts of appeals, the following 8821
amounts effective in the following years: 8822

(a) Beginning January 1, 2000, one hundred nine thousand two 8823
hundred fifty dollars; 8824

(b) Beginning January 1, 2001, one hundred twelve thousand	8825
five hundred fifty dollars;	8826
(c) After 2001, the amount determined under division (E)(1)	8827
of this section.	8828
(4) For the judges of the courts of common pleas, the	8829
following amounts effective in the following years:	8830
(a) Beginning January 1, 2000, one hundred thousand five	8831
hundred dollars, reduced by an amount equal to the annual	8832
compensation paid to that judge from the county treasury pursuant	8833
to section 141.05 of the Revised Code;	8834
(b) Beginning January 1, 2001, one hundred three thousand	8835
five hundred dollars, reduced by an amount equal to the annual	8836
compensation paid to that judge from the county treasury pursuant	8837
to section 141.05 of the Revised Code;	8838
(c) After 2001, the aggregate annual salary amount determined	8839
under division (E)(2) of this section reduced by an amount equal	8840
to the annual compensation paid to that judge from the county	8841
treasury pursuant to section 141.05 of the Revised Code.	8842
(5) For the full-time judges of a municipal court or the	8843
part-time judges of a municipal court of a territory having a	8844
population of more than fifty thousand, the following amounts	8845
effective in the following years, which amounts shall be in	8846
addition to all amounts received pursuant to divisions (B)(1)(a)	8847
and (2) of section 1901.11 of the Revised Code from municipal	8848
corporations and counties:	8849
(a) Beginning January 1, 2000, thirty-two thousand six	8850
hundred fifty dollars;	8851
(b) Beginning January 1, 2001, thirty-five thousand five	8852
hundred dollars;	8853
(c) After 2001, the amount determined under division (E)(3)	8854

of this section. 8855

(6) For judges of a municipal court designated as part-time 8856
judges by section 1901.08 of the Revised Code, other than 8857
part-time judges to whom division (A)(5) of this section applies, 8858
and for judges of a county court, the following amounts effective 8859
in the following years, which amounts shall be in addition to any 8860
amounts received pursuant to division (A) of section 1901.11 of 8861
the Revised Code from municipal corporations and counties or 8862
pursuant to division (A) of section 1907.16 of the Revised Code 8863
from counties: 8864

(a) Beginning January 1, 2000, eighteen thousand eight 8865
hundred dollars; 8866

(b) Beginning January 1, 2001, twenty thousand four hundred 8867
fifty dollars; 8868

(c) After 2001, the amount determined under division (E)(4) 8869
of this section. 8870

(B) Except as provided in section 1901.121 of the Revised 8871
Code, except as otherwise provided in this division, and except 8872
for the compensation to which the judges described in division 8873
(A)(5) of this section are entitled pursuant to divisions 8874
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 8875
annual salary of the chief justice of the supreme court and of 8876
each justice or judge listed in division (A) of this section shall 8877
be paid in equal monthly installments from the state treasury. If 8878
the chief justice of the supreme court or any justice or judge 8879
listed in division (A)(2), (3), or (4) of this section delivers a 8880
written request to be paid biweekly to the administrative director 8881
of the supreme court prior to the first day of January of any 8882
year, the annual salary of the chief justice or the justice or 8883
judge that is listed in division (A)(2), (3), or (4) of this 8884
section shall be paid, during the year immediately following the 8885

year in which the request is delivered to the administrative 8886
director of the supreme court, biweekly from the state treasury. 8887

(C) Upon the death of the chief justice or a justice of the 8888
supreme court during that person's term of office, an amount shall 8889
be paid in accordance with section 2113.04 of the Revised Code, or 8890
to that person's estate. The amount shall equal the amount of the 8891
salary that the chief justice or justice would have received 8892
during the remainder of the unexpired term or an amount equal to 8893
the salary of office for two years, whichever is less. 8894

(D) Neither the chief justice of the supreme court nor any 8895
justice or judge of the supreme court, the court of appeals, the 8896
court of common pleas, or the probate court shall hold any other 8897
office of trust or profit under the authority of this state or the 8898
United States. 8899

(E)(1) Each ~~calendar~~ year from 2002 through 2008, the annual 8900
salaries of the chief justice of the supreme court and of the 8901
justices and judges named in divisions (A)(2) and (3) of this 8902
section shall be increased by an amount equal to the adjustment 8903
percentage for that year multiplied by the compensation paid the 8904
preceding year pursuant to division (A)(1), (2), or (3) of this 8905
section. 8906

(2) Each ~~calendar~~ year from 2002 through 2008, the aggregate 8907
annual salary payable under division (A)(4) of this section to the 8908
judges named in that division shall be increased by an amount 8909
equal to the adjustment percentage for that year multiplied by the 8910
aggregate compensation paid the preceding year pursuant to 8911
division (A)(4) of this section and section 141.05 of the Revised 8912
Code. 8913

(3) Each ~~calendar~~ year from 2002 through 2008, the salary 8914
payable from the state treasury under division (A)(5) of this 8915
section to the judges named in that division shall be increased by 8916

an amount equal to the adjustment percentage for that year 8917
multiplied by the aggregate compensation paid the preceding year 8918
pursuant to division (A)(5) of this section and division (B)(1)(a) 8919
of section 1901.11 of the Revised Code. 8920

(4) Each ~~calendar~~ year from 2002 through 2008, the salary 8921
payable from the state treasury under division (A)(6) of this 8922
section to the judges named in that division shall be increased by 8923
an amount equal to the adjustment percentage for that year 8924
multiplied by the aggregate compensation paid the preceding year 8925
pursuant to division (A)(6) of this section and division (A) of 8926
section 1901.11 of the Revised Code from municipal corporations 8927
and counties or division (A) of section 1907.16 of the Revised 8928
Code from counties. 8929

(F) In addition to the salaries payable pursuant to this 8930
section, the chief justice of the supreme court and the justices 8931
of the supreme court shall be entitled to a vehicle allowance of 8932
five hundred dollars per month, payable from the state treasury. 8933
The allowance shall be increased on the first day of January of 8934
each odd numbered year by an amount equal to the percentage 8935
increase, if any, in the consumer price index for the immediately 8936
preceding twenty-four month period for which information is 8937
available. 8938

(G) As used in this section: 8939

(1) The "adjustment percentage" for a year is the lesser of 8940
the following: 8941

(a) Three per cent; 8942

(b) The percentage increase, if any, in the consumer price 8943
index over the twelve-month period that ends on the thirtieth day 8944
of September of the immediately preceding year, rounded to the 8945
nearest one-tenth of one per cent. 8946

(2) "Consumer price index" has the same meaning as in section 8947

101.27 of the Revised Code. 8948

(3) "Salary" does not include any portion of the cost, 8949
premium, or charge for health, medical, hospital, dental, or 8950
surgical benefits, or any combination of those benefits, covering 8951
the chief justice of the supreme court or a justice or judge named 8952
in this section and paid on the chief justice's or the justice's 8953
or judge's behalf by a governmental entity. 8954

Sec. 145.012. (A) "Public employee," as defined in division 8955
(A) of section 145.01 of the Revised Code, does not include any 8956
person: 8957

(1) Who is employed by a private, temporary-help service and 8958
performs services under the direction of a public employer or is 8959
employed on a contractual basis as an independent contractor under 8960
a personal service contract with a public employer; 8961

(2) Who is an emergency employee serving on a temporary basis 8962
in case of fire, snow, earthquake, flood, or other similar 8963
emergency; 8964

(3) Who is employed in a program established pursuant to the 8965
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 8966
1501; 8967

(4) Who is an appointed member of either the motor vehicle 8968
salvage dealers board or the motor vehicle dealer's board whose 8969
rate and method of payment are determined pursuant to division (J) 8970
of section 124.15 of the Revised Code; 8971

(5) Who is employed as an election worker and paid less than 8972
five hundred dollars per calendar year for that service; 8973

(6) Who is employed as a firefighter in a position requiring 8974
satisfactory completion of a firefighter training course approved 8975
under former section 3303.07 or section 4765.55 of the Revised 8976
Code or conducted under section 3737.33 of the Revised Code except 8977

for the following: 8978

(a) Any firefighter who has elected under section 145.013 of 8979
the Revised Code to remain a contributing member of the public 8980
employees retirement system; 8981

(b) Any firefighter who was eligible to transfer from the 8982
public employees retirement system to the Ohio police and fire 8983
pension fund under section 742.51 or 742.515 of the Revised Code 8984
and did not elect to transfer; 8985

(c) Any firefighter who has elected under section 742.516 of 8986
the Revised Code to transfer from the Ohio police and fire pension 8987
fund to the public employees retirement system. 8988

(7) Who is a member of the board of health of a city or 8989
general health district, which pursuant to sections 3709.051 and 8990
3709.07 of the Revised Code includes a combined health district, 8991
and whose compensation for attendance at meetings of the board is 8992
set forth in division (B) of section 3709.02 or division (B) of 8993
section 3709.05 of the Revised Code, as appropriate; 8994

(8) Who participates in an alternative retirement plan 8995
established under Chapter 3305. of the Revised Code; 8996

(9) Who is a member of the board of directors of a sanitary 8997
district established under Chapter 6115. of the Revised Code; 8998

(10) Who is a member of the unemployment compensation 8999
advisory council. 9000

(B) No inmate of a correctional institution operated by the 9001
department of rehabilitation and correction, no patient in a 9002
hospital for the mentally ill or criminally insane operated by the 9003
department of mental health, no resident in an institution for the 9004
mentally retarded operated by the department of mental retardation 9005
and developmental disabilities, no resident admitted as a patient 9006
of a veterans' home operated under Chapter 5907. of the Revised 9007

Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming an inmate, patient, or resident at any institution listed in this division, or the payment of any benefit for which such a person or such a person's beneficiaries otherwise would be eligible.

Sec. 145.11. (A) The members of the public employees retirement board shall be the trustees of the funds created by section 145.23 of the Revised Code. The board shall have full power to invest the funds. The board and other fiduciaries shall discharge their duties with respect to the funds solely in the interest of the participants and beneficiaries; for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the public employees retirement system; with care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims; and by diversifying the investments of the system so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

To facilitate investment of the funds, the board may establish a partnership, trust, limited liability company, corporation, including a corporation exempt from taxation under the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as amended, or any other legal entity authorized to transact business in this state.

(B) In exercising its fiduciary responsibility with respect

to the investment of the funds, it shall be the intent of the 9039
board to give consideration to investments that enhance the 9040
general welfare of the state and its citizens where the 9041
investments offer quality, return, and safety comparable to other 9042
investments currently available to the board. In fulfilling this 9043
intent, equal consideration shall also be given to investments 9044
otherwise qualifying under this section that involve minority 9045
owned and controlled firms and firms owned and controlled by 9046
women, either alone or in joint venture with other firms. 9047

The board shall adopt, in regular meeting, policies, 9048
objectives, or criteria for the operation of the investment 9049
program that include asset allocation targets and ranges, risk 9050
factors, asset class benchmarks, time horizons, total return 9051
objectives, and performance evaluation guidelines. In adopting 9052
policies and criteria for the selection of agents and investment 9053
managers with whom the board may contract for the administration 9054
of the funds, the board shall comply with sections 145.114 and 9055
145.116 of the Revised Code and ~~shall may~~ also ~~give equal~~ 9056
~~consideration to~~ set aside approximately fifteen per cent of the 9057
contracts for minority owned and controlled firms, firms owned and 9058
controlled by women, and ventures involving minority owned and 9059
controlled firms and firms owned and controlled by women that 9060
otherwise meet the policies and criteria established by the board. 9061
Amendments and additions to the policies and criteria shall be 9062
adopted in regular meeting. The board shall publish its policies, 9063
objectives, and criteria under this provision no less often than 9064
annually and shall make copies available to interested parties. 9065

When reporting on the performance of investments, the board 9066
shall comply with the performance presentation standards 9067
established by the association for investment management and 9068
research. 9069

(C) All investments shall be purchased at current market 9070

prices and the evidences of title of the investments shall be 9071
placed in the hands of the treasurer of state, who is hereby 9072
designated as custodian thereof, or in the hands of the treasurer 9073
of state's authorized agent. Evidences of title of the investments 9074
so purchased may be deposited by the treasurer of state for 9075
safekeeping with an authorized agent, selected by the treasurer of 9076
state, who is a qualified trustee under section 135.18 of the 9077
Revised Code. The treasurer of state or the agent shall collect 9078
the principal, dividends, distributions, and interest thereon as 9079
they become due and payable and place them when so collected into 9080
the custodial funds. 9081

The treasurer of state shall pay for investments purchased by 9082
the retirement board on receipt of written or electronic 9083
instructions from the board or the board's designated agent 9084
authorizing the purchase and pending receipt of the evidence of 9085
title of the investment by the treasurer of state or the treasurer 9086
of state's authorized agent. The board may sell investments held 9087
by the board, and the treasurer of state or the treasurer of 9088
state's authorized agent shall accept payment from the purchaser 9089
and deliver evidence of title of the investment to the purchaser 9090
on receipt of written or electronic instructions from the board or 9091
the board's designated agent authorizing the sale, and pending 9092
receipt of the moneys for the investments. The amount received 9093
shall be placed in the custodial funds. The board and the 9094
treasurer of state may enter into agreements to establish 9095
procedures for the purchase and sale of investments under this 9096
division and the custody of the investments. 9097

(D) No purchase or sale of any investment shall be made under 9098
this section except as authorized by the public employees 9099
retirement board. 9100

(E) Any statement of financial position distributed by the 9101
board shall include the fair value, as of the statement date, of 9102

all investments held by the board under this section. 9103

Sec. 145.117. (A) As used in this section: 9104

(1) "Minority business enterprise" has the meaning defined in section 122.71 of the Revised Code. 9105
9106

(2) "Ohio-qualified investment manager" means an investment manager who has been designated as such by the public employees retirement board under division (A) of section 145.116 of the Revised Code. 9107
9108
9109
9110

(3) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 9111
9112
9113
9114

(B) The public employees retirement board shall submit annually to the governor, to the general assembly (under section 101.68 of the Revised Code), and to the Ohio retirement study council a report containing the following information: 9115
9116
9117
9118

(1) The name of each Ohio-qualified investment manager that is a minority business enterprise or a women's business enterprise with which the board contracts; 9119
9120
9121

(2) The amount of assets managed by Ohio-qualified investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by Ohio-qualified investment managers with which the board has contracted; 9122
9123
9124
9125
9126

(3) Efforts by the board to increase utilization of Ohio-qualified investment managers that are minority business enterprises or women's business enterprises. 9127
9128
9129

Sec. 145.298. (A) As used in this section: 9130

(1) "State employing unit" means an employing unit described 9131

in division (A)(2) of section 145.297 of the Revised Code. 9132

(2) "State institution" means a state correctional facility, 9133
a state institution for the mentally ill, or a state institution 9134
for the care, treatment, and training of the mentally retarded. 9135

(B) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal 9136
to close a state institution or lay off, within a six-month 9137
period, a number of persons employed at an institution that equals 9138
or exceeds the lesser of fifty or ten per cent of the persons 9139
employed at the institution, the employing unit responsible for 9140
the institution's operation shall establish a retirement incentive 9141
plan for persons employed at the institution. 9142

(2) On and after July 1, 2009, in the event of a proposal to 9143
close a state institution or lay off, within a six-month period, a 9144
number of persons employed at an institution that equals or 9145
exceeds the lesser of two hundred or thirty per cent of the 9146
persons employed at the institution, the employing unit 9147
responsible for the institution's operation shall establish a 9148
retirement incentive plan for persons employed at the institution. 9149

(C) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal, 9150
other than ~~a proposal~~ the proposals described in division (B) of 9151
this section, to lay off, within a six-month period, a number of 9152
employees of a state employing unit that equals or exceeds the 9153
lesser of fifty or ten per cent of the employing unit's employees, 9154
the employing unit shall establish a retirement incentive plan for 9155
employees of the employing unit. 9156

(2) On and after July 1, 2009, in the event of a proposal, 9157
other than the proposals described in division (B) of this 9158
section, to lay off, within a six-month period, a number of 9159
employees of a state employing unit that equals or exceeds the 9160
lesser of two hundred or thirty per cent of the employing unit's 9161
employees, the employing unit shall establish a retirement 9162

incentive plan for employees of the employing unit. 9163

(D)(1) A retirement incentive plan established under this 9164
section shall be consistent with the requirements of section 9165
145.297 of the Revised Code, except as provided in division (D)(2) 9166
of this section and except that the plan shall go into effect at 9167
the time the layoffs or proposed closings are announced and shall 9168
remain in effect until the date of the layoffs or closings. 9169

(2) A retirement incentive plan established under this 9170
section due to the proposed closing of a state institution by the 9171
department of mental health prior to July 1, 1997, shall be 9172
consistent with the requirements of section 145.297 of the Revised 9173
Code, except as follows: 9174

(a) The employing unit shall purchase at least three years of 9175
service credit for each participating employee, except that it 9176
shall not purchase more service credit than the amount allowed by 9177
division (D) of section 145.297 of the Revised Code; 9178

(b) The plan shall go into effect at the time the proposed 9179
closing is announced and shall remain in effect at least until the 9180
date of the closing. 9181

(3) If the employing unit already has a retirement incentive 9182
plan in effect, the plan shall remain in effect at least until the 9183
date of the layoffs or closings. The employing unit may revise the 9184
existing plan to provide greater benefits, but if it revises the 9185
plan, it shall give written notice of the changes to all employees 9186
who have elected to participate in the original plan, and it shall 9187
provide the greater benefits to all employees who participate in 9188
the plan, whether their elections to participate were made before 9189
or after the date of the revision. 9190

Sec. 148.02. The Ohio public employees deferred compensation 9191
board shall be comprised of a member of the house of 9192

representatives and a member of the senate, who shall not be of 9193
the same political party, each to be appointed to serve at the 9194
pleasure of the member's respective leadership, and the members of 9195
the public employees retirement board as constituted by section 9196
145.04 of the Revised Code, who are hereby created as a separate 9197
legal entity for the purpose of administering a deferred 9198
compensation system for all eligible employees. The public 9199
employees retirement board may utilize its employees and property 9200
in the administration of the system on behalf of the Ohio public 9201
employees deferred compensation board, in consideration of a 9202
reasonable service charge to be applied in a nondiscriminatory 9203
manner to all amounts of compensation deferred under this system. 9204

The Ohio public employees deferred compensation board may 9205
exercise the same powers granted by section 145.09 of the Revised 9206
Code necessary to its functions. The attorney general shall be the 9207
legal adviser of the board. The treasurer of state shall be the 9208
custodian of contributions into the deferred compensation program. 9209

Sec. 148.04. (A) The Ohio public employees deferred 9210
compensation board shall initiate, plan, expedite, and, subject to 9211
an appropriate assurance of the approval of the internal revenue 9212
service, promulgate and offer to all eligible employees, and 9213
thereafter administer on behalf of all participating employees and 9214
continuing members, and alter as required, a program for deferral 9215
of compensation, including a reasonable number of options to the 9216
employee for the investment of deferred funds, ~~including life~~ 9217
~~insurance, annuities, variable annuities, pooled investment funds~~ 9218
~~managed by the board, or other forms of investment approved by the~~ 9219
~~board,~~ always in such form as will assure the desired tax 9220
treatment of such funds. The members of the board are the trustees 9221
of any deferred funds and shall discharge their duties with 9222
respect to the funds solely in the interest of and for the 9223
exclusive benefit of participating employees, continuing members, 9224

and their beneficiaries. With respect to such deferred funds, 9225
section 148.09 of the Revised Code shall apply to claims against 9226
participating employees or continuing members and their employers. 9227

(B)(1) Whenever an individual becomes employed in a position 9228
paid by warrant of the director of budget and management, the 9229
individual's employer shall do both of the following at the time 9230
the employee completes the employee's initial employment 9231
paperwork: 9232

(a) Provide information to the employee either verbally or in 9233
writing regarding the benefits of long-term savings through 9234
deferred compensation; 9235

(b) Secure, in writing, the employee's election to 9236
participate or not participate in a deferred compensation program 9237
offered by the board. 9238

If the employee elects to participate in the deferred 9239
compensation program, the employee also shall execute a 9240
participation agreement to become a member of the program. 9241

An election regarding participation under this section shall 9242
be made in such manner and form as is prescribed by the Ohio 9243
public employees deferred compensation program and shall be filed 9244
with the program. 9245

The employer shall forward each election completed under this 9246
division to the deferred compensation program not later than 9247
thirty days after the date on which the employee's employment 9248
begins. 9249

(2) Every employer of an eligible employee shall contract 9250
with the employee upon the employee's application for 9251
participation in a deferred compensation program offered by the 9252
board. ~~Every retirement system serving an eligible employee shall 9253~~
~~serve as collection agent for compensation deferred by any of its 9254~~
~~members and account for and deliver such sums to the board. 9255~~

(C) The board shall, subject to any applicable contract provisions, undertake to obtain as favorable conditions of tax treatment as possible, both in the initial programs and any permitted alterations of them or additions to them, as to such matters as terms of distribution, designation of beneficiaries, withdrawal upon disability, financial hardship, or termination of public employment, and other optional provisions.

(D) In no event shall the total of the amount of deferred compensation to be set aside under a deferred compensation program and the employee's nondeferred income for any year exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to the employee in that year.

Such a deferred compensation program shall be in addition to any retirement or any other benefit program provided by law for employees of this state. The board shall adopt rules pursuant to Chapter 119. of the Revised Code to provide any necessary standards or conditions for the administration of its programs, including any limits on the portion of a participating employee's compensation that may be deferred in order to avoid adverse treatment of the program by the internal revenue service or the occurrence of deferral, withholding, or other deductions in excess of the compensation available for any pay period.

Any income deferred under such a plan shall continue to be included as regular compensation for the purpose of computing the contributions to and benefits from the retirement system of such employee. Any sum so deferred shall not be included in the computation of any federal and state income taxes withheld on behalf of any such employee.

(E) This section does not limit the authority of any municipal corporation, county, township, park district, conservancy district, sanitary district, health district, public

library, county law library, public institution of higher 9288
education, or school district to provide separate authorized plans 9289
or programs for deferring compensation of their officers and 9290
employees in addition to the program for the deferral of 9291
compensation offered by the board. Any municipal corporation, 9292
township, public institution of higher education, or school 9293
district that offers such plans or programs shall include a 9294
reasonable number of options to its officers or employees for the 9295
investment of the deferred funds, including annuities, variable 9296
annuities, regulated investment trusts, or other forms of 9297
investment approved by the municipal corporation, township, public 9298
institution of higher education, or school district, that will 9299
assure the desired tax treatment of the funds. 9300

Sec. 148.05. (A)(1) As used in this division, "personal 9301
history record" means information maintained by the Ohio public 9302
employees deferred compensation board on an individual who is a 9303
participating employee or continuing member that includes the 9304
address, telephone number, social security number, record of 9305
contributions, records of benefits, correspondence with the Ohio 9306
public employees deferred compensation program, or other 9307
information the board determines to be confidential. 9308

(2) The records of the board shall be open to public 9309
inspection, except that the following shall be excluded, except 9310
with the written authorization of the individual concerned: 9311

(a) Information pertaining to an individual's participant 9312
account; 9313

(b) The individual's personal history record. 9314

(B)(1) All medical reports, records, and recommendations of a 9315
participating employee or a continuing member that are in the 9316
possession of the board are privileged. 9317

(2) All tax information of a participating employee, continuing member, or former participant or member that is in the possession of the board shall be confidential to the extent the information is confidential under Title LVII or any other provision of the Revised Code. 9318
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(C) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information: 9323
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(1) If a participating employee, continuing member, or former participant or member is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record or participant account. 9326
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(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section. 9334
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(3) Pursuant to an administrative subpoena issued by a state agency, the board shall furnish the information required by the subpoena. 9338
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(4) The board shall comply with orders issued under section 3105.87 of the Revised Code. 9341
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(D) A statement that contains information obtained from the program's records that is signed by the executive director or the director's designee and to which the board's official seal is affixed, or copies of the program's records to which the signature and seal are attached, shall be received as true copies of the board's records in any court or before any officer of this state. 9343
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Sec. 149.308. There is hereby created in the state treasury 9350
the Ohio historical society income tax contribution fund, which 9351
shall consist of money contributed to it under section 5747.113 of 9352
the Revised Code and of contributions made directly to it. Any 9353
person may contribute directly to the fund in addition to or 9354
independently of the income tax refund contribution system 9355
established in section 5747.113 of the Revised Code. 9356

The Ohio historical society shall use money credited to the 9357
fund in furtherance of the public functions with which the society 9358
is charged under section 149.30 of the Revised Code. 9359

Sec. 149.43. (A) As used in this section: 9360

(1) "Public record" means records kept by any public office, 9361
including, but not limited to, state, county, city, village, 9362
township, and school district units, and records pertaining to the 9363
delivery of educational services by an alternative school in this 9364
state kept by the nonprofit or for-profit entity operating the 9365
alternative school pursuant to section 3313.533 of the Revised 9366
Code. "Public record" does not mean any of the following: 9367

(a) Medical records; 9368

(b) Records pertaining to probation and parole proceedings or 9369
to proceedings related to the imposition of community control 9370
sanctions and post-release control sanctions; 9371

(c) Records pertaining to actions under section 2151.85 and 9372
division (C) of section 2919.121 of the Revised Code and to 9373
appeals of actions arising under those sections; 9374

(d) Records pertaining to adoption proceedings, including the 9375
contents of an adoption file maintained by the department of 9376
health under section 3705.12 of the Revised Code; 9377

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	9378 9379 9380 9381 9382 9383
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	9384 9385 9386
(g) Trial preparation records;	9387
(h) Confidential law enforcement investigatory records;	9388
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	9389 9390
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	9391 9392
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	9393 9394 9395 9396
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	9397 9398 9399 9400
(m) Intellectual property records;	9401
(n) Donor profile records;	9402
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	9403 9404
(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial	9405 9406 9407

information; 9408

(q) In the case of a county hospital operated pursuant to 9409
Chapter 339. of the Revised Code or a municipal hospital operated 9410
pursuant to Chapter 749. of the Revised Code, information that 9411
constitutes a trade secret, as defined in section 1333.61 of the 9412
Revised Code; 9413

(r) Information pertaining to the recreational activities of 9414
a person under the age of eighteen; 9415

(s) Records provided to, statements made by review board 9416
members during meetings of, and all work products of a child 9417
fatality review board acting under sections 307.621 to 307.629 of 9418
the Revised Code, and child fatality review data submitted by the 9419
child fatality review board to the department of health or a 9420
national child death review database, other than the report 9421
prepared pursuant to division (A) of section 307.626 of the 9422
Revised Code; 9423

(t) Records provided to and statements made by the executive 9424
director of a public children services agency or a prosecuting 9425
attorney acting pursuant to section 5153.171 of the Revised Code 9426
other than the information released under that section; 9427

(u) Test materials, examinations, or evaluation tools used in 9428
an examination for licensure as a nursing home administrator that 9429
the board of examiners of nursing home administrators administers 9430
under section 4751.04 of the Revised Code or contracts under that 9431
section with a private or government entity to administer; 9432

(v) Records the release of which is prohibited by state or 9433
federal law; 9434

(w) Proprietary information of or relating to any person that 9435
is submitted to or compiled by the Ohio venture capital authority 9436
created under section 150.01 of the Revised Code; 9437

(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	9438 9439
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	9440 9441 9442 9443 9444 9445
(z) Records listed in section 5101.29 of the Revised Code.	9446
(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section.	9447 9448 9449
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	9450 9451 9452 9453 9454
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	9455 9456 9457 9458
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	9459 9460 9461 9462
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	9463 9464
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	9465 9466 9467

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT:

(a) The address of the actual personal residence of a peace

officer, parole officer, assistant prosecuting attorney, 9499
correctional employee, youth services employee, firefighter, or 9500
EMT, except for the state or political subdivision in which the 9501
peace officer, parole officer, assistant prosecuting attorney, 9502
correctional employee, youth services employee, firefighter, or 9503
EMT resides; 9504

(b) Information compiled from referral to or participation in 9505
an employee assistance program; 9506

(c) The social security number, the residential telephone 9507
number, any bank account, debit card, charge card, or credit card 9508
number, or the emergency telephone number of, or any medical 9509
information pertaining to, a peace officer, parole officer, 9510
prosecuting attorney, assistant prosecuting attorney, correctional 9511
employee, youth services employee, firefighter, or EMT; 9512

(d) The name of any beneficiary of employment benefits, 9513
including, but not limited to, life insurance benefits, provided 9514
to a peace officer, parole officer, prosecuting attorney, 9515
assistant prosecuting attorney, correctional employee, youth 9516
services employee, firefighter, or EMT by the peace officer's, 9517
parole officer's, prosecuting attorney's, assistant prosecuting 9518
attorney's, correctional employee's, youth services employee's, 9519
firefighter's, or EMT's employer; 9520

(e) The identity and amount of any charitable or employment 9521
benefit deduction made by the peace officer's, parole officer's, 9522
prosecuting attorney's, assistant prosecuting attorney's, 9523
correctional employee's, youth services employee's, firefighter's, 9524
or EMT's employer from the peace officer's, parole officer's, 9525
prosecuting attorney's, assistant prosecuting attorney's, 9526
correctional employee's, youth services employee's, firefighter's, 9527
or EMT's compensation unless the amount of the deduction is 9528
required by state or federal law; 9529

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A)(7) and (B)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a

lawfully constituted fire department of a municipal corporation, 9561
township, fire district, or village. 9562

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 9563
means EMTs-basic, EMTs-I, and paramedics that provide emergency 9564
medical services for a public emergency medical service 9565
organization. "Emergency medical service organization," 9566
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 9567
section 4765.01 of the Revised Code. 9568

(8) "Information pertaining to the recreational activities of 9569
a person under the age of eighteen" means information that is kept 9570
in the ordinary course of business by a public office, that 9571
pertains to the recreational activities of a person under the age 9572
of eighteen years, and that discloses any of the following: 9573

(a) The address or telephone number of a person under the age 9574
of eighteen or the address or telephone number of that person's 9575
parent, guardian, custodian, or emergency contact person; 9576

(b) The social security number, birth date, or photographic 9577
image of a person under the age of eighteen; 9578

(c) Any medical record, history, or information pertaining to 9579
a person under the age of eighteen; 9580

(d) Any additional information sought or required about a 9581
person under the age of eighteen for the purpose of allowing that 9582
person to participate in any recreational activity conducted or 9583
sponsored by a public office or to use or obtain admission 9584
privileges to any recreational facility owned or operated by a 9585
public office. 9586

(9) "Community control sanction" has the same meaning as in 9587
section 2929.01 of the Revised Code. 9588

(10) "Post-release control sanction" has the same meaning as 9589
in section 2967.01 of the Revised Code. 9590

(11) "Redaction" means obscuring or deleting any information 9591
that is exempt from the duty to permit public inspection or 9592
copying from an item that otherwise meets the definition of a 9593
"record" in section 149.011 of the Revised Code. 9594

(12) "Designee" and "elected official" have the same meanings 9595
as in section 109.43 of the Revised Code. 9596

(B)(1) Upon request and subject to division (B)(8) of this 9597
section, all public records responsive to the request shall be 9598
promptly prepared and made available for inspection to any person 9599
at all reasonable times during regular business hours. Subject to 9600
division (B)(8) of this section, upon request, a public office or 9601
person responsible for public records shall make copies of the 9602
requested public record available at cost and within a reasonable 9603
period of time. If a public record contains information that is 9604
exempt from the duty to permit public inspection or to copy the 9605
public record, the public office or the person responsible for the 9606
public record shall make available all of the information within 9607
the public record that is not exempt. When making that public 9608
record available for public inspection or copying that public 9609
record, the public office or the person responsible for the public 9610
record shall notify the requester of any redaction or make the 9611
redaction plainly visible. A redaction shall be deemed a denial of 9612
a request to inspect or copy the redacted information, except if 9613
federal or state law authorizes or requires a public office to 9614
make the redaction. 9615

(2) To facilitate broader access to public records, a public 9616
office or the person responsible for public records shall organize 9617
and maintain public records in a manner that they can be made 9618
available for inspection or copying in accordance with division 9619
(B) of this section. A public office also shall have available a 9620
copy of its current records retention schedule at a location 9621
readily available to the public. If a requester makes an ambiguous 9622

or overly broad request or has difficulty in making a request for 9623
copies or inspection of public records under this section such 9624
that the public office or the person responsible for the requested 9625
public record cannot reasonably identify what public records are 9626
being requested, the public office or the person responsible for 9627
the requested public record may deny the request but shall provide 9628
the requester with an opportunity to revise the request by 9629
informing the requester of the manner in which records are 9630
maintained by the public office and accessed in the ordinary 9631
course of the public office's or person's duties. 9632

(3) If a request is ultimately denied, in part or in whole, 9633
the public office or the person responsible for the requested 9634
public record shall provide the requester with an explanation, 9635
including legal authority, setting forth why the request was 9636
denied. If the initial request was provided in writing, the 9637
explanation also shall be provided to the requester in writing. 9638
The explanation shall not preclude the public office or the person 9639
responsible for the requested public record from relying upon 9640
additional reasons or legal authority in defending an action 9641
commenced under division (C) of this section. 9642

(4) Unless specifically required or authorized by state or 9643
federal law or in accordance with division (B) of this section, no 9644
public office or person responsible for public records may limit 9645
or condition the availability of public records by requiring 9646
disclosure of the requester's identity or the intended use of the 9647
requested public record. Any requirement that the requester 9648
disclose the requestor's identity or the intended use of the 9649
requested public record constitutes a denial of the request. 9650

(5) A public office or person responsible for public records 9651
may ask a requester to make the request in writing, may ask for 9652
the requester's identity, and may inquire about the intended use 9653
of the information requested, but may do so only after disclosing 9654

to the requester that a written request is not mandatory and that 9655
the requester may decline to reveal the requester's identity or 9656
the intended use and when a written request or disclosure of the 9657
identity or intended use would benefit the requester by enhancing 9658
the ability of the public office or person responsible for public 9659
records to identify, locate, or deliver the public records sought 9660
by the requester. 9661

(6) If any person chooses to obtain a copy of a public record 9662
in accordance with division (B) of this section, the public office 9663
or person responsible for the public record may require that 9664
person to pay in advance the cost involved in providing the copy 9665
of the public record in accordance with the choice made by the 9666
person seeking the copy under this division. The public office or 9667
the person responsible for the public record shall permit that 9668
person to choose to have the public record duplicated upon paper, 9669
upon the same medium upon which the public office or person 9670
responsible for the public record keeps it, or upon any other 9671
medium upon which the public office or person responsible for the 9672
public record determines that it reasonably can be duplicated as 9673
an integral part of the normal operations of the public office or 9674
person responsible for the public record. When the person seeking 9675
the copy makes a choice under this division, the public office or 9676
person responsible for the public record shall provide a copy of 9677
it in accordance with the choice made by the person seeking the 9678
copy. Nothing in this section requires a public office or person 9679
responsible for the public record to allow the person seeking a 9680
copy of the public record to make the copies of the public record. 9681

(7) Upon a request made in accordance with division (B) of 9682
this section and subject to division (B)(6) of this section, a 9683
public office or person responsible for public records shall 9684
transmit a copy of a public record to any person by United States 9685
mail or by any other means of delivery or transmission within a 9686

reasonable period of time after receiving the request for the 9687
copy. The public office or person responsible for the public 9688
record may require the person making the request to pay in advance 9689
the cost of postage if the copy is transmitted by United States 9690
mail or the cost of delivery if the copy is transmitted other than 9691
by United States mail, and to pay in advance the costs incurred 9692
for other supplies used in the mailing, delivery, or transmission. 9693

Any public office may adopt a policy and procedures that it 9694
will follow in transmitting, within a reasonable period of time 9695
after receiving a request, copies of public records by United 9696
States mail or by any other means of delivery or transmission 9697
pursuant to this division. A public office that adopts a policy 9698
and procedures under this division shall comply with them in 9699
performing its duties under this division. 9700

In any policy and procedures adopted under this division, a 9701
public office may limit the number of records requested by a 9702
person that the office will transmit by United States mail to ten 9703
per month, unless the person certifies to the office in writing 9704
that the person does not intend to use or forward the requested 9705
records, or the information contained in them, for commercial 9706
purposes. For purposes of this division, "commercial" shall be 9707
narrowly construed and does not include reporting or gathering 9708
news, reporting or gathering information to assist citizen 9709
oversight or understanding of the operation or activities of 9710
government, or nonprofit educational research. 9711

(8) A public office or person responsible for public records 9712
is not required to permit a person who is incarcerated pursuant to 9713
a criminal conviction or a juvenile adjudication to inspect or to 9714
obtain a copy of any public record concerning a criminal 9715
investigation or prosecution or concerning what would be a 9716
criminal investigation or prosecution if the subject of the 9717
investigation or prosecution were an adult, unless the request to 9718

inspect or to obtain a copy of the record is for the purpose of 9719
acquiring information that is subject to release as a public 9720
record under this section and the judge who imposed the sentence 9721
or made the adjudication with respect to the person, or the 9722
judge's successor in office, finds that the information sought in 9723
the public record is necessary to support what appears to be a 9724
justiciable claim of the person. 9725

(9) Upon written request made and signed by a journalist on 9726
or after December 16, 1999, a public office, or person responsible 9727
for public records, having custody of the records of the agency 9728
employing a specified peace officer, parole officer, prosecuting 9729
attorney, assistant prosecuting attorney, correctional employee, 9730
youth services employee, firefighter, or EMT shall disclose to the 9731
journalist the address of the actual personal residence of the 9732
peace officer, parole officer, prosecuting attorney, assistant 9733
prosecuting attorney, correctional employee, youth services 9734
employee, firefighter, or EMT and, if the peace officer's, parole 9735
officer's, prosecuting attorney's, assistant prosecuting 9736
attorney's, correctional employee's, youth services employee's, 9737
firefighter's, or EMT's spouse, former spouse, or child is 9738
employed by a public office, the name and address of the employer 9739
of the peace officer's, parole officer's, prosecuting attorney's, 9740
assistant prosecuting attorney's, correctional employee's, youth 9741
services employee's, firefighter's, or EMT's spouse, former 9742
spouse, or child. The request shall include the journalist's name 9743
and title and the name and address of the journalist's employer 9744
and shall state that disclosure of the information sought would be 9745
in the public interest. 9746

As used in this division, "journalist" means a person engaged 9747
in, connected with, or employed by any news medium, including a 9748
newspaper, magazine, press association, news agency, or wire 9749
service, a radio or television station, or a similar medium, for 9750

the purpose of gathering, processing, transmitting, compiling, 9751
editing, or disseminating information for the general public. 9752

(C)(1) If a person allegedly is aggrieved by the failure of a 9753
public office or the person responsible for public records to 9754
promptly prepare a public record and to make it available to the 9755
person for inspection in accordance with division (B) of this 9756
section or by any other failure of a public office or the person 9757
responsible for public records to comply with an obligation in 9758
accordance with division (B) of this section, the person allegedly 9759
aggrieved may commence a mandamus action to obtain a judgment that 9760
orders the public office or the person responsible for the public 9761
record to comply with division (B) of this section, that awards 9762
court costs and reasonable attorney's fees to the person that 9763
instituted the mandamus action, and, if applicable, that includes 9764
an order fixing statutory damages under division (C)(1) of this 9765
section. The mandamus action may be commenced in the court of 9766
common pleas of the county in which division (B) of this section 9767
allegedly was not complied with, in the supreme court pursuant to 9768
its original jurisdiction under Section 2 of Article IV, Ohio 9769
Constitution, or in the court of appeals for the appellate 9770
district in which division (B) of this section allegedly was not 9771
complied with pursuant to its original jurisdiction under Section 9772
3 of Article IV, Ohio Constitution. 9773

If a requestor transmits a written request by hand delivery 9774
or certified mail to inspect or receive copies of any public 9775
record in a manner that fairly describes the public record or 9776
class of public records to the public office or person responsible 9777
for the requested public records, except as otherwise provided in 9778
this section, the requestor shall be entitled to recover the 9779
amount of statutory damages set forth in this division if a court 9780
determines that the public office or the person responsible for 9781
public records failed to comply with an obligation in accordance 9782

with division (B) of this section. 9783

The amount of statutory damages shall be fixed at one hundred 9784
dollars for each business day during which the public office or 9785
person responsible for the requested public records failed to 9786
comply with an obligation in accordance with division (B) of this 9787
section, beginning with the day on which the requester files a 9788
mandamus action to recover statutory damages, up to a maximum of 9789
one thousand dollars. The award of statutory damages shall not be 9790
construed as a penalty, but as compensation for injury arising 9791
from lost use of the requested information. The existence of this 9792
injury shall be conclusively presumed. The award of statutory 9793
damages shall be in addition to all other remedies authorized by 9794
this section. 9795

The court may reduce an award of statutory damages or not 9796
award statutory damages if the court determines both of the 9797
following: 9798

(a) That, based on the ordinary application of statutory law 9799
and case law as it existed at the time of the conduct or 9800
threatened conduct of the public office or person responsible for 9801
the requested public records that allegedly constitutes a failure 9802
to comply with an obligation in accordance with division (B) of 9803
this section and that was the basis of the mandamus action, a 9804
well-informed public office or person responsible for the 9805
requested public records reasonably would believe that the conduct 9806
or threatened conduct of the public office or person responsible 9807
for the requested public records did not constitute a failure to 9808
comply with an obligation in accordance with division (B) of this 9809
section; 9810

(b) That a well-informed public office or person responsible 9811
for the requested public records reasonably would believe that the 9812
conduct or threatened conduct of the public office or person 9813
responsible for the requested public records would serve the 9814

public policy that underlies the authority that is asserted as 9815
permitting that conduct or threatened conduct. 9816

(2)(a) If the court issues a writ of mandamus that orders the 9817
public office or the person responsible for the public record to 9818
comply with division (B) of this section and determines that the 9819
circumstances described in division (C)(1) of this section exist, 9820
the court shall determine and award to the relator all court 9821
costs. 9822

(b) If the court renders a judgment that orders the public 9823
office or the person responsible for the public record to comply 9824
with division (B) of this section, the court may award reasonable 9825
attorney's fees subject to reduction as described in division 9826
(C)(2)(c) of this section. The court shall award reasonable 9827
attorney's fees, subject to reduction as described in division 9828
(C)(2)(c) of this section when either of the following applies: 9829

(i) The public office or the person responsible for the 9830
public records failed to respond affirmatively or negatively to 9831
the public records request in accordance with the time allowed 9832
under division (B) of this section. 9833

(ii) The public office or the person responsible for the 9834
public records promised to permit the relator to inspect or 9835
receive copies of the public records requested within a specified 9836
period of time but failed to fulfill that promise within that 9837
specified period of time. 9838

(c) Court costs and reasonable attorney's fees awarded under 9839
this section shall be construed as remedial and not punitive. 9840
Reasonable attorney's fees shall include reasonable fees incurred 9841
to produce proof of the reasonableness and amount of the fees and 9842
to otherwise litigate entitlement to the fees. The court may 9843
reduce an award of attorney's fees to the relator or not award 9844
attorney's fees to the relator if the court determines both of the 9845

following: 9846

(i) That, based on the ordinary application of statutory law 9847
and case law as it existed at the time of the conduct or 9848
threatened conduct of the public office or person responsible for 9849
the requested public records that allegedly constitutes a failure 9850
to comply with an obligation in accordance with division (B) of 9851
this section and that was the basis of the mandamus action, a 9852
well-informed public office or person responsible for the 9853
requested public records reasonably would believe that the conduct 9854
or threatened conduct of the public office or person responsible 9855
for the requested public records did not constitute a failure to 9856
comply with an obligation in accordance with division (B) of this 9857
section; 9858

(ii) That a well-informed public office or person responsible 9859
for the requested public records reasonably would believe that the 9860
conduct or threatened conduct of the public office or person 9861
responsible for the requested public records as described in 9862
division (C)(2)(c)(i) of this section would serve the public 9863
policy that underlies the authority that is asserted as permitting 9864
that conduct or threatened conduct. 9865

(D) Chapter 1347. of the Revised Code does not limit the 9866
provisions of this section. 9867

(E)(1) To ensure that all employees of public offices are 9868
appropriately educated about a public office's obligations under 9869
division (B) of this section, all elected officials or their 9870
appropriate designees shall attend training approved by the 9871
attorney general as provided in section 109.43 of the Revised 9872
Code. In addition, all public offices shall adopt a public records 9873
policy in compliance with this section for responding to public 9874
records requests. In adopting a public records policy under this 9875
division, a public office may obtain guidance from the model 9876
public records policy developed and provided to the public office 9877

by the attorney general under section 109.43 of the Revised Code. 9878
Except as otherwise provided in this section, the policy may not 9879
limit the number of public records that the public office will 9880
make available to a single person, may not limit the number of 9881
public records that it will make available during a fixed period 9882
of time, and may not establish a fixed period of time before it 9883
will respond to a request for inspection or copying of public 9884
records, unless that period is less than eight hours. 9885

(2) The public office shall distribute the public records 9886
policy adopted by the public office under division (E)(1) of this 9887
section to the employee of the public office who is the records 9888
custodian or records manager or otherwise has custody of the 9889
records of that office. The public office shall require that 9890
employee to acknowledge receipt of the copy of the public records 9891
policy. The public office shall create a poster that describes its 9892
public records policy and shall post the poster in a conspicuous 9893
place in the public office and in all locations where the public 9894
office has branch offices. The public office may post its public 9895
records policy on the internet web site of the public office if 9896
the public office maintains an internet web site. A public office 9897
that has established a manual or handbook of its general policies 9898
and procedures for all employees of the public office shall 9899
include the public records policy of the public office in the 9900
manual or handbook. 9901

(F)(1) The bureau of motor vehicles may adopt rules pursuant 9902
to Chapter 119. of the Revised Code to reasonably limit the number 9903
of bulk commercial special extraction requests made by a person 9904
for the same records or for updated records during a calendar 9905
year. The rules may include provisions for charges to be made for 9906
bulk commercial special extraction requests for the actual cost of 9907
the bureau, plus special extraction costs, plus ten per cent. The 9908
bureau may charge for expenses for redacting information, the 9909

release of which is prohibited by law. 9910

(2) As used in division (F)(1) of this section: 9911

(a) "Actual cost" means the cost of depleted supplies, 9912
records storage media costs, actual mailing and alternative 9913
delivery costs, or other transmitting costs, and any direct 9914
equipment operating and maintenance costs, including actual costs 9915
paid to private contractors for copying services. 9916

(b) "Bulk commercial special extraction request" means a 9917
request for copies of a record for information in a format other 9918
than the format already available, or information that cannot be 9919
extracted without examination of all items in a records series, 9920
class of records, or data base by a person who intends to use or 9921
forward the copies for surveys, marketing, solicitation, or resale 9922
for commercial purposes. "Bulk commercial special extraction 9923
request" does not include a request by a person who gives 9924
assurance to the bureau that the person making the request does 9925
not intend to use or forward the requested copies for surveys, 9926
marketing, solicitation, or resale for commercial purposes. 9927

(c) "Commercial" means profit-seeking production, buying, or 9928
selling of any good, service, or other product. 9929

(d) "Special extraction costs" means the cost of the time 9930
spent by the lowest paid employee competent to perform the task, 9931
the actual amount paid to outside private contractors employed by 9932
the bureau, or the actual cost incurred to create computer 9933
programs to make the special extraction. "Special extraction 9934
costs" include any charges paid to a public agency for computer or 9935
records services. 9936

(3) For purposes of divisions (F)(1) and (2) of this section, 9937
"surveys, marketing, solicitation, or resale for commercial 9938
purposes" shall be narrowly construed and does not include 9939
reporting or gathering news, reporting or gathering information to 9940

assist citizen oversight or understanding of the operation or 9941
activities of government, or nonprofit educational research. 9942

Sec. 150.01. (A) As used in this chapter: 9943

(1) "Authority" means the Ohio venture capital authority 9944
created under section 150.02 of the Revised Code. 9945

(2) "Issuer" means a port authority organized and existing 9946
under applicable provisions of Chapter 4582. of the Revised Code 9947
that, pursuant to an agreement entered into under division (E) of 9948
section 150.02 of the Revised Code, issues or issued obligations 9949
to fund one or more loans to the program fund. 9950

(3) "Lender" means any person that lends money to the program 9951
fund as provided in this chapter and includes any lender and any 9952
trustee. 9953

~~(3)~~(4) "Loss" means a loss incurred with respect to a 9954
lender's loan to the program fund. Such a loss is incurred only if 9955
and to the extent a program administrator fails to satisfy its 9956
obligations to the lender to make timely payments of principal or 9957
interest as provided in the loan agreement between the lender and 9958
the program administrator. "Loss" does not include either of the 9959
following: 9960

(a) Any loss incurred by the program fund, including a loss 9961
attributable to any investment made by a program administrator; 9962

(b) Any loss of the capital required to be provided by a 9963
program administrator, or income accruing to that capital, under 9964
the agreement entered into under division (B) of section 150.05 of 9965
the Revised Code. 9966

~~(4)~~(5) "Ohio-based business enterprise" means a person that 9967
is engaged in business, that employs at least one individual on a 9968
full-time or part-time basis at a place of business in this state, 9969
including a person engaged in business if that person is a 9970

self-employed individual, and that is in the seed or early stage 9971
of business development requiring initial or early stage funding 9972
or is an established business enterprise developing new methods or 9973
technologies. 9974

~~(5)~~(6) "Ohio-based venture capital fund" means a venture 9975
capital fund having its principal office in this state, where the 9976
majority of the fund's staff are employed and where at least one 9977
investment professional is employed who has at least five years of 9978
experience in venture capital investment. 9979

~~(6)~~(7) "Ohio co-investment fund" means an Ohio-based venture 9980
capital fund managed by the program administrator or a fund 9981
manager appointed by the program administrator that is capitalized 9982
exclusively by program fund investments in accordance with the 9983
investment policy adopted under section 150.03 of the Revised 9984
Code. 9985

(8) "Program fund" means the fund created under section 9986
150.03 of the Revised Code. 9987

(9) "Research and development purposes" has the same meaning 9988
as used in Section 2p of Article VIII, Ohio Constitution, and 9989
includes the development of sites and facilities in this state for 9990
and in support of those research and development purposes. 9991

(10) "Trustee" means a trust company or a bank with corporate 9992
trust powers, in either case having a place of business in this 9993
state and acting in its capacity as a trustee pursuant to a trust 9994
agreement under which an issuer issues obligations to fund loans 9995
to the program fund. 9996

(B) The general assembly declares that its purpose in 9997
enacting Chapter 150. of the Revised Code is to increase the 9998
amount of private investment capital available in this state for 9999
Ohio-based business enterprises in the seed or early stages of 10000
business development and requiring initial or early stage funding, 10001

as well as established Ohio-based business enterprises developing 10002
new methods or technologies, including the promotion of research 10003
and development purposes, thereby increasing employment, creating 10004
additional wealth, and otherwise benefiting the economic welfare 10005
of the people of this state. Accordingly, it is the intention of 10006
the general assembly that the program fund make its investments in 10007
support of Ohio-based business enterprises and that the Ohio 10008
venture capital authority focus its investment policy principally 10009
on venture capital funds investing in such Ohio-based business 10010
enterprises. The general assembly finds and determines that this 10011
chapter and the investment policy, and actions taken under and 10012
consistent therewith, will promote and implement the public 10013
purposes of Section 2p of Article VIII, Ohio Constitution. 10014

Sec. 150.02. (A) There is hereby created the Ohio venture 10015
capital authority, which shall exercise the powers and perform the 10016
duties prescribed by this chapter. The exercise by the authority 10017
of its powers and duties is hereby declared to be an essential 10018
state governmental function. The authority is subject to all laws 10019
generally applicable to state agencies and public officials, 10020
including, but not limited to, Chapter 119. and sections 121.22 10021
and 149.43 of the Revised Code, to the extent those laws do not 10022
conflict with this chapter. 10023

(B) The authority shall consist of nine members. Seven of the 10024
members shall be appointed by the governor, with the advice and 10025
consent of the senate, from among the general public. All 10026
appointed members shall have experience in the field of banking, 10027
investments, commercial law, or industry relevant to the purpose 10028
of the Ohio venture capital program as stated in section 150.01 of 10029
the Revised Code. The director of development and tax commissioner 10030
or their designees shall be ex officio, nonvoting members. 10031

Initial gubernatorial appointees to the authority shall serve 10032

staggered terms, with one term expiring on January 31, 2004, two 10033
terms expiring on January 31, 2005, two terms expiring on January 10034
31, 2006, and two terms expiring on January 31, 2007. Thereafter, 10035
terms of office for all appointees shall be for four years, with 10036
each term ending on the same day of the same month as did the term 10037
that it succeeds. A vacancy on the authority shall be filled in 10038
the same manner as the original appointment, except that a person 10039
appointed to fill a vacancy shall be appointed to the remainder of 10040
the unexpired term. Any appointed member of the authority is 10041
eligible for reappointment. 10042

A member of the authority may be removed by the member's 10043
appointing authority for misfeasance, malfeasance, willful neglect 10044
of duty, or other cause, after notice and a public hearing, unless 10045
the notice and hearing are waived in writing by the member. 10046

(C) Members of the authority shall serve without 10047
compensation, but shall receive their reasonable and necessary 10048
expenses incurred in the conduct of authority business. The 10049
governor shall designate a member of the authority to serve as 10050
chairperson. A majority of the voting members of the authority 10051
constitutes a quorum, and the affirmative vote of a majority of 10052
the voting members present is necessary for any action taken by 10053
the authority. A vacancy in the voting membership of the authority 10054
does not impair the right of a quorum to exercise all rights and 10055
perform all duties of the authority. 10056

(D) The department of development shall provide the authority 10057
with office space and such technical assistance as the authority 10058
requires. 10059

(E) The authority and an issuer may cooperate in promoting 10060
the public purposes of the Ohio venture capital program as stated 10061
in section 150.01 of the Revised Code and shall enter into such 10062
agreements as the authority and the issuer shall deem appropriate, 10063
with a view to cooperative action and safeguarding of the 10064

respective interests of the parties thereto. Any agreement shall 10065
provide for the rights, duties, and responsibilities of the 10066
parties and any limitations thereon, shall provide for the terms 10067
on which any tax credits to be issued to the issuer or a trustee 10068
pursuant to section 150.07 of the Revised Code shall be issued and 10069
claimed, and shall provide terms as may be mutually satisfactory 10070
to the parties including, but not limited to, requirements for 10071
reporting, and a plan, prepared by the program administrator and 10072
acceptable to the authority and the issuer, designed to evidence 10073
and ensure compliance with division (D) of section 150.03 of the 10074
Revised Code and Section 2p of Article VIII, Ohio Constitution. 10075

Sec. 150.03. Within ninety days after ~~the effective date of~~ 10076
~~this section~~ April 9, 2003, the authority shall establish, and 10077
subsequently may modify as it considers necessary, a written 10078
investment policy governing the investment of money from the 10079
program fund, which is hereby created. The program fund shall 10080
consist of the proceeds of loans acquired by a program 10081
administrator. The authority is subject to Chapter 119. of the 10082
Revised Code with respect to the establishment or modification of 10083
the policy. The policy shall meet all the following requirements: 10084

(A) It is consistent with the purpose of the program stated 10085
in section 150.01 of the Revised Code. 10086

(B) Subject to divisions (C), (D), and (E) of this section, 10087
it permits the investment of money from the program fund in 10088
private, for-profit venture capital funds, including funds of 10089
funds, that invest in enterprises in the seed or early stage of 10090
business development or established business enterprises 10091
developing new methods or technologies, and that demonstrate 10092
potential to generate high levels of successful investment 10093
performance. 10094

(C) It specifies that, exclusive of any program fund money 10095

invested in an Ohio co-investment fund, a program administrator or 10096
fund manager employed by the program administrator shall invest 10097
not less than seventy-five per cent of program fund money under 10098
its investment authority in Ohio-based venture capital funds. 10099

(D) It specifies ~~that~~ all of the following: 10100

(1) That not less than an amount equal to fifty per cent of 10101
program fund money invested in any venture capital fund ~~be is~~ 10102
invested by the venture capital fund in Ohio-based business 10103
enterprises; 10104

(2) That one hundred per cent of program fund money invested 10105
in any Ohio co-investment fund is invested by the Ohio 10106
co-investment fund in Ohio-based business enterprises; and 10107

(3) That, commencing with the first program fund investment 10108
in each venture capital fund, the aggregate amount invested in 10109
Ohio-based business enterprises by all venture capital funds in 10110
which the program fund has invested is not less than the aggregate 10111
amount of all program fund money invested in those venture capital 10112
funds. 10113

(E) It specifies that a program administrator or fund manager 10114
employed by the program administrator shall not invest money from 10115
the program fund in a venture capital fund to the extent that the 10116
total amount of program fund money invested in the venture capital 10117
fund, ~~when combined with any program fund money invested in a~~ 10118
~~venture capital fund under the same management as that venture~~ 10119
~~capital fund,~~ exceeds the ~~lesser of the~~ following: 10120

(1) In the case of an Ohio co-investment fund, the lesser of 10121
the following: 10122

(a) One hundred million dollars; 10123

(b) Fifty per cent of the total amount of capital committed 10124
to all venture capital funds by the program fund. 10125

<u>(2) In the case of any venture capital fund that is not an</u>	10126
<u>Ohio co-investment fund, the lesser of the following:</u>	10127
<u>(a) Ten million dollars;</u>	10128
(2)(a)(b)(i) <u>In the case of an Ohio-based venture capital</u>	10129
<u>fund, fifty per cent of the total amount of capital committed to</u>	10130
<u>the fund from all sources, after accounting for capital committed</u>	10131
<u>from the program fund;</u>	10132
(b)(ii) <u>In the case of any other venture capital fund, twenty</u>	10133
<u>per cent of the total amount of capital committed to the fund from</u>	10134
<u>all sources, after accounting for capital committed from the</u>	10135
<u>program fund.</u>	10136
(F) <u>It specifies that a program administrator or fund manager</u>	10137
<u>employed by the program administrator shall not commit capital</u>	10138
<u>from the program fund to a venture capital fund <u>other than an Ohio</u></u>	10139
<u><u>co-investment fund</u> until the venture capital fund receives</u>	10140
<u>commitment of at least the same amount from other investors in the</u>	10141
<u>fund, and shall not permit capital from an Ohio co-investment fund</u>	10142
<u>to be committed to any investment until the Ohio-based business</u>	10143
<u>enterprise in which the investment is to be made receives a</u>	10144
<u>commitment of at least the same amount from other investors that</u>	10145
<u>are independent of and under management independent of the program</u>	10146
<u>administrator and any fund manager employed by the program</u>	10147
<u>administrator.</u>	10148
(G) <u>It specifies the general conditions a private, for-profit</u>	10149
<u>investment fund must meet to be selected as a program</u>	10150
<u>administrator under section 150.05 of the Revised Code, including,</u>	10151
<u>as a significant selection standard, direct experience managing</u>	10152
<u>external or nonproprietary capital in private equity fund of funds</u>	10153
<u>formats.</u>	10154
(H) <u>It specifies the criteria the authority must consider</u>	10155
<u>when making a determination under division (B)(1) of section</u>	10156

150.04 of the Revised Code. 10157

(I) It includes investment standards and general limitations 10158
on allowable investments that the authority considers reasonable 10159
and necessary to achieve the purposes of this chapter as stated in 10160
division (B) of section 150.01 of the Revised Code, minimize the 10161
need for the authority to grant tax credits under section 150.07 10162
of the Revised Code, ensure compliance of the program 10163
administrators with all applicable laws of this state and the 10164
United States, and ensure the safety and soundness of investments 10165
of money from the program fund. 10166

(J) It prohibits the investment of money from the program 10167
fund directly in persons other than venture capital funds, except 10168
for temporary investment in investment grade debt securities or 10169
temporary deposit in interest-bearing accounts or funds pending 10170
permanent investment in venture capital funds. 10171

Sec. 150.04. (A) The investment policy established or 10172
modified under section 150.03 of the Revised Code shall specify 10173
the terms and conditions under which the authority may grant tax 10174
credits under section 150.07 of the Revised Code, subject to that 10175
section and division (B) of this section, to provide security 10176
against lenders' losses. 10177

(B) Nothing in this chapter authorizes the providing of 10178
security against losses on any bases other than the following: 10179

(1) The application first of moneys of the Ohio venture 10180
capital fund, created under section 150.08 of the Revised Code, 10181
that the authority, under the criteria in its investment policy, 10182
determines may be expended without adversely affecting the ability 10183
of the authority to continue fulfilling the purpose of this 10184
chapter as stated in section 150.01 of the Revised Code; and then 10185

(2) The granting of tax credits pursuant to section 150.07 of 10186

the Revised Code, but only to the extent moneys under division 10187
(B)(1) of this section are insufficient, including to fund 10188
reserves maintained by or on behalf of an issuer to the extent 10189
consistent with an agreement between the authority and the issuer 10190
entered into under division (E) of section 150.02 of the Revised 10191
Code. 10192

Sec. 150.05. (A) The authority shall select, as program 10193
administrators, not more than two private, for-profit investment 10194
funds to acquire loans for the program fund and to invest money in 10195
the program fund as prescribed in the investment policy 10196
established or modified by the authority in accordance with 10197
sections 150.03 and 150.04 of the Revised Code. The authority 10198
shall give equal consideration, in selecting these program 10199
administrators, to minority owned and controlled investment funds, 10200
to funds owned and controlled by women, to ventures involving 10201
minority owned and controlled funds, and to ventures involving 10202
funds owned and controlled by women that otherwise meet the 10203
policies and criteria established by the authority. To be eligible 10204
for selection, an investment fund must be incorporated or 10205
organized under Chapter 1701., 1705., 1775., 1776., 1782., or 10206
1783. of the Revised Code, must have an established business 10207
presence in this state, and must be capitalized in accordance with 10208
any state and federal laws applicable to the issuance or sale of 10209
securities. 10210

The authority shall select program administrators only after 10211
soliciting and evaluating requests for proposals as prescribed in 10212
this section. The authority shall publish a notice of a request 10213
for proposals in newspapers of general circulation in this state 10214
once each week for two consecutive weeks before a date specified 10215
by the authority as the date on which it will begin accepting 10216
proposals. The notices shall contain a general description of the 10217
subject of the proposed agreement and the location where the 10218

request for proposals may be obtained. The request for proposals 10219
shall include all the following: 10220

(1) Instructions and information to respondents concerning 10221
the submission of proposals, including the name and address of the 10222
office where proposals are to be submitted; 10223

(2) Instructions regarding the manner in which respondents 10224
may communicate with the authority, including the names, titles, 10225
and telephone numbers of the individuals to whom such 10226
communications shall be directed; 10227

(3) Description of the performance criteria that will be used 10228
to evaluate whether a respondent selected by the authority is 10229
satisfying the authority's investment policy; 10230

(4) Description of the factors and criteria to be considered 10231
in evaluating respondents' proposals, the relative importance of 10232
each factor or criterion, and description of the authority's 10233
evaluation procedure; 10234

(5) Description of any documents that may be incorporated by 10235
reference into the request for proposals, provided that the 10236
request specifies where such documents may be obtained and such 10237
documents are readily available to all interested parties. 10238

After the date specified for receiving proposals, the 10239
authority shall evaluate submitted proposals. The authority may 10240
discuss a respondent's proposal with that respondent to clarify or 10241
revise a proposal or the terms of the agreement. 10242

The authority shall choose for review proposals from at least 10243
three respondents the authority considers qualified to operate the 10244
program in the best interests of the investment policy adopted by 10245
the authority. If three or fewer proposals are submitted, the 10246
authority shall review each proposal. The authority may cancel a 10247
request for proposals at any time before entering into an 10248
agreement with a respondent. The authority shall provide 10249

respondents fair and equal opportunity for such discussions. The 10250
authority may terminate discussions with any respondent upon 10251
written notice to the respondent. 10252

(B) After reviewing the chosen proposals, the authority may 10253
select not more than two such respondents and enter into a written 10254
agreement with each of the selected respondents, provided that at 10255
no time shall there be agreements with more than two persons. 10256

The agreement shall do all of the following: 10257

(1) Specify that borrowing and investing by the program 10258
administrator will be budgeted to guarantee that no tax credits 10259
will be granted during the first four years of the Ohio venture 10260
capital program, and will be structured to ensure that payments of 10261
principal, interest, or interest equivalent due in any fiscal 10262
year, when added to such payments due from any other program 10263
administrator, does not exceed twenty million dollars; 10264

(2) Require investment by the program administrator or the 10265
fund manager employed by the program administrator to be in 10266
compliance with the investment policy established or modified in 10267
accordance with sections 150.03 and 150.04 of the Revised Code 10268
that is in effect at the time the investment is made, and prohibit 10269
the program administrator or fund manager from engaging in any 10270
investment activities other than activities to carry out that 10271
policy; 10272

(3) Require periodic financial reporting by the program 10273
administrator to the authority, which reporting shall include an 10274
annual audit by an independent auditor and such other financial 10275
reporting as is specified in the agreement or otherwise required 10276
by the authority for the purpose of ensuring that the program 10277
administrator is carrying out the investment policy; 10278

(4) Specify any like standards or general limitations in 10279
addition to or in furtherance of investment standards or 10280

limitations that apply pursuant to division (H) of section 150.03 10281
of the Revised Code; 10282

(5) Require the program administrator to apply program fund 10283
revenue first to the payment of principal borrowed by the program 10284
administrator for investment under the program, then to interest 10285
related to that principal, and then to amounts necessary to cover 10286
the program administrator's pro rata share required under division 10287
(B)(9) of this section; and require the program administrator to 10288
pay the authority not less than ninety per cent of the amount by 10289
which program fund revenue attributable to investments under the 10290
program administrator's investment authority exceeds amounts so 10291
applied; 10292

(6) Specify the procedures by which the program administrator 10293
shall certify immediately to the authority the necessity for the 10294
authority to issue tax credit certificates pursuant to contracts 10295
entered into under section 150.07 of the Revised Code; 10296

(7) Specify any general limitations regarding the employment 10297
of a fund manager by the program administrator, in addition to an 10298
express limitation that the fund manager be a person with 10299
demonstrated, substantial, successful experience in the design and 10300
management of seed and venture capital investment programs and in 10301
capital formation. The fund manager may be, but need not be, an 10302
equity owner or affiliate of the program administrator. 10303

(8) Specify the terms and conditions under which the 10304
authority or the program administrator may terminate the 10305
agreement, including in the circumstance that the program 10306
administrator or fund manager violates the investment policy; 10307

(9) Require the program administrator or fund manager 10308
employed by the program administrator to provide capital in the 10309
form of a loan equal to one per cent of the amount of outstanding 10310
loans by lenders to the program fund. The loan from the program 10311

administrator or fund manager shall be on the same terms and 10312
conditions as loans from other lenders, except that the loan from 10313
the program administrator or fund manager shall not be secured by 10314
the Ohio venture capital fund or tax credits available to other 10315
lenders under division (B) of section 150.04 of the Revised Code. 10316
Such capital shall be placed at the same risk as the proceeds from 10317
such loans. The program administrator shall receive a pro rata 10318
share of the net income, including net loss, from the investment 10319
of money from the program fund, but is not entitled to the 10320
security against losses provided under section 150.04 of the 10321
Revised Code. 10322

Sec. 150.051. (A) As used in this section: 10323

(1) "Minority business enterprise" has the meaning defined in 10324
section 122.71 of the Revised Code. 10325

(2) "Women's business enterprise" means a business, or a 10326
partnership, corporation, limited liability company, or joint 10327
venture of any kind, that is owned and controlled by women who are 10328
United States citizens and residents of this state. 10329

(B) The Ohio venture capital authority shall submit annually 10330
to the governor and to the general assembly (under section 101.68 10331
of the Revised Code) a report containing the following 10332
information: 10333

(1) The name of each program administrator that is a minority 10334
business enterprise or a women's business enterprise with which 10335
the authority contracts; 10336

(2) The amount of assets managed by program administrators 10337
that are minority business enterprises or women's business 10338
enterprises, expressed as a percentage of assets managed by 10339
program administrators with which the authority has contracted. 10340

(3) Efforts by the authority to increase utilization of 10341

program administrators that are minority business enterprises or 10342
women's business enterprises. 10343

Sec. 150.07. (A) For the purpose stated in section 150.01 of 10344
the Revised Code, the authority may authorize a lender to claim 10345
one of the refundable tax credits allowed under section 5707.031, 10346
5725.19, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised 10347
Code. The credits shall be authorized by a written contract with 10348
the lender. The contract shall specify the terms under which the 10349
lender may claim the credit, including the amount of loss, if any, 10350
the lender must incur before the lender may claim the credit; 10351
specify that the credit shall not exceed the amount of the loss; 10352
and specify that the lender may claim the credit only for a loss 10353
certified by a program administrator to the authority under the 10354
procedures prescribed under division (B)(6) of section 150.05 of 10355
the Revised Code. 10356

(B) Tax credits may be authorized at any time after the 10357
authority establishes the investment policy under section 150.03 10358
of the Revised Code, but a tax credit so authorized may not be 10359
claimed until the beginning of the fifth year after the authority 10360
establishes the investment policy. A tax credit may not be claimed 10361
after June 30, ~~2026~~ 2036. 10362

(C)(1) Upon receiving certification of a lender's loss from a 10363
program administrator pursuant to the procedures in the investment 10364
policy, the authority shall issue a tax credit certificate to the 10365
lender, except as otherwise provided in division (D) of this 10366
section. 10367

(2) If the lender is a pass-through entity, as defined in 10368
section 5733.04 of the Revised Code, then each equity investor in 10369
the lender pass-through entity shall be entitled to claim one of 10370
the tax credits allowed under division (A) of this section for 10371
that equity investor's taxable year in which or with which ends 10372

the taxable year of the lender pass-through entity in an amount 10373
based on the equity investor's distributive or proportionate share 10374
of the credit amount set forth in the certificate issued by the 10375
authority. If all equity investors of the lender pass-through 10376
entity are not eligible to claim a credit against the same tax set 10377
forth in division (A) of this section, then each equity investor 10378
may elect to claim a credit against the tax to which the equity 10379
investor is subject to in an amount based on the equity investor's 10380
distributive or proportionate share of the credit amount set forth 10381
in the certificate issued by the authority. 10382

(3) The certificate shall state the amount of the credit and 10383
the calendar year under section 5707.031, 5725.19, 5727.241, or 10384
5729.08, the tax year under section 5733.49, or the taxable year 10385
under section 5747.80 of the Revised Code for which the credit may 10386
be claimed. The authority, in conjunction with the tax 10387
commissioner, shall develop a system for issuing tax credit 10388
certificates for the purpose of verifying that any credit claimed 10389
is a credit issued under this section and is properly taken in the 10390
year specified in the certificate and in compliance with division 10391
(B) of this section. 10392

(D) The authority shall not, in any fiscal year, issue tax 10393
credit certificates in a total amount exceeding twenty million 10394
dollars. 10395

(E) Notwithstanding anything in this section or in any other 10396
section of this chapter or in Chapter 5707., 5725., 5727., 5729., 10397
5733., or 5747. of the Revised Code, an issuer or a trustee on 10398
behalf of an issuer shall have, subject to the terms of the 10399
agreement entered into by the issuer and the authority under 10400
division (E) of section 150.02 of the Revised Code, the right to 10401
receive and claim the credits authorized under this section and 10402
solely for those purposes shall be deemed a taxpayer under 10403
applicable provisions of each such chapter, entitled to file a tax 10404

return, an amended tax return, or an estimated tax return at such 10405
times as are permitted or required under the applicable chapter, 10406
but solely for the purpose of claiming credits issued to the 10407
issuer or the trustee. Nothing in this section shall require an 10408
issuer or a trustee to file a tax return under any chapter for any 10409
purpose other than claiming such credits if the issuer or trustee 10410
is not otherwise required to make such a filing. 10411

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 10412
152.33 of the Revised Code: 10413

(1) "Obligations" means bonds, notes, or other evidences of 10414
obligation, including interest coupons pertaining thereto, issued 10415
pursuant to sections 152.09 to 152.33 of the Revised Code. 10416

(2) "State agencies" means the state of Ohio and branches, 10417
officers, boards, commissions, authorities, departments, 10418
divisions, courts, general assembly, or other units or agencies of 10419
the state. "State agency" also includes counties, municipal 10420
corporations, and governmental entities of this state that enter 10421
into leases with the Ohio building authority pursuant to section 10422
152.31 of the Revised Code or that are designated by law as state 10423
agencies for the purpose of performing a state function that is to 10424
be housed by a capital facility for which the Ohio building 10425
authority is authorized to issue revenue obligations pursuant to 10426
sections 152.09 to 152.33 of the Revised Code. 10427

(3) "Bond service charges" means principal, including 10428
mandatory sinking fund requirements for retirement of obligations, 10429
and interest, and redemption premium, if any, required to be paid 10430
by the Ohio building authority on obligations. 10431

(4) "Capital facilities" means buildings, structures, and 10432
other improvements, and equipment, real estate, and interests in 10433
real estate therefor, within the state, and any one, part of, or 10434
combination of the foregoing, for housing of branches and agencies 10435

of state government, including capital facilities for the purpose 10436
of housing personnel, equipment, or functions, or any combination 10437
thereof that the state agencies are responsible for housing, for 10438
which the Ohio building authority is authorized to issue 10439
obligations pursuant to Chapter 152. of the Revised Code, and 10440
includes storage and parking facilities related to such capital 10441
facilities. For purposes of sections 152.10 to 152.15 of the 10442
Revised Code, "capital facilities" includes community or technical 10443
college capital facilities. 10444

(5) "Cost of capital facilities" means the costs of 10445
assessing, planning, acquiring, constructing, reconstructing, 10446
rehabilitating, remodeling, renovating, enlarging, improving, 10447
altering, maintaining, equipping, furnishing, repairing, painting, 10448
decorating, managing, or operating capital facilities, and the 10449
financing thereof, including the cost of clearance and preparation 10450
of the site and of any land to be used in connection with capital 10451
facilities, the cost of participating in capital facilities 10452
pursuant to section 152.33 of the Revised Code, the cost of any 10453
indemnity and surety bonds and premiums on insurance, all related 10454
direct administrative expenses and allocable portions of direct 10455
costs of the authority and lessee state agencies, cost of 10456
engineering and architectural services, designs, plans, 10457
specifications, surveys, and estimates of cost, legal fees, fees 10458
and expenses of trustees, depositories, and paying agents for the 10459
obligations, cost of issuance of the obligations and financing 10460
charges and fees and expenses of financial advisers and 10461
consultants in connection therewith, interest on obligations from 10462
the date thereof to the time when interest is to be covered from 10463
sources other than proceeds of obligations, amounts that represent 10464
the portion of investment earnings to be rebated or to be paid to 10465
the federal government in order to maintain the exclusion from 10466
gross income for federal income tax purposes of interest on those 10467
obligations pursuant to section 148(f) of the Internal Revenue 10468

Code, amounts necessary to establish reserves as required by the 10469
resolutions or the obligations, trust agreements, or indentures, 10470
costs of audits, the reimbursement of all moneys advanced or 10471
applied by or borrowed from any governmental entity, whether to or 10472
by the authority or others, from whatever source provided, for the 10473
payment of any item or items of cost of the capital facilities, 10474
any share of the cost undertaken by the authority pursuant to 10475
arrangements made with governmental entities under division (J) of 10476
section 152.21 of the Revised Code, and all other expenses 10477
necessary or incident to assessing, planning, or determining the 10478
feasibility or practicability with respect to capital facilities, 10479
and such other expenses as may be necessary or incident to the 10480
assessment, planning, acquisition, construction, reconstruction, 10481
rehabilitation, remodeling, renovation, enlargement, improvement, 10482
alteration, maintenance, equipment, furnishing, repair, painting, 10483
decoration, management, or operation of capital facilities, the 10484
financing thereof and the placing of the same in use and 10485
operation, including any one, part of, or combination of such 10486
classes of costs and expenses. 10487

(6) "Governmental entity" means any state agency, municipal 10488
corporation, county, township, school district, and any other 10489
political subdivision or special district in this state 10490
established pursuant to law, and, except where otherwise 10491
indicated, also means the United States or any of the states or 10492
any department, division, or agency thereof, and any agency, 10493
commission, or authority established pursuant to an interstate 10494
compact or agreement. 10495

(7) "Governing body" means: 10496

(a) In the case of a county, the board of county 10497
commissioners or other legislative authority; in the case of a 10498
municipal corporation, the legislative authority; in the case of a 10499
township, the board of township trustees; in the case of a school 10500

district, the board of education; 10501

(b) In the case of any other governmental entity, the 10502
officer, board, commission, authority, or other body having the 10503
general management of the entity or having jurisdiction or 10504
authority in the particular circumstances. 10505

(8) "Available receipts" means fees, charges, revenues, 10506
grants, subsidies, income from the investment of moneys, proceeds 10507
from the sale of goods or services, and all other revenues or 10508
receipts received by or on behalf of any state agency for which 10509
capital facilities are financed with obligations issued under 10510
Chapter 152. of the Revised Code, any state agency participating 10511
in capital facilities pursuant to section 152.33 of the Revised 10512
Code, or any state agency by which the capital facilities are 10513
constructed or financed; revenues or receipts derived by the 10514
authority from the operation, leasing, or other disposition of 10515
capital facilities, and the proceeds of obligations issued under 10516
Chapter 152. of the Revised Code; and also any moneys appropriated 10517
by a governmental entity, gifts, grants, donations, and pledges, 10518
and receipts therefrom, available for the payment of bond service 10519
charges on such obligations. 10520

(9) "Available community or technical college receipts" means 10521
all money received by a community or technical college or 10522
community or technical college district, including income, 10523
revenues, and receipts from the operation, ownership, or control 10524
of facilities, grants, gifts, donations, and pledges and receipts 10525
therefrom, receipts from fees and charges, the allocated state 10526
share of instruction as defined in section 3333.90 of the Revised 10527
Code, and the proceeds of the sale of obligations, including 10528
proceeds of obligations issued to refund obligations previously 10529
issued, but excluding any special fee, and receipts therefrom, 10530
charged pursuant to division (D) of section 154.21 of the Revised 10531
Code. 10532

(10) "Community or technical college," "college," "community or technical college district," and "district" have the same meanings as in section 3333.90 of the Revised Code. 10533
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(11) "Community or technical college capital facilities" means auxiliary facilities, education facilities, and housing and dining facilities, as those terms are defined in section 3345.12 of the Revised Code, to the extent permitted to be financed by the issuance of obligations under division (A)(2) of section 3357.112 of the Revised Code, that are authorized by sections 3354.121, 3357.112, and 3358.10 of the Revised Code to be financed by obligations issued by a community or technical college district, and for which the Ohio building authority is authorized to issue obligations pursuant to Chapter 152. of the Revised Code, and includes any one, part of, or any combination of the foregoing, and further includes site improvements, utilities, machinery, furnishings, and any separate or connected buildings, structures, improvements, sites, open space and green space areas, utilities, or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, such facilities. 10536
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(12) "Cost of community or technical college capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing community or technical college capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with community or technical college capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the authority, community or technical college or community or technical college district, cost of engineering, architectural services, design, plans, 10553
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specifications and surveys, estimates of cost, legal fees, fees 10565
and expenses of trustees, depositories, bond registrars, and 10566
paying agents for the obligations, cost of issuance of the 10567
obligations and financing costs and fees and expenses of financial 10568
advisers and consultants in connection therewith, interest on the 10569
obligations from the date thereof to the time when interest is to 10570
be covered by available receipts or other sources other than 10571
proceeds of the obligations, amounts that represent the portion of 10572
investment earnings to be rebated or to be paid to the federal 10573
government in order to maintain the exclusion from gross income 10574
for federal income tax purposes of interest on those obligations 10575
pursuant to section 148(f) of the Internal Revenue Code, amounts 10576
necessary to establish reserves as required by the bond 10577
proceedings, costs of audits, the reimbursements of all moneys 10578
advanced or applied by or borrowed from the community or technical 10579
college, community or technical college district, or others, from 10580
whatever source provided, including any temporary advances from 10581
state appropriations, for the payment of any item or items of cost 10582
of community or technical college facilities, and all other 10583
expenses necessary or incident to planning or determining 10584
feasibility or practicability with respect to such facilities, and 10585
such other expenses as may be necessary or incident to the 10586
acquisition, construction, reconstruction, rehabilitation, 10587
remodeling, renovation, enlargement, improvement, equipment, and 10588
furnishing of community or technical college capital facilities, 10589
the financing thereof and the placing of them in use and 10590
operation, including any one, part of, or combination of such 10591
classes of costs and expenses. 10592

(B) Pursuant to the powers granted to the general assembly 10593
 under Section 2i of Article VIII, Ohio Constitution, to authorize 10594
 the issuance of revenue obligations and other obligations, the 10595
 owners or holders of which are not given the right to have excises 10596
 or taxes levied by the general assembly for the payment of 10597

principal thereof or interest thereon, the Ohio building authority 10598
may issue obligations, in accordance with Chapter 152. of the 10599
Revised Code, and shall cause the net proceeds thereof, after any 10600
deposits of accrued interest for the payment of bond service 10601
charges and after any deposit of all or such lesser portion as the 10602
authority may direct of the premium received upon the sale of 10603
those obligations for the payment of the bond service charges, to 10604
be applied to the costs of capital facilities designated by or 10605
pursuant to act of the general assembly for housing state agencies 10606
as authorized by Chapter 152. of the Revised Code. The authority 10607
shall provide by resolution for the issuance of such obligations. 10608
The bond service charges and all other payments required to be 10609
made by the trust agreement or indenture securing such obligations 10610
shall be payable solely from available receipts of the authority 10611
pledged thereto as provided in such resolution. The available 10612
receipts pledged and thereafter received by the authority are 10613
immediately subject to the lien of such pledge without any 10614
physical delivery thereof or further act, and the lien of any such 10615
pledge is valid and binding against all parties having claims of 10616
any kind against the authority, irrespective of whether those 10617
parties have notice thereof, and creates a perfected security 10618
interest for all purposes of Chapter 1309. of the Revised Code and 10619
a perfected lien for purposes of any real property interest, all 10620
without the necessity for separation or delivery of funds or for 10621
the filing or recording of the resolution, trust agreement, 10622
indenture, or other agreement by which such pledge is created or 10623
any certificate, statement, or other document with respect 10624
thereto; and the pledge of such available receipts is effective 10625
and the money therefrom and thereof may be applied to the purposes 10626
for which pledged. Every pledge, and every covenant and agreement 10627
made with respect to the pledge, made in the resolution may 10628
therein be extended to the benefit of the owners and holders of 10629
obligations authorized by Chapter 152. of the Revised Code, the 10630

net proceeds of which are to be applied to the costs of capital facilities, and to any trustee therefor, for the further securing of the payment of the bond service charges, and all or any rights under any agreement or lease made under this section may be assigned for such purpose. Obligations may be issued at one time or from time to time, and each issue shall be dated, shall mature at such time or times as determined by the authority not exceeding forty years from the date of issue, and may be redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as are fixed by the authority prior to the issuance of the obligations. The authority shall determine the form of the obligations, fix their denominations, establish their interest rate or rates, which may be a variable rate or rates, or the maximum interest rate, and establish within or without this state a place or places of payment of bond service charges.

(C) The obligations shall be signed by the authority chairperson, vice-chairperson, and secretary-treasurer, and the authority seal shall be affixed. The signatures may be facsimile signatures and the seal affixed may be a facsimile seal, as provided by resolution of the authority. Any coupons attached may bear the facsimile signature of the chairperson. In case any officer who has signed any obligations, or caused the officer's facsimile signature to be affixed thereto, ceases to be such officer before such obligations have been delivered, such obligations may, nevertheless, be issued and delivered as though the person who had signed the obligations or caused the person's facsimile signature to be affixed thereto had not ceased to be such officer.

Any obligations may be executed on behalf of the authority by an officer who, on the date of execution, is the proper officer although on the date of such obligations such person was not the

proper officer. 10663

(D) All obligations issued by the authority shall have all 10664
the qualities and incidents of negotiable instruments and may be 10665
issued in coupon or in registered form, or both, as the authority 10666
determines. Provision may be made for the registration of any 10667
obligations with coupons attached thereto as to principal alone or 10668
as to both principal and interest, their exchange for obligations 10669
so registered, and for the conversion or reconversion into 10670
obligations with coupons attached thereto of any obligations 10671
registered as to both principal and interest, and for reasonable 10672
charges for such registration, exchange, conversion, and 10673
reconversion. The authority may sell its obligations in any manner 10674
and for such prices as it determines, except that the authority 10675
shall sell obligations sold at public or private sale in 10676
accordance with section 152.091 of the Revised Code. 10677

(E) The obligations of the authority, principal, interest, 10678
and any proceeds from their sale or transfer, are exempt from all 10679
taxation within this state. 10680

(F) The authority is authorized to issue revenue obligations 10681
and other obligations under Section 2i of Article VIII, Ohio 10682
Constitution, for the purpose of paying the cost of capital 10683
facilities for housing of branches and agencies of state 10684
government, including capital facilities for the purpose of 10685
housing personnel, equipment, or functions, or any combination 10686
thereof that the state agencies are responsible for housing, as 10687
are authorized by Chapter 152. of the Revised Code, and that are 10688
authorized by the general assembly by the appropriation of lease 10689
payments or other moneys for such capital facilities or by any 10690
other act of the general assembly, but not including the 10691
appropriation of moneys for feasibility studies for such capital 10692
facilities. This division does not authorize the authority to 10693
issue obligations pursuant to Section 2i of Article VIII, Ohio 10694

Constitution, to pay the cost of capital facilities for mental 10695
hygiene and retardation, parks and recreation, or state-supported 10696
or state-assisted institutions of higher education. 10697

(G) The authority is authorized to issue revenue obligations 10698
under Section 2i of Article VIII, Ohio Constitution, on behalf of 10699
a community or technical college district and shall cause the net 10700
proceeds thereof, after any deposits of accrued interest for the 10701
payment of bond service charges and after any deposit of all or 10702
such lesser portion as the authority may direct of the premium 10703
received upon the sale of those obligations for the payment of the 10704
bond service charges, to be applied to the cost of community or 10705
technical college capital facilities, provided that the issuance 10706
of such obligations is subject to the execution of a written 10707
agreement in accordance with division (C) of section 3333.90 of 10708
the Revised Code for the withholding and depositing of funds 10709
otherwise due the district, or the college it operates, in respect 10710
of its allocated state share of instruction. 10711

The authority shall provide by resolution for the issuance of 10712
such obligations. The bond service charges and all other payments 10713
required to be made by the trust agreement or indenture securing 10714
the obligations shall be payable solely from available community 10715
or technical college receipts pledged thereto as provided in the 10716
resolution. The available community or technical college receipts 10717
pledged and thereafter received by the authority are immediately 10718
subject to the lien of such pledge without any physical delivery 10719
thereof or further act, and the lien of any such pledge is valid 10720
and binding against all parties having claims of any kind against 10721
the authority, irrespective of whether those parties have notice 10722
thereof, and creates a perfected security interest for all 10723
purposes of Chapter 1309. of the Revised Code and a perfected lien 10724
for purposes of any real property interest, all without the 10725
necessity for separation or delivery of funds or for the filing or 10726

recording of the resolution, trust agreement, indenture, or other 10727
agreement by which such pledge is created or any certificate, 10728
statement, or other document with respect thereto; and the pledge 10729
of such available community or technical college receipts is 10730
effective and the money therefrom and thereof may be applied to 10731
the purposes for which pledged. Every pledge, and every covenant 10732
and agreement made with respect to the pledge, made in the 10733
resolution may therein be extended to the benefit of the owners 10734
and holders of obligations authorized by this division, and to any 10735
trustee therefor, for the further securing of the payment of the 10736
bond service charges, and all or any rights under any agreement or 10737
lease made under this section may be assigned for such purpose. 10738
Obligations may be issued at one time or from time to time, and 10739
each issue shall be dated, shall mature at such time or times as 10740
determined by the authority not exceeding forty years from the 10741
date of issue, and may be redeemable before maturity at the option 10742
of the authority at such price or prices and under such terms and 10743
conditions as are fixed by the authority prior to the issuance of 10744
the obligations. The authority shall determine the form of the 10745
obligations, fix their denominations, establish their interest 10746
rate or rates, which may be a variable rate or rates, or the 10747
maximum interest rate, and establish within or without this state 10748
a place or places of payment of bond service charges. 10749

Sec. 152.10. The resolution of the Ohio building authority 10750
authorizing the issuance of authority obligations may contain 10751
provisions which shall be part of the contract with the holders of 10752
the obligations as to: 10753

(A) Pledging all or such portion as it determines of the 10754
available receipts of the authority for the payment of bond 10755
service charges and all other payments required to be made by the 10756
trust agreement or indenture securing such obligations, or 10757
restricting the security for a particular issue of obligations to 10758

specific revenues or receipts of the authority;	10759
(B) The acquisition, construction, reconstruction, equipment,	10760
furnishing, improvement, operation, alteration, enlargement,	10761
maintenance, insurance, and repair of capital facilities and sites	10762
therefor, and the duties of the authority with reference thereto;	10763
(C) Other terms of the obligations;	10764
(D) Limitations on the purposes to which the proceeds of the	10765
obligations may be applied;	10766
(E) The rate of rentals or other charges for the use of	10767
capital facilities, the revenues from which are pledged to the	10768
obligations authorized by such resolution, including limitations	10769
upon the power of the authority to modify such rentals or other	10770
charges;	10771
(F) The use of and the expenditures of the revenues of the	10772
authority in such manner and to such extent as shall be	10773
determined, which may include provision for the payment of the	10774
expenses of the operation, maintenance, and repair of capital	10775
facilities, and the operation and administration of the authority	10776
so that such expenses shall be paid or provided as a charge prior	10777
to the payment of bond service charges and all other payments	10778
required to be made by the trust agreement or indenture securing	10779
such obligations;	10780
(G) Limitations on the issuance of additional obligations;	10781
(H) The terms of any trust agreement or indenture securing	10782
the obligations or under which the same may be issued;	10783
(I) Any other or additional agreements with the holders of	10784
the obligations, or the trustee therefor with respect to the	10785
operation of the authority and with respect to its property,	10786
funds, and revenues, and insurance thereof, and of the authority,	10787
its members, officers, and employees;	10788

(J) The deposit and application of funds and the safeguarding of funds on hand or on deposit without regard to Chapter 131. of the Revised Code, including any deposits of accrued interest for the payment of bond service charges and any deposits of premium for the payment of bond service charges or for the application to the payment of costs of capital facilities;

(K) Municipal bond insurance, letters of credit, and other related agreements, the cost of which may be included in the costs of issuance of the obligations, and the pledge, holding, and disposition of the proceeds thereof;

(L) A covenant that the state and any using state agency or any using community or technical college or community or technical college district shall, so long as such obligations are outstanding, cause to be charged and collected such revenues and receipts of, or from, any such using state agency or any such using community or technical college or community or technical college district constituting available receipts under the resolution sufficient in amount to provide for the payment of bond service charges on such obligations and for the establishment and maintenance of any reserves, as provided in the resolution for such obligations, which covenant shall be controlling notwithstanding any other provision of law pertaining to such revenues and receipts; provided that no covenant shall require the general assembly to appropriate money derived from the levying of excises or taxes for the payment of rent or bond service charges.

Sec. 152.12. (A) As used in this section, "prior community or technical college obligations" means bonds or notes previously issued by a community or technical college district under section 3354.121, 3357.112, or 3358.10 of the Revised Code to pay costs of community or technical college capital facilities.

(B) The Ohio building authority may authorize and issue

obligations for the refunding of prior obligations or prior 10820
community or technical college obligations for any of the 10821
following purposes: 10822

~~(A)~~(1) Refunding any obligations previously issued by the 10823
authority or any prior community or technical college obligations, 10824
when the revenues pledged for the payment of such obligations are 10825
insufficient to pay obligations or prior community or technical 10826
college obligations which have matured or are about to mature or 10827
to maintain reserve or other funds required by the resolution or 10828
trust agreement or indenture; 10829

~~(B)~~(2) Refunding any obligations previously issued by the 10830
authority or any prior community or technical college obligations 10831
as an incident to providing funds for reconstructing, equipping, 10832
furnishing, improving, extending, or enlarging any capital 10833
facilities of the authority or any community or technical college 10834
district or community or technical college; 10835

~~(C)~~(3) Refunding all of the outstanding obligations or prior 10836
community or technical college obligations of any issue, both 10837
matured and unmatured, when the revenues pledged for the payment 10838
of such obligations or prior community or technical college 10839
obligations are insufficient to pay obligations which have matured 10840
or are about to mature or to maintain reserve or other funds 10841
required by the resolution or trust agreement or indenture, if 10842
such outstanding obligations or prior community or technical 10843
college obligations can be retired by call or at maturity or with 10844
the consent of the holders, whether from the proceeds of the sale 10845
of the refunding obligations or by exchange for the refunding 10846
obligations, provided the principal amount of the refunding 10847
obligations shall not exceed in amount the aggregate of the par 10848
value of the obligations or prior community or technical college 10849
obligations to be retired, any redemption premium, past due and 10850
future interest to the date of maturity or call that cannot 10851

otherwise be paid, and funds to reconstruct, equip, furnish, 10852
improve, enlarge, or extend any capital facilities of the 10853
authority or any community or technical college district or 10854
community or technical college; 10855

~~(D)~~(4) Refunding any obligations previously issued by the 10856
authority or any prior community or technical college obligations 10857
when the refunding obligations will bear interest at a lower rate 10858
than the obligations or prior community or technical college 10859
obligations to be refunded, or when the interest cost of the 10860
refunding obligations computed to the absolute maturity will be 10861
less than the interest cost of the obligations or prior community 10862
or technical college obligations to be refunded; 10863

~~(E)~~(5) Refunding any obligations issued pursuant to section 10864
152.23 of the Revised Code. 10865

(C) Obligations issued pursuant to division ~~(A)~~(B)(1) of this 10866
section shall mature not later than twenty years after their 10867
issuance and obligations issued pursuant to division (B)(2), 10868
~~(C)~~(3), ~~(D)~~(4), or ~~(E)~~(5) of this section shall mature not later 10869
than forty years after their issuance. Except as provided in this 10870
section, the terms of issuance and sale of obligations issued 10871
under this section shall be as provided in ~~Chapter 152. of the~~ 10872
~~Revised Code~~ this chapter for any other obligations for the 10873
benefit of state agencies, community or technical colleges, or 10874
community or technical college districts, as the context requires. 10875
Obligations authorized under this section shall be deemed to be 10876
issued for those purposes for which such prior obligations or 10877
prior community or technical college obligations were issued, and 10878
may be issued in amounts sufficient for funding and retirement of 10879
prior obligations or prior community or technical college 10880
obligations, for establishment of reserves as required by the 10881
refunding obligations or the resolution authorizing such refunding 10882
obligations or the trust agreement or indenture securing the 10883

refunding obligations, and for payment of any fees and expenses 10884
incurred or to be incurred in connection with such issuance and 10885
such refunding. 10886

Sec. 152.15. Obligations issued by the Ohio building 10887
authority do not, and they shall state that they do not, represent 10888
or constitute a debt of the state or any political subdivision, 10889
nor a pledge of the faith and credit of the state or any political 10890
subdivision. Pursuant to Section 2i of Article VIII, Ohio 10891
Constitution, such obligations shall not be deemed to be debts or 10892
bonded indebtedness of the state under other provisions of the 10893
Ohio Constitution. 10894

The holders or owners of obligations issued by the authority 10895
shall have no right to have excises or taxes levied by the general 10896
assembly for the payment of the bond service charges thereon. The 10897
right of such holders and owners to payment of such bond service 10898
charges shall be limited to the available receipts or available 10899
community or technical college receipts pledged thereto in 10900
accordance with ~~Chapter 152. of the Revised Code~~ this chapter, and 10901
each such obligation shall bear on its face a statement to that 10902
effect. Any available receipts or available community or technical 10903
college receipts may be so pledged only to obligations issued for 10904
capital facilities which are in whole or in part useful to, 10905
constructed by, or financed by the department, board, commission, 10906
authority, community or technical college, community or technical 10907
college district, or other agency or instrumentality that receives 10908
the available receipts or available community or technical college 10909
receipts so pledged. 10910

Sec. 152.33. (A) The Ohio building authority is authorized 10911
under Chapter 152. of the Revised Code to issue revenue 10912
obligations and other obligations to pay the cost of capital 10913
facilities described in ~~section~~ sections 111.26 and 307.021 of the 10914

Revised Code and the cost of capital facilities in which one or 10915
more state agencies are participating with the federal government, 10916
municipal corporations, counties, or other governmental entities 10917
or any one or more of them, and in which that portion of the 10918
facility allocated to the participating state agencies is to be 10919
used for the purpose stated in division (F) of section 152.09 of 10920
the Revised Code, when authorized by the general assembly in 10921
accordance with that division. Such participation may be by 10922
grants, loans, or contributions to other participating 10923
governmental entities for any of such capital facilities. Such 10924
obligations shall be deemed to be issued under sections 152.09 and 10925
152.23 of the Revised Code and shall conform to all requirements 10926
of sections 152.09 to 152.17 and 152.23 of the Revised Code. The 10927
right of holders and owners of obligations issued under this 10928
section to payment of bond service charges shall be limited to the 10929
revenues and receipts of the authority derived from rentals or 10930
other charges for use of the capital facilities constructed with 10931
the proceeds of the obligations to which such revenues and 10932
receipts are pledged, including revenues and receipts from or on 10933
behalf of any participating governmental entity. 10934

(B) Any lease of space by a state agency in a capital 10935
facility described in division (A) of this section shall conform 10936
to the requirements of division (D) of section 152.24 of the 10937
Revised Code. 10938

Sec. 153.013. With respect to any contract entered into under 10939
this chapter, which is made by the state or in whole or in part 10940
supported by state funds, a contractor shall comply with any 10941
regulation or ordinance that relates to the health, safety, 10942
status, and welfare of employees and that is enacted by the 10943
political subdivision in which the contract is to be performed. 10944

Sec. 156.01. As used in this chapter sections 156.01 to 10945

<u>156.05 of the Revised Code:</u>	10946
(A) <u>"Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.</u>	10947 10948 10949 10950 10951
(B) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption and operating costs. The term includes any of the following:	10952 10953 10954 10955
(1) Installation or modification of insulation in the building structure and systems within the building;	10956 10957
(2) Installation or modification of storm windows and doors, multiglazed windows and doors, and heat absorbing or heat reflective glazed and coated window and door systems; installation of additional glazing; reductions in glass area; and other window and door system modifications that reduce energy consumption and operating costs;	10958 10959 10960 10961 10962 10963
(3) Installation or modification of automatic energy control systems;	10964 10965
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	10966 10967
(5) Application of caulking and weather stripping;	10968
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	10969 10970 10971 10972 10973
(7) Installation or modification of energy recovery systems;	10974
(8) Installation or modification of cogeneration systems that	10975

produce steam or forms of energy such as heat, as well as 10976
electricity, for use primarily within a building or complex of 10977
buildings; 10978

(9) Any other modification, installation, or remodeling 10979
approved by the director of administrative services as an energy 10980
conservation measure for one or more buildings owned by the state. 10981

~~(B)~~(C) "Energy saving measure" means the acquisition and 10982
installation, by purchase, lease, lease-purchase, lease with an 10983
option to buy, or installment purchase, of an energy conservation 10984
measure and any attendant architectural and engineering consulting 10985
services. 10986

(D) "Energy, water, or wastewater cost savings" means a 10987
measured reduction in, as applicable, the cost of fuel, energy or 10988
water consumption, wastewater production, or stipulated operation 10989
or maintenance resulting from the implementation of one or more 10990
energy or water conservation measures, when compared to an 10991
established baseline for previous such costs, respectively. 10992

(E) "Operating cost savings" means a measured reduction in 10993
the cost of stipulated operation or maintenance created by the 10994
installation of new equipment or implementation of a new service, 10995
when compared with an established baseline for previous such 10996
stipulated costs. 10997

(F) "Water conservation measure" means an installation or 10998
modification of an installation in, or a remodeling of, an 10999
existing building or the surrounding grounds in order to reduce 11000
water consumption. The term includes any of the following: 11001

(1) Water-conserving fixture, appliance, or equipment, or the 11002
substitution of a nonwater-using fixture, appliance, or equipment; 11003

(2) Water-conserving, landscape irrigation equipment; 11004

(3) Landscaping measure that reduces storm water runoff 11005

demand and capture and hold applied water and rainfall, including 11006
landscape contouring such as the use of a berm, swale, or terrace 11007
and including the use of a soil amendment, including compost, that 11008
increases the water-holding capacity of the soil; 11009

(4) Rainwater harvesting equipment or equipment to make use 11010
of water collected as part of a storm water system installed for 11011
water quality control; 11012

(5) Equipment for recycling or reuse of water originating on 11013
the premises or from another source, including treated, municipal 11014
effluent; 11015

(6) Equipment needed to capture water for nonpotable uses 11016
from any nonconventional, alternate source, including air 11017
conditioning condensate or gray water; 11018

(7) Any other modification, installation, or remodeling 11019
approved by the board of trustees of a state institution of higher 11020
education as defined in section 3345.011 of the Revised Code as a 11021
water conservation measure for one or more buildings or the 11022
surrounding grounds owned by the institution. 11023

(G) "Water saving measure" means the acquisition and 11024
installation, by the purchase, lease, lease-purchase, lease with 11025
an option to buy, or installment purchases of a water conservation 11026
measure and any attendant architectural and engineering consulting 11027
services. 11028

Sec. 156.02. (A) The director of administrative services may 11029
contract with an energy services company, contractor, architect, 11030
professional engineer, or other person experienced in the design 11031
and implementation of energy conservation measures for a report 11032
containing an analysis and recommendations pertaining to the 11033
implementation of energy conservation measures that would 11034
significantly reduce energy consumption and operating costs in any 11035

buildings owned by the state and, upon request of its board of trustees or managing authority, any building owned by an institution of higher education as defined in section 3345.12 of the Revised Code. The report shall include estimates of all costs of such measures, including the costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy consumption and operating costs would be reduced.

(B) Upon the request of the board of trustees or managing authority of a state institution of higher education as defined in section 3345.011 of the Revised Code, the director may contract with a water services company, architect, professional engineer, contractor, or other person experienced in the design and implementation of energy or water conservation measures for a report containing an analysis and recommendations pertaining to the implementation of energy or water conservation measures that result in energy, water, or wastewater cost savings, operating cost savings, or avoided capital costs for the institution. The report shall include estimates of all costs of such installations, including the costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the energy, water, or wastewater cost savings, operating cost savings, and avoided capital costs created.

Sec. 156.03. (A) If the director of administrative services wishes to enter into an installment payment contract pursuant to section 156.04 of the Revised Code or any other contract to implement one or more energy saving measures or, in the case of a state institution of higher education pursuant to division (B) of section 156.02 of the Revised Code, energy or water saving measures, he the director may proceed under Chapter 153. of the Revised Code, or, alternatively, he the director may request the controlling board to exempt the contract from Chapter 153. of the

Revised Code. 11068

If the controlling board by a majority vote approves an 11069
exemption, that chapter shall not apply to the contract and 11070
instead the director shall request proposals from at least three 11071
parties for the implementation of the energy or water saving 11072
measures. Prior to providing any interested party a copy of any 11073
such request, the director shall advertise, in a newspaper of 11074
general circulation in the county where the contract is to be 11075
performed, ~~his~~ the director's intent to request proposals for the 11076
implementation of the energy or water saving measures. The notice 11077
shall invite interested parties to submit proposals for 11078
consideration and shall be published at least thirty days prior to 11079
the date for accepting proposals. 11080

(B) Upon receiving the proposals, the director shall analyze 11081
them and, after considering the cost estimates of each proposal 11082
and the availability of funds to pay for each with current 11083
appropriations or by financing the cost of each through an 11084
installment payment contract under section 156.04 of the Revised 11085
Code, may select one or more proposals or reject all proposals. In 11086
selecting proposals, the director shall select the one or more 11087
proposals most likely to result in the greatest savings when the 11088
cost of the proposal is compared to the reduced energy and 11089
operating costs that will result from implementing the proposal. 11090
However, in the case of a state institution of higher education 11091
pursuant to division (B) of section 156.02 of the Revised Code, 11092
the director shall select the one or more proposals most likely to 11093
result in the greatest energy, water, or wastewater savings, 11094
operating costs savings, and avoided capital costs created. 11095

(C)(1) No contract shall be awarded to implement energy 11096
saving measures under this section, other than in the case of a 11097
state institution of higher education, unless the director finds 11098
that one or both of the following circumstances exists, as 11099

applicable: 11100

~~(A)~~(a) In the case of a contract for a cogeneration system 11101
described in division (H) of section 156.01 of the Revised Code, 11102
the cost of the contract is not likely to exceed the amount of 11103
money that would be saved in energy and operating costs over no 11104
more than five years; 11105

~~(B)~~(b) In the case of any contract for any energy saving 11106
measure other than a cogeneration system, the cost of the contract 11107
is not likely to exceed the amount of money that would be saved in 11108
energy and operating costs over no more than ten years. 11109

(2) In the case of a state institution of higher education 11110
pursuant to division (B) of section 156.02 of the Revised Code, no 11111
contract shall be awarded to implement energy or water saving 11112
measures for the institution under this section unless the 11113
director finds that both of the following circumstances exists: 11114

(a) Not less than one-fifteenth of the costs of the contract 11115
shall be paid within two years from the date of purchase; 11116

(b) The remaining balance of the cost of the contract shall 11117
be paid within fifteen years from the date of purchase. 11118

Sec. 156.04. (A) In accordance with this section and section 11119
156.03 of the Revised Code, the director of administrative 11120
services may enter into an installment payment contract for the 11121
implementation of one or more energy or water saving measures. If 11122
the director wishes an installment payment contract to be exempted 11123
from Chapter 153. of the Revised Code, the director shall proceed 11124
pursuant to section 156.03 of the Revised Code. 11125

(B)(1) Any installment payment contract under this section, 11126
other than in the case of a state institution of higher education, 11127
for one or more energy saving measures shall provide that all 11128
payments, except payments for repairs and obligations on 11129

termination of the contract prior to its expiration, are to be a 11130
stated percentage of calculated savings of energy and operating 11131
costs attributable to the one or more measures over a defined 11132
period of time and are to be made only to the extent that those 11133
savings actually occur. No such contract shall contain any of the 11134
following: 11135

~~(1)~~(a) A requirement of any additional capital investment or 11136
contribution of funds, other than funds available from state or 11137
federal grants; 11138

~~(2)~~(b) In the case of a contract for an energy saving measure 11139
that is a cogeneration system described in division (H) of section 11140
156.01 of the Revised Code, a payment term longer than five years; 11141

~~(3)~~(c) In the case of a contract for any energy saving 11142
measure that is not a cogeneration system, a payment term longer 11143
than ten years. 11144

(2) Any installment payment contract under this section for 11145
one or more energy or water saving measures for a state 11146
institution of higher education pursuant to division (B) of 11147
section 156.02 of the Revised Code, shall provide that all 11148
payments, except payments for repairs and obligations on 11149
termination of the contract prior to its expiration, are to be a 11150
stated percentage of calculated energy, water, or wastewater cost 11151
savings, operating costs, and avoided capital costs attributable 11152
to the one or more measures over a defined period of time and are 11153
to be made only to the extent that those calculated amounts 11154
actually occur. No such contract shall contain either of the 11155
following: 11156

(a) A requirement of any additional capital investment or 11157
contribution of funds, other than funds available from state or 11158
federal grants; 11159

(b) A payment term longer than fifteen years. 11160

(C) Any installment payment contract entered into under this 11161
section shall terminate no later than the last day of the fiscal 11162
biennium for which funds have been appropriated to the department 11163
of administrative services by the general assembly and shall be 11164
renewed in each succeeding fiscal biennium in which any balance of 11165
the contract remains unpaid, provided that both an appropriation 11166
for that succeeding fiscal biennium and the certification required 11167
by section 126.07 of the Revised Code are made. 11168

Sec. 166.07. (A) The director of development, with the 11169
approval of the controlling board and subject to the other 11170
applicable provisions of this chapter, may lend moneys in the 11171
facilities establishment fund to persons for the purpose of paying 11172
allowable costs of an eligible project if the director determines 11173
that: 11174

(1) The project is an eligible project and is economically 11175
sound; 11176

(2) The borrower is unable to finance the necessary allowable 11177
costs through ordinary financial channels upon comparable terms; 11178

(3) The amount to be lent from the facilities establishment 11179
fund will not exceed seventy-five per cent of the total allowable 11180
costs of the eligible project, except that if any part of the 11181
amount to be lent from the facilities establishment fund is 11182
derived from the issuance and sale of project financing 11183
obligations the amount to be lent will not exceed ninety per cent 11184
of the total allowable costs of the eligible project; 11185

(4) The eligible project could not be achieved in the local 11186
area in which it is to be located if the portion of the project to 11187
be financed by the loan instead were to be financed by a loan 11188
guaranteed under section 166.06 of the Revised Code; 11189

(5) The repayment of the loan from the facilities 11190

establishment fund will be adequately secured by a mortgage, 11191
assignment, pledge, or lien provided for under section 9.661 of 11192
the Revised Code, at such level of priority as the director may 11193
require; 11194

(6) The borrower will hold at least a ten per cent equity 11195
interest in the eligible project at the time the loan is made. 11196

(B) The determinations of the director under division (A) of 11197
this section shall be conclusive for purposes of the validity of a 11198
loan commitment evidenced by a loan agreement signed by the 11199
director. 11200

(C) In furtherance of the public policy of this chapter, 11201
there is hereby established the micro-lending program for the 11202
purpose of paying the allowable costs of eligible projects of 11203
eligible small businesses. From any amount of the facilities 11204
establishment fund that the general assembly designates for the 11205
purpose of the micro-lending program, the director of development 11206
shall make loans under this section to eligible small businesses. 11207
The director shall establish eligibility criteria and loan terms 11208
for the program that supplement eligibility criteria and loan 11209
terms otherwise prescribed for loans under this section, and may 11210
prescribe reduced service charges and fees. For the purpose of 11211
lending under the micro-lending program, the director of 11212
development shall give precedence to projects of eligible small 11213
businesses that foster the development of small entrepreneurial 11214
enterprises, notwithstanding the considerations prescribed by 11215
divisions (A)(1)(a) and (b) of section 166.05 of the Revised Code 11216
to the extent those considerations otherwise may have the effect 11217
of disqualifying projects of eligible small businesses. 11218

(D) Fees, charges, rates of interest, times of payment of 11219
interest and principal, and other terms, conditions, and 11220
provisions of and security for loans made from the facilities 11221
establishment fund pursuant to this section shall be such as the 11222

director determines to be appropriate and in furtherance of the 11223
purpose for which the loans are made. The moneys used in making 11224
such loans shall be disbursed from the facilities establishment 11225
fund upon order of the director. The director shall give special 11226
consideration in setting the required job creation ratios and 11227
interest rates for loans that are for voluntary actions. 11228

~~(D)~~(E) The director may take actions necessary or appropriate 11229
to collect or otherwise deal with any loan made under this 11230
section, including any action authorized by section 9.661 of the 11231
Revised Code. 11232

~~(E)~~(F) The director may fix service charges for the making of 11233
a loan. Such charges shall be payable at such times and place and 11234
in such amounts and manner as may be prescribed by the director. 11235

Sec. 169.08. (A) Any person claiming a property interest in 11236
unclaimed funds delivered or reported to the state under Chapter 11237
169. of the Revised Code, including the office of child support in 11238
the department of job and family services, pursuant to section 11239
3123.88 of the Revised Code, may file a claim thereto on the form 11240
prescribed by the director of commerce. 11241

(B) The director shall consider matters relevant to any claim 11242
filed under division (A) of this section and shall hold a formal 11243
hearing if requested or considered necessary and receive evidence 11244
concerning such claim. A finding and decision in writing on each 11245
claim filed shall be prepared, stating the substance of any 11246
evidence received or heard and the reasons for allowance or 11247
disallowance of the claim. The evidence and decision shall be a 11248
public record. No statute of limitations shall bar the allowance 11249
of a claim. 11250

(C) For the purpose of conducting any hearing, the director 11251
may require the attendance of such witnesses and the production of 11252
such books, records, and papers as the director desires, and the 11253

director may take the depositions of witnesses residing within or 11254
without this state in the same manner as is prescribed by law for 11255
the taking of depositions in civil actions in the court of common 11256
pleas, and for that purpose the director may issue a subpoena for 11257
any witness or a subpoena duces tecum to compel the production of 11258
any books, records, or papers, directed to the sheriff of the 11259
county where such witness resides or is found, which shall be 11260
served and returned. The fees of the sheriff shall be the same as 11261
that allowed in the court of common pleas in criminal cases. 11262
Witnesses shall be paid the fees and mileage provided for under 11263
section 119.094 of the Revised Code. Fees and mileage shall be 11264
paid from the unclaimed funds trust fund. 11265

(D) Interest is not payable to claimants of unclaimed funds 11266
held by the state. Claims shall be paid from the trust fund. If 11267
the amount available in the trust fund is not sufficient to pay 11268
pending claims, or other amounts disburseable from the trust fund, 11269
the treasurer of state shall certify such fact to the director, 11270
who shall then withdraw such amount of funds from the mortgage 11271
accounts as the director determines necessary to reestablish the 11272
trust fund to a level required to pay anticipated claims but not 11273
more than ten per cent of the net unclaimed funds reported to 11274
date. 11275

The director ~~shall retain in the trust fund, as a fee for~~ 11276
~~administering the funds, five per cent of the total amount of~~ 11277
~~unclaimed funds payable to the claimant and~~ may withdraw the funds 11278
paid to the director by the holders and deposited by the director 11279
with the treasurer of state or in a financial institution as agent 11280
for such funds. Whenever these funds are inadequate to meet the 11281
requirements for the trust fund, the director shall provide for a 11282
withdrawal of funds, within a reasonable time, in such amount as 11283
is necessary to meet the requirements, from financial institutions 11284
in which such funds were retained or placed by a holder and from 11285

other holders who have retained funds, in an equitable manner as 11286
prescribed by the director. In the event that the amount to be 11287
withdrawn from any one such holder is less than five hundred 11288
dollars, the amount to be withdrawn shall be at the discretion of 11289
the director. Such funds may be reimbursed in the amounts 11290
withdrawn when the trust fund has a surplus over the amount 11291
required to pay anticipated claims. Whenever the trust fund has a 11292
surplus over the amount required to pay anticipated claims, the 11293
director may transfer such surplus to the mortgage accounts. 11294

(E) If a claim which is allowed under this section relates to 11295
funds which have been retained by the reporting holder, and if the 11296
funds, on deposit with the treasurer of state pursuant to this 11297
chapter, are insufficient to pay claims, the director may notify 11298
such holder in writing of the payment of the claim and such holder 11299
shall immediately reimburse the state in the amount of such claim. 11300
The reimbursement shall be credited to the unclaimed funds trust 11301
fund. 11302

(F) Any person, including the office of child support, 11303
adversely affected by a decision of the director may appeal such 11304
decision in the manner provided in Chapter 119. of the Revised 11305
Code. 11306

In the event the claimant prevails, the claimant shall be 11307
reimbursed for reasonable attorney's fees and costs. 11308

(G) Notwithstanding anything to the contrary in this chapter, 11309
any holder who has paid moneys to or entered into an agreement 11310
with the director pursuant to section 169.05 of the Revised Code 11311
on certified checks, cashiers' checks, bills of exchange, letters 11312
of credit, drafts, money orders, or travelers' checks, may make 11313
payment to any person entitled thereto, including the office of 11314
child support, and upon surrender of the document, except in the 11315
case of travelers' checks, and proof of such payment, the director 11316
shall reimburse the holder for such payment without interest. 11317

Sec. 173.08. (A) The resident services coordinator program is 11318
established in the department of aging to fund resident services 11319
coordinators. The coordinators shall provide information to 11320
low-income and special-needs tenants, including the elderly, who 11321
live in financially assisted rental housing complexes, and assist 11322
those tenants in identifying and obtaining community and program 11323
services and other benefits for which they are eligible. 11324

(B) The resident services coordinator program fund is hereby 11325
created in the state treasury to support the resident services 11326
coordinator program established pursuant to this section. The fund 11327
consists of all moneys the department of development sets aside 11328
pursuant to division (A)~~(4)~~(3) of section 174.02 of the Revised 11329
Code and moneys the general assembly appropriates to the fund. 11330

Sec. 173.28. (A)(1) As used in this division, "incident" 11331
means the occurrence of a violation with respect to a resident or 11332
recipient, as those terms are defined in section 173.14 of the 11333
Revised Code. A violation is a separate incident for each day it 11334
occurs and for each resident who is subject to it. 11335

In lieu of the fine that may be imposed under division (A) of 11336
section 173.99 of the Revised Code, the director of aging may, 11337
under Chapter 119. of the Revised Code, fine a long-term care 11338
provider or other entity, or a person employed by a long-term care 11339
provider or other entity, for a violation of division (C) of 11340
section 173.24 of the Revised Code. The fine shall not exceed one 11341
thousand dollars per incident. 11342

(2) In lieu of the fine that may be imposed under division 11343
(C) of section 173.99 of the Revised Code, the director may, under 11344
Chapter 119. of the Revised Code, fine a long-term care provider 11345
or other entity, or a person employed by a long-term care provider 11346
or other entity, for violating division (E) of section 173.19 of 11347

the Revised Code by denying a representative of the office of the 11348
state long-term care ombudsperson program the access required by 11349
that division. The fine shall not exceed five hundred dollars for 11350
each day the violation continued. 11351

(B) On request of the director, the attorney general shall 11352
bring and prosecute to judgment a civil action to collect any fine 11353
imposed under division (A)(1) or (2) of this section that remains 11354
unpaid thirty days after the violator's final appeal is exhausted. 11355

(C) All fines collected under this section shall be deposited 11356
into the state treasury to the credit of the state long-term care 11357
ombudsperson program fund created under section 173.26 of the 11358
Revised Code. 11359

Sec. 173.35. (A) As used in this section, "PASSPORT 11360
administrative agency" means an entity under contract with the 11361
department of aging to provide administrative services regarding 11362
the PASSPORT program created under section 173.40 of the Revised 11363
Code. 11364

(B) The department of aging shall administer the residential 11365
state supplement program under which the state supplements the 11366
supplemental security income payments received by aged, blind, or 11367
disabled adults under Title XVI of the "Social Security Act," 49 11368
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 11369
supplement payments shall be used for the provision of 11370
accommodations, supervision, and personal care services to 11371
supplemental security income recipients who the department 11372
determines are at risk of needing institutional care. 11373

(C) For an individual to be eligible for residential state 11374
supplement payments, all of the following must be the case: 11375

(1) Except as provided by division (G) of this section, the 11376
individual must reside in one of the following: 11377

(a) An adult foster home certified under section 173.36 of the Revised Code; 11378
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(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section; 11380
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~~(c) A community alternative home licensed under section 3724.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;~~ 11385
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~~(d)~~ A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health and certified in accordance with standards established by the director of aging under division (D)(2) of this section; 11389
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~~(e)~~(d) An apartment or room used to provide community mental health housing services certified by the department of mental health under section 5119.611 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section. 11394
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(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental security income payments or social security disability insurance benefits because of a mental disability, the PASSPORT administrative agency shall refer the individual to a community mental health agency for the community mental health agency to 11401
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issue in accordance with section 340.091 of the Revised Code a 11409
recommendation on whether the PASSPORT administrative agency 11410
should determine that the environment in which the individual will 11411
be living while receiving the payments is appropriate for the 11412
individual's needs. Division (C)(2) of this section does not apply 11413
to an individual receiving residential state supplement payments 11414
on June 30, 2000, until the individual's first eligibility 11415
redetermination after that date. 11416

(3) The individual satisfies all eligibility requirements 11417
established by rules adopted under division (D) of this section. 11418

(D)(1) The directors of aging and job and family services 11419
shall adopt rules in accordance with section 111.15 of the Revised 11420
Code as necessary to implement the residential state supplement 11421
program. 11422

To the extent permitted by Title XVI of the "Social Security 11423
Act," and any other provision of federal law, the director of job 11424
and family services shall adopt rules establishing standards for 11425
adjusting the eligibility requirements concerning the level of 11426
impairment a person must have so that the amount appropriated for 11427
the program by the general assembly is adequate for the number of 11428
eligible individuals. The rules shall not limit the eligibility of 11429
disabled persons solely on a basis classifying disabilities as 11430
physical or mental. The director of job and family services also 11431
shall adopt rules that establish eligibility standards for aged, 11432
blind, or disabled individuals who reside in one of the homes or 11433
facilities specified in division (C)(1) of this section but who, 11434
because of their income, do not receive supplemental security 11435
income payments. The rules may provide that these individuals may 11436
include individuals who receive other types of benefits, 11437
including, social security disability insurance benefits provided 11438
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 11439
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 11440

section, such payments may be made if funds are available for 11441
them. 11442

The director of aging shall adopt rules establishing the 11443
method to be used to determine the amount an eligible individual 11444
will receive under the program. The amount the general assembly 11445
appropriates for the program shall be a factor included in the 11446
method that department establishes. In adopting the rules, the 11447
director shall comply with the requirements of section 173.352 of 11448
the Revised Code. 11449

(2) The director of aging shall adopt rules in accordance 11450
with Chapter 119. of the Revised Code establishing standards for 11451
certification of living facilities described in division (C)(1) of 11452
this section. 11453

The directors of aging and mental health shall enter into an 11454
agreement to certify facilities that apply for certification and 11455
meet the standards established by the director of aging under this 11456
division. 11457

(E) The county department of job and family services of the 11458
county in which an applicant for the residential state supplement 11459
program resides shall determine whether the applicant meets income 11460
and resource requirements for the program. 11461

(F) The department of aging shall maintain a waiting list of 11462
any individuals eligible for payments under this section but not 11463
receiving them because moneys appropriated to the department for 11464
the purposes of this section are insufficient to make payments to 11465
all eligible individuals. An individual may apply to be placed on 11466
the waiting list even though the individual does not reside in one 11467
of the homes or facilities specified in division (C)(1) of this 11468
section at the time of application. The director of aging, by 11469
rules adopted in accordance with Chapter 119. of the Revised Code, 11470
shall specify procedures and requirements for placing an 11471

individual on the waiting list and priorities for the order in 11472
which individuals placed on the waiting list are to begin to 11473
receive residential state supplement payments. The rules 11474
specifying priorities may give priority to individuals placed on 11475
the waiting list on or after July 1, 2006, who receive 11476
supplemental security income benefits under Title XVI of the 11477
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 11478
amended. The rules shall not affect the place on the waiting list 11479
of any person who was on the list on July 1, 2006. The rules 11480
specifying priorities may also set additional priorities based on 11481
living arrangement, such as whether an individual resides in a 11482
facility listed in division (C)(1) of this section or has been 11483
admitted to a nursing facility. 11484

(G) An individual in a licensed or certified living 11485
arrangement receiving state supplementation on November 15, 1990, 11486
under former section 5101.531 of the Revised Code shall not become 11487
ineligible for payments under this section solely by reason of the 11488
individual's living arrangement as long as the individual remains 11489
in the living arrangement in which the individual resided on 11490
November 15, 1990. 11491

(H) The department of aging shall notify each person denied 11492
approval for payments under this section of the person's right to 11493
a hearing. On request, the hearing shall be provided by the 11494
department of job and family services in accordance with section 11495
5101.35 of the Revised Code. 11496

Sec. 173.352. (A) As used in this section: 11497

(1) "Eligible residence" means a dwelling described in 11498
division (C)(1) of section 173.35 of the Revised Code in which a 11499
resident resides. 11500

(2) "Resident" means an individual receiving residential 11501
state supplement payments. 11502

(3) "Cost-of-living adjustment" means the total adjustment to 11503
monthly supplemental security income payments made since March 11504
1983 under 42 U.S.C. 1382f. 11505

(B) A resident may be charged a monthly amount not exceeding 11506
the sum of the following for accommodations, supervision, and 11507
personal care services in an eligible residence: 11508

(1) The resident's monthly supplemental security income 11509
payment, including any cost-of-living adjustment reflected in that 11510
monthly payment, minus a personal needs allowance of seventy 11511
dollars; 11512

(2) The resident's residential state supplement payment. 11513

(C) A residential state supplement payment shall not be 11514
reduced by any amount of a cost-of-living adjustment. 11515

Sec. 173.392. (A) The department of aging may pay a person or 11516
government entity for providing community-based long-term care 11517
services under a program the department administers, even though 11518
the person or government entity is not certified under section 11519
173.391 of the Revised Code, if all of the following are the case: 11520

(1) The person or government entity has a contract with the 11521
department of aging or the department's designee to provide the 11522
services in accordance with the contract or has received a grant 11523
from the department or its designee to provide the services in 11524
accordance with a grant agreement; 11525

(2) The contract or grant agreement includes detailed 11526
conditions of participation for providers of services under a 11527
program the department administers and service standards that the 11528
person or government entity is required to satisfy; 11529

(3) The person or government entity complies with the 11530
contract or grant agreement; 11531

(4) The contract or grant is not for medicaid-funded 11532

services, other than services provided under the PACE program 11533
administered by the department of aging under section 173.50 of 11534
the Revised Code. 11535

(B) The director of aging shall adopt rules in accordance 11536
with Chapter 119. of the Revised Code governing both of the 11537
following: 11538

(1) Contracts and grant agreements between the department of 11539
aging or its designee and persons and government entities 11540
regarding community-based long-term care services provided under a 11541
program the department administers; 11542

(2) The department's payment for community-based long-term 11543
care services ~~provided~~ under ~~such a contract~~ this section. 11544

Sec. 173.401. (A) As used in this section: 11545

"Area agency on aging" has the same meaning as in section 11546
173.14 of the Revised Code. 11547

"Long-term care consultation program" means the program the 11548
department of aging is required to develop under section 173.42 of 11549
the Revised Code. 11550

"Long-term care consultation program administrator" or 11551
"administrator" means the department of aging or, if the 11552
department contracts with an area agency on aging or other entity 11553
to administer the long-term care consultation program for a 11554
particular area, that agency or entity. 11555

"Nursing facility" has the same meaning as in section 5111.20 11556
of the Revised Code. 11557

"PASSPORT program" means the program created under section 11558
173.40 of the Revised Code. 11559

"PASSPORT waiver" means the federal medicaid waiver granted 11560
by the United States secretary of health and human services that 11561

authorizes the PASSPORT program. 11562

(B) The director of job and family services shall submit to 11563
the United States secretary of health and human services an 11564
amendment to the PASSPORT waiver that authorizes additional 11565
enrollments in the PASSPORT program pursuant to this section. 11566
Beginning with the month following the month in which the United 11567
States secretary approves the amendment and each month thereafter, 11568
each area agency on aging shall determine whether individuals who 11569
reside in the area that the area agency on aging serves and are on 11570
a waiting list for the PASSPORT program have been admitted to a 11571
nursing facility. If an area agency on aging determines that such 11572
an individual has been admitted to a nursing facility, the agency 11573
shall notify the long-term care consultation program administrator 11574
serving the area in which the individual resides about the 11575
determination. The administrator shall determine whether the 11576
PASSPORT program is appropriate for the individual and whether the 11577
individual would rather participate in the PASSPORT program than 11578
continue residing in the nursing facility. If the administrator 11579
determines that the PASSPORT program is appropriate for the 11580
individual and the individual would rather participate in the 11581
PASSPORT program than continue residing in the nursing facility, 11582
the administrator shall so notify the department of aging. On 11583
receipt of the notice from the administrator, the department of 11584
aging shall approve the individual's enrollment in the PASSPORT 11585
program regardless of the PASSPORT program's waiting list and even 11586
though the enrollment causes enrollment in the program to exceed 11587
the limit that would otherwise apply. Each quarter, the department 11588
of aging shall certify to the director of budget and management 11589
the estimated increase in costs of the PASSPORT program resulting 11590
from enrollment of individuals in the PASSPORT program pursuant to 11591
this section. 11592

~~(C) Not later than the last day of each calendar year, the 11593~~

~~director of job and family services shall submit to the general 11594
assembly a report regarding the number of individuals enrolled in 11595
the PASSPORT program pursuant to this section and the costs 11596
incurred and savings achieved as a result of the enrollments. 11597~~

Sec. 173.402. As used in this section, "PASSPORT program" 11598
means the program created under section 173.40 of the Revised 11599
Code. 11600

An individual enrolled in the PASSPORT program may not 11601
receive any of the following medicaid state plan services unless 11602
the services are provided in conjunction with medicaid case 11603
management services provided to the individual: 11604

(A) Home health services; 11605

(B) Private duty nursing services; 11606

(C) Durable medical equipment; 11607

(D) Services of a clinical nurse specialist; 11608

(E) Services of a certified nurse practitioner. 11609

Sec. 173.403. (A) As used in this section: 11610

(1) "Choices program" means the medicaid waiver component, as 11611
defined in section 5111.85 of the Revised Code, known as the 11612
choices program that the department of aging administers pursuant 11613
to an interagency agreement with the department of job and family 11614
services under section 5111.91 of the Revised Code. 11615

(2) "Choices waiver" means the federal medicaid waiver that 11616
authorizes the choices program. 11617

(B) The director of job and family services shall submit to 11618
the United States secretary of health and human services an 11619
amendment to the choices waiver to provide for the choices program 11620
to be available statewide. On receipt of approval of the amendment 11621

to the choices waiver, the departments of job and family services 11622
and aging shall amend the interagency agreement entered into under 11623
section 5111.91 of the Revised Code regarding the choices program 11624
to provide for the department of aging to administer the choices 11625
program statewide. 11626

Sec. 173.42. (A) As used in this section sections 173.42 to 11627
173.434 of the Revised Code: 11628

(1) "Area agency on aging" means a public or private 11629
nonprofit entity designated under section 173.011 of the Revised 11630
Code to administer programs on behalf of the department of aging. 11631

(2) "Department of aging-administered medicaid waiver 11632
component" means all of the following: 11633

(a) The PASSPORT program created under section 173.40 of the 11634
Revised Code; 11635

(b) The choices program as defined in section 173.403 of the 11636
Revised Code; 11637

(c) The assisted living program as defined in section 5111.89 11638
of the Revised Code; 11639

(d) Any other medicaid waiver component, as defined in 11640
section 5111.85 of the Revised Code, that the department of aging 11641
administers pursuant to an interagency agreement with the 11642
department of job and family services under section 5111.91 of the 11643
Revised Code. 11644

(3) "Home and community-based services covered by medicaid" 11645
means all of the following: 11646

(a) Medicaid waiver services available to a participant in a 11647
department of aging-administered medicaid waiver component; 11648

(b) The following medicaid state plan services available to a 11649
participant in a department of aging-administered medicaid waiver 11650

component as specified in rules adopted under section 5111.02 of 11651
the Revised Code: 11652

(i) Home health services; 11653

(ii) Private duty nursing services; 11654

(iii) Durable medical equipment; 11655

(iv) Services of a clinical nurse specialist; 11656

(v) Services of a certified nurse practitioner. 11657

(c) Services available under the PACE program that the 11658
department of aging administers pursuant to section 173.50 of the 11659
Revised Code. 11660

(4) "Long-term care consultation" or "consultation" means the 11661
process used to provide services under consultation service made 11662
available by the department of aging or a program administrator 11663
through the long-term care consultation program established 11664
pursuant to this section, including, but not limited to, such 11665
services as the provision of information about long term care 11666
options and costs, the assessment of an individual's functional 11667
capabilities, and the conduct of all or part of the reviews, 11668
assessments, and determinations specified in sections 5111.202, 11669
5111.204, 5119.061, and 5123.021 of the Revised Code and the rules 11670
adopted under those sections. 11671

~~(3)~~(5) "Medicaid" means the medical assistance program 11672
established under Chapter 5111. of the Revised Code. 11673

~~(4)~~(6) "Nursing facility" has the same meaning as in section 11674
5111.20 of the Revised Code. 11675

~~(5)~~(7) "Program administrator" means an area agency on aging 11676
or other entity under contract with the department of aging to 11677
administer the long-term care consultation program in a geographic 11678
region specified in the contract. 11679

(8) "Representative" means a person acting on behalf of an 11680

individual ~~seeking a long-term care consultation, applying for~~ 11681
~~admission to a nursing facility, or residing in a nursing facility~~ 11682
specified in division (G) of this section. A representative may be 11683
a family member, attorney, hospital social worker, or any other 11684
person chosen to act on behalf of the individual. 11685
11686

(B) The department of aging shall develop a long-term care 11687
consultation program whereby individuals or their representatives 11688
are provided with long-term care consultations and receive through 11689
these professional consultations information about options 11690
available to meet long-term care needs and information about 11691
factors to consider in making long-term care decisions. The 11692
long-term care consultations provided under the program may be 11693
provided at any appropriate time, as permitted or required under 11694
this section and the rules adopted under it, including either 11695
prior to or after the individual who is the subject of a 11696
consultation has been admitted to a nursing facility or granted 11697
assistance in receiving home and community-based services covered 11698
by medicaid. 11699

(C)(1) The long-term care consultation program shall be 11700
administered by the department of aging, except that the 11701
department may ~~enter into a contract with an area agency on aging~~ 11702
~~or other entity selected by the department under which the program~~ 11703
~~for a particular area is administered by the area agency on aging~~ 11704
~~or other entity pursuant to the contract~~ have the program 11705
administered on a regional basis by one or more program 11706
administrators. 11707

(2) The department and each program administrator shall 11708
administer the program in such a manner that all of the following 11709
are included: 11710

(a) Coordination and collaboration with respect to all 11711
available funding sources for long-term care services; 11712

<u>(b) Assessments of individuals regarding their long-term care service needs;</u>	11713
	11714
<u>(c) Assessments of individuals regarding their on-going eligibility for long-term care services;</u>	11715
	11716
<u>(d) Procedures for assisting individuals in obtaining access to, and coordination of, health and supportive services;</u>	11717
	11718
<u>(e) Procedures for monitoring the provision of health and long-term care services and supports, including the quality and cultural competence of the services and supports;</u>	11719
	11720
	11721
<u>(f) Priorities for using available resources efficiently and effectively.</u>	11722
	11723
(D) The <u>program's</u> long-term care consultations provided for purposes of the program shall be provided by individuals certified by the department under section 173.43 <u>173.422</u> of the Revised Code.	11724
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(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:	11728
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	11730
(1) The availability of any long-term care options open to the individual;	11731
	11732
(2) Sources and methods of both public and private payment for long-term care services;	11733
	11734
(3) Factors to consider when choosing among the available programs, services, and benefits;	11735
	11736
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	11737
	11738
	11739
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations	11740
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	11742

required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code.

(G)(1) Unless an exemption specified in division (I) of this section is applicable, each ~~individual in~~ of the following ~~categories~~ shall be provided with a long-term care consultation:

(a) ~~Individuals~~ An individual who ~~apply~~ applies or ~~indicate~~ indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for ~~their~~ the individual's care in a nursing facility;

(b) ~~Nursing facility residents who apply or indicate an intention to apply for medicaid;~~

~~(c) Nursing facility residents who are likely to spend down their resources within six months after admission to a nursing facility to a level at which they are financially eligible for medicaid;~~

~~(d) Individuals~~ An individual who ~~request~~ requests a long-term care consultation;

(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.

(2) In addition to the individuals ~~included in the categories~~ specified in division (G)(1) of this section, a long-term care ~~consultations~~ consultation may be provided to a nursing facility ~~residents who have not applied and have not indicated an intention to apply for medicaid~~ resident regardless of the source of payment being used for the resident's care in the nursing facility. The purpose of the consultations provided to these individuals shall be to determine continued need for nursing facility services, to provide information on alternative services, and to make referrals to alternative services.

(H)(1) ~~When~~ Except as provided in division (H)(2) or (3) of 11774
this section, a long-term care consultation ~~is required to be~~ 11775
provided pursuant to division (G)~~(1)~~ of this section, ~~the~~ 11776
~~consultation~~ shall be provided as follows ~~or pursuant to division~~ 11777
~~(H)(2) or (3) of this section:~~ 11778

(a) If the individual for whom the consultation is being 11779
provided has applied for medicaid and the consultation is being 11780
provided concurrently with the assessment required under section 11781
5111.204 of the Revised Code, the consultation shall be completed 11782
in accordance with the applicable time frames specified in that 11783
section for providing a level of care determination based on the 11784
assessment. 11785

(b) In all other cases, the consultation shall be provided 11786
not later than five calendar days after the department or ~~the~~ 11787
program administrator ~~under contract with the department~~ receives 11788
notice of the reason for which the consultation is ~~required~~ to be 11789
provided pursuant to division (G)~~(1)~~ of this section. 11790

(2) An individual or the individual's representative may 11791
request that a long-term care consultation be provided on a date 11792
that is later than the date required under division (H)(1)(a) or 11793
(b) of this section. 11794

(3) If a long-term care consultation cannot be completed 11795
within the number of days required by division (H)(1) or (2) of 11796
this section, the department or ~~the~~ program administrator ~~under~~ 11797
~~contract with the department~~ may do any of the following: 11798

(a) ~~Exempt~~ In the case of an individual specified in division 11799
(G)(1) of this section, exempt the individual from the 11800
consultation pursuant to rules that may be adopted under division 11801
(L) of this section; 11802

(b) In the case of an applicant for admission to a nursing 11803
facility, provide the consultation after the individual is 11804

admitted to the nursing facility; 11805

(c) In the case of a resident of a nursing facility, provide 11806
the consultation as soon as practicable. 11807

(I) An individual is not required to be provided a long-term 11808
care consultation under division (G)(1) of this section if any of 11809
the following apply: 11810

(1) The department or program administrator has attempted to 11811
provide the consultation, but the individual or the individual's 11812
representative chooses to forego participation in the consultation 11813
pursuant to criteria specified in rules adopted under division (L) 11814
of this section refuses to cooperate; 11815

(2) The individual is to receive care in a nursing facility 11816
under a contract for continuing care as defined in section 173.13 11817
of the Revised Code; 11818

(3) The individual has a contractual right to admission to a 11819
nursing facility operated as part of a system of continuing care 11820
in conjunction with one or more facilities that provide a less 11821
intensive level of services, including a residential care facility 11822
licensed under Chapter 3721. of the Revised Code, an adult care 11823
facility licensed under Chapter 3722. of the Revised Code, or an 11824
independent living arrangement; 11825

(4) The individual is to receive continual care in a home for 11826
the aged exempt from taxation under section 5701.13 of the Revised 11827
Code; 11828

(5) The individual is seeking admission to a facility that is 11829
not a nursing facility with a provider agreement under section 11830
5111.22, 5111.671, or 5111.672 of the Revised Code; 11831

(6) ~~The individual is to be transferred from another nursing~~ 11832
~~facility;~~ 11833

(7) ~~The individual is to be readmitted to a nursing facility~~ 11834

~~following a period of hospitalization;~~ 11835

(8) The individual is exempted from the long-term care 11836
consultation requirement by the department or the program 11837
administrator pursuant to rules that may be adopted under division 11838
(L) of this section. 11839

(J) At the conclusion of an individual's long-term care 11840
consultation, the department or ~~the~~ program administrator ~~under~~ 11841
~~contract with the department~~ shall ~~provide~~ assist the individual 11842
or individual's representative ~~with a written summary of options~~ 11843
~~and resources available to meet the individual's needs in~~ 11844
accessing all sources of care and services that are appropriate 11845
for the individual and for which the individual is eligible, 11846
including all available sources of home and community-based 11847
services covered by medicaid. ~~Even though the summary may specify~~ 11848
~~that a source of long term care other than care in a nursing~~ 11849
~~facility is appropriate and available, the individual is not~~ 11850
~~required to seek an alternative source of long term care and may~~ 11851
~~be admitted to or continue to reside in a nursing facility~~ The 11852
assistance shall include providing for the conduct of assessments 11853
or other evaluations and the development of individualized plans 11854
of care or services under section 173.424 of the Revised Code. 11855

(K) No nursing facility for which an operator has a provider 11856
agreement under section 5111.22, 5111.671, or 5111.672 of the 11857
Revised Code shall admit ~~or retain~~ any individual as a resident, 11858
unless the nursing facility has received evidence that a long-term 11859
care consultation has been completed for the individual or 11860
division (I) of this section is applicable to the individual. 11861

(L) The director of aging may adopt any rules the director 11862
considers necessary for the implementation and administration of 11863
this section. The rules shall be adopted in accordance with 11864
Chapter 119. of the Revised Code and may specify any or all of the 11865
following: 11866

(1) Procedures for providing long-term care consultations pursuant to this section;	11867 11868
(2) Information to be provided through long-term care consultations regarding long-term care services that are available;	11869 11870 11871
(3) Criteria under which an individual or the individual's representative may choose to forego participation in and <u>procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;</u>	11872 11873 11874 11875 11876
(4) Criteria for exempting individuals from the long-term care consultation requirement;	11877 11878
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	11879 11880 11881 11882
(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;	11883 11884 11885
(7) <u>A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;</u>	11886 11887 11888
(8) <u>Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;</u>	11889 11890 11891 11892
(9) <u>Procedures for providing notice and an opportunity for a hearing under division (N) of this section.</u>	11893 11894
(M) <u>To assist the department and each program administrator with identifying individuals who are likely to benefit from a</u>	11895 11896

long-term care consultation, the department and program 11897
administrator may ask to be given access to nursing facility 11898
resident assessment data collected through the use of the resident 11899
assessment instrument specified in rules adopted under section 11900
5111.02 of the Revised Code for purposes of the medicaid program. 11901
Except when prohibited by state or federal law, the department of 11902
health, department of job and family services, or nursing facility 11903
holding the data shall grant access to the data on receipt of the 11904
request from the department of aging or program administrator. 11905

~~(M)~~(N)(1) The director of aging, after providing notice and 11906
an opportunity for a hearing, may fine a nursing facility an 11907
amount determined by rules the director shall adopt in accordance 11908
with Chapter 119. of the Revised Code if for any of the following 11909
reasons: 11910

(a) The nursing facility admits or retains an individual, 11911
without evidence that a long-term care consultation has been 11912
provided, as required by this section; 11913

(b) The nursing facility denies a person attempting to 11914
provide a long-term care consultation access to the facility or a 11915
resident of the facility; 11916

(c) The nursing facility denies the department of aging or 11917
program administrator access to the facility or a resident of the 11918
facility, as the department or administrator considers necessary 11919
to administer the program. 11920

(2) In accordance with section 5111.62 of the Revised Code, 11921
all fines collected under this division (N)(1) of this section 11922
shall be deposited into the state treasury to the credit of the 11923
residents protection fund. 11924

Sec. 173.421. As part of the long-term care consultation 11925
program established under section 173.42 of the Revised Code, the 11926

department of aging may establish procedures for the conduct of 11927
periodic or follow-up long-term care consultations for residents 11928
of nursing facilities, including annual or more frequent 11929
reassessments of the residents' functional capabilities. If the 11930
procedures are established, the department or program 11931
administrator shall assign individuals to nursing facilities to 11932
serve as care managers within the facilities. The individuals 11933
assigned shall be individuals who are certified under section 11934
173.422 of the Revised Code to provide long-term care 11935
consultations. 11936

Sec. ~~173.43~~ 173.422. The department of aging shall certify 11937
individuals who meet certification requirements established by 11938
rule to provide long-term care consultations for purposes of 11939
~~section~~ sections 173.42 and 173.421 of the Revised Code. The 11940
director of aging shall adopt rules in accordance with Chapter 11941
119. of the Revised Code governing the certification process and 11942
requirements. The rules shall specify the education, experience, 11943
or training in long-term care a person must have to qualify for 11944
certification. 11945

Sec. 173.423. If an individual who is the subject of a 11946
long-term care consultation is eligible for and elects to receive 11947
home and community-based services covered by medicaid, the 11948
department of aging or program administrator shall monitor the 11949
individual by doing either or both of the following at least once 11950
each year: 11951

(A) Determining whether the services being provided to the 11952
individual are appropriate; 11953

(B) Determining whether changes in the types of services 11954
being provided to the individual should be made. 11955

Sec. 173.424. If, under federal law, an individual's 11956

eligibility for the home and community-based services covered by 11957
medicaid is dependent on the conduct of an assessment or other 11958
evaluation of the individual's needs and capabilities and the 11959
development of an individualized plan of care or services, the 11960
department shall develop and implement all procedures necessary to 11961
comply with the federal law. The procedures shall include the use 11962
of long-term care consultations. 11963

Sec. 173.425. Annually, the department of aging shall prepare 11964
a report regarding the individuals who are the subjects of 11965
long-term care consultations and elect to receive home and 11966
community-based services covered by medicaid. The department shall 11967
prepare the report in consultation with the department of job and 11968
family services and office of budget and management. Each annual 11969
report shall include all of the following information: 11970

(A) The total savings achieved by providing home and 11971
community-based services covered by medicaid rather than nursing 11972
facility services; 11973

(B) The average number of days that individuals receive home 11974
and community-based services covered by medicaid before receiving 11975
nursing facility services; 11976

(C) A categorical analysis of the acuity levels of the 11977
individuals who receive home and community-based services covered 11978
by medicaid; 11979

(D) Any other statistical information the department of aging 11980
considers appropriate for inclusion in the report. 11981

Sec. 173.43. (A) Subject to section 173.433 of the Revised 11982
Code, the department of aging shall enter into an interagency 11983
agreement with the department of job and family services under 11984
section 5111.91 of the Revised Code under which the department of 11985
aging is required to establish for each biennium a unified 11986

<u>long-term care budget for department of aging-administered</u>	11987
<u>medicaid waiver components. The interagency agreement shall</u>	11988
<u>require the department of aging to do all of the following:</u>	11989
<u>(1) Administer the unified long-term care budget in</u>	11990
<u>accordance with sections 173.43 to 173.434 of the Revised Code and</u>	11991
<u>the general assembly's appropriations for department of</u>	11992
<u>aging-administered medicaid waiver components for the applicable</u>	11993
<u>biennium;</u>	11994
<u>(2) Contract with each area agency on aging for assistance in</u>	11995
<u>the administration of the unified long-term care budget;</u>	11996
<u>(3) Provide individuals who are eligible for a department of</u>	11997
<u>aging-administered medicaid waiver component a choice of services</u>	11998
<u>that meet the individuals' needs and improve their quality of</u>	11999
<u>life;</u>	12000
<u>(4) Provide a continuum of services that meet the life-long</u>	12001
<u>needs of individuals who are eligible for a department of</u>	12002
<u>aging-administered medicaid waiver component.</u>	12003
<u>(B) The director of budget and management shall create new</u>	12004
<u>appropriation items as necessary for establishment of the unified</u>	12005
<u>long-term care budget.</u>	12006
<u>Sec. 173.431. Subject to section 173.433 of the Revised Code,</u>	12007
<u>the department of aging shall ensure that the unified long-term</u>	12008
<u>care budget established under section 173.43 of the Revised Code</u>	12009
<u>is administered in a manner that provides medicaid coverage of and</u>	12010
<u>expands access to both of the following:</u>	12011
<u>(A) All of the following medicaid waiver services:</u>	12012
<u>(1) Personal care services;</u>	12013
<u>(2) Home-delivered meals;</u>	12014
<u>(3) Adult day-care;</u>	12015

<u>(4) Homemaker services;</u>	12016
<u>(5) Emergency response services;</u>	12017
<u>(6) Medical equipment and supplies;</u>	12018
<u>(7) Chore services;</u>	12019
<u>(8) Social work counseling;</u>	12020
<u>(9) Nutritional counseling;</u>	12021
<u>(10) Independent living assistance;</u>	12022
<u>(11) Medical transportation;</u>	12023
<u>(12) Nonmedical transportation;</u>	12024
<u>(13) Home care attendant services;</u>	12025
<u>(14) Assisted living services;</u>	12026
<u>(15) Community transition services;</u>	12027
<u>(16) Enhanced living community services.</u>	12028
<u>(B) All of the following state medicaid plan services as</u>	12029
<u>specified in rules adopted under section 5111.02 of the Revised</u>	12030
<u>Code:</u>	12031
<u>(1) Home health services;</u>	12032
<u>(2) Private duty nursing services;</u>	12033
<u>(3) Durable medical equipment;</u>	12034
<u>(4) Services of a clinical nurse specialist;</u>	12035
<u>(5) Services of a certified nurse practitioner.</u>	12036
<u>Sec. 173.432. Subject to section 173.433 of the Revised Code,</u>	12037
<u>the department of aging or its designee shall provide care</u>	12038
<u>management and authorization services with regard to the state</u>	12039
<u>plan services specified in division (B) of section 173.431 of the</u>	12040
<u>Revised Code that are provided to participants of department of</u>	12041
<u>aging-administered medicaid waiver components.</u>	12042

Sec. 173.433. (A) The director of job and family services 12043
shall do one or more of the following as necessary for the 12044
implementation of sections 173.43 to 173.432 of the Revised Code: 12045

(1) Submit one or more state medicaid plan amendments to the 12046
United States secretary of health and human services; 12047

(2) Request one or more federal medicaid waivers from the 12048
United States secretary; 12049

(3) Submit one or more federal medicaid waiver amendments to 12050
the United States secretary. 12051

(B) No provision of sections 173.43 to 173.432 of the Revised 12052
Code that requires the approval of the United States secretary of 12053
health and human services shall be implemented until the United 12054
States secretary provides the approval. 12055

Sec. 173.434. The director of job and family services shall 12056
adopt rules under section 5111.85 of the Revised Code to authorize 12057
the director of aging to adopt rules that are needed to implement 12058
sections 173.43 to 173.432 of the Revised Code. The director of 12059
aging's rules shall be adopted in accordance with Chapter 119. of 12060
the Revised Code. 12061

Sec. 173.50. (A) Pursuant to a contract entered into with the 12062
department of job and family services as an interagency agreement 12063
under section 5111.91 of the Revised Code, the department of aging 12064
shall carry out the day-to-day administration of the component of 12065
the medicaid program established under Chapter 5111. of the 12066
Revised Code known as the program of all-inclusive care for the 12067
elderly or PACE. The department of aging shall carry out its PACE 12068
administrative duties in accordance with the provisions of the 12069
interagency agreement and all applicable federal laws, including 12070
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4, 12071

as amended. 12072

(B) The department of aging may adopt rules in accordance 12073
with Chapter 119. of the Revised Code regarding the PACE program, 12074
including rules establishing priorities for enrolling in the 12075
program pursuant to section 173.501 of the Revised Code. The 12076
department's rules are subject to both of the following: 12077

(1) The rules shall be authorized by rules adopted by the 12078
department of job and family services. 12079

(2) The rules shall address only those issues that are not 12080
addressed in rules adopted by the department of job and family 12081
services for the PACE program. 12082

Sec. 173.501. (A) As used in this section: 12083

"Nursing facility" has the same meaning as in section 5111.20 12084
of the Revised Code. 12085

"PACE provider" has the same meaning as in 42 U.S.C. 12086
1396u-4(a)(3). 12087

(B) Each month, the department of aging shall determine 12088
whether individuals who are on a waiting list for the PACE program 12089
have been admitted to a nursing facility. If the department 12090
determines that such an individual has been admitted to a nursing 12091
facility, the department shall notify the PACE provider serving 12092
the area in which the individual resides about the determination. 12093
The PACE provider shall determine whether the PACE program is 12094
appropriate for the individual and whether the individual would 12095
rather participate in the PACE program than continue residing in 12096
the nursing facility. If the PACE provider determines that the 12097
PACE program is appropriate for the individual and the individual 12098
would rather participate in the PACE program than continue 12099
residing in the nursing facility, the PACE provider shall so 12100
notify the department of aging. On receipt of the notice from the 12101

PACE provider, the department of aging shall approve the 12102
individual's enrollment in the PACE program in accordance with 12103
priorities established in rules adopted under section 173.50 of 12104
the Revised Code. Each quarter, the department of aging shall 12105
certify to the director of budget and management the estimated 12106
increase in costs of the PACE program resulting from enrollment of 12107
individuals in the PACE program pursuant to this section. 12108

Sec. 173.70. (A) The director of aging may enter into a 12109
contract with any person under which the person operates a program 12110
for the provision of outpatient prescription drug discounts to any 12111
or all of the following: 12112

(1) Individuals who are sixty years of age or older; 12113

(2) Individuals whose family incomes do not exceed three 12114
hundred per cent of the federal poverty guidelines, as revised 12115
annually by the United States department of health and human 12116
services in accordance with section 673(2) of the "Omnibus Budget 12117
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 12118
amended; 12119

(3) Individuals who are persons with disabilities, as defined 12120
in section 173.06 of the Revised Code. 12121

(B) The director may disclose to the person under contract 12122
information that identifies the individuals who participated in 12123
and individuals who applied for participation in the Ohio's best 12124
Rx program that was operated under former sections 173.71 to 12125
173.91 of the Revised Code. 12126

Sec. 173.71. As used in sections 173.71 to 173.91 of the 12127
Revised Code: 12128

(A) "Children's health insurance program" means the 12129
children's health insurance program part I, part II, and part III 12130
established under sections 5101.50 ~~to 5101.529~~, 5101.51, and 12131

5101.52 of the Revised Code. 12132

(B) "Disability medical assistance program" means the program 12133
established under section 5115.10 of the Revised Code. 12134

(C) "Medicaid program" or "medicaid" means the medical 12135
assistance program established under Chapter 5111. of the Revised 12136
Code. 12137

(D) "National drug code number" means the number registered 12138
for a drug pursuant to the listing system established by the 12139
United States food and drug administration under the "Drug Listing 12140
Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended. 12141

(E) "Ohio's best Rx program participant" or "participant" 12142
means an individual determined eligible for the Ohio's best Rx 12143
program and included under an Ohio's best Rx program enrollment 12144
card. 12145

(F) "Participating manufacturer" means a drug manufacturer 12146
participating in the Ohio's best Rx program pursuant to a 12147
manufacturer agreement entered into under section 173.81 of the 12148
Revised Code. 12149

(G) "Participating terminal distributor" means a terminal 12150
distributor of dangerous drugs participating in the Ohio's best Rx 12151
program pursuant to an agreement entered into under section 173.79 12152
of the Revised Code. 12153

(H) "Political subdivision" has the same meaning as in 12154
section 9.23 of the Revised Code. 12155

(I) "State agency" has the same meaning as in section 9.23 of 12156
the Revised Code. 12157

(J) "Terminal distributor of dangerous drugs" has the same 12158
meaning as in section 4729.01 of the Revised Code. 12159

(K) "Third-party payer" has the same meaning as in section 12160
3901.38 of the Revised Code. 12161

(L) "Trade secret" has the same meaning as in section 1333.61 12162
of the Revised Code. 12163

(M) "Usual and customary charge" means the amount a 12164
participating terminal distributor or the drug mail order system 12165
included in the Ohio's best Rx program pursuant to section 173.78 12166
of the Revised Code charges when a drug included in the program is 12167
purchased by an individual who does not receive a discounted price 12168
for the drug pursuant to any drug discount program, including the 12169
Ohio's best Rx program or a pharmacy assistance program 12170
established by any person or government entity, and for whom no 12171
third-party payer or program funded in whole or part with state or 12172
federal funds is responsible for all or part of the cost of the 12173
drug. 12174

Sec. 173.99. (A) A long-term care provider, person employed 12175
by a long-term care provider, other entity, or employee of such 12176
other entity that violates division (C) of section 173.24 of the 12177
Revised Code is subject to a fine not to exceed one thousand 12178
dollars for each violation. 12179

(B) Whoever violates division (C) of section 173.23 of the 12180
Revised Code is guilty of registering a false complaint, a 12181
misdemeanor of the first degree. 12182

(C) A long-term care provider, other entity, or person 12183
employed by a long-term care provider or other entity that 12184
violates division (E) of section 173.19 of the Revised Code by 12185
denying a representative of the office of the state long-term care 12186
ombudsperson program the access required by that division is 12187
subject to a fine not to exceed five hundred dollars for each 12188
violation. 12189

(D) Whoever violates division (C) of section 173.44 of the 12190
Revised Code is subject to a fine of one hundred dollars. 12191

~~(E) Whoever violates division (B) of section 173.90 of the Revised Code is guilty of a misdemeanor of the first degree.~~ 12192
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Sec. 174.02. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the department of development for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The department shall administer the fund. The agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the department shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised Code. Use of all money drawn from the fund is subject to the following restrictions: 12194
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~~(1) Not more than six per cent of any current year appropriation authority for the fund shall be used for the transitional and permanent housing program to make grants to municipal corporations, counties, townships, and nonprofit organizations for the acquisition, rehabilitation, renovation, construction, conversion, operation, and cost of supportive services for new and existing transitional and permanent housing for homeless persons.~~ 12212
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~~(2)(a)~~ (a) Not more than five per cent of the current year appropriation authority for the fund shall be allocated between grants to community development corporations for the community 12220
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development corporation grant program and grants and loans to the 12223
Ohio community development finance fund, a private nonprofit 12224
corporation. 12225

(b) In any year in which the amount in the fund exceeds one 12226
hundred thousand dollars and at least that much is allocated for 12227
the uses described in this section, not less than one hundred 12228
thousand dollars shall be used to provide training, technical 12229
assistance, and capacity building assistance to nonprofit 12230
development organizations. 12231

~~(3)~~(2) Not more than ~~seven~~ ten per cent of any current year 12232
appropriation authority for the fund shall be used for the 12233
emergency shelter housing grants program to make grants to 12234
private, nonprofit organizations and municipal corporations, 12235
counties, and townships for emergency shelter housing for the 12236
homeless and emergency shelter facilities serving unaccompanied 12237
youth seventeen years of age and younger. The grants shall be 12238
distributed pursuant to rules the director adopts and qualify as 12239
matching funds for funds obtained pursuant to the McKinney Act, 12240
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 12241

~~(4)~~(3) In any fiscal year in which the amount in the fund 12242
exceeds the amount awarded pursuant to division (A)~~(2)~~(1)(b) of 12243
this section by at least two hundred fifty thousand dollars, at 12244
least two hundred fifty thousand dollars from the fund shall be 12245
provided to the department of aging for the resident services 12246
coordinator program as established in section 173.08 of the 12247
Revised Code. 12248

~~(5)~~(4) Of all current year appropriation authority for the 12249
fund, not more than five per cent shall be used for 12250
administration. 12251

~~(6)~~(5) Not less than forty-five per cent of the funds awarded 12252
during any one fiscal year shall be for grants and loans to 12253

nonprofit organizations under section 174.03 of the Revised Code. 12254

~~(7)~~(6) Not less than fifty per cent of the funds awarded 12255
during any one fiscal year, excluding the amounts awarded pursuant 12256
to divisions (A)(1)~~7~~ and (2)~~7~~ ~~and (3)~~ of this section, shall be 12257
for grants and loans for activities that provide housing and 12258
housing assistance to families and individuals in rural areas and 12259
small cities that are not eligible to participate as a 12260
participating jurisdiction under the "HOME Investment Partnerships 12261
Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 12262

~~(8) No money in the fund shall be used to pay for any legal 12263
services other than the usual and customary legal services 12264
associated with the acquisition of housing. 12265~~

~~(9)~~(7) Money in the fund may be used as matching money for 12266
federal funds received by the state, counties, municipal 12267
corporations, and townships for the activities listed in section 12268
174.03 of the Revised Code. 12269

(B) If, after the second quarter of any year, it appears to 12270
the director that the full amount of the money in the fund 12271
designated in that year for activities that provide housing and 12272
housing assistance to families and individuals in rural areas and 12273
small cities under division (A) of this section will not be used 12274
for that purpose, the director may reallocate all or a portion of 12275
that amount for other housing activities. In determining whether 12276
or how to reallocate money under this division, the director may 12277
consult with and shall receive advice from the housing trust fund 12278
advisory committee. 12279

Sec. 174.03. (A) The department of development and the Ohio 12280
housing finance agency shall each develop programs under which, in 12281
accordance with rules adopted under this section, they may make 12282
grants, loans, loan guarantees, and loan subsidies to counties, 12283
municipal corporations, townships, local housing authorities, and 12284

nonprofit organizations and may make loans, loan guarantees, and 12285
loan subsidies to private developers and private lenders to assist 12286
in activities that provide housing and housing assistance for 12287
specifically targeted low- and moderate-income families and 12288
individuals. There is no minimum housing project size for awards 12289
under this division for any project that is developed for a 12290
special needs population and that is supported by a social service 12291
agency where the housing project is located. Activities for which 12292
grants, loans, loan guarantees, and loan subsidies may be made 12293
under this section include all of the following: 12294

(1) Acquiring, financing, constructing, leasing, 12295
rehabilitating, remodeling, improving, and equipping publicly or 12296
privately owned housing; 12297

(2) Providing supportive services related to housing and the 12298
homeless, including housing counseling. Not more than twenty per 12299
cent of the current year appropriation authority for the low- and 12300
moderate-income housing trust fund that remains after the award of 12301
funds made pursuant to divisions (A)(1), and (A)(2), ~~and (A)(3)~~ of 12302
section 174.02 of the Revised Code, shall be awarded in any fiscal 12303
year for supportive services. 12304

(3) Providing rental assistance payments or other project 12305
operating subsidies that lower tenant rents; 12306

(4) Improving the quality of life of tenants by providing 12307
education for tenants and residents of manufactured home 12308
communities regarding their rights and responsibilities, planning 12309
and implementing activities designed to improve conflict 12310
resolution and the capacity of tenants to negotiate and mediate 12311
with landlords, and developing tenant and resident councils and 12312
organizations; 12313

(5) Promoting capacity building initiatives related to the 12314
creation of county housing trust funds. 12315

~~(B) Activities listed under division (A) of this section may include emergency shelter care programs for unaccompanied youth seventeen years of age and younger.~~ 12316
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~~(C)~~ Grants, loans, loan guarantees, and loan subsidies may be made to counties, municipal corporations, townships, and nonprofit organizations for the additional purposes of providing technical assistance, design and finance services and consultation, and payment of pre-development and administrative costs related to any of the activities listed above. 12319
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~~(D)~~(C) In developing programs under this section, the department and the agency shall invite, accept, and consider public comment, and recommendations from the housing trust fund advisory committee created under section 174.06 of the Revised Code, on how the programs should be designed to most effectively benefit low- and moderate-income families and individuals. The programs developed under this section shall respond collectively to housing and housing assistance needs of low- and moderate-income families and individuals statewide. 12325
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~~(E)~~(D) The department and the agency, in accordance with Chapter 119. of the Revised Code, shall each adopt rules to administer programs developed under this section. The rules shall prescribe procedures and forms that counties, municipal corporations, townships, local housing authorities, and nonprofit organizations shall use in applying for grants, loans, loan guarantees, and loan subsidies and that private developers and private lenders shall use in applying for loans, loan guarantees, and loan subsidies; eligibility criteria for the receipt of funds; procedures for reviewing and granting or denying applications; procedures for paying out funds; conditions on the use of funds; procedures for monitoring the use of funds; and procedures under which a recipient shall be required to repay funds that are improperly used. The rules shall do both of the following: 12334
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(1) Require each recipient of a grant or loan made from the low- and moderate-income housing trust fund for activities that provide, or assist in providing, a rental housing project, to reasonably ensure that the rental housing project will remain affordable to those families and individuals targeted for the rental housing project for the useful life of the rental housing project or for thirty years, whichever is longer;

(2) Require each recipient of a grant or loan made from the low- and moderate-income housing trust fund for activities that provide, or assist in providing, a housing project to prepare and implement a plan to reasonably assist any families and individuals displaced by the housing project in obtaining decent affordable housing.

~~(F)~~(E) In prescribing eligibility criteria and conditions for the use of funds, neither the department nor the agency is limited to the criteria and conditions specified in this section and each may prescribe additional eligibility criteria and conditions that relate to the purposes for which grants, loans, loan guarantees, and loan subsidies may be made. However, the department and agency are limited by the following specifically targeted low- and moderate-income guidelines:

(1) Not less than seventy-five per cent of the money granted and loaned under this section in any fiscal year shall be for activities that provide affordable housing and housing assistance to families and individuals whose incomes are equal to or less than fifty per cent of the median income for the county in which they live, as determined by the department under section 174.04 of the Revised Code.

(2) Any money granted and loaned under this section in any fiscal year that is not granted or loaned pursuant to division (F)(1) of this section shall be for activities that provide affordable housing and housing assistance to families and

individuals whose incomes are equal to or less than eighty per 12380
cent of the median income for the county in which they live, as 12381
determined by the department under section 174.04 of the Revised 12382
Code. 12383

~~(G)~~(F) In making grants, loans, loan guarantees, and loan 12384
subsidies under this section, the department and the agency shall 12385
give preference to viable projects and activities that benefit 12386
those families and individuals whose incomes are equal to or less 12387
than thirty-five per cent of the median income for the county in 12388
which they live, as determined by the department under section 12389
174.04 of the Revised Code. 12390

~~(H)~~(G) The department and the agency shall monitor the 12391
programs developed under this section to ensure that money granted 12392
and loaned under this section is not used in a manner that 12393
violates division (H) of section 4112.02 of the Revised Code or 12394
discriminates against families with children. 12395

Sec. 174.06. (A) There is hereby created the housing trust 12396
fund advisory committee. The committee consists of fourteen 12397
members the governor appoints as follows to represent 12398
organizations committed to housing and housing assistance for low- 12399
and moderate-income persons: 12400

(1) One member to represent lenders. 12401

(2) One member to represent for-profit builders and 12402
developers. 12403

(3) One member to represent the families and individuals 12404
included in the income groups targeted for housing and housing 12405
assistance under divisions (E) and (F) and ~~(G)~~ of section 174.03 12406
of the Revised Code. 12407

(4) One member to represent religious, civic, or social 12408
service organizations. 12409

(5) One member to represent counties.	12410
(6) One member to represent municipal corporations.	12411
(7) One member to represent townships.	12412
(8) One member to represent local housing authorities.	12413
(9) One member to represent fair housing organizations.	12414
(10) Three members to represent nonprofit organizations.	12415
(11) One member to represent real estate brokers licensed under Chapter 4735. of the Revised Code.	12416 12417
(12) One member to represent the for-profit rental housing industry.	12418 12419
(B)(1) Terms of office are for four years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the manner prescribed for the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of a term shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration of a term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.	12420 12421 12422 12423 12424 12425 12426 12427 12428 12429 12430
(2) The governor may remove a member for misfeasance, malfeasance, or willful neglect of duty.	12431 12432
(C)(1) The committee shall select a chairperson from among its members. The committee shall meet at least once each calendar year and upon the call of the chair. Members of the committee serve without compensation, but shall be reimbursed for reasonable and necessary expenses incurred in the discharge of duties.	12433 12434 12435 12436 12437
(2) The department of development shall provide the committee with a meeting place, supplies, and staff assistance as the	12438 12439

committee requests. 12440

(D) The committee shall assist the department and the Ohio 12441
housing finance agency in defining housing needs and priorities, 12442
recommend to the department and agency at least annually how the 12443
programs developed under section 174.02 of the Revised Code should 12444
be designed to most effectively benefit low- and moderate-income 12445
persons, consider an allocation of funds for projects of fifteen 12446
units or less, and advise the director of development on whether 12447
and how to reallocate money in the low- and moderate-income 12448
housing trust fund under division (B) of section 174.02 of the 12449
Revised Code. 12450

Sec. 176.05. (A)(1) Notwithstanding any provision of law to 12451
the contrary, the rate of wages payable for the various 12452
occupations covered by sections 4115.03 to 4115.16 of the Revised 12453
Code to persons employed on a project who are not any of the 12454
following shall be determined according to this section: 12455

(a) Qualified volunteers; 12456

(b) Persons required to participate in a work activity, 12457
developmental activity, or alternative work activity under 12458
sections 5107.40 to 5107.69 of the Revised Code except those 12459
engaged in paid employment or subsidized employment pursuant to 12460
the activity; 12461

(c) ~~Food stamp~~ Supplemental nutrition assistance program 12462
benefit recipients required to participate in employment and 12463
training activities established by rules adopted under section 12464
5101.54 of the Revised Code. 12465

An association representing the general contractors or 12466
subcontractors that engage in the business of residential 12467
construction in a certain locality shall negotiate with the 12468
applicable building and construction trades council in that 12469

locality an agreement or understanding that sets forth the 12470
residential prevailing rate of wages, payable on projects in that 12471
locality, for each of the occupations employed on those projects. 12472

(2) Notwithstanding any residential prevailing rate of wages 12473
established prior to July 1, 1995, if, by October 1, 1995, the 12474
parties are unable to agree under division (A)(1) of this section 12475
as to the rate of wages payable for each occupation covered by 12476
sections 4115.03 to 4115.16 of the Revised Code, the director of 12477
commerce shall establish the rate of wages payable for each 12478
occupation. 12479

(3) The residential prevailing rate of wages established 12480
under division (A)(1) or (2) of this section shall not be equal to 12481
or greater than the prevailing rate of wages determined by the 12482
director pursuant to sections 4115.03 to 4115.16 of the Revised 12483
Code for any of the occupations covered by those sections. 12484

(B) Except for the prevailing rate of wages determined by the 12485
director pursuant to sections 4115.03 to 4115.16 of the Revised 12486
Code, those sections and section 4115.99 of the Revised Code apply 12487
to projects. 12488

(C) The residential prevailing rate of wages established 12489
under division (A) of this section is not payable to any 12490
individual or member of that individual's family who provides 12491
labor in exchange for acquisition of the property for 12492
homeownership or who provides labor in place of or as a supplement 12493
to any rental payments for the property. 12494

(D) For the purposes of this section: 12495

(1) "Project" means any construction, rehabilitation, 12496
remodeling, or improvement of residential housing, whether on a 12497
single or multiple site for which a person, as defined in section 12498
1.59 of the Revised Code, or municipal corporation, county, or 12499
township receives financing, that is financed in whole or in part 12500

from state moneys or pursuant to this chapter, section 133.51 or 12501
307.698 of the Revised Code, or Chapter 174. or 175. of the 12502
Revised Code, except for any of the following: 12503

(a) The single-family mortgage revenue bonds homeownership 12504
program under Chapter 175. of the Revised Code, including 12505
owner-occupied dwellings of one to four units; 12506

(b) Projects consisting of fewer than six units developed by 12507
any entity that is not a nonprofit organization exempt from 12508
federal income tax under section 501(c)(3) of the Internal Revenue 12509
Code; 12510

(c) Projects of fewer than twenty-five units developed by any 12511
nonprofit organization that is exempt from federal income tax 12512
under section 501(c)(3) of the Internal Revenue Code; 12513

(d) Programs undertaken by any municipal corporation, county, 12514
or township, including lease-purchase programs, using mortgage 12515
revenue bond financing; 12516

(e) Any individual project, that is sponsored or developed by 12517
a nonprofit organization that is exempt from federal income tax 12518
under section 501(c)(3) of the Internal Revenue Code, for which 12519
the federal government or any of its agencies furnishes by loan, 12520
grant, low-income housing tax credit, or insurance more than 12521
twelve per cent of the costs of the project. For purposes of 12522
division (D)(2)(e) of this section, the value of the low-income 12523
housing tax credits shall be calculated as the proceeds from the 12524
sale of the tax credits, less the costs of the sale. 12525

As used in division (D)(1)(e) of this section, "sponsored" 12526
means that a general partner of a limited partnership owning the 12527
project or a managing member of a limited liability company owning 12528
the project is either a nonprofit organization that is exempt from 12529
federal income tax under section 501(c)(3) of the Internal Revenue 12530
Code or a person, as defined in section 1.59 of the Revised Code, 12531

or a limited liability company in which such a nonprofit 12532
organization maintains controlling interest. For purposes of this 12533
division, a general partner of a limited partnership that is a 12534
nonprofit organization described under this division is not 12535
required to be the sole general partner in the limited 12536
partnership, and a managing member of a limited liability company 12537
that is a nonprofit organization described under this division is 12538
not required to be the sole managing member in the limited 12539
liability company. 12540

Nothing in division (D)(1)(e) of this section shall be 12541
construed as permitting unrelated projects to be combined for the 12542
sole purpose of determining the total percentage of project costs 12543
furnished by the federal government or any of its agencies. 12544

(2) A "project" is a "public improvement" and the state or a 12545
political subdivision that undertakes or participates in the 12546
financing of a project is a "public authority," as both of the 12547
last two terms are defined in section 4115.03 of the Revised Code. 12548

(3) "Qualified volunteers" are volunteers who are working 12549
without compensation for a nonprofit organization that is exempt 12550
from federal income tax under section 501(c)(3) of the Internal 12551
Revenue Code, and that is providing housing or housing assistance 12552
only to families and individuals in a county whose incomes are not 12553
greater than one hundred forty per cent of the median income of 12554
that county as determined under section 174.04 of the Revised 12555
Code. 12556

Sec. 307.626. (A) By the first day of April of each year, the 12557
person convening the child fatality review board shall prepare and 12558
submit to the Ohio department of health a report that ~~includes all~~ 12559
~~of~~ summarizes the following information with respect to ~~each the~~ 12560
child ~~death~~ deaths that ~~was~~ were reviewed by the review board in 12561
the previous calendar year: 12562

- (1) The cause of death; 12563
- (2) Factors contributing to death; 12564
- (3) Age; 12565
- (4) Sex; 12566
- (5) Race; 12567
- (6) The geographic location of death; 12568
- (7) The year of death. 12569

The report shall specify the number of child deaths that ~~have not been reviewed since the effective date of this section were~~ not reviewed during the previous calendar year. 12570
12571
12572

The report may include recommendations for actions that might 12573
prevent other deaths, as well as any other information the review 12574
board determines should be included. 12575

(B) Reports prepared under division (A) of this section shall 12576
be considered public records under section 149.43 of the Revised 12577
Code. 12578

(C) The child fatality review board shall submit individual 12579
data with respect to each child death review into the Ohio 12580
department of health child death review database or the national 12581
child death review database. The individual data shall include the 12582
information specified in division (A) of this section and any 12583
other information the board considers relevant to the review. 12584
Individual data related to a child death review that is contained 12585
in the Ohio department of health child death review database is 12586
not a public record under section 149.43 of the Revised Code. 12587

Sec. 307.629. (A) Except as provided in sections 5153.171 to 12588
5153.173 of the Revised Code, any information, document, or report 12589
presented to a child fatality review board, all statements made by 12590
review board members during meetings of the review board, ~~and~~ all 12591

work products of the review board, and child fatality review data 12592
submitted by the child fatality review board to the department of 12593
health or a national child death review database, other than the 12594
report prepared pursuant to division (A) of section 307.626 of the 12595
Revised Code, are confidential and shall be used by the review 12596
board ~~and~~, its members, and the department of health only in the 12597
exercise of the proper functions of the review board and the 12598
department. 12599

(B) No person shall permit or encourage the unauthorized 12600
dissemination of the confidential information described in 12601
division (A) of this section. 12602

(C) Whoever violates division (B) of this section is guilty 12603
of a misdemeanor of the second degree. 12604

Sec. 307.79. (A) The board of county commissioners may adopt, 12605
amend, and rescind rules establishing technically feasible and 12606
economically reasonable standards to achieve a level of management 12607
and conservation practices that will abate wind or water erosion 12608
of the soil or abate the degradation of the waters of the state by 12609
soil sediment in conjunction with land grading, excavating, 12610
filling, or other soil disturbing activities on land used or being 12611
developed for nonfarm commercial, industrial, residential, or 12612
other nonfarm purposes, and establish criteria for determination 12613
of the acceptability of those management and conservation 12614
practices. The rules shall be designed to implement the applicable 12615
areawide waste treatment management plan prepared under section 12616
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 12617
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 12618
the storm water program of the national pollutant discharge 12619
elimination system established in 40 C.F.R. Part 122. The rules to 12620
implement phase II of the storm water program of the national 12621
pollutant discharge elimination system shall not be inconsistent 12622

with, more stringent than, or broader in scope than the rules or 12623
regulations adopted by the environmental protection agency under 12624
40 C.F.R. Part 122. The rules adopted under this section shall not 12625
apply inside the limits of municipal corporations or the limits of 12626
townships with a limited home rule government that have adopted 12627
rules under section 504.21 of the Revised Code, to lands being 12628
used in a strip mine operation as defined in section 1513.01 of 12629
the Revised Code, or to land being used in a surface mine 12630
operation as defined in section 1514.01 of the Revised Code. 12631

12632

The rules adopted under this section may require persons to 12633
file plans governing erosion control, sediment control, and water 12634
management before clearing, grading, excavating, filling, or 12635
otherwise wholly or partially disturbing one or more contiguous 12636
acres of land owned by one person or operated as one development 12637
unit for the construction of nonfarm buildings, structures, 12638
utilities, recreational areas, or other similar nonfarm uses. If 12639
the rules require plans to be filed, the rules shall do all of the 12640
following: 12641

(1) Designate the board itself, its employees, or another 12642
agency or official to review and approve or disapprove the plans; 12643

(2) Establish procedures and criteria for the review and 12644
approval or disapproval of the plans; 12645

(3) Require the designated entity to issue a permit to a 12646
person for the clearing, grading, excavating, filling, or other 12647
project for which plans are approved and to deny a permit to a 12648
person whose plans have been disapproved; 12649

(4) Establish procedures for the issuance of the permits; 12650

(5) Establish procedures under which a person may appeal the 12651
denial of a permit. 12652

Areas of less than one contiguous acre shall not be exempt 12653

from compliance with other provisions of this section or rules 12654
adopted under this section. The rules adopted under this section 12655
may impose reasonable filing fees for plan review, permit 12656
processing, and field inspections. 12657

No permit or plan shall be required for a public highway, 12658
transportation, or drainage improvement or maintenance project 12659
undertaken by a government agency or political subdivision in 12660
accordance with a statement of its standard sediment control 12661
policies that is approved by the board or the chief of the 12662
division of soil and water ~~conservation~~ resources in the 12663
department of natural resources. 12664

(B) Rules or amendments may be adopted under this section 12665
only after public hearings at not fewer than two regular sessions 12666
of the board. The board of county commissioners shall cause to be 12667
published, in a newspaper of general circulation in the county, 12668
notice of the public hearings, including time, date, and place, 12669
once a week for two weeks immediately preceding the hearings. The 12670
proposed rules or amendments shall be made available by the board 12671
to the public at the board office or other location indicated in 12672
the notice. The rules or amendments shall take effect on the 12673
thirty-first day following the date of their adoption. 12674

(C) The board of county commissioners may employ personnel to 12675
assist in the administration of this section and the rules adopted 12676
under it. The board also, if the action does not conflict with the 12677
rules, may delegate duties to review sediment control and water 12678
management plans to its employees, and may enter into agreements 12679
with one or more political subdivisions, other county officials, 12680
or other government agencies, in any combination, in order to 12681
obtain reviews and comments on plans governing erosion control, 12682
sediment control, and water management or to obtain other services 12683
for the administration of the rules adopted under this section. 12684

(D) The board of county commissioners or any duly authorized 12685

representative of the board may, upon identification to the owner 12686
or person in charge, enter any land upon obtaining agreement with 12687
the owner, tenant, or manager of the land in order to determine 12688
whether there is compliance with the rules adopted under this 12689
section. If the board or its duly authorized representative is 12690
unable to obtain such an agreement, the board or representative 12691
may apply for, and a judge of the court of common pleas for the 12692
county where the land is located may issue, an appropriate 12693
inspection warrant as necessary to achieve the purposes of this 12694
chapter. 12695

(E)(1) If the board of county commissioners or its duly 12696
authorized representative determines that a violation of the rules 12697
adopted under this section exists, the board or representative may 12698
issue an immediate stop work order if the violator failed to 12699
obtain any federal, state, or local permit necessary for sediment 12700
and erosion control, earth movement, clearing, or cut and fill 12701
activity. In addition, if the board or representative determines 12702
such a rule violation exists, regardless of whether or not the 12703
violator has obtained the proper permits, the board or 12704
representative may authorize the issuance of a notice of 12705
violation. If, after a period of not less than thirty days has 12706
elapsed following the issuance of the notice of violation, the 12707
violation continues, the board or its duly authorized 12708
representative shall issue a second notice of violation. Except as 12709
provided in division (E)(3) of this section, if, after a period of 12710
not less than fifteen days has elapsed following the issuance of 12711
the second notice of violation, the violation continues, the board 12712
or its duly authorized representative may issue a stop work order 12713
after first obtaining the written approval of the prosecuting 12714
attorney of the county if, in the opinion of the prosecuting 12715
attorney, the violation is egregious. 12716

Once a stop work order is issued, the board or its duly 12717

authorize representative shall request, in writing, the 12718
prosecuting attorney of the county to seek an injunction or other 12719
appropriate relief in the court of common pleas to abate excessive 12720
erosion or sedimentation and secure compliance with the rules 12721
adopted under this section. If the prosecuting attorney seeks an 12722
injunction or other appropriate relief, then, in granting relief, 12723
the court of common pleas may order the construction of sediment 12724
control improvements or implementation of other control measures 12725
and may assess a civil fine of not less than one hundred or more 12726
than five hundred dollars. Each day of violation of a rule or stop 12727
work order issued under this section shall be considered a 12728
separate violation subject to a civil fine. 12729

(2) The person to whom a stop work order is issued under this 12730
section may appeal the order to the court of common pleas of the 12731
county in which it was issued, seeking any equitable or other 12732
appropriate relief from that order. 12733

(3) No stop work order shall be issued under this section 12734
against any public highway, transportation, or drainage 12735
improvement or maintenance project undertaken by a government 12736
agency or political subdivision in accordance with a statement of 12737
its standard sediment control policies that is approved by the 12738
board or the chief of the division of soil and water ~~conservation~~ 12739
resources in the department of natural resources. 12740

(F) No person shall violate any rule adopted or order issued 12741
under this section. Notwithstanding division (E) of this section, 12742
if the board of county commissioners determines that a violation 12743
of any rule adopted or administrative order issued under this 12744
section exists, the board may request, in writing, the prosecuting 12745
attorney of the county to seek an injunction or other appropriate 12746
relief in the court of common pleas to abate excessive erosion or 12747
sedimentation and secure compliance with the rules or order. In 12748
granting relief, the court of common pleas may order the 12749

construction of sediment control improvements or implementation of 12750
other control measures and may assess a civil fine of not less 12751
than one hundred or more than five hundred dollars. Each day of 12752
violation of a rule adopted or administrative order issued under 12753
this section shall be considered a separate violation subject to a 12754
civil fine. 12755

Sec. 311.32. (A) A sheriff or deputy sheriff who is trained 12756
in the same manner as uniformed employees of the motor carrier 12757
enforcement unit created under section 5503.34 of the Revised Code 12758
may, to the same extent as those employees, enforce compliance 12759
with any provision of Chapters 4919., 4921., and 4923. of the 12760
Revised Code or of a rule or order adopted or issued by the 12761
commission under those chapters regarding commercial motor vehicle 12762
transportation safety, economic, and hazardous materials 12763
requirements. 12764

(B)(1) A sheriff or deputy sheriff under division (A) of this 12765
section shall do both of the following: 12766

(a) Cooperate with the public utilities commission in 12767
carrying out that division and in enforcing any other applicable 12768
laws; 12769

(b) Comply with any rules adopted pursuant to section 4919.80 12770
of the Revised Code. 12771

(2) A uniformed sheriff or deputy sheriff under division (A) 12772
of this section may stop commercial motor vehicles for the purpose 12773
of inspecting those vehicles in carrying out that division. 12774
12775

Sec. 319.301. (A) ~~This~~ The reductions required by division 12776
(D) of this section ~~does~~ do not apply to any of the following: 12777

(1) Taxes levied at whatever rate is required to produce a 12778
specified amount of tax money, including a tax levied under 12779

section 5705.199 or 5705.211 of the Revised Code, or an amount to	12780
pay debt charges;	12781
(2) Taxes levied within the one per cent limitation imposed	12782
by Section 2 of Article XII, Ohio Constitution;	12783
(3) Taxes provided for by the charter of a municipal	12784
corporation.	12785
(B) As used in this section:	12786
(1) "Real property" includes real property owned by a	12787
railroad.	12788
(2) "Carryover property" means all real property on the	12789
current year's tax list except:	12790
(a) Land and improvements that were not taxed by the district	12791
in both the preceding year and the current year;	12792
(b) Land and improvements that were not in the same class in	12793
both the preceding year and the current year.	12794
(3) "Effective tax rate" means with respect to each class of	12795
property:	12796
(a) The sum of the total taxes that would have been charged	12797
and payable for current expenses against real property in that	12798
class if each of the district's taxes were reduced for the current	12799
year under division (D)(1) of this section without regard to the	12800
application of division (E)(3) of this section divided by	12801
(b) The taxable value of all real property in that class.	12802
(4) "Taxes charged and payable" means the taxes charged and	12803
payable prior to any reduction required by section 319.302 of the	12804
Revised Code.	12805
(C) The tax commissioner shall make the determinations	12806
required by this section each year, without regard to whether a	12807
taxing district has territory in a county to which section 5715.24	12808

of the Revised Code applies for that year. Separate determinations 12809
shall be made for each of the two classes established pursuant to 12810
section 5713.041 of the Revised Code. 12811

(D) With respect to each tax authorized to be levied by each 12812
taxing district, the tax commissioner, annually, shall do both of 12813
the following: 12814

(1) Determine by what percentage, if any, the sums levied by 12815
such tax against the carryover property in each class would have 12816
to be reduced for the tax to levy the same number of dollars 12817
against such property in that class in the current year as were 12818
charged against such property by such tax in the preceding year 12819
subsequent to the reduction made under this section but before the 12820
reduction made under section 319.302 of the Revised Code. In the 12821
case of a tax levied for the first time that is not a renewal of 12822
an existing tax, the commissioner shall determine by what 12823
percentage the sums that would otherwise be levied by such tax 12824
against carryover property in each class would have to be reduced 12825
to equal the amount that would have been levied if the full rate 12826
thereof had been imposed against the total taxable value of such 12827
property in the preceding tax year. A tax or portion of a tax that 12828
is designated a replacement levy under section 5705.192 of the 12829
Revised Code is not a renewal of an existing tax for purposes of 12830
this division. 12831

(2) Certify each percentage determined in division (D)(1) of 12832
this section, as adjusted under division (E) of this section, and 12833
the class of property to which that percentage applies to the 12834
auditor of each county in which the district has territory. The 12835
auditor, after complying with section 319.30 of the Revised Code, 12836
shall reduce the sum to be levied by such tax against each parcel 12837
of real property in the district by the percentage so certified 12838
for its class. Certification shall be made by the first day of 12839
September except in the case of a tax levied for the first time, 12840

in which case certification shall be made within fifteen days of 12841
the date the county auditor submits the information necessary to 12842
make the required determination. 12843

(E)(1) As used in division (E)(2) of this section, "pre-1982 12844
joint vocational taxes" means, with respect to a class of 12845
property, the difference between the following amounts: 12846

(a) The taxes charged and payable in tax year 1981 against 12847
the property in that class for the current expenses of the joint 12848
vocational school district of which the school district is a part 12849
after making all reductions under this section; 12850

(b) The following percentage of the taxable value of all real 12851
property in that class: 12852

(i) In 1987, five one-hundredths of one per cent; 12853

(ii) In 1988, one-tenth of one per cent; 12854

(iii) In 1989, fifteen one-hundredths of one per cent; 12855

(iv) In 1990 and each subsequent year, two-tenths of one per 12856
cent. 12857

If the amount in division (E)(1)(b) of this section exceeds 12858
the amount in division (E)(1)(a) of this section, the pre-1982 12859
joint vocational taxes shall be zero. 12860

As used in divisions (E)(2) and (3) of this section, "taxes 12861
charged and payable" has the same meaning as in division (B)(4) of 12862
this section and excludes any tax charged and payable in 1985 or 12863
thereafter under sections 5705.194 to 5705.197 or section 5705.199 12864
~~or~~, 5705.213, or 5705.219 of the Revised Code. 12865

(2) If in the case of a school district other than a joint 12866
vocational or cooperative education school district any percentage 12867
required to be used in division (D)(2) of this section for either 12868
class of property could cause the total taxes charged and payable 12869
for current expenses to be less than two per cent of the taxable 12870

value of all real property in that class that is subject to 12871
taxation by the district, the commissioner shall determine what 12872
percentages would cause the district's total taxes charged and 12873
payable for current expenses against that class, after all 12874
reductions that would otherwise be made under this section, to 12875
equal, when combined with the pre-1982 joint vocational taxes 12876
against that class, the lesser of the following: 12877

(a) The sum of the rates at which those taxes are authorized 12878
to be levied; 12879

(b) Two per cent of the taxable value of the property in that 12880
class. The auditor shall use such percentages in making the 12881
reduction required by this section for that class. 12882

(3)(a) If in the case of a joint vocational school district 12883
any percentage required to be used in division (D)(2) of this 12884
section for either class of property could cause the total taxes 12885
charged and payable for current expenses for that class to be less 12886
than the designated amount, the commissioner shall determine what 12887
percentages would cause the district's total taxes charged and 12888
payable for current expenses for that class, after all reductions 12889
that would otherwise be made under this section, to equal the 12890
designated amount. The auditor shall use such percentages in 12891
making the reductions required by this section for that class. 12892

(b) As used in division (E)(3)(a) of this section, the 12893
designated amount shall equal the taxable value of all real 12894
property in the class that is subject to taxation by the district 12895
times the lesser of the following: 12896

(i) Two-tenths of one per cent; 12897

(ii) The district's effective rate plus the following 12898
percentage for the year indicated: 12899

WHEN COMPUTING THE ADD THE FOLLOWING 12900

TAXES CHARGED FOR PERCENTAGE: 12901

1987	0.025%	12902
1988	0.05%	12903
1989	0.075%	12904
1990	0.1%	12905
1991	0.125%	12906
1992	0.15%	12907
1993	0.175%	12908
1994 and thereafter	0.2%	12909

(F) No reduction shall be made under this section in the rate at which any tax is levied. 12910
12911

(G) The commissioner may order a county auditor to furnish any information the commissioner needs to make the determinations required under division (D) or (E) of this section, and the auditor shall supply the information in the form and by the date specified in the order. If the auditor fails to comply with an order issued under this division, except for good cause as determined by the commissioner, the commissioner shall withhold from such county or taxing district therein fifty per cent of state revenues to local governments pursuant to section 5747.50 of the Revised Code or shall direct the department of education to withhold therefrom fifty per cent of state revenues to school districts pursuant to ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. The commissioner shall withhold the distribution of such revenues until the county auditor has complied with this division, and the department shall withhold the distribution of such revenues until the commissioner has notified the department that the county auditor has complied with this division. 12912
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(H) If the commissioner is unable to certify a tax reduction factor for either class of property in a taxing district located in more than one county by the last day of November because information required under division (G) of this section is unavailable, the commissioner may compute and certify an estimated 12929
12930
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12933

tax reduction factor for that district for that class. The 12934
estimated factor shall be based upon an estimate of the 12935
unavailable information. Upon receipt of the actual information 12936
for a taxing district that received an estimated tax reduction 12937
factor, the commissioner shall compute the actual tax reduction 12938
factor and use that factor to compute the taxes that should have 12939
been charged and payable against each parcel of property for the 12940
year for which the estimated reduction factor was used. The amount 12941
by which the estimated factor resulted in an overpayment or 12942
underpayment in taxes on any parcel shall be added to or 12943
subtracted from the amount due on that parcel in the ensuing tax 12944
year. 12945

A percentage or a tax reduction factor determined or computed 12946
by the commissioner under this section shall be used solely for 12947
the purpose of reducing the sums to be levied by the tax to which 12948
it applies for the year for which it was determined or computed. 12949
It shall not be used in making any tax computations for any 12950
ensuing tax year. 12951

(I) In making the determinations under division (D)(1) of 12952
this section, the tax commissioner shall take account of changes 12953
in the taxable value of carryover property resulting from 12954
complaints filed under section 5715.19 of the Revised Code for 12955
determinations made for the tax year in which such changes are 12956
reported to the commissioner. Such changes shall be reported to 12957
the commissioner on the first abstract of real property filed with 12958
the commissioner under section 5715.23 of the Revised Code 12959
following the date on which the complaint is finally determined by 12960
the board of revision or by a court or other authority with 12961
jurisdiction on appeal. The tax commissioner shall account for 12962
such changes in making the determinations only for the tax year in 12963
which the change in valuation is reported. Such a valuation change 12964
shall not be used to recompute the percentages determined under 12965

division (D)(1) of this section for any prior tax year. 12966

Sec. 319.302. (A)(1) Real property that is not intended 12967
primarily for use in a business activity shall qualify for a 12968
partial exemption from real property taxation. For purposes of 12969
this partial exemption, "business activity" includes all uses of 12970
real property, except farming; leasing property for farming; 12971
occupying or holding property improved with single-family, 12972
two-family, or three-family dwellings; leasing property improved 12973
with single-family, two-family, or three-family dwellings; or 12974
holding vacant land that the county auditor determines will be 12975
used for farming or to develop single-family, two-family, or 12976
three-family dwellings. For purposes of this partial exemption, 12977
"farming" does not include land used for the commercial production 12978
of timber that is receiving the tax benefit under section 5713.23 12979
or 5713.31 of the Revised Code and all improvements connected with 12980
such commercial production of timber. 12981

(2) Each year, the county auditor shall review each parcel of 12982
real property to determine whether it qualifies for the partial 12983
exemption provided for by this section as of the first day of 12984
January of the current tax year. 12985

(B) After complying with section 319.301 of the Revised Code, 12986
the county auditor shall reduce the remaining sums to be levied 12987
against each parcel of real property that is listed on the general 12988
tax list and duplicate of real and public utility property for the 12989
current tax year and that qualifies for partial exemption under 12990
division (A) of this section, and against each manufactured and 12991
mobile home that is taxed pursuant to division (D)(2) of section 12992
4503.06 of the Revised Code and that is on the manufactured home 12993
tax list for the current tax year, by ten per cent, to provide a 12994
partial exemption for that parcel or home. Except as otherwise 12995
provided in sections 323.152, 323.158, 505.06, and 715.263 of the 12996

Revised Code, the amount of the taxes remaining after any such 12997
reduction shall be the real and public utility property taxes 12998
charged and payable on each parcel of real property, including 12999
property that does not qualify for partial exemption under 13000
division (A) of this section, and the manufactured home tax 13001
charged and payable on each manufactured or mobile home, and shall 13002
be the amounts certified to the county treasurer for collection. 13003
Upon receipt of the real and public utility property tax 13004
duplicate, the treasurer shall certify to the tax commissioner the 13005
total amount by which the real property taxes were reduced under 13006
this section, as shown on the duplicate. Such reduction shall not 13007
directly or indirectly affect the determination of the principal 13008
amount of notes that may be issued in anticipation of any tax 13009
levies or the amount of bonds or notes for any planned 13010
improvements. If after application of sections 5705.31 and 5705.32 13011
of the Revised Code and other applicable provisions of law, 13012
including divisions (F) and (I) of section 321.24 of the Revised 13013
Code, there would be insufficient funds for payment of debt 13014
charges on bonds or notes payable from taxes reduced by this 13015
section, the reduction of taxes provided for in this section shall 13016
be adjusted to the extent necessary to provide funds from such 13017
taxes. 13018

(C) The tax commissioner may adopt rules governing the 13019
administration of the partial exemption provided for by this 13020
section. 13021

(D) The determination of whether property qualifies for 13022
partial exemption under division (A) of this section is solely for 13023
the purpose of allowing the partial exemption under division (B) 13024
of this section. 13025

Sec. 319.54. (A) On all moneys collected by the county 13026
treasurer on any tax duplicate of the county, other than estate 13027

tax duplicates, and on all moneys received as advance payments of 13028
personal property and classified property taxes, the county 13029
auditor, on settlement with the treasurer and tax commissioner, on 13030
or before the date prescribed by law for such settlement or any 13031
lawful extension of such date, shall be allowed as compensation 13032
for the county auditor's services the following percentages: 13033

(1) On the first one hundred thousand dollars, two and 13034
one-half per cent; 13035

(2) On the next two million dollars, eight thousand three 13036
hundred eighteen ten-thousandths of one per cent; 13037

(3) On the next two million dollars, six thousand six hundred 13038
fifty-five ten-thousandths of one per cent; 13039

(4) On all further sums, one thousand six hundred sixty-three 13040
ten-thousandths of one per cent. 13041

If any settlement is not made on or before the date 13042
prescribed by law for such settlement or any lawful extension of 13043
such date, the aggregate compensation allowed to the auditor shall 13044
be reduced one per cent for each day such settlement is delayed 13045
after the prescribed date. No penalty shall apply if the auditor 13046
and treasurer grant all requests for advances up to ninety per 13047
cent of the settlement pursuant to section 321.34 of the Revised 13048
Code. The compensation allowed in accordance with this section on 13049
settlements made before the dates prescribed by law, or the 13050
reduced compensation allowed in accordance with this section on 13051
settlements made after the date prescribed by law or any lawful 13052
extension of such date, shall be apportioned ratably by the 13053
auditor and deducted from the shares or portions of the revenue 13054
payable to the state as well as to the county, townships, 13055
municipal corporations, and school districts. 13056

(B) For the purpose of reimbursing county auditors for the 13057
expenses associated with the increased number of applications for 13058

reductions in real property taxes under sections 323.152 and 13059
4503.065 of the Revised Code that ~~results~~ result from the 13060
amendment of those sections by Am. Sub. H.B. 119 of the 127th 13061
general assembly, ~~on the first day of August of each year~~ there 13062
shall be paid from the state's general revenue fund to the county 13063
treasury, to the credit of the real estate assessment fund created 13064
by section 325.31 of the Revised Code, an amount equal to one per 13065
cent of the total annual amount of property tax relief 13066
reimbursement paid to that county under sections 323.156 and 13067
4503.068 of the Revised Code for the preceding tax year. Payments 13068
made under this division shall be made at the same times and in 13069
the same manner as payments made under section 323.156 of the 13070
Revised Code. 13071

(C) From all moneys collected by the county treasurer on any 13072
tax duplicate of the county, other than estate tax duplicates, and 13073
on all moneys received as advance payments of personal property 13074
and classified property taxes, there shall be paid into the county 13075
treasury to the credit of the real estate assessment fund created 13076
by section 325.31 of the Revised Code, an amount to be determined 13077
by the county auditor, which shall not exceed the percentages 13078
prescribed in divisions (C)(1) and (2) of this section. 13079

(1) For payments made after June 30, 2007, and before 2011, 13080
the following percentages: 13081

(a) On the first five hundred thousand dollars, four per 13082
cent; 13083

(b) On the next five million dollars, two per cent; 13084

(c) On the next five million dollars, one per cent; 13085

(d) On all further sums not exceeding one hundred fifty 13086
million dollars, three-quarters of one per cent; 13087

(e) On amounts exceeding one hundred fifty million dollars, 13088
five hundred eighty-five thousandths of one per cent. 13089

(2) For payments made in or after 2011, the following percentages:	13090
	13091
(a) On the first five hundred thousand dollars, four per cent;	13092
	13093
(b) On the next ten million dollars, two per cent;	13094
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	13095
	13096
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	13097
	13098
	13099
	13100
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	13101
	13102
	13103
	13104
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	13105
	13106
	13107
	13108
	13109
(1) Four per cent on the first one hundred thousand dollars;	13110
(2) One-half of one per cent on all additional sums.	13111
Such percentages shall be computed upon the amount collected and reported at each semiannual settlement, and shall be for the use of the general fund of the county.	13112
	13113
	13114
(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the	13115
	13116
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shares of the revenue payable to the county and subdivisions, for 13120
the use of the general fund of the county. 13121

(G) The county auditor shall charge and receive fees as 13122
follows: 13123

(1) For deeds of land sold for taxes to be paid by the 13124
purchaser, five dollars; 13125

(2) For the transfer or entry of land, lot, or part of lot, 13126
or the transfer or entry on or after January 1, 2000, of a used 13127
manufactured home or mobile home as defined in section 5739.0210 13128
of the Revised Code, fifty cents for each transfer or entry, to be 13129
paid by the person requiring it; 13130

(3) For receiving statements of value and administering 13131
section 319.202 of the Revised Code, one dollar, or ten cents for 13132
each one hundred dollars or fraction of one hundred dollars, 13133
whichever is greater, of the value of the real property 13134
transferred or, for sales occurring on or after January 1, 2000, 13135
the value of the used manufactured home or used mobile home, as 13136
defined in section 5739.0210 of the Revised Code, transferred, 13137
except no fee shall be charged when the transfer is made: 13138

(a) To or from the United States, this state, or any 13139
instrumentality, agency, or political subdivision of the United 13140
States or this state; 13141

(b) Solely in order to provide or release security for a debt 13142
or obligation; 13143

(c) To confirm or correct a deed previously executed and 13144
recorded or when a current owner on the general tax list of real 13145
and public utility property and the general duplicate of real and 13146
public utility property is a peace officer, parole officer, 13147
prosecuting attorney, assistant prosecuting attorney, correctional 13148
employee, youth services employee, firefighter, or EMT and is 13149
changing the current owner name listed on the general tax list of 13150

real and public utility property and the general duplicate of real 13151
and public utility property to the initials of the current owner 13152
as prescribed in division (B)(1) of section 319.28 of the Revised 13153
Code; 13154

(d) To evidence a gift, in trust or otherwise and whether 13155
revocable or irrevocable, between husband and wife, or parent and 13156
child or the spouse of either; 13157

(e) On sale for delinquent taxes or assessments; 13158

(f) Pursuant to court order, to the extent that such transfer 13159
is not the result of a sale effected or completed pursuant to such 13160
order; 13161

(g) Pursuant to a reorganization of corporations or 13162
unincorporated associations or pursuant to the dissolution of a 13163
corporation, to the extent that the corporation conveys the 13164
property to a stockholder as a distribution in kind of the 13165
corporation's assets in exchange for the stockholder's shares in 13166
the dissolved corporation; 13167

(h) By a subsidiary corporation to its parent corporation for 13168
no consideration, nominal consideration, or in sole consideration 13169
of the cancellation or surrender of the subsidiary's stock; 13170

(i) By lease, whether or not it extends to mineral or mineral 13171
rights, unless the lease is for a term of years renewable forever; 13172

(j) When the value of the real property or the manufactured 13173
or mobile home or the value of the interest that is conveyed does 13174
not exceed one hundred dollars; 13175

(k) Of an occupied residential property, including a 13176
manufactured or mobile home, being transferred to the builder of a 13177
new residence or to the dealer of a new manufactured or mobile 13178
home when the former residence is traded as part of the 13179
consideration for the new residence or new manufactured or mobile 13180

home;	13181
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;	13182 13183 13184 13185
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;	13186 13187 13188 13189
(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	13190 13191 13192 13193 13194 13195 13196 13197
(o) To a trustee acting on behalf of minor children of the deceased;	13198 13199
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	13200 13201
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	13202 13203
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	13204 13205 13206 13207 13208
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is	13209 13210

paid or to be paid for the real property or manufactured or mobile home;	13211 13212
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	13213 13214
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	13215 13216 13217 13218
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	13219 13220 13221 13222
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	13223 13224
(x) Between persons pursuant to section 5302.18 of the Revised Code;	13225 13226
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code to a third party.	13227 13228
The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G)(3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code.	13229 13230 13231 13232 13233 13234 13235 13236 13237 13238 13239
The real property transfer fee provided for in division	13240

(G)(3) of this section shall be applicable to any conveyance of 13241
real property presented to the auditor on or after January 1, 13242
1968, regardless of its time of execution or delivery. 13243

The transfer fee for a used manufactured home or used mobile 13244
home shall be computed by and paid to the county auditor of the 13245
county in which the home is located immediately prior to the 13246
transfer. 13247

Sec. 321.24. (A) On or before the fifteenth day of February, 13248
in each year, the county treasurer shall settle with the county 13249
auditor for all taxes and assessments that the treasurer has 13250
collected on the general duplicate of real and public utility 13251
property at the time of making the settlement. 13252

(B) On or before the thirtieth day of June, in each year, the 13253
treasurer shall settle with the auditor for all advance payments 13254
of general personal and classified property taxes that the 13255
treasurer has received at the time of making the settlement. 13256

(C) On or before the tenth day of August, in each year, the 13257
treasurer shall settle with the auditor for all taxes and 13258
assessments that the treasurer has collected on the general 13259
duplicates of real and public utility property at the time of 13260
making such settlement, not included in the preceding February 13261
settlement. 13262

(D) On or before the thirty-first day of October, in each 13263
year, the treasurer shall settle with the auditor for all taxes 13264
that the treasurer has collected on the general personal and 13265
classified property duplicates, and for all advance payments of 13266
general personal and classified property taxes, not included in 13267
the preceding June settlement, that the treasurer has received at 13268
the time of making such settlement. 13269

(E) In the event the time for the payment of taxes is 13270

extended, pursuant to section 323.17 of the Revised Code, the date 13271
on or before which settlement for the taxes so extended must be 13272
made, as herein prescribed, shall be deemed to be extended for a 13273
like period of time. At each such settlement, the auditor shall 13274
allow to the treasurer, on the moneys received or collected and 13275
accounted for by the treasurer, the treasurer's fees, at the rate 13276
or percentage allowed by law, at a full settlement of the 13277
treasurer. 13278

(F) Within thirty days after the day of each settlement of 13279
taxes required under divisions (A) and (C) of this section, the 13280
treasurer shall certify to the tax commissioner any adjustments 13281
that have been made to the amount certified previously pursuant to 13282
section 319.302 of the Revised Code and that the settlement has 13283
been completed. Upon receipt of such certification, the 13284
commissioner shall provide for payment to the county treasurer 13285
from the general revenue fund of an amount equal to one-half of 13286
the amount certified by the treasurer in the preceding tax year 13287
under section 319.302 of the Revised Code, less one-half of the 13288
amount computed for all taxing districts in that county for the 13289
current fiscal year under section 5703.80 of the Revised Code for 13290
crediting to the property tax administration fund. Such payment 13291
shall be credited upon receipt to the county's undivided income 13292
tax fund, and the county auditor shall transfer to the county 13293
general fund from the amount thereof the total amount of all fees 13294
and charges which the auditor and treasurer would have been 13295
authorized to receive had such section not been in effect and that 13296
amount had been levied and collected as taxes. The county auditor 13297
shall distribute the amount remaining among the various taxing 13298
districts in the county as if it had been levied, collected, and 13299
settled as real property taxes. The amount distributed to each 13300
taxing district shall be reduced by the total of the amounts 13301
computed for the district under section 5703.80 of the Revised 13302
Code, but the reduction shall not exceed the amount that otherwise 13303

would be distributed to the taxing district under this division. 13304
The tax commissioner shall make available to taxing districts such 13305
information as is sufficient for a taxing district to be able to 13306
determine the amount of the reduction in its distribution under 13307
this section. 13308

(G)(1) Within thirty days after the day of the settlement 13309
required in division (D) of this section, the county treasurer 13310
shall notify the tax commissioner that the settlement has been 13311
completed. Upon receipt of that notification, the commissioner 13312
shall provide for payment to the county treasurer from the general 13313
revenue fund of an amount equal to the amount certified under 13314
former section 319.311 of the Revised Code and paid in the state's 13315
fiscal year 2003 multiplied by the percentage specified in 13316
division (G)(2) of this section. The payment shall be credited 13317
upon receipt to the county's undivided income tax fund, and the 13318
county auditor shall distribute the amount thereof among the 13319
various taxing districts of the county as if it had been levied, 13320
collected, and settled as personal property taxes. The amount 13321
received by a taxing district under this division shall be 13322
apportioned among its funds in the same proportion as the current 13323
year's personal property taxes are apportioned. 13324

(2) Payments required under division (G)(1) of this section 13325
shall be made at the following percentages of the amount certified 13326
under former section 319.311 of the Revised Code and paid under 13327
division (G)(1) of this section in the state's fiscal year 2003: 13328

- (a) In fiscal year 2004, ninety per cent; 13329
- (b) In fiscal year 2005, eighty per cent; 13330
- (c) In fiscal year 2006, sixty-four per cent; 13331
- (d) In fiscal year 2007, forty per cent; 13332
- (e) In fiscal year 2008, thirty-two per cent; 13333

(f) In fiscal year 2009, sixteen per cent. 13334

After fiscal year 2009, no payments shall be made under 13335
division (G)(1) of this section. 13336

(H)(1) On or before the fifteenth day of April each year, the 13337
county treasurer shall settle with the county auditor for all 13338
manufactured home taxes that the county treasurer has collected on 13339
the manufactured home tax duplicate at the time of making the 13340
settlement. 13341

(2) On or before the fifteenth day of September each year, 13342
the county treasurer shall settle with the county auditor for all 13343
remaining manufactured home taxes that the county treasurer has 13344
collected on the manufactured home tax duplicate at the time of 13345
making the settlement. 13346

(3) If the time for payment of such taxes is extended under 13347
section 4503.06 of the Revised Code, the time for making the 13348
settlement as prescribed by divisions (H)(1) and (2) of this 13349
section is extended for a like period of time. 13350

(I) ~~Within thirty days after the day of each settlement of~~ 13351
~~taxes required under division (H) of this section~~ On or before the 13352
second Monday in September of each year, the county treasurer 13353
shall certify to the tax commissioner ~~any adjustments that have~~ 13354
~~been made to the amount certified previously~~ the total amount by 13355
which the manufactured home taxes levied in that year were reduced 13356
pursuant to section 319.302 of the Revised Code ~~and that the~~ 13357
~~settlement has been completed. Upon.~~ Within ninety days after the 13358
receipt of such certification, the commissioner shall provide for 13359
payment to the county treasurer from the general revenue fund of 13360
an amount equal to ~~one-half of~~ the amount certified by the 13361
treasurer ~~in the current tax year under section 319.302 of the~~ 13362
~~Revised Code~~. Such payment shall be credited upon receipt to the 13363
county's undivided income tax fund, and the county auditor shall 13364

transfer to the county general fund from the amount thereof the 13365
total amount of all fees and charges that the auditor and 13366
treasurer would have been authorized to receive had such section 13367
not been in effect and that amount had been levied and collected 13368
as manufactured home taxes. The county auditor shall distribute 13369
the amount remaining among the various taxing districts in the 13370
county as if it had been levied, collected, and settled as 13371
manufactured home taxes. 13372

Sec. 323.156. (A) Within thirty days after a settlement of 13373
taxes under divisions (A), and (C), ~~and (H)~~ of section 321.24 of 13374
the Revised Code, the county treasurer shall certify to the tax 13375
commissioner one-half of the total amount of taxes on real 13376
property that were reduced pursuant to section 323.152 of the 13377
Revised Code for the preceding tax year, ~~and one-half of the total~~ 13378
~~amount of taxes on manufactured and mobile homes that were reduced~~ 13379
~~pursuant to division (B) of section 323.152 of the Revised Code~~ 13380
~~for the current tax year.~~ The commissioner, within thirty days of 13381
the receipt of such certifications, shall provide for payment to 13382
the county treasurer, from the general revenue fund, of the amount 13383
certified, which shall be credited upon receipt to the county's 13384
undivided income tax fund, and an amount equal to two per cent of 13385
the amount by which taxes were reduced, which shall be credited 13386
upon receipt to the county general fund as a payment, in addition 13387
to the fees and charges authorized by sections 319.54 and 321.26 13388
of the Revised Code, to the county auditor and treasurer for the 13389
costs of administering the exemption provided under sections 13390
323.151 to 323.159 of the Revised Code. 13391

(B) On or before the second Monday in September of each year, 13392
the county treasurer shall certify to the tax commissioner the 13393
total amount by which the manufactured home taxes levied in that 13394
year were reduced pursuant to division (B) of section 323.152 of 13395
the Revised Code, as evidenced by the certificates of reduction 13396

and the tax duplicate certified to the county treasurer by the 13397
county auditor. The commissioner, within ninety days after the 13398
receipt of such certifications, shall provide for payment to the 13399
county treasurer, from the general revenue fund, of the amount 13400
certified, which shall be credited upon receipt to the county's 13401
undivided income tax fund, and an amount equal to two per cent of 13402
the amount by which taxes were reduced, which shall be credited 13403
upon receipt to the county general fund as a payment, in addition 13404
to the fees and charges authorized by sections 319.54 and 321.26 13405
of the Revised Code, to the county auditor and treasurer for the 13406
costs of administering the exemption provided under sections 13407
323.151 to 323.159 of the Revised Code. 13408

(C) Immediately upon receipt of funds into the county 13409
undivided income tax fund under this section, the auditor shall 13410
distribute the full amount thereof among the taxing districts in 13411
the county as though the total had been paid as taxes by each 13412
person for whom taxes were reduced under sections 323.151 to 13413
323.159 of the Revised Code. 13414

Sec. 329.042. ~~The~~ Each county department of job and family 13415
services shall certify eligible public assistance and nonpublic 13416
assistance households ~~eligible under the "Food Stamp Act of 1964,"~~ 13417
~~78 Stat. 703, 7 U.S.C.A. 2011, as amended,~~ and for the 13418
supplemental nutrition assistance program in accordance with 13419
federal and state ~~regulations adopted pursuant to such act,~~ law to 13420
enable low-income households to participate in the ~~food stamp~~ 13421
supplemental nutrition assistance program and thereby to purchase 13422
foods having a greater monetary value than is possible under 13423
public assistance standard allowances or other low-income budgets. 13424

~~The~~ Each county department of job and family services shall 13425
administer the distribution of ~~food stamp~~ supplemental nutrition 13426
assistance program benefits under the supervision of the 13427

department of job and family services. The benefits shall be 13428
distributed by a method approved by the department of job and 13429
family services in accordance with the "Food Stamp and Nutrition 13430
Act of 1964," ~~78 Stat. 703, 2008 (7 U.S.C.A. 2011, as amended, et~~ 13431
seq.) and regulations issued thereunder. 13432

~~The document referred to as the "authorization to participate 13433
card," which shows the face value of the benefits an eligible 13434
household is entitled to receive on presentment of the document, 13435
shall be issued, immediately upon certification, to a household 13436
determined under division (C) of section 5101.54 of the Revised 13437
Code to be in immediate need of food assistance by being 13438
personally handed by a member of the staff of the county 13439
department of job and family services to the member of the 13440
household in whose name application was made for participation in 13441
the program or the authorized representative of such member of the 13442
household.~~ 13443

Sec. 329.06. (A) Except as provided in division (C) of this 13444
section and section 6301.08 of the Revised Code, the board of 13445
county commissioners shall establish a county family services 13446
planning committee. The board shall appoint a member to represent 13447
the county department of job and family services; an employee in 13448
the classified civil service of the county department of job and 13449
family services, if there are any such employees; and a member to 13450
represent the public. The board shall appoint other individuals to 13451
the committee in such a manner that the committee's membership is 13452
broadly representative of the groups of individuals and the public 13453
and private entities that have an interest in the family services 13454
provided in the county. The board shall make appointments in a 13455
manner that reflects the ethnic and racial composition of the 13456
county. The following groups and entities may be represented on 13457
the committee: 13458

(1) Consumers of family services;	13459
(2) The public children services agency;	13460
(3) The child support enforcement agency;	13461
(4) The county family and children first council;	13462
(5) Public and private colleges and universities;	13463
(6) Public entities that provide family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	13464 13465 13466 13467 13468
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	13469 13470 13471 13472
(8) Labor organizations;	13473
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	13474 13475 13476 13477
(B) The county family services planning committee shall do all of the following:	13478 13479
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	13480 13481 13482 13483 13484 13485
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised	13486 13487 13488

Code. In its review, the committee shall use information available 13489
to it to examine all of the following: 13490

(a) Return of assistance groups to participation in either 13491
program after ceasing to participate; 13492

(b) Teen pregnancy rates among the programs' participants; 13493

(c) The other types of assistance the programs' participants 13494
receive, including ~~medical assistance~~ medicaid under Chapter 5111. 13495
of the Revised Code, publicly funded child care under Chapter 13496
5104. of the Revised Code, ~~food stamp~~ supplemental nutrition
assistance program benefits under section 5101.54 of the Revised 13497
Code, and energy assistance under Chapter 5117. of the Revised 13498
Code; 13499
13500

(d) Other issues the committee considers appropriate. 13501

The committee shall make recommendations to the board of 13502
county commissioners and county department of job and family 13503
services regarding the committee's findings. 13504

(3) Conduct public hearings on proposed county profiles for 13505
the provision of social services under section 5101.46 of the 13506
Revised Code; 13507

(4) At the request of the board, make recommendations and 13508
provide assistance regarding the family services provided in the 13509
county; 13510

(5) At any other time the committee considers appropriate, 13511
consult with the board and make recommendations regarding the 13512
family services provided in the county. The committee's 13513
recommendations may address the following: 13514

(a) Implementation and administration of family service 13515
programs; 13516

(b) Use of federal, state, and local funds available for 13517
family service programs; 13518

(c) Establishment of goals to be achieved by family service programs;	13519 13520
(d) Evaluation of the outcomes of family service programs;	13521
(e) Any other matter the board considers relevant to the provision of family services.	13522 13523
(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity.	13524 13525 13526 13527 13528 13529
Sec. 340.033. (A) The board of alcohol, drug addiction, and mental health services shall serve as the planning agency for alcohol and drug addiction services for the county or counties in its service district. In accordance with procedures and guidelines established by the department of alcohol and drug addiction services, the board shall do all of the following:	13530 13531 13532 13533 13534 13535
(1) Assess alcohol and drug addiction service needs and evaluate the need for alcohol and drug addiction programs;	13536 13537
(2) According to the needs determined under division (A)(1) of this section, set priorities and develop plans for the operation of alcohol and drug addiction programs in cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations;	13538 13539 13540 13541 13542
(3) Submit the plan for alcohol and drug addiction services required by section 3793.05 of the Revised Code to the department and implement the plan as approved by the department;	13543 13544 13545
(4) Provide to the department information to be included in the information system <u>or systems</u> established by the department under section 3793.04 of the Revised Code;	13546 13547 13548

(5) Enter into contracts with alcohol and drug addiction programs for the provision of alcohol and drug addiction services;	13549 13550
(6) Review and evaluate alcohol and drug addiction programs in the district, and conduct program audits;	13551 13552
(7) Prepare and submit to the department an annual report of the alcohol and drug addiction programs in the district;	13553 13554
(8) Receive, compile, and transmit to the department applications for funding;	13555 13556
(9) Promote, arrange, and implement working agreements with public and private social agencies and with judicial agencies;	13557 13558
(10) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from an alcohol or drug addiction program;	13559 13560 13561
(11) Establish a mechanism for the involvement of persons receiving services in, and obtaining their advice on, matters pertaining to alcohol or drug addiction services;	13562 13563 13564
(12) Recruit and promote local financial support, from private and public sources, for alcohol and drug addiction programs;	13565 13566 13567
(13) Approve fee schedules and related charges, adopt a unit cost schedule, or adopt other methods of payment for services provided by programs under contract pursuant to division (A)(5) of this section, in accordance with guidelines established by the department under section 3793.04 of the Revised Code.	13568 13569 13570 13571 13572
(B) In accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually the board shall audit all alcohol and drug addiction programs provided under contract with the board. The board may contract with private auditors for the performance of these audits. A copy of the fiscal audit report shall be provided to the director of	13573 13574 13575 13576 13577 13578

alcohol and drug addiction services, the auditor of state, and the 13579
county auditor of each county in the board's district. 13580

(C) In contracting with a program under division (A)(5) of 13581
this section, a board shall consider the cost effectiveness of 13582
services provided by the program and the program's quality and 13583
continuity of care. The board may review cost elements, including 13584
salary costs, of the services provided by the program. 13585

A utilization review process shall be established as part of 13586
the contract for services. The board may establish this process in 13587
any way that it considers to be the most effective and efficient 13588
in meeting local needs. 13589

(D) If either the board or a program with which it contracts 13590
pursuant to division (A)(5) of this section proposes not to renew 13591
the contract or proposes substantial changes in contract terms on 13592
renewal of the contract, it shall give the other party to the 13593
contract written notice at least one hundred twenty days before 13594
the expiration date of the contract. During the first sixty days 13595
of this period, both parties shall attempt to resolve any dispute 13596
through good faith collaboration and negotiation in order that 13597
services to persons in need will be continued. If the dispute is 13598
not resolved during this time, either party may notify the 13599
department of alcohol and drug addiction services. The department 13600
may require both parties to submit the dispute to a mutually 13601
agreed upon third party with the cost to be shared by the board 13602
and the program. At least twenty days before the expiration of the 13603
contract, unless the board and the program agree to an extension, 13604
the third party shall issue to the board, program, and department, 13605
its recommendations for resolution of the dispute. 13606

The department shall adopt rules pursuant to Chapter 119. of 13607
the Revised Code establishing procedures for this dispute 13608
resolution process. 13609

(E) Section 307.86 of the Revised Code does not apply to 13610
contracts entered into pursuant to division (A)(5) of this 13611
section. 13612

(F)(1) With the prior approval of the department, a board of 13613
alcohol, drug addiction, and mental health services may operate an 13614
alcohol or drug addiction program as follows if there is no 13615
qualified program that is immediately available, willing to 13616
provide services, and able to obtain certification under Chapter 13617
3793. of the Revised Code: 13618

(a) In an emergency situation, any board may operate a 13619
program in order to provide essential services for the duration of 13620
the emergency; 13621

(b) In a service district with a population of at least one 13622
hundred thousand but less than five hundred thousand, a board may 13623
operate a program for no longer than one year; 13624

(c) In a service district with a population of less than one 13625
hundred thousand, a board may operate a program for no longer than 13626
one year, except that such a board may operate a program for 13627
longer than one year with the prior approval of the department and 13628
the prior approval of the board of county commissioners, or of a 13629
majority of the boards of county commissioners if the district is 13630
a joint-county district. 13631

(2) The department shall not give a board its approval to 13632
operate a program under division (F)(1)(c) of this section unless 13633
it determines that the board's program will provide greater 13634
administrative efficiency and more or better services than would 13635
be available if the board contracted with a program for provision 13636
of the services. 13637

(3) The department shall not give a board its approval to 13638
operate a program previously operated by a public or private 13639
entity unless the board has established to the department's 13640

satisfaction that the entity cannot effectively operate the 13641
program, or that the entity has requested the board to take over 13642
operation of the program. 13643

(4) The department shall review and evaluate the operation of 13644
each program operated by a board under this division. 13645

(5) Nothing in this division authorizes a board to administer 13646
or direct the daily operation of any program other than a program 13647
operated by the board under this division, but a program may 13648
contract with a board to receive administrative services or staff 13649
direction from the board under the direction of the governing body 13650
of the program. 13651

(G) If an investigation conducted pursuant to division 13652
(A)(10) of this section substantiates a charge of abuse or 13653
neglect, the board shall take whatever action it determines is 13654
necessary to correct the situation, including notification of the 13655
appropriate authorities. On request, the board shall provide 13656
information about such investigations to the department. 13657

(H) When the board sets priorities and develops plans for the 13658
operation of alcohol and drug addiction programs under division 13659
(A)(2) of this section, the board shall consult with the county 13660
commissioners of the counties in the board's service district 13661
regarding the services described in section 340.15 of the Revised 13662
Code and shall give a priority to those services, except that 13663
those services shall not have priority over services provided to 13664
pregnant women under programs developed in relation to the mandate 13665
established in section 3793.15 of the Revised Code. The plans 13666
shall identify funds the board and public children services 13667
agencies in the board's service district have available to fund 13668
jointly the services described in section 340.15 of the Revised 13669
Code. 13670

Sec. 343.01. (A) In order to comply with division (B) of 13671

section 3734.52 of the Revised Code, the board of county commissioners of each county shall do one of the following:

(1) Establish, by resolution, and maintain a county solid waste management district under this chapter that consists of all the incorporated and unincorporated territory within the county except as otherwise provided in division (A) of this section;

(2) With the boards of county commissioners of one or more other counties establish, by agreement, and maintain a joint solid waste management district under this chapter that consists of all the incorporated and unincorporated territory within the counties forming the joint district except as otherwise provided in division (A) of this section.

If a municipal corporation is located in more than one solid waste management district, the entire municipal corporation shall be considered to be included in and shall be under the jurisdiction of the district in which a majority of the population of the municipal corporation resides.

A county and joint district established to comply with division (B) of section 3734.52 of the Revised Code shall have a population of not less than one hundred twenty thousand unless, in the instance of a county district, the board of county commissioners has obtained an exemption from that requirement under division (C)(1) or (2) of that section. Each joint district established to comply with an order issued under division (D) of that section shall have a population of at least one hundred twenty thousand.

(B) The boards of county commissioners of the counties establishing a joint district constitute, collectively, the board of directors of the joint district, except that if a county with a form of legislative authority other than a board of county commissioners participates, it shall be represented on the board

of directors by three persons appointed by the legislative 13703
authority. 13704

The agreement to establish and maintain a joint district 13705
shall be ratified by resolution of the board of county 13706
commissioners of each participating county. Upon ratification, the 13707
board of directors shall take control of and manage the joint 13708
district subject to this chapter, except that, in the case of a 13709
joint district formed pursuant to division (C), (D), or (E) of 13710
section 343.012 of the Revised Code, the board of directors shall 13711
take control of and manage the district when the formation of the 13712
district becomes final under the applicable division. A majority 13713
of the board of directors constitutes a quorum, and a majority 13714
vote is required for the board to act. 13715

A county participating in a joint district may contribute 13716
lands or rights or interests therein, money, other personal 13717
property or rights or interests therein, or services to the 13718
district. The agreement shall specify any contributions of 13719
participating counties and the rights of the participating 13720
counties in lands or personal property, or rights or interests 13721
therein, contributed to or otherwise acquired by the joint 13722
district. The agreement may be amended or added to by a majority 13723
vote of the board of directors, but no amendment or addition shall 13724
divest a participating county of any right or interest in lands or 13725
personal property without its consent. 13726

The board of directors may appoint and fix the compensation 13727
of employees of, accept gifts, devises, and bequests for, and take 13728
other actions necessary to control and manage the joint district. 13729
Employees of the district shall be considered county employees for 13730
the purposes of Chapter 124. of the Revised Code and other 13731
provisions of state law applicable to employees. Instead of or in 13732
addition to appointing employees of the district, the board of 13733
directors may agree to use employees of one or more of the 13734

participating counties in the service of the joint district and to 13735
share in their compensation in any manner that may be agreed upon. 13736

The board of directors shall do one of the following: 13737

(1) Designate the county auditor, including any other 13738
official acting in a capacity similar to a county auditor under a 13739
county charter, of a county participating in the joint district as 13740
the fiscal officer of the district, and the county treasurer, or 13741
other official acting in a capacity similar to a county treasurer 13742
under a county charter, of that county as the treasurer of the 13743
district. The designated county officials shall perform any 13744
applicable duties for the district as each typically performs for 13745
the county of which ~~he~~ the individual is an official, except as 13746
otherwise may be provided in any bylaws or resolutions adopted by 13747
the board of directors. The board of directors may pay to that 13748
county any amount agreed upon by the board of directors and the 13749
board of county commissioners of that county to reimburse that 13750
county for the cost properly allocable to the service of its 13751
officials as fiscal officer and treasurer of the joint district. 13752

(2) Appoint one individual who is neither a county auditor 13753
nor a county treasurer, and who may be an employee of the 13754
district, to serve as both the treasurer of the district and its 13755
fiscal officer. That individual shall act as custodian of the 13756
funds of the board and the district and shall maintain all 13757
accounts of the district. Any reference in this chapter or Chapter 13758
3734. of the Revised Code to a county auditor or county treasurer 13759
serving as fiscal officer of a district or custodian of any funds 13760
of a board or district is deemed to refer to an individual 13761
appointed under division (B)(2) of this section. 13762

The fiscal officer of a district shall establish a general 13763
fund and any other necessary funds for the district. 13764

(C) A board of county commissioners of a county district or 13765

board of directors of a joint district may acquire, by purchase or 13766
lease, construct, improve, enlarge, replace, maintain, and operate 13767
such solid waste collection systems within their respective 13768
districts and such solid waste facilities within or outside their 13769
respective districts as are necessary for the protection of the 13770
public health. A board of county commissioners may acquire within 13771
its county real property or any estate, interest, or right 13772
therein, by appropriation or any other method, for use by a county 13773
or joint district in connection with such facilities. 13774
Appropriation proceedings shall be conducted in accordance with 13775
sections 163.01 to 163.22 of the Revised Code. 13776

(D) The sanitary engineer or sanitary engineering department 13777
of a county maintaining a district and any sanitary engineer or 13778
sanitary engineering department of a county in a joint district, 13779
as determined by the board of directors, in addition to other 13780
duties assigned to that engineer or department, shall assist the 13781
board of county commissioners or directors in the performance of 13782
their duties under this chapter and sections 3734.52 to 3734.575 13783
of the Revised Code and shall be charged with any other duties and 13784
services in relation thereto that the board prescribes. A board 13785
may employ registered professional engineers to assist the 13786
sanitary engineer in those duties and also may employ financial 13787
advisers and any other professional services it considers 13788
necessary to assist it in the construction, financing, and 13789
maintenance of solid waste collection or other solid waste 13790
facilities. Such contracts of employment shall not require the 13791
certificate provided in section 5705.41 of the Revised Code. 13792
Payment for such services may be made from the general fund or any 13793
other fund legally available for that use at times that are agreed 13794
upon or as determined by the board of county commissioners or 13795
directors, and the funds may be reimbursed from the proceeds of 13796
bonds or notes issued to pay the cost of any improvement to which 13797
the services related. 13798

(E)(1) The prosecuting attorney of the county shall serve as the legal advisor of a county district and shall provide such services to the board of county commissioners of the district as are required or authorized to be provided to other county boards under Chapter 309. of the Revised Code, except that, if the board considers it to be necessary or appropriate, the board, on its own initiative, may employ an attorney or other legal counsel on an annual basis to serve as the legal advisor of the district in place of the prosecuting attorney. When the prosecuting attorney is serving as the district's legal advisor and the board considers it to be necessary or appropriate, the board, on its own initiative, may employ an attorney or other legal counsel to represent or advise the board regarding a particular matter in place of the prosecuting attorney. The employment of an attorney or other legal counsel on an annual basis or in a particular matter is not subject to or governed by sections 305.14 and 309.09 of the Revised Code.

Notwithstanding the employment of an attorney or other legal counsel on an annual basis to serve as the district's legal advisor, the board may require written opinions or instructions from the prosecuting attorney under section 309.09 of the Revised Code in matters connected with its official duties as though the prosecuting attorney were serving as the legal advisor of the district.

(2) The board of directors of a joint district may designate the prosecuting attorney of one of the counties forming the district to serve as the legal advisor of the district. When so designated, the prosecuting attorney shall provide such services to the joint district as are required or authorized to be provided to county boards under Chapter 309. of the Revised Code. The board of directors may pay to that county any amount agreed upon by the board of directors and the board of county commissioners of that

county to reimburse that county for the cost properly allocable to 13831
the services of its prosecuting attorney as the legal advisor of 13832
the joint district. When that prosecuting attorney is so serving 13833
and the board considers it to be necessary or appropriate, the 13834
board, on its own initiative, may employ an attorney or other 13835
legal counsel to represent or advise the board regarding a 13836
particular matter in place of the prosecuting attorney. 13837

Instead of designating the prosecuting attorney of one of the 13838
counties forming the district to be the legal advisor of the 13839
district, the board of directors may employ on an annual basis an 13840
attorney or other legal counsel to serve as the district's legal 13841
advisor. Notwithstanding the employment of an attorney or other 13842
legal counsel as the district's legal advisor, the board of 13843
directors may require written opinions or instructions from the 13844
prosecuting attorney of any of the counties forming the district 13845
in matters connected with the board's official duties, and the 13846
prosecuting attorney shall provide the written opinion or 13847
instructions as though ~~he~~ the prosecuting attorney had been 13848
designated to serve as the district's legal advisor under division 13849
(E)(2) of this section. 13850

(F) A board of county commissioners may issue bonds or bond 13851
anticipation notes of the county to pay the cost of preparing 13852
general and detailed plans and other data required for the 13853
construction of solid waste facilities in connection with a county 13854
or joint district. A board of directors of a joint solid waste 13855
management district may issue bonds or bond anticipation notes of 13856
the joint solid waste management district to pay the cost of 13857
preparing general and detailed plans and other data required for 13858
the construction of solid waste facilities in connection with a 13859
joint district. The bonds and notes shall be issued in accordance 13860
with Chapter 133. of the Revised Code, except that the maximum 13861
maturity of bonds issued for that purpose shall not exceed ten 13862

years. Bond anticipation notes may be paid from the proceeds of 13863
bonds issued either to pay the cost of the solid waste facilities 13864
or to pay the cost of the plans and other data. 13865

(G) To the extent authorized by the solid waste management 13866
plan of the district approved under section 3734.521 or 3734.55 of 13867
the Revised Code or subsequent amended plans of the district 13868
approved under section 3734.521 or 3734.56 of the Revised Code, 13869
the board of county commissioners of a county district or board of 13870
directors of a joint district may adopt, publish, and enforce 13871
rules doing any of the following: 13872

(1) Prohibiting or limiting the receipt of solid wastes 13873
generated outside the district or outside a service area 13874
prescribed in the solid waste management plan or amended plan, at 13875
facilities ~~covered by the plan~~ located within the solid waste 13876
management district, consistent with the projections contained in 13877
the plan or amended plan under divisions (A)(6) and (7) of section 13878
3734.53 of the Revised Code, ~~except that~~. However, rules adopted 13879
by a board under division (G)(1) of this section may be adopted 13880
and enforced with respect to facilities in the solid waste 13881
management district that are not owned by a county or the solid 13882
waste management district only if the board submits an application 13883
to the director of environmental protection that demonstrates that 13884
there is insufficient capacity to dispose of all solid wastes that 13885
are generated within the district at the facilities located within 13886
the district and the director approves the application. The 13887
demonstration in the application shall be based on projections 13888
contained in the plan or amended plan of the district. The 13889
director shall establish the form of the application. The approval 13890
or disapproval of such an application by the director is an action 13891
that is appealable under section 3745.04 of the Revised Code. 13892

In addition, the director of environmental protection may 13893
issue an order modifying a rule adopted under division (G)(1) of 13894

this section to allow the disposal in the district of solid wastes 13895
from another county or joint solid waste management district if 13896
all of the following apply: 13897

(a) The district in which the wastes were generated does not 13898
have sufficient capacity to dispose of solid wastes generated 13899
within it for six months following the date of the director's 13900
order; 13901

(b) No new solid waste facilities will begin operation during 13902
those six months in the district in which the wastes were 13903
generated and, despite good faith efforts to do so, it is 13904
impossible to site new solid waste facilities within the district 13905
because of its high population density; 13906

(c) The district in which the wastes were generated has made 13907
good faith efforts to negotiate with other districts to 13908
incorporate its disposal needs within those districts' solid waste 13909
management plans, including efforts to develop joint facilities 13910
authorized under section 343.02 of the Revised Code, and the 13911
efforts have been unsuccessful; 13912

(d) The district in which the wastes were generated has 13913
located a facility willing to accept the district's solid wastes 13914
for disposal within the receiving district; 13915

(e) The district in which the wastes were generated has 13916
demonstrated to the director that the conditions specified in 13917
divisions (G)(1)(a) to (d) of this section have been met; 13918

(f) The director finds that the issuance of the order will be 13919
consistent with the state solid waste management plan and that 13920
receipt of the out-of-district wastes will not limit the capacity 13921
of the receiving district to dispose of its in-district wastes to 13922
less than eight years. 13923

Any order issued under division (G)(1) of this section shall 13924
not become final until thirty days after it has been served by 13925

certified mail upon the county or joint solid waste management 13926
district that will receive the out-of-district wastes. 13927

(2) Governing the maintenance, protection, and use of solid 13928
waste collection or other solid waste facilities located within 13929
its district. The rules adopted under division (G)(2) of this 13930
section shall not establish design standards for solid waste 13931
facilities and shall be consistent with the solid waste provisions 13932
of Chapter 3734. of the Revised Code and the rules adopted under 13933
those provisions. The rules adopted under division (G)(2) of this 13934
section may prohibit any person, municipal corporation, township, 13935
or other political subdivision from constructing, enlarging, or 13936
modifying any solid waste facility until general plans and 13937
specifications for the proposed improvement have been submitted to 13938
and approved by the board of county commissioners or board of 13939
directors as complying with the solid waste management plan or 13940
amended plan of the district. The construction of such a facility 13941
shall be done under the supervision of the county sanitary 13942
engineer or, in the case of a joint district, a county sanitary 13943
engineer designated by the board of directors, and any person, 13944
municipal corporation, township, or other political subdivision 13945
proposing or constructing such improvements shall pay to the 13946
county or joint district all expenses incurred by the board in 13947
connection therewith. The sanitary engineer may enter upon any 13948
public or private property for the purpose of making surveys or 13949
examinations necessary for designing solid waste facilities or for 13950
supervising the construction, enlargement, modification, or 13951
operation of any such facilities. No person, municipal 13952
corporation, township, or other political subdivision shall forbid 13953
or interfere with the sanitary engineer or ~~his~~ the sanitary 13954
engineer's authorized assistants entering upon such property for 13955
that purpose. If actual damage is done to property by the making 13956
of the surveys and examinations, a board shall pay the reasonable 13957
value of that damage to the owner of the property damaged, and the 13958

cost shall be included in the financing of the improvement for 13959
which the surveys and examinations are made. 13960

(3) Governing the development and implementation of a program 13961
for the inspection of solid wastes generated outside the 13962
boundaries of this state that are disposed of at solid waste 13963
facilities included in the district's solid waste management plan 13964
or amended plan. A board of county commissioners or board of 13965
directors or its authorized representative may enter upon the 13966
premises of any solid waste facility included in the district's 13967
solid waste management plan or amended plan for the purpose of 13968
conducting the inspections required or authorized by the rules 13969
adopted under division (G)(3) of this section. No person, 13970
municipal corporation, township, or other political subdivision 13971
shall forbid or interfere with a board of county commissioners or 13972
directors or its authorized representative entering upon the 13973
premises of any such solid waste facility for that purpose. 13974

(4) Exempting the owner or operator of any existing or 13975
proposed solid waste facility provided for in the plan or amended 13976
plan from compliance with any amendment to a township zoning 13977
resolution adopted under section 519.12 of the Revised Code or to 13978
a county rural zoning resolution adopted under section 303.12 of 13979
the Revised Code that rezoned or redistricted the parcel or 13980
parcels upon which the facility is to be constructed or modified 13981
and that became effective within two years prior to the filing of 13982
an application for a permit required under division (A)(2)(a) of 13983
section 3734.05 of the Revised Code to open a new or modify an 13984
existing solid waste facility. 13985

(H) A board of county commissioners or board of directors may 13986
enter into a contract with any person, municipal corporation, 13987
township, or other political subdivision for the operation and 13988
maintenance of any solid waste facilities regardless of whether 13989
the facilities are owned or leased by the county or joint district 13990

or the contractor. 13991

(I)(1) No person, municipal corporation, township, or other 13992
political subdivision shall tamper with or damage any solid waste 13993
facility constructed under this chapter or any apparatus or 13994
accessory connected therewith or pertaining thereto, fail or 13995
refuse to comply with the applicable rules adopted by a board of 13996
county commissioners or directors under division (G)(1), (2), (3), 13997
or (4) of this section, refuse to permit an inspection or 13998
examination by a sanitary engineer as authorized under division 13999
(G)(2) of this section, or refuse to permit an inspection by a 14000
board of county commissioners or directors or its authorized 14001
representative as required or authorized by rules adopted under 14002
division (G)(3) of this section. 14003

(2) If the board of county commissioners of a county district 14004
or board of directors of a joint district has established facility 14005
designations under section 343.013, 343.014, or 343.015 of the 14006
Revised Code, or the director has established facility 14007
designations in the initial or amended plan of the district 14008
prepared and ordered to be implemented under section 3734.521, 14009
3734.55, or 3734.56 of the Revised Code, no person, municipal 14010
corporation, township, or other political subdivision shall 14011
deliver, or cause the delivery of, any solid wastes generated 14012
within a county or joint district to any solid waste facility 14013
other than the facility designated under section 343.013, 343.014, 14014
or 343.015 of the Revised Code, or in the initial or amended plan 14015
of the district prepared and ordered to be implemented under 14016
section 3734.521, 3734.55, or 3734.56 of the Revised Code, as 14017
applicable. Upon the request of a person or the legislative 14018
authority of a municipal corporation or township, the board of 14019
county commissioners of a county district or board of directors of 14020
a joint district may grant a waiver authorizing the delivery of 14021
all or any portion of the solid wastes generated in a municipal 14022

corporation or township to a solid waste facility other than the 14023
facility designated under section 343.013, 343.014, or 343.015 of 14024
the Revised Code, or in the initial or amended plan of the 14025
district prepared and ordered to be implemented under section 14026
3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, 14027
regardless of whether the other facility is located within or 14028
outside of the district, if the board finds that delivery of those 14029
solid wastes to the other facility is not inconsistent with the 14030
projections contained in the district's initial or amended plan 14031
under divisions (A)(6) and (7) of section 3734.53 of the Revised 14032
Code as approved or ordered to be implemented and will not 14033
adversely affect the implementation and financing of the 14034
district's initial or amended plan pursuant to the implementation 14035
schedule contained in it under divisions (A)(12)(a) to (d) of that 14036
section. The board shall act on a request for such a waiver within 14037
ninety days after receiving the request. Upon granting such a 14038
waiver, the board shall send notice of that fact to the director. 14039
The notice shall indicate to whom the waiver was granted. Any 14040
waiver or authorization granted by a board on or before October 14041
29, 1993, shall continue in force until the board takes action 14042
concerning the same entity under this division or until action is 14043
taken under division (G) of section 343.014 of the Revised Code. 14044

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not 14045
apply to the construction, operation, use, repair, enlargement, or 14046
modification of either of the following: 14047

(1) A solid waste facility owned by a generator of solid 14048
wastes when the solid waste facility exclusively disposes of solid 14049
wastes generated at one or more premises owned by the generator 14050
regardless of whether the facility is located on a premises where 14051
the wastes are generated; 14052

(2) A facility that exclusively disposes of wastes that are 14053
generated from the combustion of coal, or from the combustion of 14054

primarily coal in combination with scrap tires, that is not 14055
combined in any way with garbage at one or more premises owned by 14056
the generator. 14057

(K)(1) A member of the board of county commissioners of a 14058
county solid waste management district, member of the board of 14059
directors of a joint solid waste management district, member of 14060
the board of trustees of a regional solid waste management 14061
authority managing a county or joint solid waste management 14062
district, or officer or employee of any solid waste management 14063
district, for the purposes of sections 102.03, 102.04, 2921.41, 14064
and 2921.42 of the Revised Code, shall not be considered to be 14065
directly or indirectly interested in, or improperly influenced by, 14066
any of the following: 14067

(a) A contract entered into under this chapter or section 14068
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 14069
the district and any county forming the district, municipal 14070
corporation or township located within the district, or health 14071
district having territorial jurisdiction within the district, of 14072
which that member, officer, or employee also is an officer or 14073
employee, but only to the extent that any interest or influence 14074
could arise from ~~his~~ holding public office or employment with the 14075
political subdivision or health district; 14076

(b) A contract entered into under this chapter or section 14077
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 14078
the district and a county planning commission organized under 14079
section 713.22 of the Revised Code, or regional planning 14080
commission created under section 713.21 of the Revised Code, 14081
having territorial jurisdiction within the district, of which that 14082
member also is a member, officer, or employee, but only to the 14083
extent that any interest or influence could arise from ~~his~~ holding 14084
public office or employment with the commission; 14085

(c) An expenditure of money made by the district for the 14086

benefit of any county forming the district, municipal corporation 14087
or township located within the district, or health district or 14088
county or regional planning commission having territorial 14089
jurisdiction within the district, of which that member also is a 14090
member, officer, or employee, but only to the extent that any 14091
interest or influence could arise from ~~his~~ holding public office 14092
or employment with the political subdivision, health district, or 14093
commission; 14094

(d) An expenditure of money made for the benefit of the 14095
district by any county forming the district, municipal corporation 14096
or township located within the district, or health district or 14097
county or regional planning commission having territorial 14098
jurisdiction within the district, of which that member also is a 14099
member, officer, or employee, but only to the extent that any 14100
interest or influence could arise from ~~his~~ holding public office 14101
or employment with the political subdivision, health district, or 14102
commission. 14103

(2) A solid waste management district, county, municipal 14104
corporation, township, health district, or planning commission 14105
described or referred to in divisions (K)(1)(a) to (d) of this 14106
section shall not be construed to be the business associate of a 14107
person who is concurrently a member of the board of county 14108
commissioners, directors, or trustees, or an officer or employee, 14109
of the district and an officer or employee of that municipal 14110
corporation, county, township, health district, or planning 14111
commission for the purposes of sections 102.03, 2921.42, and 14112
2921.43 of the Revised Code. Any person who is concurrently a 14113
member of the board of county commissioners, directors, or 14114
trustees, or an officer or employee, of a solid waste management 14115
district so described or referred to and an officer or employee of 14116
a county, municipal corporation, township, health district, or 14117
planning commission so described or referred to may participate 14118

fully in deliberations concerning and vote on or otherwise 14119
participate in the approval or disapproval of any contract or 14120
expenditure of funds described in those divisions as a member of 14121
the board of county commissioners or directors, or an officer or 14122
employee, of a county or joint solid waste management district; 14123
member of the board of trustees, or an officer or employee, of a 14124
regional solid waste management authority managing a county or 14125
joint solid waste management district; member of the legislative 14126
authority, or an officer or employee, of a county forming the 14127
district; member of the legislative authority, or an officer or 14128
employee, of a municipal corporation or township located within 14129
the district; member of the board of health, or an officer or 14130
employee, of a health district having territorial jurisdiction 14131
within the district; or member of the planning commission, or an 14132
officer or employee of a county or regional planning commission 14133
having territorial jurisdiction within the district. 14134

(3) Nothing in division (K)(1) or (2) of this section shall 14135
be construed to exempt any member of the board of county 14136
commissioners, directors, or trustees, or an officer or employee, 14137
of a solid waste management district from a conflict of interest 14138
arising because of a personal or private business interest. 14139

(4) A member of the board of county commissioners of a county 14140
solid waste management district, board of directors of a joint 14141
solid waste management district, or board of trustees of a 14142
regional solid waste management authority managing a county or 14143
joint solid waste management district, or an officer or employee, 14144
of any such solid waste management district, neither shall be 14145
disqualified from holding any other public office or position of 14146
employment nor be required to forfeit any other public office or 14147
position of employment by reason of ~~his~~ serving as a member of the 14148
board of county commissioners, directors, or trustees, or as an 14149
officer or employee, of the district, notwithstanding any 14150

requirement to the contrary under the common law of this state or 14151
the Revised Code. 14152

(L) As used in this chapter: 14153

(1) "Board of health," "disposal," "health district," "scrap 14154
tires," and "solid waste transfer facility" have the same meanings 14155
as in section 3734.01 of the Revised Code. 14156

(2) "Change in district composition" and "change" have the 14157
same meaning as in section 3734.521 of the Revised Code. 14158

(3)(a) Except as provided in division (L)(3)(b) or (c), and 14159
(d), of this section, "solid wastes" has the same meaning as in 14160
section 3734.01 of the Revised Code. 14161

(b) If the solid waste management district is not one that 14162
resulted from proceedings for a change in district composition 14163
under sections 343.012 and 3734.521 of the Revised Code, until 14164
such time as an amended solid waste management plan is approved 14165
under section 3734.56 of the Revised Code, "solid wastes" need not 14166
include scrap tires unless the solid waste management policy 14167
committee established under section 3734.54 of the Revised Code 14168
for the district chooses to include the management of scrap tires 14169
in the district's initial solid waste management plan prepared 14170
under sections 3734.54 and 3734.55 of the Revised Code. 14171

(c) If the solid waste management district is one resulting 14172
from proceedings for a change in district composition under 14173
sections 343.012 and 3734.521 of the Revised Code and if the 14174
change involves an existing district that is operating under 14175
either an initial solid waste management plan approved or prepared 14176
and ordered to be implemented under section 3734.55 of the Revised 14177
Code or an initial or amended plan approved or prepared and 14178
ordered to be implemented under section 3734.521 of the Revised 14179
Code that does not provide for the management of scrap tires and 14180
scrap tire facilities, until such time as the amended plan of the 14181

district resulting from the change is approved under section 14182
3734.56 of the Revised Code, "solid wastes" need not include scrap 14183
tires unless the solid waste management policy committee 14184
established under division (C) of section 3734.521 of the Revised 14185
Code for the district chooses to include the management of scrap 14186
tires in the district's initial or amended solid waste management 14187
plan prepared under section 3734.521 of the Revised Code in 14188
connection with the change proceedings. 14189

(d) If the policy committee chooses to include the management 14190
of scrap tires in an initial plan prepared under sections 3734.54 14191
and 3734.55 of the Revised Code or in an initial or amended plan 14192
prepared under section 3734.521 of the Revised Code, the board of 14193
county commissioners or directors shall execute all of the duties 14194
imposed and may exercise any or all of the rights granted under 14195
this section for the purpose of managing solid wastes that consist 14196
of scrap tires. 14197

(4)(a) Except as provided in division (L)(4)(b) or (c), and 14198
(d) of this section, "facility" has the same meaning as in section 14199
3734.01 of the Revised Code and also includes any solid waste 14200
transfer, recycling, or resource recovery facility. 14201

(b) If the solid waste management district is not one that 14202
resulted from proceedings for a change in district composition 14203
under sections 343.012 and 3734.521 of the Revised Code, until 14204
such time as an amended solid waste management plan is approved 14205
under section 3734.56 of the Revised Code, "facility" need not 14206
include any scrap tire collection, storage, monocell, monofill, or 14207
recovery facility unless the solid waste management policy 14208
committee established under section 3734.54 of the Revised Code 14209
for the district chooses to include the management of scrap tire 14210
facilities in the district's initial solid waste management plan 14211
prepared under sections 3734.54 and 3734.55 of the Revised Code. 14212

(c) If the solid waste management district is one resulting 14213

from proceedings for a change in district composition under 14214
sections 343.012 and 3734.521 of the Revised Code and if the 14215
change involves an existing district that is operating under 14216
either an initial solid waste management plan approved under 14217
section 3734.55 of the Revised Code or an initial or amended plan 14218
approved or prepared and ordered to be implemented under section 14219
3734.521 of the Revised Code that does not provide for the 14220
management of scrap tires and scrap tire facilities, until such 14221
time as the amended plan of the district resulting from the change 14222
is approved under section 3734.56 of the Revised Code, "facility" 14223
need not include scrap tires unless the solid waste management 14224
policy committee established under division (C) of section 14225
3734.521 of the Revised Code for the district chooses to include 14226
the management of scrap tires in the district's initial or amended 14227
solid waste management plan prepared under section 3734.521 of the 14228
Revised Code in connection with the change proceedings. 14229

(d) If the policy committee chooses to include the management 14230
of scrap tires in an initial plan prepared under sections 3734.54 14231
and 3734.55 of the Revised Code or in an initial or amended plan 14232
prepared under section 3734.521 of the Revised Code, the board of 14233
county commissioners or directors shall execute all of the duties 14234
imposed and may exercise any or all of the rights granted under 14235
this section for the purpose of managing solid waste facilities 14236
that are scrap tire collection, storage, monocell, monofill, or 14237
recovery facilities. 14238

Sec. 504.21. (A) The board of township trustees of a township 14239
that has adopted a limited home rule government may, for the 14240
unincorporated territory in the township, adopt, amend, and 14241
rescind rules establishing technically feasible and economically 14242
reasonable standards to achieve a level of management and 14243
conservation practices that will abate wind or water erosion of 14244
the soil or abate the degradation of the waters of the state by 14245

soil sediment in conjunction with land grading, excavating, 14246
filling, or other soil disturbing activities on land used or being 14247
developed in the township for nonfarm commercial, industrial, 14248
residential, or other nonfarm purposes, and establish criteria for 14249
determination of the acceptability of those management and 14250
conservation practices. The rules shall be designed to implement 14251
the applicable areawide waste treatment management plan prepared 14252
under section 208 of the "Federal Water Pollution Control Act," 86 14253
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 14254
phase II of the storm water program of the national pollutant 14255
discharge elimination system established in 40 C.F.R. Part 122. 14256
The rules to implement phase II of the storm water program of the 14257
national pollutant discharge elimination system shall not be 14258
inconsistent with, more stringent than, or broader in scope than 14259
the rules or regulations adopted by the environmental protection 14260
agency under 40 C.F.R. Part 122. The rules adopted under this 14261
section shall not apply inside the limits of municipal 14262
corporations, to lands being used in a strip mine operation as 14263
defined in section 1513.01 of the Revised Code, or to land being 14264
used in a surface mine operation as defined in section 1514.01 of 14265
the Revised Code. 14266

The rules adopted under this section may require persons to 14267
file plans governing erosion control, sediment control, and water 14268
management before clearing, grading, excavating, filling, or 14269
otherwise wholly or partially disturbing one or more contiguous 14270
acres of land owned by one person or operated as one development 14271
unit for the construction of nonfarm buildings, structures, 14272
utilities, recreational areas, or other similar nonfarm uses. If 14273
the rules require plans to be filed, the rules shall do all of the 14274
following: 14275

(1) Designate the board itself, its employees, or another 14276
agency or official to review and approve or disapprove the plans; 14277

(2) Establish procedures and criteria for the review and approval or disapproval of the plans;	14278 14279
(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;	14280 14281 14282 14283
(4) Establish procedures for the issuance of the permits;	14284
(5) Establish procedures under which a person may appeal the denial of a permit.	14285 14286
Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.	14287 14288 14289 14290 14291
No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water conservation <u>resources</u> in the department of natural resources.	14292 14293 14294 14295 14296 14297 14298
(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board of township trustees. The board shall cause to be published, in a newspaper of general circulation in the township, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The proposed rules or amendments shall be made available by the board to the public at the board office or other location indicated in the notice. The rules or amendments shall take effect on the thirty-first day following the date of their adoption.	14299 14300 14301 14302 14303 14304 14305 14306 14307 14308

(C) The board of township trustees may employ personnel to 14309
assist in the administration of this section and the rules adopted 14310
under it. The board also, if the action does not conflict with the 14311
rules, may delegate duties to review sediment control and water 14312
management plans to its employees, and may enter into agreements 14313
with one or more political subdivisions, other township officials, 14314
or other government agencies, in any combination, in order to 14315
obtain reviews and comments on plans governing erosion control, 14316
sediment control, and water management or to obtain other services 14317
for the administration of the rules adopted under this section. 14318

(D) The board of township trustees or any duly authorized 14319
representative of the board may, upon identification to the owner 14320
or person in charge, enter any land upon obtaining agreement with 14321
the owner, tenant, or manager of the land in order to determine 14322
whether there is compliance with the rules adopted under this 14323
section. If the board or its duly authorized representative is 14324
unable to obtain such an agreement, the board or representative 14325
may apply for, and a judge of the court of common pleas for the 14326
county where the land is located may issue, an appropriate 14327
inspection warrant as necessary to achieve the purposes of this 14328
section. 14329

(E)(1) If the board of township trustees or its duly 14330
authorized representative determines that a violation of the rules 14331
adopted under this section exists, the board or representative may 14332
issue an immediate stop work order if the violator failed to 14333
obtain any federal, state, or local permit necessary for sediment 14334
and erosion control, earth movement, clearing, or cut and fill 14335
activity. In addition, if the board or representative determines 14336
such a rule violation exists, regardless of whether or not the 14337
violator has obtained the proper permits, the board or 14338
representative may authorize the issuance of a notice of 14339
violation. If, after a period of not less than thirty days has 14340

elapsed following the issuance of the notice of violation, the 14341
violation continues, the board or its duly authorized 14342
representative shall issue a second notice of violation. Except as 14343
provided in division (E)(3) of this section, if, after a period of 14344
not less than fifteen days has elapsed following the issuance of 14345
the second notice of violation, the violation continues, the board 14346
or its duly authorized representative may issue a stop work order 14347
after first obtaining the written approval of the prosecuting 14348
attorney of the county in which the township is located if, in the 14349
opinion of the prosecuting attorney, the violation is egregious. 14350

Once a stop work order is issued, the board or its duly 14351
authorized representative shall request, in writing, the 14352
prosecuting attorney to seek an injunction or other appropriate 14353
relief in the court of common pleas to abate excessive erosion or 14354
sedimentation and secure compliance with the rules adopted under 14355
this section. If the prosecuting attorney seeks an injunction or 14356
other appropriate relief, then, in granting relief, the court of 14357
common pleas may order the construction of sediment control 14358
improvements or implementation of other control measures and may 14359
assess a civil fine of not less than one hundred or more than five 14360
hundred dollars. Each day of violation of a rule or stop work 14361
order issued under this section shall be considered a separate 14362
violation subject to a civil fine. 14363

(2) The person to whom a stop work order is issued under this 14364
section may appeal the order to the court of common pleas of the 14365
county in which it was issued, seeking any equitable or other 14366
appropriate relief from that order. 14367

(3) No stop work order shall be issued under this section 14368
against any public highway, transportation, or drainage 14369
improvement or maintenance project undertaken by a government 14370
agency or political subdivision in accordance with a statement of 14371
its standard sediment control policies that is approved by the 14372

board or the chief of the division of soil and water ~~conservation~~ 14373
resources in the department of natural resources. 14374

(F) No person shall violate any rule adopted or order issued 14375
under this section. Notwithstanding division (E) of this section, 14376
if the board of township trustees determines that a violation of 14377
any rule adopted or administrative order issued under this section 14378
exists, the board may request, in writing, the prosecuting 14379
attorney of the county in which the township is located, to seek 14380
an injunction or other appropriate relief in the court of common 14381
pleas to abate excessive erosion or sedimentation and secure 14382
compliance with the rules or order. In granting relief, the court 14383
of common pleas may order the construction of sediment control 14384
improvements or implementation of other control measures and may 14385
assess a civil fine of not less than one hundred or more than five 14386
hundred dollars. Each day of violation of a rule adopted or 14387
administrative order issued under this section shall be considered 14388
a separate violation subject to a civil fine. 14389

Sec. 718.04. (A) No municipal corporation other than the ~~city~~ 14390
municipal corporation of residence shall levy a tax on the income 14391
of any member or employee of the Ohio general assembly including 14392
the lieutenant governor which income is received as a result of 14393
services rendered as such member or employee and is paid from 14394
appropriated funds of this state. 14395

(B) No municipal corporation other than the municipal 14396
corporation of residence and the city of Columbus shall levy a tax 14397
on the income of the chief justice or a justice of the supreme 14398
court received as a result of services rendered as the chief 14399
justice or justice. No municipal corporation other than the 14400
municipal corporation of residence shall levy a tax on the income 14401
of a judge sitting by assignment of the chief justice or on the 14402
income of a district court of appeals judge sitting in multiple 14403

locations within the district, received as a result of services 14404
rendered as a judge. 14405

Sec. 721.15. (A) Personal property not needed for municipal 14406
purposes, the estimated value of which is less than one thousand 14407
dollars, may be sold by the board or officer having supervision or 14408
management of that property. If the estimated value of that 14409
property is one thousand dollars or more, it shall be sold only 14410
when authorized by an ordinance of the legislative authority of 14411
the municipal corporation and approved by the board, officer, or 14412
director having supervision or management of that property. When 14413
so authorized, the board, officer, or director shall make a 14414
written contract with the highest and best bidder after 14415
advertisement for not less than two or more than four consecutive 14416
weeks in a newspaper of general circulation within the municipal 14417
corporation, or with a board of county commissioners upon such 14418
lawful terms as are agreed upon, as provided by division (B)(1) of 14419
section 721.27 of the Revised Code. 14420

(B) When the legislative authority finds, by resolution, that 14421
the municipal corporation has vehicles, equipment, or machinery 14422
which is obsolete, or is not needed or is unfit for public use, 14423
that the municipal corporation has need of other vehicles, 14424
equipment, or machinery of the same type, and that it will be in 14425
the best interest of the municipal corporation that the sale of 14426
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 14427
made simultaneously with the purchase of the new vehicles, 14428
equipment, or machinery of the same type, the legislative 14429
authority may offer to sell, or authorize a board, officer, or 14430
director of the municipal corporation having supervision or 14431
management of the property to offer to sell, those vehicles, 14432
equipment, or machinery and to have the selling price credited 14433
against the purchase price of other vehicles, equipment, or 14434
machinery and to consummate the sale and purchase by a single 14435

contract with the lowest and best bidder to be determined by 14436
subtracting from the selling price of the vehicles, equipment, or 14437
machinery to be purchased by the municipal corporation the 14438
purchase price offered for the municipally-owned vehicles, 14439
equipment, or machinery. When the legislative authority or the 14440
authorized board, officer, or director of a municipal corporation 14441
advertises for bids for the sale of new vehicles, equipment, or 14442
machinery to the municipal corporation, they may include in the 14443
same advertisement a notice of willingness to accept bids for the 14444
purchase of municipally-owned vehicles, equipment, or machinery 14445
which is obsolete, or is not needed or is unfit for public use, 14446
and to have the amount of those bids subtracted from the selling 14447
price as a means of determining the lowest and best bidder. 14448

(C) If the legislative authority of the municipal corporation 14449
determines that municipal personal property is not needed for 14450
public use, or is obsolete or unfit for the use for which it was 14451
acquired, and that the property has no value, the legislative 14452
authority may discard or salvage that property. 14453

(D) Notwithstanding anything to the contrary in division (A) 14454
or (B) of this section and regardless of the property's value, the 14455
legislative authority of a municipal corporation may sell personal 14456
property, including motor vehicles acquired for the use of 14457
municipal officers and departments, and road machinery, equipment, 14458
tools, or supplies, which is not needed for public use, or is 14459
obsolete or unfit for the use for which it was acquired, by 14460
internet auction. The legislative authority shall adopt, during 14461
each calendar year, a resolution expressing its intent to sell 14462
that property by internet auction. The resolution shall include a 14463
description of how the auctions will be conducted and shall 14464
specify the number of days for bidding on the property, which 14465
shall be no less than ~~fifteen~~ ten days, including Saturdays, 14466
Sundays, and legal holidays. The resolution shall indicate whether 14467

the municipal corporation will conduct the auction or the 14468
legislative authority will contract with a representative to 14469
conduct the auction and shall establish the general terms and 14470
conditions of sale. If a representative is known when the 14471
resolution is adopted, the resolution shall provide contact 14472
information such as the representative's name, address, and 14473
telephone number. 14474

After adoption of the resolution, the legislative authority 14475
shall publish, in a newspaper of general circulation in the 14476
municipal corporation, notice of its intent to sell unneeded, 14477
obsolete, or unfit municipal personal property by internet 14478
auction. The notice shall include a summary of the information 14479
provided in the resolution and shall be published at least twice. 14480
The second and any subsequent notice shall be published not less 14481
than ten nor more than twenty days after the previous notice. A 14482
similar notice also shall be posted continually throughout the 14483
calendar year in a conspicuous place in the offices of the village 14484
clerk or city auditor, and the legislative authority, and, if the 14485
municipal corporation maintains a website on the internet, the 14486
notice shall be posted continually throughout the calendar year at 14487
that website. 14488

When the property is to be sold by internet auction, the 14489
legislative authority or its representative may establish a 14490
minimum price that will be accepted for specific items and may 14491
establish any other terms and conditions for the particular sale, 14492
including requirements for pick-up or delivery, method of payment, 14493
and sales tax. This type of information shall be provided on the 14494
internet at the time of the auction and may be provided before 14495
that time upon request after the terms and conditions have been 14496
determined by the legislative authority or its representative. 14497

Sec. 737.39. (A) A municipal police officer who is trained in 14498

the same manner as uniformed employees of the motor carrier 14499
enforcement unit created under section 5503.34 of the Revised Code 14500
may, to the same extent as those employees, enforce compliance 14501
with any provision of Chapters 4919., 4921., and 4923. of the 14502
Revised Code or of a rule or order adopted or issued under those 14503
chapters regarding commercial motor vehicle transportation safety, 14504
economic, and hazardous materials requirements. 14505

(B)(1) A municipal police officer acting under division (A) 14506
of this section shall do both of the following: 14507

(a) Cooperate with the public utilities commission in 14508
carrying out that division and in enforcing any other applicable 14509
laws; 14510

(b) Comply with any rules adopted pursuant to section 4919.80 14511
of the Revised Code. 14512

(2) A uniformed municipal police officer under division (A) 14513
of this section may stop commercial motor vehicles for the purpose 14514
of inspecting those vehicles in carrying out that division. 14515
14516

Sec. 742.11. (A) The members of the board of trustees of the 14517
Ohio police and fire pension fund shall be the trustees of the 14518
funds created by section 742.59 of the Revised Code. The board 14519
shall have full power to invest the funds. The board and other 14520
fiduciaries shall discharge their duties with respect to the funds 14521
solely in the interest of the participants and beneficiaries; for 14522
the exclusive purpose of providing benefits to participants and 14523
their beneficiaries and defraying reasonable expenses of 14524
administering the Ohio police and fire pension fund; with care, 14525
skill, prudence, and diligence under the circumstances then 14526
prevailing that a prudent person acting in a like capacity and 14527
familiar with these matters would use in the conduct of an 14528

enterprise of a like character and with like aims; and by 14529
diversifying the investments of the disability and pension fund so 14530
as to minimize the risk of large losses, unless under the 14531
circumstances it is clearly prudent not to do so. 14532

To facilitate investment of the funds, the board may 14533
establish a partnership, trust, limited liability company, 14534
corporation, including a corporation exempt from taxation under 14535
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C.A. 1, as 14536
amended, or any other legal entity authorized to transact business 14537
in this state. 14538

(B) In exercising its fiduciary responsibility with respect 14539
to the investment of the funds, it shall be the intent of the 14540
board to give consideration to investments that enhance the 14541
general welfare of the state and its citizens where the 14542
investments offer quality, return, and safety comparable to other 14543
investments currently available to the board. In fulfilling this 14544
intent, equal consideration shall be given to investments 14545
otherwise qualifying under this section that involve minority 14546
owned and controlled firms and firms owned and controlled by 14547
women, either alone or in joint venture with other firms. 14548

The board shall adopt, in regular meeting, policies, 14549
objectives, or criteria for the operation of the investment 14550
program that include asset allocation targets and ranges, risk 14551
factors, asset class benchmarks, time horizons, total return 14552
objectives, and performance evaluation guidelines. In adopting 14553
policies and criteria for the selection of agents and investment 14554
managers with whom the board may contract for the administration 14555
of the funds, the board shall comply with sections 742.114 and 14556
742.116 of the Revised Code and ~~shall may~~ also ~~give equal~~ 14557
~~consideration to~~ set aside approximately fifteen per cent of the 14558
contracts for minority owned and controlled firms, firms owned and 14559
controlled by women, and joint ventures involving minority owned 14560

and controlled firms and firms owned and controlled by women that 14561
otherwise meet the policies and criteria established by the board. 14562
Amendments and additions to the policies and criteria shall be 14563
adopted in regular meeting. The board shall publish its policies, 14564
objectives, and criteria under this provision no less often than 14565
annually and shall make copies available to interested parties. 14566

14567

When reporting on the performance of investments, the board 14568
shall comply with the performance presentation standards 14569
established by the association for investment management and 14570
research. 14571

(C) All bonds, notes, certificates, stocks, or other 14572
evidences of investments purchased by the board shall be delivered 14573
to the treasurer of state, who is hereby designated as custodian 14574
thereof, or to the treasurer of state's authorized agent, and the 14575
treasurer of state or the agent shall collect the principal, 14576
interest, dividends, and distributions that become due and payable 14577
and place them when so collected into the custodial funds. 14578
Evidences of title of the investments may be deposited by the 14579
treasurer of state for safekeeping with an authorized agent, 14580
selected by the treasurer of state, who is a qualified trustee 14581
under section 135.18 of the Revised Code. The treasurer of state 14582
shall pay for the investments purchased by the board on receipt of 14583
written or electronic instructions from the board or the board's 14584
designated agent authorizing the purchase and pending receipt of 14585
the evidence of title of the investment by the treasurer of state 14586
or the treasurer of state's authorized agent. The board may sell 14587
investments held by the board, and the treasurer of state or the 14588
treasurer of state's authorized agent shall accept payment from 14589
the purchaser and deliver evidence of title of the investment to 14590
the purchaser on receipt of written or electronic instructions 14591
from the board or the board's designated agent authorizing the 14592

sale, and pending receipt of the moneys for the investments. The 14593
amount received shall be placed into the custodial funds. The 14594
board and the treasurer of state may enter into agreements to 14595
establish procedures for the purchase and sale of investments 14596
under this division and the custody of the investments. 14597

(D) All of the board's business shall be transacted, all its 14598
funds shall be invested, all warrants for money drawn and payments 14599
shall be made, and all of its cash, securities, and other property 14600
shall be held, in the name of the board or its nominee, provided 14601
that nominees are authorized by board resolution for the purpose 14602
of facilitating the ownership and transfer of investments. 14603

(E) No purchase or sale of any investment shall be made under 14604
this section except as authorized by the board of trustees of the 14605
Ohio police and fire pension fund. 14606

(F) Any statement of financial position distributed by the 14607
board shall include the fair value, as of the statement date, of 14608
all investments held by the board under this section. 14609

Sec. 742.117. (A) As used in this section: 14610

(1) "Minority business enterprise" has the meaning defined in 14611
section 122.71 of the Revised Code. 14612

(2) "Ohio-qualified investment manager" means an investment 14613
manager who has been designated as such by the board of trustees 14614
of the fund under division (A) of section 742.116 of the Revised 14615
Code. 14616

(3) "Women's business enterprise" means a business, or a 14617
partnership, corporation, limited liability company, or joint 14618
venture of any kind, that is owned and controlled by women who are 14619
United States citizens and residents of this state. 14620

(B) The board of trustees of the fund shall submit annually 14621
to the governor, to the general assembly (under section 101.68 of 14622

the Revised Code), and to the Ohio retirement study council a 14623
report containing the following information: 14624

(1) The name of each Ohio-qualified investment manager that 14625
is a minority business enterprise or a women's business enterprise 14626
with which the board contracts; 14627

(2) The amount of assets managed by Ohio-qualified investment 14628
managers that are minority business enterprises or women's 14629
business enterprises, expressed as a percentage of assets managed 14630
by Ohio-qualified investment managers with which the board has 14631
contracted; 14632

(3) Efforts by the board to increase utilization of 14633
Ohio-qualified investment managers that are minority business 14634
enterprises or women's business enterprises. 14635

Sec. 901.041. There is hereby created in the state treasury 14636
the sustainable agriculture program fund. The fund shall consist 14637
of money credited to it, including, without limitation, federal 14638
money. The director of agriculture shall use money in the fund to 14639
support programs and activities that advance sustainable 14640
agriculture, including administrative costs incurred by the 14641
department of agriculture in administering the programs and 14642
activities. 14643

Sec. 901.20. (A) The director of agriculture may do either or 14644
both of the following: 14645

(1) Reserve exhibition space for exhibitors to exhibit their 14646
goods in trade shows held in this country or in any other country. 14647
The director may charge and collect fees from any exhibitor who 14648
uses space reserved by the director under division (A)(1) of this 14649
section. 14650

(2) Conduct or cause to be conducted seminars or other 14651
educational programs for the benefit of farmers and other 14652

producers in this state who are interested in exporting their 14653
goods overseas. The director may charge and collect fees from any 14654
person who attends a seminar or other educational program 14655
conducted under division (A)(2) of this section. 14656

(B) There is hereby created in the state treasury the Ohio 14657
proud, international, and domestic market development fund. Fees 14658
collected under division (A) of this section shall be deposited 14659
into the fund. The fund shall be used solely to carry out the 14660
purposes of that division. 14661

Sec. 901.43. (A) The director of agriculture may authorize 14662
any department of agriculture laboratory to perform a laboratory 14663
service for any person, organization, political subdivision, state 14664
agency, federal agency, or other entity, whether public or 14665
private. The director shall adopt and enforce rules to provide for 14666
the rendering of a laboratory service. 14667

(B) The director may charge a reasonable fee for the 14668
performance of a laboratory service, except when the service is 14669
performed on an official sample taken by the director acting 14670
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 14671
Revised Code; by a board of health acting as the licensor of 14672
retail food establishments or food service operations under 14673
Chapter 3717. of the Revised Code; or by the director of health 14674
acting as the licensor of food service operations under Chapter 14675
3717. of the Revised Code. The director of agriculture shall adopt 14676
rules specifying what constitutes an official sample. 14677

The director shall publish a list of laboratory services 14678
offered, together with the fee for each service. 14679

(C) The director may enter into a contract with any person, 14680
organization, political subdivision, state agency, federal agency, 14681
or other entity for the provision of a laboratory service. 14682

(D)(1) The director may adopt rules establishing standards 14683
for accreditation of laboratories and laboratory services and in 14684
doing so may adopt by reference existing or recognized standards 14685
or practices. 14686

(2) The director may inspect and accredit laboratories and 14687
laboratory services, and may charge a reasonable fee for the 14688
inspections and accreditation. 14689

(E)(1) There is hereby created in the state treasury the 14690
animal ~~health and food safety~~ consumer analytical laboratory fund. 14691
Moneys from the following sources shall be deposited into the 14692
state treasury to the credit of the fund: all moneys collected by 14693
the director under this section that are from fees generated by a 14694
laboratory service performed by the department and related to the 14695
diseases of animals, all moneys so collected that are from fees 14696
generated for the inspection and accreditation of laboratories and 14697
laboratory services related to the diseases of animals, all moneys 14698
collected by the director under this section that are from fees 14699
generated by a laboratory service performed by the consumer 14700
analytical laboratory, ~~and~~ all moneys so collected that are from 14701
fees generated for the inspection and accreditation of 14702
laboratories and laboratory services not related to weights and 14703
measures, and all moneys collected under Chapters 942., 943., and 14704
953. of the Revised Code. The director may use the moneys held in 14705
the fund to pay the expenses necessary to operate the animal 14706
industry laboratory and the consumer analytical laboratory, 14707
including the purchase of supplies and equipment. 14708

(2) All moneys collected by the director under this section 14709
that are from fees generated by a laboratory service performed by 14710
the weights and measures laboratory, and all moneys so collected 14711
that are from fees generated for the inspection and accreditation 14712
of laboratories and laboratory services related to weights and 14713
measures, shall be deposited in the state treasury to the credit 14714

of the weights and measures laboratory fund, which is hereby 14715
created in the state treasury. The moneys held in the fund may be 14716
used to pay the expenses necessary to operate the division of 14717
weights and measures, including the purchase of supplies and 14718
equipment. 14719

Sec. 901.91. The director of agriculture may assess the 14720
operating funds of the department of agriculture to pay a share of 14721
the department's central support and administrative costs. The 14722
assessments shall be based on a plan that the director develops 14723
and submits to the director of budget and management not later 14724
than the fifteenth day of July of the fiscal year in which the 14725
assessments are to be made. If the director of budget and 14726
management approves the plan, assessments shall be paid from the 14727
funds designated in the plan and credited by means of intrastate 14728
transfer voucher to the department of agriculture central support 14729
indirect costs fund, which is hereby created in the state 14730
treasury. The fund shall be administered by the director of 14731
agriculture and used to pay central support and administrative 14732
costs of the department of agriculture. 14733

Sec. 903.082. (A) The director of agriculture may determine 14734
that an animal feeding facility that is not a medium concentrated 14735
animal feeding operation or small concentrated animal feeding 14736
operation as defined in section 903.01 of the Revised Code 14737
nevertheless shall be required to be permitted as a medium or 14738
small concentrated animal feeding operation when all of the 14739
following apply: 14740

(1) The director has received from the chief of the division 14741
of soil and water ~~conservation~~ resources in the department of 14742
natural resources a copy of an order issued under section 1511.02 14743
of the Revised Code that specifies that the animal feeding 14744
facility has caused agricultural pollution by failure to comply 14745

with standards established under that section and that the animal feeding facility therefore should be required to be permitted as a medium or small concentrated animal feeding operation.

(2) The director or the director's authorized representative has inspected the animal feeding facility.

(3) The director or the director's authorized representative finds that the facility is not being operated in a manner that protects the waters of the state.

(B) If an animal feeding facility is required to be permitted in accordance with this section, the owner or operator of the facility shall apply to the director for a permit to operate as a concentrated animal feeding operation. In a situation in which best management practices cannot be implemented without modifying the existing animal feeding facility, the owner or operator of the facility also shall apply for a permit to install for the facility.

(C) In the case of an animal feeding facility for which a permit to operate is required under this section, a permit to operate shall not be required after the end of the five-year term of the permit if the problems that caused the facility to be required to obtain the permit have been corrected to the director's satisfaction.

Sec. 903.11. (A) The director of agriculture may enter into contracts or agreements to carry out the purposes of this chapter with any public or private person, including the Ohio state university extension service, the natural resources conservation service in the United States department of agriculture, the environmental protection agency, the division of soil and water ~~conservation~~ resources in the department of natural resources, and soil and water conservation districts established under Chapter 1515. of the Revised Code. However, the director shall not enter

into a contract or agreement with a private person for the review 14777
of applications for permits to install, permits to operate, NPDES 14778
permits, or review compliance certificates that are issued under 14779
this chapter or for the inspection of a facility regulated under 14780
this chapter or with any person for the issuance of any of those 14781
permits or certificates or for the enforcement of this chapter and 14782
rules adopted under it. 14783

(B) The director may administer grants and loans using moneys 14784
from the federal government and other sources, public or private, 14785
for carrying out any of the director's functions. Nothing in this 14786
chapter shall be construed to limit the eligibility of owners or 14787
operators of animal feeding facilities or other agricultural 14788
enterprises to receive moneys from the water pollution control 14789
loan fund established under section 6111.036 of the Revised Code 14790
and the nonpoint source pollution management fund established 14791
under section 6111.037 of the Revised Code. 14792

The director of agriculture shall provide the director of 14793
environmental protection with written recommendations for 14794
providing financial assistance from those funds to agricultural 14795
enterprises. The director of environmental protection shall 14796
consider the recommendations in developing priorities for 14797
providing financial assistance from the funds. 14798

Sec. 903.25. An owner or operator of an animal feeding 14799
facility who holds a permit to install, a permit to operate, a 14800
review compliance certificate, or a NPDES permit or who is 14801
operating under an operation and management plan, as defined in 14802
section 1511.01 of the Revised Code, approved by the chief of the 14803
division of soil and water ~~conservation~~ resources in the 14804
department of natural resources under section 1511.02 of the 14805
Revised Code or by the supervisors of the appropriate soil and 14806
water conservation district under section 1515.08 of the Revised 14807

Code shall not be required by any political subdivision of the 14808
state or any officer, employee, agency, board, commission, 14809
department, or other instrumentality of a political subdivision to 14810
obtain a license, permit, or other approval pertaining to manure, 14811
insects or rodents, odor, or siting requirements for installation 14812
of an animal feeding facility. 14813

Sec. 905.32. (A) No person shall manufacture or distribute in 14814
this state any type of fertilizer until a license to manufacture 14815
or distribute has been obtained by the manufacturer or distributor 14816
from the department of agriculture upon payment of a five dollar 14817
fee: 14818

(1) For each fixed (permanent) location at which fertilizer 14819
is manufactured in this state; 14820

(2) For each mobile unit used to manufacture fertilizer in 14821
this state; 14822

(3) For each location out of the state from which fertilizer 14823
is distributed in this state to nonlicensees. 14824

All licenses shall be valid for one year beginning on the 14825
first day of December of a calendar year through the thirtieth day 14826
of November of the following calendar year. A renewal application 14827
for a license shall be submitted no later than the thirtieth day 14828
of November each year. A person who submits a renewal application 14829
for a license after the thirtieth day of November shall include 14830
with the application a late filing fee of ten dollars. 14831

(B) An application for license shall include: 14832

(1) The name and address of the licensee; 14833

(2) The name and address of each bulk distribution point in 14834
the state, not licensed for fertilizer manufacture and 14835
distribution. 14836

The name and address shown on the license shall be shown on 14837

all labels, pertinent invoices, and bulk storage for fertilizers 14838
distributed by the licensee in this state. 14839

(C) The licensee shall inform the director of agriculture in 14840
writing of additional distribution points established during the 14841
period of the license. 14842

(D) All money collected under this section shall be credited 14843
to the pesticide, fertilizer, and lime program fund created in 14844
section 921.22 of the Revised Code. 14845

Sec. 905.33. (A) Except as provided in division (C) of this 14846
section, no person shall distribute in this state a specialty 14847
fertilizer until it is registered by the manufacturer or 14848
distributor with the department of agriculture. An application, in 14849
duplicate, for each brand and product name of each grade of 14850
specialty fertilizer shall be made on a form furnished by the 14851
director of agriculture and shall be accompanied with a fee of 14852
fifty dollars for each brand and product name of each grade. 14853
Labels for each brand and product name of each grade shall 14854
accompany the application. Upon the approval of an application by 14855
the director, a copy of the registration shall be furnished the 14856
applicant. All registrations shall be valid for one year beginning 14857
on the first day of December of a calendar year through the 14858
thirtieth day of November of the following calendar year. 14859

(B) An application for registration shall include the 14860
following: 14861

(1) Name and address of the manufacturer or distributor; 14862

(2) The brand and product name; 14863

(3) The grade; 14864

(4) The guaranteed analysis; 14865

(5) The package sizes for persons that package fertilizers 14866
only in containers of ten pounds or less. 14867

(C)(1) No person who engages in the business of applying custom mixed fertilizer to lawns, golf courses, recreation areas, or other real property that is not used for agricultural production shall be required to register the custom mixed fertilizer as a specialty fertilizer in accordance with division (A) of this section if the fertilizer ingredients of the custom mixed fertilizer are registered as specialty fertilizers and the inspection fee described in division (A) of section 905.36 of the Revised Code is paid.

(2) No person who engages in the business of blending custom mixed fertilizer for use on lawns, golf courses, recreation areas, or other real property that is not used for agricultural production shall be required to register the custom mixed fertilizer as a specialty fertilizer in accordance with division (A) of this section if the facility holds a nonagricultural production custom mixed fertilizer blender license issued under section 905.331 of the Revised Code.

(D) A person who engages in the business of applying or blending custom mixed fertilizer as described in division (C) of this section shall maintain an original or a copy of an invoice or document of sale for all fertilizer the person applies or distributes for one year following the date of the application or distribution, and, upon the director's request, shall furnish the director with the invoice or document of sale for the director's review.

(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 905.331. No person who engages in the business of blending a custom mixed fertilizer for use on lawns, golf courses, recreation areas, or other real property that is not used for

agricultural production shall fail to register a specialty 14899
fertilizer in accordance with division (A) of section 905.33 of 14900
the Revised Code unless the person has obtained an annual 14901
nonagricultural production custom mixed fertilizer blender license 14902
from the director of agriculture. 14903

A license issued under this section shall be valid from the 14904
first day of December of a calendar year through the thirtieth day 14905
of November of the following calendar year. A renewal application 14906
for a nonagricultural production custom mixed fertilizer blender 14907
license shall be submitted to the director no later than the 14908
thirtieth day of November each year and shall include the name and 14909
address of the applicant and of the premises where the blending 14910
occurs and a one-hundred-dollar fee. A person who submits a 14911
renewal application for a license after the thirtieth day of 14912
November shall include with the application a late filing fee of 14913
ten dollars. All nonagricultural production custom mixed 14914
fertilizer blender licenses expire on the thirtieth day of 14915
November each year. 14916

A person holding a nonagricultural production custom mixed 14917
fertilizer blender license shall pay the inspection fees described 14918
in division (A) of section 905.36 of the Revised Code for each 14919
product being blended. 14920

All money collected under this section shall be credited to 14921
the pesticide, fertilizer, and lime program fund created in 14922
section 921.22 of the Revised Code. 14923

Sec. 905.36. (A) A licensee or registrant, except registrants 14924
who package specialty fertilizers only in containers of ten pounds 14925
or less, shall pay the director of agriculture for all fertilizers 14926
distributed in this state an inspection fee at the rate of 14927
twenty-five cents per ton or twenty-eight cents per metric ton. 14928
Licensees and registrants shall specify on an invoice whether the 14929

per ton inspection fee has been paid or whether payment of the fee 14930
is the responsibility of the purchaser of the fertilizer. The 14931
payment of this inspection fee by a licensee or registrant shall 14932
exempt all other persons from the payment of this fee. 14933

(B) Every licensee or registrant shall file with the director 14934
an annual tonnage report that includes the number of net tons or 14935
metric tons of fertilizer distributed to nonlicensees or 14936
nonregistrants in this state by grade; packaged; bulk, dry or 14937
liquid. The report shall be filed on or before the thirtieth day 14938
of November of each calendar year and shall include data from the 14939
period beginning on the first day of November of the year 14940
preceding the year in which the report is due through the 14941
thirty-first day of October of the year in which the report is 14942
due. The licensee or registrant, except registrants who package 14943
specialty fertilizers only in containers of ten pounds or less, 14944
shall include with this statement the inspection fee at the rate 14945
stated in division (A) of this section. For a tonnage report that 14946
is not filed or payment of inspection fees that is not made on or 14947
before the thirtieth day of November of the applicable calendar 14948
year, a penalty of fifty dollars or ten per cent of the amount 14949
due, whichever is greater, shall be assessed against the licensee 14950
or registrant. The amount of fees due, plus penalty, shall 14951
constitute a debt and become the basis of a judgment against the 14952
licensee or registrant. For tonnage reports found to be incorrect, 14953
a penalty of fifteen per cent of the amount due shall be assessed 14954
against the licensee or registrant and shall constitute a debt and 14955
become the basis of a judgment against the licensee or registrant. 14956
14957

(C) No information furnished under this section shall be 14958
disclosed by any employee of the department of agriculture in such 14959
a way as to divulge the operation of any person required to make 14960
such a report. The filing by a licensee or registrant of a sales 14961

volume tonnage statement required by division (B) of this section 14962
thereby grants permission to the director to verify the same with 14963
the records of the licensee or registrant. 14964

(D) All money collected under this section shall be credited 14965
to the pesticide, fertilizer, and lime program fund created in 14966
section 921.22 of the Revised Code. 14967

Sec. 905.50. If the director of agriculture has taken an 14968
official sample of a fertilizer or mixed fertilizer and determined 14969
that it constitutes mislabeled fertilizer pursuant to rules 14970
adopted under section 905.40 of the Revised Code, the person who 14971
labeled the fertilizer or mixed fertilizer shall pay a penalty to 14972
the consumer of the mislabeled fertilizer or, if the consumer 14973
cannot be determined with reasonable diligence or is not 14974
available, to the director ~~for deposit into~~ to be credited to the 14975
~~commercial feed~~ pesticide, fertilizer, seed, and lime inspection 14976
~~and laboratory~~ program fund created under section ~~905.38~~ 921.22 of 14977
the Revised Code. The amount of the penalty shall be calculated in 14978
accordance with either division (A) or (B) of this section, 14979
whichever method of calculation yields the largest amount. 14980

(A)(1) A penalty required to be paid under this section may 14981
be calculated as follows: 14982

(a) Five dollars for each percentage point of total nitrogen 14983
or phosphorus in the fertilizer that is below the percentage of 14984
nitrogen or phosphorus guaranteed on the label, multiplied by the 14985
number of tons of mislabeled fertilizer that have been sold to the 14986
consumer; 14987

(b) Three dollars for each percentage point of potash in the 14988
fertilizer that is below the percentage of potash guaranteed on 14989
the label, multiplied by the number of tons of mislabeled 14990
fertilizer that have been sold to the consumer. 14991

(2) In the case of a fertilizer that contains a quantity of 14992
nitrogen, phosphorus, or potash that is more than five percentage 14993
points below the percentages guaranteed on the label, the 14994
penalties calculated under division (A)(1) of this section shall 14995
be tripled. 14996

(3) No penalty calculated under division (A) of this section 14997
shall be less than twenty-five dollars. 14998

(B) A penalty required to be paid under this section may be 14999
calculated by multiplying the market value of one unit of the 15000
mislabeled fertilizer by the number of units of the mislabeled 15001
fertilizer that have been sold to the consumer. 15002

(C) Upon making a determination under this section that a 15003
person has mislabeled fertilizer or mixed fertilizer, the director 15004
shall determine the parties to whom the penalty imposed by this 15005
section is required to be paid and, in accordance with division 15006
(A) or (B) of this section, as applicable, shall calculate the 15007
amount of the penalty required to be paid to each such party. 15008
After completing those determinations and calculations, the 15009
director shall issue to the person who allegedly mislabeled the 15010
fertilizer or mixed fertilizer a notice of violation. The notice 15011
shall be accompanied by an order requiring, and specifying the 15012
manner of, payment of the penalty imposed by this section to the 15013
parties in the amounts set forth in the determinations and 15014
calculations required by this division. The order shall be issued 15015
in accordance with Chapter 119. of the Revised Code. 15016

No person shall violate a term or condition of an order 15017
issued under this division. 15018

Sec. 905.51. As used in sections 905.51 to ~~905.66~~ 905.65 of 15019
the Revised Code: 15020

(A) "Liming material" means all materials, the calcium and 15021

magnesium content of which is used to neutralize soil acidity, and	15022
includes the oxide, hydrate, carbonate, and silicate forms, as	15023
defined by rule, or combinations of those forms. "Liming material"	15024
includes materials such as the following:	15025
(1) Limestone;	15026
(2) Hydrated lime;	15027
(3) Burnt lime;	15028
(4) Industrial by-product;	15029
(5) Marl and shell.	15030
(B) "Bulk" means in a nonpackaged form.	15031
(C) "Label" means any written or printed matter on the	15032
package, or tag attached thereto.	15033
(D) "Manufacture" means to process, crush, grind, pelletize,	15034
or blend.	15035
(E) "Person" means any partnership, association, firm, or	15036
corporation, company, society, individual or combination of	15037
individuals, institution, park, or public agency administered by	15038
the state or any subdivision of the state.	15039
(F) "Product name" means a coined or specific designation	15040
applied to an individual liming material.	15041
(G) "Sale" means an exchange or offer to exchange ownership,	15042
or a transfer or offer to transfer custody.	15043
(H) "Ton" means a net weight of two thousand pounds.	15044
(I) "Metric ton" means a measure of weight equal to one	15045
thousand kilograms.	15046
(J) "Pelletized lime" means a finely ground limestone product	15047
or manufactured material that is held together in a granulated	15048
form by a water soluble binding agent and that is capable of	15049
neutralizing soil acidity.	15050

(K) "Water treatment lime sludge" means lime sludge generated 15051
during the process of treating water supplies having levels of 15052
heavy metals at or below the levels permitted in standards adopted 15053
by the director of environmental protection governing the land 15054
application of lime sludge so generated. 15055

(L) "Distribute" means to offer for sale, sell, barter, or 15056
otherwise supply liming material in this state. 15057

(M) "Official sample" means any sample of liming material 15058
taken and designated as "official" by the director of agriculture 15059
or the director's designee. 15060

(N) "Effective neutralizing power" means the neutralizing 15061
value of liming material based on the total neutralizing power and 15062
fineness that is expressed as a dry weight percentage. 15063

(O) "Fineness index" means the percentage by weight of a 15064
liming material that will pass designated sieves, calculated to 15065
account for particle size distribution by adding the amounts 15066
arrived at under divisions (O)(1), (2), and (3) of this section as 15067
follows: 15068

(1) Two-tenths multiplied by the percentage of material 15069
passing a number eight United States standard sieve minus the 15070
percentage of material passing a number twenty United States 15071
standard sieve. 15072

(2) Six-tenths multiplied by the percentage of material 15073
passing a number twenty United States standard sieve minus the 15074
percentage of material passing a number sixty United States 15075
standard sieve. 15076

(3) One multiplied by the percentage of material passing a 15077
number sixty United States standard sieve. 15078

Sec. 905.52. (A) Except as provided in section 905.53 of the 15079
Revised Code, no person shall manufacture, sell, or distribute in 15080

this state liming material without a license to do so issued by 15081
the department of agriculture. 15082

(B) Each such license expires on the thirty-first day of 15083
December of each year and shall be renewed according to the 15084
standard renewal procedure of sections 4745.01 to 4745.03 of the 15085
Revised Code. 15086

(C) Each application for issuance or renewal of such a 15087
license shall: 15088

(1) Include the name and address of the applicant and the 15089
name and address of each bulk distribution point from which the 15090
applicant's liming material will be distributed in this state; 15091

(2) Be accompanied by a license fee of fifty dollars: 15092

(a) For each location at which liming material is 15093
manufactured in this state; 15094

(b) For each location out of the state from which liming 15095
material is distributed or sold in this state to nonlicensees. 15096

(3) Be accompanied by a label for each product name and 15097
grade. 15098

(D) The name and address of the applicant shown on the 15099
application shall be shown on all labels, pertinent invoices, and 15100
bulk storage for liming material distributed or sold by the 15101
licensee in this state. 15102

(E) The licensee shall inform the department in writing of 15103
additional distribution points established during the period of 15104
the license. 15105

(F) All money collected under this section shall be credited 15106
to the pesticide, fertilizer, and lime program fund created in 15107
section 921.22 of the Revised Code. 15108

Sec. 905.56. (A) Each licensee shall file with the department 15109

of agriculture an annual tonnage report that includes the number 15110
of net tons of liming material sold or distributed to a 15111
non-licensee in this state, by county, by oxide and hydrate forms, 15112
and by grade as defined in section 905.54 of the Revised Code, 15113
within forty days after the thirty-first day of December of each 15114
calendar year. The inspection fee at the rate stated in division 15115
(B) of this section shall accompany this report. 15116

(B) Each licensee who sells or distributes more than 15117
twenty-five hundred tons of agricultural liming material in this 15118
state shall pay to the department an inspection fee. The 15119
inspection fee is one fourth of one cent for each ton in excess of 15120
twenty-five hundred tons, as reported in the tonnage report 15121
required by division (A) of this section. The maximum inspection 15122
fee is three hundred dollars. 15123

(C) If a tonnage report is not filed, or if the inspection 15124
fee is not paid within ten days after the due date, a penalty of 15125
ten per cent of the amount due, with a minimum penalty of ten 15126
dollars, shall be assessed against the licensee. The amount of fee 15127
due, plus penalty, shall constitute a debt and shall become the 15128
basis of a judgment against the licensee. Such remedy is in 15129
addition to the remedy provided in section 905.62 of the Revised 15130
Code. 15131

(D) The director of agriculture may inspect the inventories, 15132
books, and records of any licensee in order to verify a tonnage 15133
report. If the director finds that a tonnage report is erroneous, 15134
the director may adjust the inspection fee, may assess any balance 15135
due against the licensee, and may impose a penalty not to exceed 15136
ten per cent of the balance due, or may refund any overpayment. 15137

(E) All money collected under this section shall be credited 15138
to the pesticide, fertilizer, and lime program fund created in 15139
section 921.22 of the Revised Code. 15140

Sec. 907.13. No person shall label agricultural, vegetable, 15141
or flower seed that is intended for sale in this state unless the 15142
person holds a valid seed labeler permit that has been issued by 15143
the director of agriculture in accordance with this section. 15144

A person who wishes to obtain a seed labeler permit shall 15145
file an application with the director on a form that the director 15146
provides and shall submit a permit fee in the amount of ten 15147
dollars. Such a person who labels seed under more than one name or 15148
at more than one address shall obtain a separate seed labeler 15149
permit and pay a separate permit fee for each name and address. 15150

The applicant shall include the applicant's full name and 15151
address on the application together with any additional 15152
information that the director requires by rules adopted under 15153
section 907.10 of the Revised Code. If the applicant's address is 15154
not within this state or it does not represent a location in this 15155
state where the director can collect samples of the applicant's 15156
seed for analysis, then the applicant shall include on the 15157
application an address within this state where samples of the 15158
applicant's seed may be collected for those purposes or shall 15159
agree to provide the director or the director's authorized 15160
representative with seeds for sampling upon request. 15161

Upon receipt of a complete application accompanied by the 15162
ten-dollar permit fee, the director shall issue a seed labeler's 15163
permit to the applicant. All seed labeler permits that are issued 15164
under this section shall expire on the thirty-first day of 15165
December of each year regardless of the date on which a permit was 15166
issued during that year. 15167

Each person who obtains a seed labeler permit shall label the 15168
seed that the person intends for sale in this state in accordance 15169
with the requirements established in sections 907.01 to 907.17 of 15170
the Revised Code. Each person who holds a valid seed labeler 15171

permit shall keep the permit posted in a conspicuous place in the 15172
principal seed room from which the person sells seed and shall 15173
comply with the reporting and fee requirements that are 15174
established in section 907.14 of the Revised Code. 15175

All money collected under this section shall be credited to 15176
the commercial feed and seed fund created in section 923.46 of the 15177
Revised Code. 15178

Sec. 907.14. (A) A person who holds a valid seed labeler 15179
permit issued under section 907.13 of the Revised Code shall 15180
report to the director of agriculture concerning the amount of 15181
seed that the person sells in this state. The report shall be made 15182
semiannually on a form that the director prescribes and provides. 15183
One semiannual report shall be filed with the director prior to 15184
the first day of February of each year with respect to all sales 15185
that the person made during the period from the first day of July 15186
to the thirty-first day of December of the preceding year. The 15187
second semiannual report shall be filed prior to the first day of 15188
August of each year with respect to all sales that the person made 15189
during the period from the first day of January to the thirtieth 15190
day of June of that year. 15191

(B) A person who holds a valid seed labeler permit shall 15192
include with each semiannual report a seed fee based on the amount 15193
of the seed that the person sold during that reporting period as 15194
follows: 15195

(1) For soybeans and small grains, including barley, oats, 15196
rye, wheat, triticale, and spelt, four cents per one hundred 15197
pounds; 15198

(2) For corn and grain sorghum, five cents per one hundred 15199
pounds; 15200

(3)(a) For any of the following seed sold at wholesale or 15201

retail or on consignment or commission, two per cent of the 15202
wholesale value of the containers of seed or, if the seed is not 15203
sold wholesale, two per cent of the retail value of the containers 15204
of seed: 15205

(i) Vegetable and flower seed sold in containers, other than 15206
hermetically sealed containers, of eight ounces or less; 15207

(ii) Flower seed sold in hermetically sealed containers that 15208
contain fewer than three hundred seeds; 15209

(iii) Vegetable seed sold in hermetically sealed containers 15210
that contain fewer than one thousand seeds. 15211

(b) The fees established pursuant to divisions (B)(3)(a)(ii) 15212
and (iii) of this section apply to both of the following: 15213

(i) Seed sold in hermetically sealed containers that contain 15214
the amount of seeds specified in division (B)(3)(a)(ii) or (iii) 15215
of this section, as applicable; 15216

(ii) Seed sold in hermetically sealed containers that do not 15217
clearly state the number of seeds that they contain. 15218

(c) Except as otherwise provided in division (B)(3)(b)(ii) of 15219
this section, if the weight of seed in a container, or the 15220
quantity of seed in a container, exceeds the applicable weight or 15221
quantity specified in division (B)(3)(a)(i), (ii), or (iii) of 15222
this section, the fee established in division (B)(4) of this 15223
section applies. 15224

(4) For alfalfa, clover, grass, native grass, mixtures 15225
containing any of these, and all agricultural, vegetable, and 15226
flower seeds not specified in divisions (B)(1) to (3) of this 15227
section, ten cents per one hundred pounds. 15228

If the total amount of the seed fee that is due is less than 15229
five dollars, the person shall pay the minimum seed fee, which is 15230
five dollars. 15231

(C) For each failure to report in full the amount of seed 15232
sold or to submit the required seed fees in full by the due date, 15233
a person who holds a valid seed labeler permit shall pay a penalty 15234
of ten per cent of the amount due or fifty dollars, whichever is 15235
greater. Failure to pay either the fee or the penalty within 15236
thirty days after the due date is cause for suspension or 15237
revocation by the director of the seed labeler permit or refusal, 15238
without a hearing, to issue a subsequent seed labeler permit for 15239
which the person applies. 15240

(D) This section does not apply to governmental entities that 15241
donate seed for conservation purposes. 15242

(E) All money collected under this section shall be credited 15243
to the commercial feed and seed fund created in section 923.46 of 15244
the Revised Code. 15245

Sec. 907.30. (A) No person shall apply legume inoculants to 15246
seed for sale in ~~Ohio~~, this state for others or to a customer's 15247
order unless ~~he shall have~~ the person has obtained from the 15248
director of agriculture a legume inoculator's license for each 15249
such place of business where seed is inoculated. Application for 15250
such a license shall be made on a form obtainable from the 15251
director and shall be accompanied by a fee of five dollars. ~~Said~~ 15252
The application shall include the name of the brand, or brands of 15253
legume inoculant to be used together with the name of the 15254
manufacturer, and the name of the process or technique used to 15255
apply the inoculant to the seed. All such licenses shall expire 15256
each year on the thirty-first day of January and shall be renewed 15257
according to the standard renewal procedure of sections 4745.01 to 15258
4745.03, ~~inclusive~~, of the Revised Code. 15259

(B) The legume inoculator shall keep for a period of eighteen 15260
months, ~~records which~~ that shall include complete data concerning 15261
the source and lot number of the inoculant material used, the rate 15262

and date of application, and the lot identity by owner and lot number, if any, of the seed to which the material was applied. 15263
15264

(C) All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code. 15265
15266
15267

Sec. 907.31. Any person who submits an application for the registration of a brand of legume inoculant shall pay annually, prior to the first day of January, a registration and inspection fee in the amount of fifty dollars per brand. 15268
15269
15270
15271

The registration shall be renewed according to the standard renewal procedure established in Chapter 4745. of the Revised Code. 15272
15273
15274

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code. 15275
15276
15277

Sec. 915.24. (A) There is hereby created in the state treasury the food safety fund. All of the following moneys shall be credited to the fund: 15278
15279
15280

(1) Bakery registration fees and fines received under sections 911.02 to 911.20 of the Revised Code; 15281
15282

(2) Cannery license fees and renewal fees received under sections 913.01 to 913.05 of the Revised Code; 15283
15284

(3) Moneys received under sections 913.22 to 913.28 of the Revised Code; 15285
15286

(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code; 15287
15288

(5) License fees collected under sections 915.14 to 915.23 of the Revised Code; 15289
15290

(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;	15291 15292 15293
(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale;	15294 15295
<u>(8) Registration fees and other fees collected by the director under section 3715.041 of the Revised Code.</u>	15296 15297
(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.	15298 15299 15300
Sec. 918.08. (A) Except as provided in division (F) of this section, no person shall operate an establishment without first licensing the establishment with the department of agriculture. The owner of an establishment desiring a license with the department may make application therefor on forms provided by the department. If after inspection the director of agriculture finds that an establishment is in compliance with this chapter and rules adopted under it, the director shall notify the owner of the establishment and, upon receipt of the required license fee, the establishment shall be permitted to operate. However, if after inspection the director finds that an establishment is not in compliance with this chapter and rules adopted under it, the director shall deny the license application. The applicant may appeal the denial of the license application in accordance with Chapter 119. of the Revised Code. The license shall expire annually on the thirty-first day of March and, if the director finds that the establishment is in compliance with this chapter and rules adopted under it, shall be renewed according to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.	15301 15302 15303 15304 15305 15306 15307 15308 15309 15310 15311 15312 15313 15314 15315 15316 15317 15318 15319 15320
(B) The annual license fee for each establishment, or a	15321

renewal thereof, is ~~fifty~~ one hundred dollars. All fees collected 15322
under this section shall be deposited into the poultry and meat 15323
products fund created in section 918.15 of the Revised Code. 15324

(C) If after inspection the director determines that an 15325
establishment licensed under division (A) of this section is 15326
operating in violation of this chapter or the rules adopted 15327
thereunder, the director shall notify the licensee in writing of 15328
the violation and give the licensee ten days from the date of 15329
notice to cease or correct the conditions causing the violation. 15330
If the conditions causing the violation continue after the 15331
expiration of the ten-day period, the director may do either of 15332
the following: 15333

(1) Impose progressive enforcement actions as provided in 15334
division (D)(1) of this section in the same manner as inspectors; 15335

(2) Suspend or revoke the establishment's license in 15336
accordance with Chapter 119. of the Revised Code. 15337

(D)(1) If an inspector determines that an establishment 15338
licensed under division (A) of this section is operating in 15339
violation of sections 918.01 to 918.12 of the Revised Code and 15340
rules adopted under those sections, the inspector may notify the 15341
licensee in writing of the violation. The inspector immediately 15342
may impose progressive enforcement actions, including withholding 15343
the mark of inspection, suspension of inspection, suspension of 15344
inspection held in abeyance, and withdrawal of inspection. The 15345
progressive enforcement actions may be taken prior to affording 15346
the licensee an opportunity for a hearing. As authorized in 15347
division (C) of section 119.06 of the Revised Code, a decision to 15348
impose a progressive enforcement action is immediately appealable 15349
to a higher authority within the department who is classified by 15350
the director as a district supervisor and who is designated by the 15351
director to hear the appeal. If the district supervisor affirms 15352
the enforcement action of the inspector, the licensee may appeal 15353

the enforcement action in accordance with Chapter 119. of the 15354
Revised Code. 15355

(2) As used in division (D)(1) of this section, "suspension 15356
of inspection held in abeyance" means a period of time during 15357
which a suspension of inspection is lifted because an 15358
establishment has presented the director with a corrective action 15359
plan that, if implemented properly, would bring the establishment 15360
into compliance with this chapter and rules adopted under it. 15361

(E) If in the opinion of the director the establishment is 15362
being operated under such insanitary conditions as to be a hazard 15363
to public health, or if the director determines that an 15364
establishment is not in compliance with its hazard analysis 15365
critical control point plan as required by rules, the director may 15366
condemn or retain the product on hand and immediately withdraw 15367
inspection from the establishment until the insanitary conditions 15368
are corrected or until the establishment is in compliance with its 15369
hazard analysis critical control point plan, as applicable. The 15370
director may take those actions prior to an adjudication hearing 15371
as required under section 119.06 of the Revised Code. The director 15372
subsequently shall afford a hearing upon the request of the owner 15373
or operator of the establishment. 15374

(F) Any person operating an establishment as defined in 15375
section 918.01 of the Revised Code who also operates on the same 15376
premises an establishment as defined in section 918.21 of the 15377
Revised Code shall apply either for licensure under section 918.08 15378
of the Revised Code or for licensure under section 918.28 of the 15379
Revised Code, but not for both, as the director shall determine. 15380

(G) If the director determines that the owner or operator of 15381
or any person employed by an establishment licensed under division 15382
(A) of this section forcibly assaulted, resisted, opposed, 15383
impeded, intimidated, or interfered with any person while that 15384
person was engaged in, or because of the person's performance of, 15385

official duties under sections 918.01 to 918.12 of the Revised Code or the rules adopted under those sections, the director immediately may withdraw inspection from the establishment prior to an adjudication hearing as required under section 119.06 of the Revised Code.

(H) In addition to any remedies provided by law and irrespective of whether or not there exists an adequate remedy at law, the director may apply to the court of common pleas of the county in which a violation of sections 918.01 to 918.12 of the Revised Code or rules adopted under those sections occurs for a temporary or permanent injunction or other appropriate relief concerning the violation.

Sec. 918.28. (A) Except as provided in division (F) of section 918.08 of the Revised Code, application for a license to operate an establishment shall be made to the director of agriculture on forms provided by the department of agriculture. The director shall inspect the establishment and if, upon inspection, the establishment is found to be in compliance with this chapter and rules adopted under it, the director shall so notify the owner of the establishment and, upon receipt of the annual license fee of ~~fifty~~ one hundred dollars, shall issue the owner a license. However, if after inspection the director finds that an establishment is not in compliance with this chapter and rules adopted under it, the director shall deny the license application. The applicant may appeal the denial of the license application in accordance with Chapter 119. of the Revised Code. The license shall expire on the thirty-first day of March of each year and, if the director finds that the establishment is in compliance with this chapter and rules adopted under it, shall be renewed according to the standard renewal procedures of sections 4745.01 to 4745.03 of the Revised Code.

(B) If after inspection the director determines that an establishment licensed under this section is operating in violation of this chapter or a rule or order adopted or issued under authority thereof, the director shall notify the licensee in writing of the violation, giving the licensee ten days from the date of the notice to correct the conditions causing the violation. If the conditions are not corrected within the ten-day period, the director may do either of the following:

(1) Impose progressive enforcement actions as provided in division (C)(1) of this section in the same manner as inspectors;

(2) Suspend or revoke the license in accordance with Chapter 119. of the Revised Code.

(C)(1) If an inspector determines that an establishment licensed under division (A) of this section is operating in violation of sections 918.21 to 918.31 of the Revised Code and rules adopted under those sections, the inspector may notify the licensee in writing of the violation. The inspector immediately may impose progressive enforcement actions, including withholding the mark of inspection, suspension of inspection, suspension of inspection held in abeyance, and withdrawal of inspection. The progressive enforcement actions may be taken prior to affording the licensee an opportunity for a hearing. As authorized in division (C) of section 119.06 of the Revised Code, a decision to impose a progressive enforcement action is immediately appealable to a higher authority within the department who is classified by the director as a district supervisor and who is designated by the director to hear the appeal. If the district supervisor affirms the enforcement action of the inspector, the licensee may appeal the enforcement action in accordance with Chapter 119. of the Revised Code.

(2) As used in division (C)(1) of this section, "suspension of inspection held in abeyance" means a period of time during

which a suspension of inspection is lifted because an 15449
establishment has presented the director with a corrective action 15450
plan that, if implemented properly, would bring the establishment 15451
into compliance with this chapter and rules adopted under it. 15452

(D) If in the opinion of the director the establishment is 15453
being operated under such insanitary conditions as to be a hazard 15454
to public health, or if the director determines that an 15455
establishment is not in compliance with its hazard analysis 15456
critical control point plan as required by rules, the director may 15457
condemn or retain the product on hand and immediately withdraw 15458
inspection from the establishment until such time as the 15459
insanitary conditions are corrected or until the establishment is 15460
in compliance with its hazard analysis critical control point 15461
plan, as applicable. 15462

(E) If the director determines that the owner or operator of 15463
or any person employed by an establishment licensed under division 15464
(A) of this section forcibly assaulted, resisted, opposed, 15465
impeded, intimidated, or interfered with any person while that 15466
person was engaged in, or because of the person's performance of, 15467
official duties under sections 918.21 to 918.31 of the Revised 15468
Code or the rules adopted under those sections, the director 15469
immediately may withdraw inspection from the establishment prior 15470
to an adjudication hearing as required under section 119.06 of the 15471
Revised Code. 15472

(F) In addition to any remedies provided by law and 15473
irrespective of whether or not there exists an adequate remedy at 15474
law, the director may apply to the court of common pleas of the 15475
county in which a violation of sections 918.21 to 918.31 of the 15476
Revised Code or rules adopted under those sections occurs for a 15477
temporary or permanent injunction or other appropriate relief 15478
concerning the violation. 15479

Sec. 921.02. (A) No person shall distribute a pesticide 15480
within this state unless the pesticide is registered with the 15481
director of agriculture under this chapter. Registrations shall be 15482
issued for a period of time established by rule and shall be 15483
renewed in accordance with deadlines established by rule. 15484
Registration is not required if a pesticide is shipped from one 15485
plant or warehouse to another plant or warehouse operated by the 15486
same person and used solely at that plant or warehouse as a 15487
constituent part to make a pesticide that is registered under this 15488
chapter, or if the pesticide is distributed under the provisions 15489
of an experimental use permit issued under section 921.03 of the 15490
Revised Code or an experimental use permit issued by the United 15491
States environmental protection agency. 15492

(B) The applicant for registration of a pesticide shall file 15493
a statement with the director on a form provided by the director, 15494
which shall include all of the following: 15495

(1) The name and address of the applicant and the name and 15496
address of the person whose name will appear on the label, if 15497
other than the applicant's name; 15498

(2) The brand and product name of the pesticide; 15499

(3) Any necessary information required for completion of the 15500
department of agriculture's application for registration, 15501
including the agency registration number; 15502

(4) A complete copy of the labeling accompanying the 15503
pesticide and a statement of all claims to be made for it, 15504
including the directions for use and the use classification as 15505
provided for in the federal act. 15506

(C) The director, when the director considers it necessary in 15507
the administration of this chapter, may require the submission of 15508
the complete formula of any pesticide including the active and 15509

inert ingredients. 15510

(D) The director may require a full description of the tests 15511
made and the results thereof upon which the claims are based for 15512
any pesticide. The director shall not consider any data submitted 15513
in support of an application, without permission of the applicant, 15514
in support of any other application for registration unless the 15515
other applicant first has offered to pay reasonable compensation 15516
for producing the test data to be relied upon and the data are not 15517
protected from disclosure by section 921.04 of the Revised Code. 15518
In the case of a renewal of registration, a statement shall be 15519
required only with respect to information that is different from 15520
that furnished when the pesticide was registered or last 15521
registered. 15522

(E) The director may require any other information to be 15523
submitted with an application. 15524

Any applicant may designate any portion of the required 15525
registration information as a trade secret or confidential 15526
business information. Upon receipt of any required registration 15527
information designated as a trade secret or confidential business 15528
information, the director shall consider the designated 15529
information as confidential and shall not reveal or cause to be 15530
revealed any such designated information without the consent of 15531
the applicants, except to persons directly involved in the 15532
registration process described in this section or as required by 15533
law. 15534

(F) Beginning January 1, 2007, each applicant shall pay a 15535
registration and inspection fee of one hundred fifty dollars for 15536
each product name and brand registered for the company whose name 15537
appears on the label. If an applicant files for a renewal of 15538
registration after the deadline established by rule, the applicant 15539
shall pay a penalty fee of seventy-five dollars for each product 15540
name and brand registered for the applicant. The penalty fee shall 15541

be added to the original fee and paid before the renewal 15542
registration is issued. In addition to any other remedy available 15543
under this chapter, if a pesticide that is not registered pursuant 15544
to this section is distributed within this state, the person 15545
required to register the pesticide shall do so and shall pay a 15546
penalty fee of seventy-five dollars for each product name and 15547
brand registered for the applicant. The penalty fee shall be added 15548
to the original fee of one hundred fifty dollars and paid before 15549
the registration is issued. 15550

(G) Provided that the state is authorized by the 15551
administrator of the United States environmental protection agency 15552
to register pesticides to meet special local needs, the director 15553
shall require the information set forth under divisions (B), (C), 15554
(D), and (E) of this section and shall register any such pesticide 15555
after determining that all of the following conditions are met: 15556

(1) Its composition is such as to warrant the proposed claims 15557
for it. 15558

(2) Its labeling and other material required to be submitted 15559
comply with the requirements of the federal act and of this 15560
chapter, and rules adopted thereunder. 15561

(3) It will perform its intended function without 15562
unreasonable adverse effects on the environment. 15563

(4) When used in accordance with widespread and commonly 15564
recognized practice, it will not generally cause unreasonable 15565
adverse effects on the environment. 15566

(5) The classification for general or restricted use is in 15567
conformity with the federal act. 15568

The director shall not make any lack of essentiality a 15569
criterion for denying the registration of any pesticide. When two 15570
pesticides meet the requirements of division (G) of this section, 15571
the director shall not register one in preference to the other. 15572

(H)(1) The director may refuse to register a pesticide if the application for registration fails to comply with this section.

(2) The director may suspend or revoke a pesticide registration after a hearing in accordance with Chapter 119. of the Revised Code for a pesticide that fails to meet the claims made for it on its label.

(3) The director may immediately suspend a pesticide registration, prior to a hearing, when the director believes that the pesticide poses an immediate hazard to human or animal health or a hazard to the environment. Not later than fifteen days after suspending the registration, the director shall determine whether the pesticide poses such a hazard. If the director determines that no hazard exists, the director shall lift the suspension of the registration. If the director determines that a hazard exists, the director shall revoke the registration in accordance with Chapter 119. of the Revised Code.

(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

(a) Apply pesticides for a pesticide business without direct supervision;

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of

this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an education service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;

(viii) Colleges as defined in section 3365.01 of the Revised Code;

(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;

(x) Any other site designated by rule.

(e) Conduct authorized diagnostic inspections. 15633

(2) Divisions (A)(1)(a) to (d) of this section do not apply 15634
to an individual who is acting as a trained serviceperson under 15635
the direct supervision of a commercial applicator. 15636

(3) Licenses shall be issued for a period of time established 15637
by rule and shall be renewed in accordance with deadlines 15638
established by rule. The fee for each such license shall be 15639
established by rule. If a license is not issued or renewed, the 15640
application fee shall be retained by the state as payment for the 15641
reasonable expense of processing the application. The director 15642
shall by rule classify by pesticide-use category licenses to be 15643
issued under this section. A single license may include more than 15644
one pesticide-use category. No individual shall be required to pay 15645
an additional license fee if the individual is licensed for more 15646
than one category. 15647

The fee for each license or renewal does not apply to an 15648
applicant who is an employee of the department of agriculture 15649
whose job duties require licensure as a commercial applicator as a 15650
condition of employment. 15651

(B) Application for a commercial applicator license shall be 15652
made on a form prescribed by the director. Each application for a 15653
license shall state the pesticide-use category or categories of 15654
license for which the applicant is applying and other information 15655
that the director determines essential to the administration of 15656
this chapter. 15657

(C) If the director finds that the applicant is competent to 15658
apply pesticides and conduct diagnostic inspections and that the 15659
applicant has passed both the general examination and each 15660
applicable pesticide-use category examination as required under 15661
division (A) of section 921.12 of the Revised Code, the director 15662
shall issue a commercial applicator license limited to the 15663

pesticide-use category or categories for which the applicant is 15664
found to be competent. If the director rejects an application, the 15665
director may explain why the application was rejected, describe 15666
the additional requirements necessary for the applicant to obtain 15667
a license, and return the application. The applicant may resubmit 15668
the application without payment of any additional fee. 15669

(D)(1) A person who is a commercial applicator shall be 15670
deemed to hold a private applicator's license for purposes of 15671
applying pesticides on agricultural commodities that are produced 15672
by the commercial applicator. 15673

(2) A commercial applicator shall apply pesticides only in 15674
the pesticide-use category or categories in which the applicator 15675
is licensed under this chapter. 15676

(E) All money collected under this section shall be credited 15677
to the pesticide, fertilizer, and lime program fund created in 15678
section 921.22 of the Revised Code. 15679

Sec. 921.09. (A)(1) No person shall own or operate a 15680
pesticide business without obtaining a license from the director 15681
of agriculture. Licenses shall be issued for a period of time 15682
established by rule and shall be renewed in accordance with 15683
deadlines established by rule. 15684

(2) A person applying for a pesticide business license shall 15685
register each location that is owned by the person and used for 15686
the purpose of engaging in the pesticide business. 15687

(B) Any person who owns or operates a pesticide business 15688
outside of this state, but engages in the business of applying 15689
pesticides to properties of another for hire in this state, shall 15690
obtain a license for the person's principal out-of-state location 15691
from the director. In addition, the person shall register each 15692
location that is owned by the person in this state and used for 15693

the purpose of engaging in the pesticide business. 15694

(C)(1) The person applying for a pesticide business license 15695
shall file a statement with the director, on a form provided by 15696
the director, that shall include all of the following: 15697

(a) The address of the principal place of business of the 15698
pesticide business; 15699

(b) The address of each location that the person intends to 15700
register under division (A)(2) or (B) of this section; 15701

(c) Any other information that the director determines 15702
necessary and that the director requires by rule. 15703

(2) Each applicant shall pay a license fee established by 15704
rule for the pesticide business plus an additional fee established 15705
by rule for each pesticide business registered location specified 15706
in the application. The license may be renewed upon payment of a 15707
renewal fee established by rule plus an additional fee established 15708
by rule for each pesticide business registered location. A copy of 15709
the license shall be maintained and conspicuously displayed at 15710
each such location. 15711

(3) The issuance of a pesticide business license constitutes 15712
registration of any pesticide business location identified in the 15713
application under division (C)(1) of this section. 15714

(4) The owner or operator of a pesticide business shall 15715
notify the director not later than fifteen days after any change 15716
occurs in the information required under division (C)(1)(a) or (b) 15717
of this section. 15718

(D) The owner or operator of a pesticide business shall 15719
employ at least one commercial applicator for each pesticide 15720
business registered location the owner or operator owns or 15721
operates. 15722

(E) The owner or operator of a pesticide business is 15723

responsible for the acts of each employee in the handling, 15724
application, and use of pesticides and in the conducting of 15725
diagnostic inspections. The pesticide business license is subject 15726
to denial, modification, suspension, or revocation after a hearing 15727
for any violation of this chapter or any rule adopted or order 15728
issued under it. The director may levy against the owner or 15729
operator any civil penalties authorized by division (B) of section 15730
921.16 of the Revised Code for any violation of this chapter or 15731
any rule adopted or order issued under it that is committed by the 15732
owner or operator or by the owner's or operator's officer, 15733
employee, or agent. 15734

(F) The director may modify a license issued under this 15735
section by one of the following methods: 15736

(1) Revoking a licensee's authority to operate out of a 15737
particular pesticide business registered location listed under 15738
division (C)(1)(b) of this section; 15739

(2) Preventing a licensee from operating within a specific 15740
pesticide-use category. 15741

(G) The director may deny a pesticide business license to any 15742
person whose pesticide business license has been revoked within 15743
the previous thirty-six months. 15744

(H) Each pesticide business registered location that is owned 15745
by a pesticide business is subject to inspection by the director. 15746

(I) All money collected under this section shall be credited 15747
to the pesticide, fertilizer, and lime program fund created in 15748
section 921.22 of the Revised Code. 15749

Sec. 921.11. (A)(1) No individual shall apply restricted use 15750
pesticides unless the individual is one of the following: 15751

(a) Licensed under section 921.06 of the Revised Code; 15752

(b) Licensed under division (B) of this section; 15753

(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator; 15754
15755

(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator. 15756
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(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following: 15759
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15761

(a) Licensed under section 921.06 of the Revised Code; 15762

(b) Licensed under division (B) of this section. 15763

(B) The director of agriculture shall adopt rules to establish standards and procedures for the licensure of private applicators. An individual shall apply for a private applicator license to the director, on forms prescribed by the director. The individual shall include in the application the pesticide-use category or categories of the license for which the individual is applying and any other information that the director determines is essential to the administration of this chapter. The fee for each license shall be established by rule. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. If a license is not issued or renewed, the state shall retain any fee submitted as payment for reasonable expenses of processing the application. 15764
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(C) An individual who is licensed under this section shall use or directly supervise the use of a restricted use pesticide only for the purpose of producing agricultural commodities on property that is owned or rented by the individual or the individual's employer. 15777
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(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code. 15782
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Sec. 921.13. (A) Any person who is acting in the capacity of 15785
a pesticide dealer or who advertises or assumes to act as a 15786
pesticide dealer at any time shall obtain a pesticide dealer 15787
license from the director of agriculture. Licenses shall be issued 15788
for a period of time established by rule and shall be renewed in 15789
accordance with deadlines established by rule. A license is 15790
required for each location or outlet within this state from which 15791
the person distributes pesticides. 15792

Any pesticide dealer who has no pesticide dealer outlets in 15793
this state and who distributes restricted use pesticides directly 15794
into this state shall obtain a pesticide dealer license from the 15795
director for the pesticide dealer's principal out-of-state 15796
location or outlet and for each sales person operating in the 15797
state. 15798

The applicant shall include a license fee established by rule 15799
with the application for a license. The application shall be made 15800
on a form prescribed by the director. 15801

Each pesticide dealer shall submit records to the director of 15802
all of the restricted use pesticides the pesticide dealer has 15803
distributed, as specified by the director, and duplicate records 15804
shall be retained by the pesticide dealer for a period of time 15805
established by rules. 15806

(B) This section does not apply to any federal, state, 15807
county, or municipal agency that provides pesticides for its own 15808
programs. 15809

(C) Each licensed pesticide dealer is responsible for the 15810
acts of each employee in the solicitation and sale of pesticides 15811
and all claims and recommendations for use of pesticides. The 15812
pesticide dealer's license is subject to denial, suspension, or 15813
revocation after a hearing for any violation of this chapter 15814
whether committed by the pesticide dealer or by the pesticide 15815

dealer's officer, agent, or employee. 15816

(D) All money collected under this section shall be credited 15817
to the pesticide, fertilizer, and lime program fund created in 15818
section 921.22 of the Revised Code. 15819

Sec. 921.16. (A) The director of agriculture shall adopt 15820
rules the director determines necessary for the effective 15821
enforcement and administration of this chapter. The rules may 15822
relate to, but are not limited to, the time, place, manner, and 15823
methods of application, materials, and amounts and concentrations 15824
of application of pesticides, may restrict or prohibit the use of 15825
pesticides in designated areas during specified periods of time, 15826
and shall encompass all reasonable factors that the director 15827
determines necessary to minimize or prevent damage to the 15828
environment. In addition, the rules shall establish the deadlines 15829
and time periods for registration, registration renewal, late 15830
registration renewal, and failure to register under section 921.02 15831
of the Revised Code; the fees for registration, registration 15832
renewal, late registration renewal, and failure to register under 15833
section 921.02 of the Revised Code that shall apply until the fees 15834
that are established under that section take effect on January 1, 15835
2007; and the fees, deadlines, and time periods for licensure and 15836
license renewal under sections 921.06, 921.09, 921.11, and 921.13 15837
of the Revised Code. 15838

(B) The director shall adopt rules that establish a schedule 15839
of civil penalties for violations of this chapter, or any rule or 15840
order adopted or issued under it, provided that the civil penalty 15841
for a first violation shall not exceed five thousand dollars and 15842
the civil penalty for each subsequent violation shall not exceed 15843
ten thousand dollars. In determining the amount of a civil penalty 15844
for a violation, the director shall consider factors relevant to 15845
the severity of the violation, including past violations and the 15846

amount of actual or potential damage to the environment or to	15847
human beings. <u>All money collected under this division shall be</u>	15848
<u>credited to the pesticide, fertilizer, and lime program fund</u>	15849
<u>created in section 921.22 of the Revised Code.</u>	15850
(C) The director shall adopt rules that set forth the	15851
conditions under which the director:	15852
(1) Requires that notice or posting be given of a proposed	15853
application of a pesticide;	15854
(2) Requires inspection, condemnation, or repair of equipment	15855
used to apply a pesticide;	15856
(3) Will suspend, revoke, or refuse to issue any pesticide	15857
registration for a violation of this chapter;	15858
(4) Requires safe handling, transportation, storage, display,	15859
distribution, and disposal of pesticides and their containers;	15860
(5) Ensures the protection of the health and safety of	15861
agricultural workers storing, handling, or applying pesticides,	15862
and all residents of agricultural labor camps, as that term is	15863
defined in section 3733.41 of the Revised Code, who are living or	15864
working in the vicinity of pesticide-treated areas;	15865
(6) Requires a record to be kept of all pesticide	15866
applications made by each commercial applicator and by any trained	15867
serviceperson acting under the commercial applicator's direct	15868
supervision and of all restricted use pesticide applications made	15869
by each private applicator and by any immediate family member or	15870
subordinate employee of that private applicator who is acting	15871
under the private applicator's direct supervision as required	15872
under section 921.14 of the Revised Code;	15873
(7) Determines the pesticide-use categories of diagnostic	15874
inspections that must be conducted by a commercial applicator;	15875
(8) Requires a record to be kept of all diagnostic	15876

inspections conducted by each commercial applicator and by any 15877
trained service person. 15878

(D) The director shall prescribe standards for the licensure 15879
of applicators of pesticides consistent with those prescribed by 15880
the federal act and the regulations adopted under it or prescribe 15881
standards that are more restrictive than those prescribed by the 15882
federal act and the regulations adopted under it. The standards 15883
may relate to the use of a pesticide or to an individual's 15884
pesticide-use category. 15885

The director shall take into consideration standards of the 15886
United States environmental protection agency. 15887

(E) The director may adopt rules setting forth the conditions 15888
under which the director will: 15889

(1) Collect and examine samples of pesticides or devices; 15890

(2) Specify classes of devices that shall be subject to this 15891
chapter; 15892

(3) Prescribe other necessary registration information. 15893

(F) The director may adopt rules that do either or both of 15894
the following: 15895

(1) Designate, in addition to those restricted uses so 15896
classified by the administrator of the United States environmental 15897
protection agency, restricted uses of pesticides for the state or 15898
for designated areas within the state and, if the director 15899
considers it necessary, to further restrict such use; 15900

(2) Define what constitutes "acting under the instructions 15901
and control of a commercial applicator" as used in the definition 15902
of "direct supervision" in division (Q)(1) of section 921.01 of 15903
the Revised Code. In adopting a rule under division (F)(2) of this 15904
section, the director shall consider the factors associated with 15905
the use of pesticide in the various pesticide-use categories. 15906

Based on consideration of the factors, the director may define 15907
"acting under the instructions and control of a commercial 15908
applicator" to include communications between a commercial 15909
applicator and a trained serviceperson that are conducted via 15910
landline telephone or a means of wireless communication. Any rules 15911
adopted under division (F)(2) of this section shall be drafted in 15912
consultation with representatives of the pesticide industry. 15913

(G) Except as provided in division (D) of this section, the 15914
director shall not adopt any rule under this chapter that is 15915
inconsistent with the requirements of the federal act and 15916
regulations adopted thereunder. 15917

(H) The director, after notice and opportunity for hearing, 15918
may declare as a pest any form of plant or animal life, other than 15919
human beings and other than bacteria, viruses, and other 15920
microorganisms on or in living human beings or other living 15921
animals, that is injurious to health or the environment. 15922

(I) The director may make reports to the United States 15923
environmental protection agency, in the form and containing the 15924
information the agency may require. 15925

(J) The director shall adopt rules for the application, use, 15926
storage, and disposal of pesticides if, in the director's 15927
judgment, existing programs of the United States environmental 15928
protection agency necessitate such rules or pesticide labels do 15929
not sufficiently address issues or situations identified by the 15930
department of agriculture or interested state agencies. 15931

(K) The director shall adopt rules establishing all of the 15932
following: 15933

(1) Standards, requirements, and procedures for the 15934
examination and re-examination of commercial applicators and 15935
private applicators; 15936

(2) With respect to training programs that the director may 15937

require commercial applicators and private applicators to 15938
complete: 15939

(a) Standards and requirements that a training program must 15940
satisfy in order to be offered by the director or the director's 15941
representative or in order to be approved by the director if a 15942
third party wishes to offer it; 15943

(b) Eligibility standards and requirements that must be 15944
satisfied by third parties who wish to provide the training 15945
programs; 15946

(c) Procedures that third parties must follow in order to 15947
submit a proposed training program to the director for approval; 15948

(d) Criteria that the director must consider when determining 15949
whether to authorize a commercial applicator or private applicator 15950
to participate in a training program instead of being required to 15951
pass a re-examination. 15952

(3) Training requirements for a trained serviceperson. 15953

(L) The director shall adopt all rules under this chapter in 15954
accordance with Chapter 119. of the Revised Code. 15955

Sec. 921.22. The pesticide, fertilizer, and lime program fund 15956
is hereby created in the state treasury. ~~The portion of the money~~ 15957
~~in the fund that is collected under this chapter shall be used to~~ 15958
~~carry out the purposes of this chapter. The portion of the money~~ 15959
~~in the fund that is collected under section 927.53 of the Revised~~ 15960
~~Code shall be used to carry out the purposes specified in that~~ 15961
~~section, the portion of the money in the fund that is collected~~ 15962
~~under section 927.69 of the Revised Code shall be used to carry~~ 15963
~~out the purposes specified in that section, and the portion of the~~ 15964
~~money in the fund that is collected under section 927.701 of the~~ 15965
~~Revised Code shall be used to carry out the purposes of that~~ 15966
~~section.~~ The fund shall consist of fees collected under sections 15967

921.01 to 921.15, division (F) of section 927.53, and section 15968
927.69 of the Revised Code, money collected under section 927.70~~1~~ 15969
money credited to it under this chapter and Chapter 905. of the 15970
Revised Code, and rules adopted under them and all fines, 15971
penalties, costs, and damages, except court costs, that are 15972
collected by either the director of agriculture or the attorney 15973
general in consequence of any violation of ~~this chapter~~ those 15974
chapters or rules adopted under them. The director shall use money 15975
in the fund to administer and enforce those chapters and rules 15976
adopted under them. 15977

The director shall keep accurate records of all receipts into 15978
and disbursements from the fund and shall prepare, and provide 15979
upon request, an annual report classifying the receipts and 15980
disbursements that pertain to pesticides, fertilizers, or lime. 15981

Sec. 921.27. (A) If the director of agriculture has 15982
reasonable cause to believe that a pesticide or device is being 15983
distributed, stored, transported, or used in violation of this 15984
chapter or of any rules, it shall be subject to seizure on 15985
complaint of the director to a court of competent jurisdiction in 15986
the locality in which the pesticide or device is located. 15987

(B) If the article is condemned, it shall, after entry or 15988
decree, be disposed of by destruction or sale as the court may 15989
direct and the proceeds, if the article is sold, less legal costs, 15990
shall be paid to the pesticide, fertilizer, and lime program fund 15991
created in section 921.22 of the Revised Code. The article shall 15992
not be sold contrary to this section. Upon payment of costs and 15993
execution and delivery of a good and sufficient bond conditioned 15994
that the article shall not be disposed of unlawfully, the court 15995
may direct that the article be delivered to the owner thereof for 15996
relabeling or reprocessing. 15997

Sec. 921.29. Fines, penalties, costs, and damages assessed 15998
against a person in consequence of violations of this chapter, as 15999
provided in this chapter or any other section of the Revised Code, 16000
shall be a lien in favor of the state upon the real and personal 16001
property of the person, upon the filing of a judgment or an order 16002
of the director of agriculture with the county in which the real 16003
and personal property is located. The real and personal property 16004
of the person shall be liable to execution for the fines, 16005
penalties, costs, and damages by the attorney general, who shall 16006
deposit any proceeds from an execution upon the property in the 16007
pesticide, fertilizer, and lime program fund created in section 16008
921.22 of the Revised Code. 16009

Sec. 923.44. (A)(1) Except as otherwise provided in divisions 16010
(A)(2), (3), and (4) of this section, the first distributor of a 16011
commercial feed shall pay the director of agriculture a semiannual 16012
inspection fee at the rate of twenty-five cents per ton, with a 16013
minimum payment of twenty-five dollars, on all commercial feeds 16014
distributed by the first distributor in this state. 16015
16016

(2) The semiannual inspection fee required under division 16017
(A)(1) of this section shall not be paid by the first distributor 16018
of a commercial feed if the distribution is made to an exempt 16019
buyer who shall be responsible for the fee. The director shall 16020
establish an exempt list consisting of those buyers who are 16021
responsible for the fee. 16022

(3) The semiannual inspection fee shall not be paid on a 16023
commercial feed if the fee has been paid by a previous 16024
distributor. 16025

(4) The semiannual inspection fee shall not be paid on 16026
customer-formula feed if the fee has been paid on the commercial 16027

feeds that are used as components in that customer-formula feed. 16028

(B) Each distributor or exempt buyer who is required to pay a 16029
fee under division (A)(1) or (2) of this section shall file a 16030
semiannual statement with the director that includes the number of 16031
net tons of commercial feed distributed by the distributor or 16032
exempt buyer in this state, within thirty days after the thirtieth 16033
day of June and within thirty days after the thirty-first day of 16034
December, respectively, of each calendar year. 16035

The inspection fee at the rate stated in division (A)(1) of 16036
this section shall accompany the statement. For a tonnage report 16037
that is not filed or payment of inspection fees that is not made 16038
within fifteen days after the due date, a penalty of ten per cent 16039
of the amount due, with a minimum penalty of fifty dollars shall 16040
be assessed against the distributor or exempt buyer. The amount of 16041
fees due, plus penalty, shall constitute a debt and become the 16042
basis of a judgment against the distributor or exempt buyer. 16043

(C) No information furnished under this section shall be 16044
disclosed by an employee of the department of agriculture in such 16045
a way as to divulge the operation of any person required to make 16046
such a report. 16047

(D) All money collected under this section shall be credited 16048
to the commercial feed and seed fund created in section 923.46 of 16049
the Revised Code. 16050

~~Sec. 923.46. All moneys collected by the director of 16051~~
~~agriculture under sections 923.41 to 923.55 of the Revised Code 16052~~
~~shall be deposited into the state treasury to the credit of the 16053~~
~~The commercial feed, fertilizer, and seed, and lime inspection and 16054~~
~~laboratory fund is hereby created in section 905.38 the state 16055~~
~~treasury. The fund shall consist of money credited to it under 16056~~
~~this chapter and Chapter 907. of the Revised Code.~~ 16057

The director shall ~~prepare and provide a report concerning~~ 16058
~~the fund in accordance with section 905.381 of the Revised Code~~ 16059
keep accurate records of all receipts into and disbursements from 16060
the fund and shall prepare, and provide upon request, an annual 16061
report classifying the receipts and disbursements that pertain to 16062
commercial feed or seed. 16063

Sec. 927.51. As used in sections 927.51 to ~~927.74~~ 927.73 of 16064
the Revised Code: 16065

(A) "Collected plant" means any plant dug or gathered from 16066
any wood lot, field, forest, or any other location in which such a 16067
plant is found growing in its native habitat. 16068

(B) "Collector" means any person who collects, for sale, 16069
plants from wood lots, fields, forests, or other native habitat. 16070

(C) "Dealer" means any person other than a nurseryman who 16071
offers for sale, sells, or distributes nursery stock, either 16072
exclusively or in connection with other merchandise, in or from 16073
any nursery, store, sales ground, stand, lot, truck, railway car, 16074
or other vehicle. "Dealer" includes any landscaper who sells or 16075
offers for sale nursery stock as a part of a grounds improvement 16076
project ~~which~~ that may involve the installation of such plants. 16077

(D) "Hardy," when applied to plants and bulbs, whether wild 16078
or cultivated, means capable of surviving the normal winter 16079
temperatures of this state. 16080

(E) "Host" means any plant or plant product from which any 16081
pest derives its food supply, or upon which it depends for its 16082
well being or to complete any part of its life cycle. 16083

(F) "Infested" means containing or harboring one or more 16084
pests or infected with one or more pests. 16085

(G) "Nursery" means any grounds or premises on or in which 16086
nursery stock is propagated or grown for sale. 16087

- (H) "Nurseryman" means a person who owns, leases, manages, or is in charge of a nursery. 16088
16089
- (I) "Nursery stock" means: 16090
- (1) Any hardy tree, shrub, plant, or bulb, whether wild or cultivated, except turfgrass, and any cutting, graft, scion, or bud thereof; 16091
16092
16093
- (2) Any nonhardy plant, or plant part, ~~which~~ that is to be offered for sale in any state ~~which~~ that requires inspection and certification of ~~such~~ the plant or plant part as a condition of entrance therein. 16094
16095
16096
16097
- (J) "Person" means any corporation, company, society, association, partnership, individual or combination of individuals, institution, park, or any public agency administered by the state or any subdivision of the state. 16098
16099
16100
16101
- (K) "Pest" means any insect, mite, nematode, bacteria, fungus, virus, parasitic plant, or any other organism or any stage of any such organism ~~which~~ that causes, or is capable of causing, injury, disease, or damage to any plant, plant part, or plant product. 16102
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- (L) "Place of business" means each separate location from which nursery stock is sold, offered for sale, or distributed. 16107
16108
- (M) "Intensive production area" means a place where nursery stock is propagated or grown using greenhouses, liner beds, lath beds, or containers. 16109
16110
16111
- (N) "Nonintensive production area" means any place where nursery stock is propagated or grown as field stock. 16112
16113
- (O) "Forced floral plants" means plants with desirable flower characteristics in which the bloom is artificially induced at an unnatural time of the year. 16114
16115
16116

Sec. 927.52. (A) The director of agriculture shall adopt and 16117
enforce any rules that are necessary to carry out sections 927.51 16118
to ~~927.74~~ 927.73 of the Revised Code. 16119

(B) The director may revoke, suspend, or refuse to issue any 16120
nursery certificate or dealer's license for any violation of 16121
sections 927.51 to 927.71 of the Revised Code, or of any rules 16122
adopted under those sections. 16123

(C) The director may publish reports describing nursery 16124
inspection and pest control operations authorized by sections 16125
927.51 to 927.71 of the Revised Code. 16126

Sec. 927.53. (A) Each collector or dealer who sells, offers, 16127
or exposes for sale, or distributes nursery stock within this 16128
state, or ships nursery stock to other states, shall pay an annual 16129
license fee of ~~fifty~~ one hundred twenty-five dollars to the 16130
director of agriculture for each place of business the collector 16131
or dealer operates. 16132

(B)(1) Each dealer shall furnish the director, annually, an 16133
affidavit that the dealer will buy and sell only nursery stock 16134
which has been inspected and certified by an official state or 16135
federal inspector. 16136

(2) Each dealer's license expires on the thirty-first day of 16137
December of each year. Each licensed dealer shall apply for 16138
renewal of the dealer's license prior to the first day of January 16139
of each year and in accordance with the standard renewal procedure 16140
of sections 4745.01 to 4745.03 of the Revised Code. 16141

(C) Each licensed nurseryperson shall post conspicuously in 16142
the nurseryperson's principal place of business, the certificate 16143
which is issued to the nurseryperson in accordance with section 16144
927.61 of the Revised Code. 16145

(D) Each licensed nurseryperson, or dealer, shall post 16146

conspicuously in each place of business, each certificate or 16147
license which is issued to the nurseryperson or dealer in 16148
compliance with this section or section 927.61 of the Revised 16149
Code. 16150

(E)(1) Each nurseryperson who produces, sells, offers for 16151
sale, or distributes woody nursery stock within the state, or 16152
ships woody nursery stock to other states, shall pay to the 16153
director an annual inspection fee of ~~fifty~~ one hundred dollars 16154
plus ~~four~~ eleven dollars per acre, or fraction thereof, of growing 16155
nursery stock in intensive production areas and ~~two~~ seven dollars 16156
per acre, or fraction thereof, of growing nursery stock in 16157
nonintensive production areas, as applicable. 16158

(2) Each nurseryperson who limits production and sales of 16159
nursery stock to brambles, herbaceous, perennial, and other 16160
nonwoody plants, shall pay to the director an inspection fee of 16161
~~thirty~~ one hundred dollars, plus ~~four~~ eleven dollars per acre, or 16162
fraction thereof, of growing nursery stock in intensive and 16163
nonintensive production areas. 16164

~~(F) On and after the effective date of this amendment, the 16165
following additional fees shall be assessed:~~ 16166

~~(1) Each collector or dealer who pays a fee under division 16167
(A) of this section shall pay an additional fee of twenty five 16168
dollars.~~ 16169

~~(2) Each nurseryperson who pays fees under division (E)(1) of 16170
this section shall pay additional fees as follows:~~ 16171

~~(a) Fifteen dollars for the inspection fee;~~ 16172

~~(b) Fifty cents per acre, or fraction thereof, of growing 16173
nursery stock in intensive production areas;~~ 16174

~~(c) One dollar and fifty cents per acre, or fraction thereof, 16175
of growing nursery stock in nonintensive production areas.~~ 16176

~~(3) Each nursery person who pays fees under division (E)(2) of this section shall pay additional fees as follows:~~ 16177
16178

~~(a) Thirty five dollars for the inspection fee;~~ 16179

~~(b) Fifty cents per acre, or fraction thereof, of growing stock in intensive and nonintensive production areas. The~~ 16180
16181

~~The fees collected under division (F) of this section shall be deposited into the state treasury credited to the credit of the pesticide plant pest program fund created in Chapter 921, section 927.54 of the Revised Code. Moneys so credited to the fund shall be used to pay the costs incurred by the department of agriculture in administering this chapter, including employing a minimum of two additional inspectors.~~ 16182
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Sec. 927.54. The plant pest program fund is hereby created in the state treasury. The fund shall consist of money credited to it under this chapter and any rules adopted under it. The director of agriculture shall use money in the fund to administer this chapter. 16189
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The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide upon request, an annual report classifying the receipts and disbursements that pertain to plant pests. 16194
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Sec. 927.56. (A) Each nurseryman, dealer, or collector of nursery stock, who resides in or has his principal place of business in another state and who sends nursery stock into this state without having a bona fide order in advance for all such nursery stock, shall obtain the same license ~~which~~ that is required by section 927.53 of the Revised Code. 16198
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(B) The director of agriculture may enter into such reciprocal contracts and agreements as ~~he~~ the director determines proper and expedient, with the proper authorities of other states 16204
16205
16206

or of the federal government to regulate the shipment, sale, and 16207
distribution of nursery stock in this state by persons residing in 16208
or located in another state, in accordance with sections 927.51 to 16209
~~927.74, inclusive,~~ 927.73 of the Revised Code. 16210

Sec. 927.69. To effect the purpose of sections 927.51 to 16211
~~927.74~~ 927.73 of the Revised Code, the director of agriculture or 16212
the director's authorized representative may: 16213

(A) Make reasonable inspection of any premises in this state 16214
and any property therein or thereon; 16215

(B) Stop and inspect in a reasonable manner, any means of 16216
conveyance moving within this state upon probable cause to believe 16217
it contains or carries any pest, host, commodity, or other article 16218
that is subject to sections 927.51 to 927.72 of the Revised Code; 16219

(C) Conduct inspections of agricultural products that are 16220
required by other states, the United States department of 16221
agriculture, other federal agencies, or foreign countries to 16222
determine whether the products are infested. If, upon making such 16223
an inspection, the director or the director's authorized 16224
representative determines that an agricultural product is not 16225
infested, the director or the director's authorized representative 16226
may issue a certificate, as required by other states, the United 16227
States department of agriculture, other federal agencies, or 16228
foreign countries, indicating that the product is not infested. 16229

If the director charges fees for any of the certificates, 16230
agreements, or inspections specified in this section, the fees 16231
shall be as follows: 16232

(1) Phyto sanitary certificates, twenty-five dollars for 16233
those collectors or dealers that are licensed under section 927.53 16234
of the Revised Code; 16235

(2) Phyto sanitary certificates, one hundred dollars for all 16236

others; 16237

(3) Compliance agreements, ~~twenty~~ forty dollars; 16238

~~(3) Solid wood packing certificates, twenty dollars;~~ 16239

(4) Agricultural products and their conveyances inspections, 16240
an amount equal to the hourly rate of pay in the highest step in 16241
the pay range, including fringe benefits, of a plant pest control 16242
specialist multiplied by the number of hours worked by such a 16243
specialist in conducting an inspection. 16244

The director may adopt rules under section 927.52 of the 16245
Revised Code that define the certificates, agreements, and 16246
inspections. 16247

The fees shall be ~~deposited into the state treasury~~ credited 16248
to the ~~credit of the pesticide~~ plant pest program fund created in 16249
~~Chapter 921. section 927.54~~ of the Revised Code. ~~Money credited to~~ 16250
~~the fund shall be used to pay the costs incurred by the department~~ 16251
~~of agriculture in administering this chapter, including employing~~ 16252
~~a minimum of two additional inspectors.~~ 16253

Sec. 927.70. (A) No person shall knowingly permit any plant 16254
pest ~~which~~ that has been determined to be destructive or 16255
dangerously harmful by the director of agriculture, in compliance 16256
with procedures required by division (A) of section 927.52 of the 16257
Revised Code, to exist in or on ~~his~~ the person's premises. 16258

(B) Whenever the director or ~~his~~ the director's authorized 16259
representative finds any article or commodity to be infested or 16260
has reason to believe it to be infested, or finds that a host or 16261
pest exists on any premises, or is in transit in this state, ~~he~~ 16262
the director may: 16263

(1) Upon giving notice to the owner or ~~his~~ the owner's agent 16264
in possession thereof, seize, quarantine, treat, or otherwise 16265
dispose of ~~such~~ the pest, host, article, or commodity in such 16266

manner as ~~he~~ the director determines necessary to suppress, 16267
control, eradicate, or to prevent or retard the spread of a pest; 16268

(2) Order ~~such~~ the owner or agent to so treat or otherwise 16269
dispose of the pest, host, article, or commodity. 16270

(C) If the owner or person in charge of ~~such~~ the premises 16271
refuses or neglects to carry out the orders of the director within 16272
seven days after receiving written notice, the director may treat 16273
the premises; treat or destroy the infested plants or plant 16274
material; or apply any other preventive or remedial measure ~~which~~ 16275
~~he~~ that the director determines necessary. The expense of any such 16276
preventative or remedial measures shall be assessed, collected, 16277
and enforced, as taxes are assessed, collected, and enforced, 16278
against the premises upon which ~~such~~ the expense was incurred. The 16279
amount of ~~such~~ the expense when collected shall be ~~paid to the~~ 16280
~~director and by him deposited with the treasurer of state credited~~ 16281
~~to the plant pest program fund created in section 927.54 of the~~ 16282
Revised Code. 16283

Sec. 927.701. (A) As used in this section, "gypsy moth" means 16284
the live insect, *Lymantria dispar*, in any stage of development. 16285
16286

(B) The director of agriculture may establish a voluntary 16287
gypsy moth suppression program under which a landowner may request 16288
that the department of agriculture have the landowner's property 16289
aerially sprayed to suppress the presence of gypsy moths in 16290
exchange for payment from the landowner of a portion of the cost 16291
of the spraying. To determine the ~~amount of payment that is due~~ 16292
~~from a landowner~~ total cost per acre, the department ~~first~~ shall 16293
~~determine the projected cost per acre to the department of gypsy~~ 16294
~~moth suppression activities for the year in which the landowner's~~ 16295
~~request is made. The cost shall be calculated by determining the~~ 16296
~~total expense of aerial spraying for gypsy moths to be incurred by~~ 16297

~~the department in that year divided by the total number of acres 16298
proposed to be sprayed in that year. With respect to a landowner 16299
add the per-acre cost of the product selected by the landowner to 16300
suppress gypsy moths and the per-acre cost of applying the product 16301
as determined by the director in rules. To determine the aggregate 16302
total cost, the department shall multiply the total cost per acre 16303
by the number of acres that the landowner requests to be sprayed. 16304
The department shall add to that amount any administrative costs 16305
that it incurs in billing the landowner and collecting payment. 16306
The amount that the landowner shall pay to the department shall 16307
not exceed fifty per cent of the resulting amount. The portion of 16308
the cost that is assessed to the landowner, if any, shall be 16309
determined by the funding that is allocated to the department by 16310
the federal and state gypsy moth suppression programs. 16311~~

(C) The director shall adopt rules under Chapter 119. of the 16312
Revised Code to establish procedures under which a landowner may 16313
make a request under division (B) of this section, to establish 16314
the per-acre cost of applying product to suppress gypsy moths, and 16315
to establish provisions governing agreements between the 16316
department and landowners concerning gypsy moth suppression 16317
together with any other provisions that the director considers 16318
appropriate to administer this section. 16319

(D) The director shall deposit all money collected under this 16320
section ~~into the state treasury~~ to the credit of the ~~pesticide 16321
plant pest~~ program fund created in ~~Chapter 921. section 927.54~~ of 16322
the Revised Code. Money credited to the fund under this section 16323
shall be used for the suppression of gypsy moths in accordance 16324
with this section. 16325

Sec. 927.71. (A) The director of agriculture, in accordance 16326
with Chapter 119. of the Revised Code, may quarantine: 16327

(1) This state or any portion thereof when ~~he~~ the director 16328

determines that such action is necessary to prevent or retard the spread of a pest into, within, or from this state;

(2) Any other state or portion thereof when ~~he~~ the director determines that a pest exists therein and that such action is necessary to prevent or retard its spread into this state.

(B) The director may limit the application of a quarantine to the infested portions of the quarantined area and appropriate environs, to be known as the regulated area, and may, without further hearing, extend the regulated area to include additional portions of the quarantined area either:

(1) Upon publication of a notice to that effect in such newspapers in the quarantined area as ~~he~~ the director may select;

(2) Upon written notice to those concerned.

(C) Following establishment of a quarantine, no person shall move any regulated article described in the quarantine, or move the pest against which the quarantine is established, within, from, into, or through this state contrary to ~~regulations promulgated~~ rules adopted by the director without prior permission or order of the director.

(D) A ~~regulation~~ rule may restrict the movement of a pest and any regulated article from the quarantined or regulated area in this state into or through other parts of this state or other states and from the quarantine or regulated area in other states into or through this state and may impose such inspection, disinfection, certification, permit, or other requirements as the director determines necessary to effectuate the purpose of sections 927.51 to ~~927.74, inclusive,~~ 927.73 of the Revised Code.

Sec. 942.01. As used in sections 942.01 to 942.13 of the Revised Code:

(A) "Conveyance" means a vehicle, trailer, or compartment

that is used to transport raw rendering material. 16359

(B) "Garbage" means all waste material derived in whole or in 16360
part from the meat of any animal, including fish and poultry, or 16361
other animal material, and other refuse of any character that has 16362
been associated with such waste material resulting from the 16363
handling, preparation, cooking, or consumption of food. 16364

~~(B)~~(C) "Person" means any individual, corporation, 16365
partnership, association, society, company, firm, or other legal 16366
entity. 16367

~~(C)~~(D) "Raw rendering material" has the same meaning as in 16368
section 953.21 of the Revised Code. 16369

(E) "Treated garbage" means any edible garbage for 16370
consumption by swine that has been heated at boiling point while 16371
being agitated, except in steam cooking equipment, to ensure that 16372
the garbage is heated throughout for thirty minutes under the 16373
supervision of a person licensed pursuant to section 942.02 of the 16374
Revised Code. 16375

Sec. 942.02. (A) No person shall feed on ~~his~~ the person's 16376
premises, or permit the feeding of, treated garbage to swine 16377
without a license to do so issued by the department of 16378
agriculture. 16379

(B) An application for a license to feed treated garbage 16380
shall be made in writing on a form prescribed by the director of 16381
agriculture. 16382

(C) A license shall be renewed before the thirty-first day of 16383
December of each year, and an application for renewal shall be 16384
filed before the thirtieth day of November of each year. 16385

(D) The fee for the license shall be ~~fifty~~ one hundred 16386
dollars per annum. A late fee of fifty dollars shall be paid for 16387
each application that is received after the thirtieth day of 16388

November each year. 16389

(E) All money collected under this section shall be credited 16390
to the animal and consumer analytical laboratory fund created in 16391
section 901.43 of the Revised Code. 16392

Sec. 942.06. (A) Equipment used for handling garbage, except 16393
for the containers in which the garbage is treated, and 16394
conveyances shall not subsequently be used in the feeding of swine 16395
unless first cleaned and disinfected in accordance with directions 16396
on the labels of one of the following disinfectants approved by 16397
the "Federal Insecticide, Fungicide and Rodenticide Act," 61 Stat. 16398
163 (1947), 7 U.S.C.A. 136, as amended: 16399

(1) A registered brand of sodium orthophenylphenate; 16400

(2) A registered cresylic disinfectant, provided that the 16401
conditions set forth under 9 C.F.R. 71.10 and 77.11 are met; 16402

(3) Disinfectants with tuberculocidal claims and labeled as 16403
efficacious against any species within the viral genus herpes. 16404

(B) Treated or untreated garbage that is not fed to swine and 16405
materials associated with such garbage shall be disposed of in a 16406
manner consistent with all applicable federal and state laws and 16407
in an area inaccessible to the swine. 16408

(C) All refuse resulting from feeding treated garbage to 16409
swine, that is not fed to swine shall be disposed of in a manner 16410
so as to prevent the attraction of insects and rodents or the 16411
contamination of adjoining property. 16412

(D) The premises, vehicles, and equipment used in the feeding 16413
of treated garbage to swine shall be subject to inspection by the 16414
department of agriculture during regular business hours. If the 16415
director of agriculture or ~~his~~ the director's designee is denied 16416
access to any premises as authorized under this division, ~~he~~ the 16417
director or the director's designee may apply to any court of 16418

competent jurisdiction for a search warrant authorizing access to 16419
the requested premises. Upon receipt of an application for a 16420
search warrant, the court may issue a search warrant for the 16421
purposes requested. 16422

(E)(1) The owner of the premises, vehicles, and equipment 16423
used in the feeding of treated garbage to swine and licensed 16424
pursuant to section 942.02 of the Revised Code shall be 16425
responsible for cleaning and disinfecting them with no expense to 16426
the department. 16427

(2) The owner of a conveyance is responsible for cleaning and 16428
disinfecting the conveyance with no expense to the department. 16429

Sec. 942.13. This chapter does not apply to any either of the 16430
following: 16431

(A) An individual who feeds garbage from his the individual's 16432
household to his the individual's own animals or to any an 16433
individual who only feeds bakery waste, candy waste, eggs, 16434
vegetables, or dairy products to swine; 16435

(B) Rendered products. As used in this division, "rendered 16436
product" means raw rendering material that has been ground and 16437
heated to a minimum temperature of two hundred thirty degrees 16438
Fahrenheit to make products such as animal, poultry, or fish 16439
protein, grease, or tallow. 16440

Sec. 943.01. As used in sections 943.01 to 943.18 of the 16441
Revised Code: 16442

(A) "Animals" or "livestock" means horses, mules, and other 16443
equidae, cattle, sheep, and goats and other bovidae, swine and 16444
other suidae, poultry, alpacas, and llamas. 16445

(B) "Dealer" or "broker" means any person found by the 16446
department of agriculture buying, receiving, selling, 16447

slaughtering, with the exception of those persons designated by 16448
division (B)(1) of section 918.10 of the Revised Code, exchanging, 16449
negotiating, or soliciting the sale, resale, exchange, or transfer 16450
of any animals in an amount of more than two hundred fifty head of 16451
cattle, horses, or other equidae or five hundred head of sheep, 16452
goats, or other bovidae ~~or~~ swine and other suidae ~~or~~ poultry, 16453
alpacas, or llamas during any one year. "Dealer" or "broker" does 16454
not mean any of the following: 16455

(1) Any railroad or other carrier transporting animals either 16456
interstate or intrastate; 16457

(2) Any person who by dispersal sale is permanently 16458
discontinuing the business of farming, dairying, breeding, 16459
raising, or feeding animals; 16460

(3) Any person who sells livestock that has been raised from 16461
birth on the premises of the person; 16462

(4) Any person who buys or receives animals for grazing or 16463
feeding purposes at a premises owned or controlled by the person 16464
and sells or disposes of the animals after the minimum grazing or 16465
feeding period of thirty days; 16466

(5) Any person who places livestock in facilities other than 16467
the person's own pursuant to a written agreement for feeding or 16468
finishing, provided that the person retains legal and equitable 16469
title to the livestock during the term of the agreement. 16470

The exemptions set forth in divisions (B)(1) to (5) of this 16471
section are exclusive of those activities requiring licensure 16472
under this chapter, so that a person shall be deemed to be a 16473
dealer or broker or subject to divisions (B)(1) to (5) of this 16474
section, but shall not be, or be subject to, both. No person who 16475
is a licensed dealer or broker and whose license is suspended 16476
shall have livestock or animals exempted pursuant to divisions 16477
(B)(1) to (5) of this section. 16478

(C) "Employee" means any person employed by a dealer or broker to act in the dealer's or broker's behalf to buy, sell, exchange, negotiate, or solicit sale or resale of animals in the dealer's or broker's name.

(D) "Small dealer" means any person found by the department buying, receiving, selling, slaughtering, with the exception of those persons designated by division (B)(1) of section 918.10 of the Revised Code, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any animals in an amount of two hundred fifty head or less of cattle, horses, or other equidae or five hundred head or less of sheep, goats, or other bovidae, swine or other suidae, poultry, alpacas, or llamas during any one year.

Sec. 943.02. (A) No person shall act as a small dealer, dealer, or broker without first being licensed. No person shall be an employee of more than one small dealer, dealer, or broker. Except as provided in division (B) of this section, no person holding a license as a small dealer, dealer, or broker shall be an employee. No employee shall act for any small dealer, dealer, or broker unless the small dealer, dealer, or broker is licensed, and has designated the employee to act in ~~his~~ the small dealer's, dealer's, or broker's behalf and has notified the department of agriculture in ~~his~~ the application for license or has given official notice in writing of the appointment of the employee. The small dealer, dealer, or broker shall be accountable and responsible for all contracts pertaining to the purchase, exchange, or sale of livestock made by the employee. The small dealer, dealer, or broker who terminates the services of an employee shall notify the department in writing of the employee's termination. No person who is a licensed small dealer, dealer, or broker shall have livestock exempted pursuant to divisions (B)(1) ~~through (5)~~ to (6) of section 943.01 of the Revised Code.

(B) A small dealer, dealer, or broker may be an employee of 16510
other small dealers, dealers, or brokers only when he the small 16511
dealer, dealer, or broker so employed is a soliciting agent for a 16512
video auction. 16513

(C) The director of agriculture shall define by rule 16514
"soliciting agent" and "video auction" for the purposes of this 16515
section. 16516

Sec. 943.031. (A) Application for a license as a small dealer 16517
shall be made in writing to the department of agriculture. The 16518
application shall state the nature of the business, the municipal 16519
corporation or township, county, and post-office address of the 16520
location where the business is to be conducted, the name of any 16521
employee who is authorized to act in the small dealer's behalf, 16522
and any additional information that the department prescribes. 16523
16524

(B) The applicant shall satisfy the department of the 16525
applicant's character and good faith in seeking to engage in the 16526
business of a small dealer. The department then shall issue to the 16527
applicant a license to conduct the business of a small dealer at 16528
the place named in the application. Licenses, unless revoked, 16529
shall expire annually on the thirty-first day of March and shall 16530
be renewed according to the standard renewal procedure established 16531
in sections 4745.01 to 4745.03 of the Revised Code. 16532

(C) No license shall be issued by the department to a small 16533
dealer having weighing facilities until the applicant has filed 16534
with the department a copy of a scale test certificate showing the 16535
weighing facilities to be in satisfactory condition, a copy of the 16536
license of each weigher employed by the applicant, and a 16537
certificate of inspection by the department showing livestock 16538
market facilities to be in satisfactory sanitary condition. 16539

(D) No licensed small dealer shall employ as an employee a 16540

person who, as a small dealer, dealer, or broker, previously 16541
defaulted on contracts pertaining to the purchase, exchange, or 16542
sale of livestock until the licensee does both of the following: 16543

(1) Appears at a hearing before the director of agriculture 16544
or the director's designee conducted in accordance with Chapter 16545
119. of the Revised Code pertaining to that person; 16546

(2) Signs and files with the director an agreement that 16547
guarantees, without condition, all contracts pertaining to the 16548
purchase, exchange, or sale of livestock made by the person while 16549
in the employ of the licensee. The director shall prescribe the 16550
form and content of the agreement. 16551

(E) A licensed small dealer is not required to maintain 16552
financial responsibility or furnish proof of financial 16553
responsibility. 16554

Sec. 943.04. (A) Fees for the initial issuance of any license 16555
issued pursuant to sections 943.02 and, 943.03, and 943.031 of the 16556
Revised Code, shall be paid to the department of agriculture. 16557

(B) All annual renewal fees for ~~such~~ the licenses shall be 16558
paid by the applicant for ~~such~~ the renewal of a license on or 16559
before the thirty-first day of March of each year to the treasurer 16560
of state. ~~Such~~ Except for license fees for small dealers, the fees 16561
shall be based on the number of head of livestock purchased, sold, 16562
or exchanged, in this state, whichever is the greatest, during the 16563
preceding calendar year. ~~Such~~ Those fees for dealers or brokers 16564
shall be as follows: 16565

Less than 1,000 head ~~\$10.00~~ \$50.00 per annum; 16566

For 1,001 to 10,000 head ~~\$25.00~~ \$125.00 per annum; 16567

For more than 10,000 head ~~\$50.00~~ \$250.00 per 16568
annum. 16569

In the event a dealer or broker operates more than one place 16570

where livestock is purchased, sold, or exchanged, a fee shall be 16571
paid for each ~~such~~ place, but only the original purchase, sale, 16572
or exchange shall be counted in computing the amount of the fee to 16573
be paid for each ~~such~~ place operated by ~~such~~ the dealer or broker. 16574
Shipment between yards owned or operated by ~~such~~ the dealer or 16575
broker shall be exempt. 16576

A late fee of one hundred dollars shall be paid for each 16577
dealer or broker license renewal application that is received 16578
after the thirty-first day of March each year. 16579

(C)(1) A fee of twenty-five dollars shall be paid by each 16580
small dealer. 16581

If a small dealer operates more than one place where 16582
livestock is purchased, sold, or exchanged, a fee shall be paid 16583
for each place, but only the original purchase, sale, or exchange 16584
shall be counted in computing the amount of fee to be paid for 16585
each place operated by the small dealer. Shipment between yards 16586
owned or operated by the small dealer shall be exempt. 16587

(2) A late fee of twenty-five dollars shall be paid for each 16588
small dealer license renewal application that is received after 16589
the thirty-first day of March each year. 16590

(D) A fee of twenty dollars shall be paid by each employee 16591
that is appointed by a small dealer, dealer, or broker as provided 16592
in section 943.02 of the Revised Code. 16593

(E) A fee of ~~five~~ ten dollars shall be paid by each licensed 16594
weigher. 16595

(F) All ~~fees and charges~~ money collected under section 943.03 16596
of the Revised Code, and under this section shall be ~~paid into the~~ 16597
~~state treasury,~~ and shall be credited to the ~~general revenue~~ 16598
~~animal and consumer analytical laboratory~~ fund created in section 16599
901.43 of the Revised Code. 16600

Sec. 943.05. (A) The director of agriculture may refuse to 16601
grant or may suspend a small dealer's, dealer's, or broker's 16602
license, without prior hearing, ~~when he determines~~ after 16603
determining from evidence presented to ~~him~~ the director that there 16604
is reasonable cause to believe any of the following situations 16605
exist: 16606

(1) Where the applicant or licensee or an employee has 16607
violated the laws of the state or official regulations governing 16608
the interstate or intrastate movement, shipment, or transportation 16609
of animals, or has been convicted of a crime involving moral 16610
turpitude or convicted of a felony; 16611

(2) Where there have been false or misleading statements as 16612
to the health or physical condition of the animals with regard to 16613
official tests or quantity of animals, or the practice of fraud or 16614
misrepresentation in connection therewith or in the buying or 16615
receiving of animals or receiving, selling, exchanging, 16616
soliciting, or negotiating the sale, resale, exchange, weighing, 16617
or shipment of animals; 16618

(3) Where the applicant or licensee acts as a small dealer, 16619
dealer, or broker for a person attempting to conduct business in 16620
violation of section 943.02 of the Revised Code, after the notice 16621
of the violation has been given to the licensee by the department 16622
of agriculture; 16623

(4) Where the applicant or licensee or employee fails to 16624
practice measures of sanitation, disinfection, and inspection as 16625
required by sections 943.01 to 943.18 of the Revised Code, or 16626
prescribed by the department, of premises or vehicles used for the 16627
yarding, holding, or transporting of animals; 16628

(5) Where there has been a failure to keep records required 16629
by the department or where there is a refusal on the part of the 16630
applicant or licensee or employee to produce records of 16631

transactions in the carrying on of the business for which the license is granted;

(6) Where the applicant or licensee providing weighing facilities used for, in connection with, or incident to the purchase or sale of livestock for the account of the licensee or others, fails to maintain and operate the weighing facilities in accordance with sections 943.08 and 943.10 of the Revised Code;

(7) Where the applicant or licensee in the conduct of the business covered by the license fails to maintain and operate weighing facilities in accordance with sections 943.08 and 943.10 of the Revised Code or fails to cause its livestock to be weighed by licensed weighers as provided in those sections;

(8) ~~Where~~ With regard to a dealer or broker licensee, where the licensee fails to maintain a bond or deposit, or letter of credit, if applicable, or fails to adjust the bond or deposit upon thirty days' notice or refuses or neglects to pay the fees or inspection charges required to be paid;

(9) Where the licensee has been suspended by order of the secretary of agriculture of the United States department of agriculture under provisions of the "Packers and Stockyards Act of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended;

(10) ~~Where~~ With regard to a dealer or broker licensee, where the surety company, trustee, or issuer of a letter of credit of the licensee issues a notice of termination of the licensee's bond agreement, deposit agreement, or letter of credit.

(B) When the director refuses to grant or suspends a small dealer's, dealer's, or broker's license, ~~he~~ the director or ~~his~~ the director's designee may hand deliver the order. The licensee to whom a suspension order is issued shall be afforded a hearing in accordance with Chapter 119. of the Revised Code, after which the director shall reinstate, revoke, or suspend for a longer or

indefinite period the suspended license. 16663

Sec. 943.06. Every small dealer, dealer, and broker licensed 16664
under section 943.03 or 943.031 of the Revised Code, as 16665
applicable, and carrying on or conducting business under ~~such that~~ 16666
license, shall post in a conspicuous place in or at the place of 16667
business of ~~such the~~ licensee a copy of ~~such the~~ license furnished 16668
by the department of agriculture, to be kept so posted and exposed 16669
for inspection by any person. 16670

Sec. 943.07. Each small dealer, dealer, or broker leasing, 16671
renting, operating, or owning livestock yards, pens, premises, or 16672
vehicles in which animals are quartered, fed, held, or 16673
transported, shall have a veterinary inspector approved by the 16674
department of agriculture, inspect, when directed, all such yards, 16675
premises, and vehicles and shall thoroughly and completely 16676
disinfect all such yards, pens, premises, and vehicles under the 16677
direction of the veterinary inspector and as prescribed by the 16678
department. The cost of ~~such the~~ inspection and disinfection shall 16679
be borne by ~~such the~~ small dealer, dealer, or broker. 16680

The department shall not require such veterinary inspection 16681
of yards, pens, premises, or other facilities where veterinary 16682
inspection is regularly maintained by the United States department 16683
of agriculture, or by the municipal corporation in which the same 16684
are located, or where livestock is transported to markets or 16685
slaughtering establishments where such inspection is maintained. 16686

The department may adopt ~~and promulgate~~ adequate sanitary 16687
requirements covering the construction and maintenance of 16688
buildings, pens, and chutes on all premises regularly used for the 16689
assembling, receiving, handling, feeding, watering, holding, 16690
buying, or selling of livestock, and may prescribe and enforce 16691
rules ~~and regulations~~ for the purpose of carrying into effect 16692

sections 943.01 to 943.18 of the Revised Code. ~~Such~~ Those sections 16693
shall not apply to railroads subject to the "Interstate Commerce 16694
Act of 1887," 24 Stat. 379, 49 U.S.C.A. 1. 16695

Sec. 943.13. The department of agriculture shall require 16696
inspection, tests, and treatments necessary to prevent the spread 16697
of diseases of all animals sold or transferred from pens, yards, 16698
premises, or vehicles by ~~brokers or~~ small dealers, dealers, or 16699
brokers except when such animals are immediately delivered to a 16700
slaughtering establishment. ~~Such~~ The inspection, tests, and 16701
treatments shall be made by a veterinary inspector approved by the 16702
department and shall be made and reported as prescribed by the 16703
department. The fees for ~~such~~ that service shall be paid by the 16704
~~broker or~~ small dealer, dealer, or broker. This section shall not 16705
apply to a person operating a slaughtering establishment at which 16706
antemortem veterinary inspection is regularly maintained. 16707

The director of agriculture, without a prior hearing, may 16708
revoke the approval of a veterinary inspector. A person to whom an 16709
order of revocation is issued shall be afforded a hearing in 16710
accordance with sections 119.01 to 119.13 of the Revised Code. 16711

Animals sold through a livestock auction market shall be 16712
accompanied by a release as may be prescribed by the department 16713
and issued by the ~~broker or~~ small dealer, dealer, or broker. ~~Such~~ 16714
The release shall state the date, number and kind of animals 16715
moved, point of origin, and buyer. 16716

Animals sold for slaughter may be identified by an ear tag, a 16717
livestock paint brand, or other prescribed identification, 16718
whenever the department finds such identification necessary. 16719

Operators of livestock auction markets shall furnish and 16720
maintain cattle chutes suitable for restraining animals for 16721
careful inspection and shall provide suitable laboratory space for 16722
the veterinary inspector. All swine pens shall be paved and 16723

maintained so that they can be cleaned and disinfected. All 16724
diseased animals shall be segregated by species and held in 16725
designated pens constructed to facilitate cleaning and 16726
disinfecting. 16727

Sec. 943.14. (A) The department of agriculture or any of its 16728
authorized agents may inspect the records of any licensee or 16729
employee at any time to determine the origin and destination of 16730
any livestock handled by the licensee and to determine if sections 16731
943.01 to 943.18 of the Revised Code, or the rules ~~promulgated~~ 16732
adopted thereunder, have been violated. 16733

(B) A small dealer, dealer, or broker, employee, or person 16734
described in division (B)(4) of section 943.01 of the Revised 16735
Code, who acquires or disposes of an animal by any means, shall 16736
make a record of the name and address of the person from whom the 16737
animal was acquired and to whom disposed. The record also shall 16738
show the individual identification of each animal at the time of 16739
acquisition or disposal. These records shall be maintained for a 16740
period of ~~twenty-four~~ sixty months or longer from the date of 16741
acquisition or disposal. 16742

(C) The individual identification in division (B) of this 16743
section shall be in a manner or form approved by the department. 16744

(D) A person who is a soliciting agent for a video auction 16745
pursuant to division (B) of section 943.02 of the Revised Code 16746
shall maintain records in a manner or form approved by the 16747
department. 16748

Sec. 943.16. All fines imposed and collected under section 16749
943.99 of the Revised Code, shall be ~~paid to the department of~~ 16750
~~agriculture and by it paid into the state treasury~~ credited to the 16751
animal and consumer analytical laboratory fund created in section 16752
901.43 of the Revised Code. 16753

Sec. 953.21. As used in this chapter: 16754

(A) "Animal" means any animal, other than ~~man~~ a human being, 16755
and includes domestic fowl, wild birds, fish, and reptiles, living 16756
or dead. 16757

(B) "Licensee" means any person who is licensed in accordance 16758
with this chapter. 16759

(C) "Loading platform" means any place operated by a licensee 16760
for loading dead animals, or parts thereof, onto trucks to take 16761
them to a rendering plant or composting facility. 16762

(D) "Person" means any natural person, partnership, 16763
association, or corporation. 16764

(E) "Raw rendering material" means any body, part of a body, 16765
or product of a body of any dead animal that is unwholesome, 16766
condemned, inedible, or otherwise unfit for human consumption. 16767

(F) "Rendering plant" means any premises where raw rendering 16768
materials are converted into fats, oils, feeds, fertilizer, and 16769
other products. 16770

(G) "Composting facility" means any premises, including 16771
~~structure~~ structures and equipment, operating in accordance with 16772
rules adopted under section 3734.02 of the Revised Code and used 16773
for the controlled decomposition of organic solid material, 16774
including dead animals, that stabilizes the organic fraction of 16775
the material. 16776

(H) "Conveyance" means a vehicle, trailer, or compartment. 16777

Sec. 953.22. (A) No person shall engage in the business of 16778
disposing of, picking up, rendering, or collecting raw rendering 16779
material or transporting the material to a composting facility 16780
without a license to do so from the department of agriculture. 16781

(B) This chapter does not apply to any of the following: 16782

~~(1) Operations on any premises that are licensed in compliance with Chapter 918. of the Revised Code or are subject to federal meat inspection and render only raw rendering material that is produced on the premises;~~

~~(2) A farmer who slaughters his the farmer's own animals, raised by him the farmer on his the farmer's own farm, processes his the farmer's own meat therefrom, and disposes of his the farmer's raw rendering material only by delivery to a person licensed under section 953.23 of the Revised Code;~~

~~(3)(2) A person whose only connection with raw rendering material is curing hides and skins;~~

~~(4)(3) A person whose only connection with raw rendering material is operating a pet cemetery;~~

~~(5)(4) A person who is conducting composting, as defined in section 1511.01 of the Revised Code, in accordance with section 1511.022 of the Revised Code;~~

(5) A person whose only connection with raw rendering material is trapping wild animals in accordance with a nuisance wild animal permit issued by the chief of the division of wildlife in the department of natural resources under rules adopted pursuant to section 1531.08 of the Revised Code;

(6) A county dog warden or animal control officer who transports raw rendering material only for disposal purposes.

Sec. 953.23. (A) Application for a license shall be made to the department of agriculture on a form prescribed by the department.

(B) Each application shall include all of the following:

(1) The name and address of the applicant;

(2) The applicant's proposed place of business;

(3) A detailed statement of the method that the applicant intends to use to dispose of, pick up, render, or collect raw rendering material or to transport it to a composting facility; 16812
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(4) Such other relevant information as the department may require. 16815
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(C) Each applicant shall submit the annual license fee with ~~his~~ the application. 16817
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(1) The license fee for a person applying for an annual license to pick up or collect raw rendering material and dispose of the material to a licensee or in accordance with divisions (B) and (C) of section 953.26 of the Revised Code, or to transport raw rendering material to a composting facility, is twenty-five dollars per conveyance that is used to pick up or collect and dispose of or to transport raw rendering material. A late fee of ten dollars per conveyance shall be charged for each application that is received after the thirtieth day of November each year. 16819
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(2) The license fee for a person applying for an annual license to pick up or collect raw rendering material and to operate one or more rendering plants is ~~one~~ three hundred dollars for each such plant. A late fee of one hundred dollars shall be charged for each application that is received after the thirtieth day of November each year. 16828
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(D) On receipt of an application and fee, under this section, the department shall inspect the means of conveyance and premises that the applicant proposes to use to dispose of, collect, pick up, or render raw rendering material or to transport it to a composting facility for profit. 16834
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(E) If the department finds that the applicant's means of conveyance, premises, and operation meet the requirements of this chapter and rules adopted thereunder, the department shall issue a license to the applicant to dispose of, pick up, render, or 16839
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collect for profit raw rendering material or to transport it to a 16843
composting facility for profit. 16844

(F) Each license issued under this section shall expire on 16845
the thirty-first day of December of each year. Each person 16846
licensed under this section shall make application for renewal of 16847
~~his~~ the person's license no later than the thirtieth day of 16848
November of each year. 16849

(G) Application for renewal shall be in accordance with the 16850
requirements of this section for initial application for a license 16851
and the standard renewal procedure of sections 4745.01 to 4745.03 16852
of the Revised Code. 16853

(H) All money collected under this section shall be credited 16854
to the animal and consumer analytical laboratory fund created in 16855
section 901.43 of the Revised Code. 16856

Sec. 955.201. (A) As used in this section and in section 16857
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 16858
corporation organized by that name under Chapter 1702. of the 16859
Revised Code that consists of humane societies, veterinarians, 16860
animal shelters, companion animal breeders, dog wardens, and or 16861
similar individuals and entities. 16862

(B) The Ohio pet fund shall do all of the following: 16863

(1) Establish eligibility criteria for organizations that may 16864
receive financial assistance from the pets program funding board 16865
created in section 955.202 of the Revised Code. Those 16866
organizations may include any of the following: 16867

(a) An animal shelter as defined in section 4729.01 of the 16868
Revised Code; 16869

(b) A local nonprofit veterinary association that operates a 16870
program for the sterilization of dogs and cats; 16871

(c) A charitable organization that is exempt from federal 16872

income taxation under subsection 501(c)(3) of the Internal Revenue Code and ~~the primary~~ a purpose of which is to support programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals.

(2) Establish procedures for applying for financial assistance from the pets program funding board. Application procedures shall require eligible organizations to submit detailed proposals that outline the intended uses of the moneys sought.

(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the pets program funding board may be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations;

(4) Establish procedures for the disbursement of moneys the pets program funding board receives from license plate contributions pursuant to division (C) of section 4503.551 of the Revised Code;

(5) Advertise or otherwise provide notification of the availability of financial assistance from the pets program funding board for eligible organizations;

(6) Design markings to be inscribed on "pets" license plates under section 4503.551 of the Revised Code.

(C)(1) The owner of a dog or cat is eligible for dog or cat sterilization services from an eligible organization when those services are subsidized in whole or in part by money from the pets program funding board if any of the following applies:

(a) The income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline.

(b) The owner, or any member of the owner's family who

resides with the owner, is a recipient or beneficiary of one of 16903
the following government assistance programs: 16904

(i) Low-income housing assistance under the "United States 16905
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the 16906
federal section 8 housing program; 16907

(ii) The Ohio works first program established by Chapter 16908
5107. of the Revised Code; 16909

(iii) Title XIX of the "Social Security Act," 49 Stat. 620 16910
(1935), 42 U.S.C.A. 301, as amended, known as the medical 16911
assistance program or medicaid, provided by the department of job 16912
and family services under Chapter 5111. of the Revised Code; 16913

(iv) A program or law administered by the United States 16914
department of veterans' affairs or veterans' administration for 16915
any service-connected disability; 16916

(v) The ~~food stamp~~ supplemental nutrition assistance program 16917
established under the ~~"Food Stamp and Nutrition Act of 1977," 91~~ 16918
~~Stat. 958, 2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ 16919
administered by the department of job and family services under 16920
section 5101.54 of the Revised Code; 16921

(vi) The "special supplemental nutrition program for women, 16922
infants, and children" established under the "Child Nutrition Act 16923
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered 16924
by the department of health under section 3701.132 of the Revised 16925
Code; 16926

(vii) Supplemental security income under Title XVI of the 16927
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as 16928
amended; 16929

(viii) Social security disability insurance benefits provided 16930
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 16931
42 U.S.C.A. 401, as amended. 16932

(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following:

(i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or regional pound, or a holding and impoundment facility that contracts with a municipal corporation;

(ii) A certificate of adoption showing that the dog or cat was adopted through a nonprofit corporation operating an animal adoption referral service whose holding facility, if any, is licensed in accordance with state law or a municipal ordinance.

(2) The Ohio pet fund shall determine the type of documentary evidence that must be presented by the owner of a dog or cat to show that the income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline or that the owner is eligible under division (C)(1)(b) of this section.

(D) As used in division (C) of this section, "federal poverty guideline" means the official poverty guideline as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

Sec. 1322.03. (A) An application for a certificate of registration as a mortgage broker shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of ~~three~~ five hundred ~~fifty~~ dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section 1322.02 of the Revised Code; ~~however, an applicant that is registered under sections~~

~~1321.51 to 1321.60 of the Revised Code shall not be required to~~ 16964
~~pay an application fee.~~ The application shall provide all of the 16965
following: 16966

(1) The location or locations where the business is to be 16967
transacted and whether any location is a residence. If any 16968
location where the business is to be transacted is a residence, 16969
the application shall be accompanied by a certified copy of a 16970
zoning permit authorizing the use of the residence for commercial 16971
purposes, or shall be accompanied by a written opinion or other 16972
document issued by the county or political subdivision where the 16973
residence is located certifying that the use of the residence to 16974
transact business as a mortgage broker is not prohibited by the 16975
county or political subdivision. The application also shall be 16976
accompanied by a photograph of each location at which the business 16977
will be transacted. 16978

(2)(a) In the case of a sole proprietor, the name and address 16979
of the sole proprietor; 16980

(b) In the case of a partnership, the name and address of 16981
each partner; 16982

(c) In the case of a corporation, the name and address of 16983
each shareholder owning five per cent or more of the corporation; 16984

(d) In the case of any other entity, the name and address of 16985
any person that owns five per cent or more of the entity that will 16986
transact business as a mortgage broker. 16987

(3) If the applicant is a partnership, corporation, limited 16988
liability company, or any other business entity or association, 16989
the applicant shall designate an employee or owner of the 16990
applicant as the applicant's operations manager. While acting as 16991
the operations manager, the employee or owner shall not be 16992
employed by any other mortgage broker. 16993

(4) Evidence that the sole proprietor or the person 16994

designated on the application pursuant to division (A)(3) of this section, as applicable, possesses at least three years of experience in the mortgage and lending field, which experience may include employment with or as a mortgage broker or with a financial institution, mortgage lending institution, or other lending institution, or possesses at least three years of other experience related specifically to the business of mortgage loans that the superintendent determines meets the requirements of division (A)(4) of this section;

(5) On or after January 1, 2007, evidence that the sole proprietor or the person designated on the application pursuant to division (A)(3) of this section has successfully completed either of the following:

(a) At least twenty-four hours of live classroom instruction in a course or program of study approved by the superintendent that consists of at least all of the following:

(i) Four hours of instruction concerning state and federal mortgage lending laws, which shall include no less than two hours on this chapter;

(ii) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;

(iii) Four hours of instruction concerning the loan application process;

(iv) Two hours of instruction concerning the underwriting process;

(v) Two hours of instruction concerning the secondary market for mortgage loans;

(vi) Four hours of instruction concerning the loan closing process;

(vii) Two hours of instruction covering basic mortgage financing concepts and terms;	17025 17026
(viii) Two hours of instruction concerning the ethical responsibilities of a registrant, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	17027 17028 17029 17030
(b) Other post-secondary education related specifically to the business of mortgage loans that the superintendent determines meets the requirements of division (A)(5)(a) of this section.	17031 17032 17033
Division (A)(5) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007.	17034 17035 17036
The evidence submitted by the applicant pursuant to division (A)(5) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of five years for inspection by the superintendent at the superintendent's request.	17037 17038 17039 17040 17041 17042
(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with sections 1322.01 to 1322.12 of the Revised Code;	17043 17044 17045
(7) In the case of a foreign business entity, evidence that it maintains a license or registration pursuant to Chapter 1703., 1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to transact business in this state;	17046 17047 17048 17049
(8) A statement as to whether the applicant or, to the best of the applicant's knowledge, any shareholder, member, partner, operations manager, or employee of the applicant has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any	17050 17051 17052 17053 17054 17055

criminal offense involving money or securities; 17056

(9) A statement as to whether the applicant or, to the best 17057
of the applicant's knowledge, any shareholder, member, partner, 17058
operations manager, or employee of the applicant has been subject 17059
to any adverse judgment for conversion, embezzlement, 17060
misappropriation of funds, fraud, misfeasance or malfeasance, or 17061
breach of fiduciary duty; 17062

(10) Evidence that the applicant's operations manager has 17063
successfully completed the examination required under division (A) 17064
of section 1322.051 of the Revised Code; 17065

(11) Any further information that the superintendent 17066
requires. 17067

(B) Upon the filing of the application and payment of the 17068
application fee, the superintendent of financial institutions 17069
shall investigate the applicant as set forth in division (B) of 17070
this section. 17071

(1) The superintendent shall request the superintendent of 17072
the bureau of criminal identification and investigation, or a 17073
vendor approved by the bureau, to conduct a criminal records check 17074
based on the applicant's fingerprints in accordance with division 17075
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 17076
division (K) of section 121.08 of the Revised Code, the 17077
superintendent of financial institutions shall request that 17078
criminal record information from the federal bureau of 17079
investigation be obtained as part of the criminal records check. 17080
Any fee required under division (C)(3) of section 109.572 of the 17081
Revised Code shall be paid by the applicant. 17082

(2) The superintendent shall conduct a civil records check. 17083

(3) If, in order to issue a certificate of registration to an 17084
applicant, additional investigation by the superintendent outside 17085
this state is necessary, the superintendent may require the 17086

applicant to advance sufficient funds to pay the actual expenses 17087
of the investigation, if it appears that these expenses will 17088
exceed ~~three~~ five hundred ~~fifty~~ dollars. The superintendent shall 17089
provide the applicant with an itemized statement of the actual 17090
expenses that the applicant is required to pay. 17091

(C) The superintendent shall pay all funds advanced and 17092
application and renewal fees and penalties the superintendent 17093
receives pursuant to this section and section 1322.04 of the 17094
Revised Code to the treasurer of state to the credit of the 17095
consumer finance fund created in section 1321.21 of the Revised 17096
Code. 17097

(D) If an application for a certificate of registration does 17098
not contain all of the information required under division (A) of 17099
this section, and if that information is not submitted to the 17100
superintendent within ninety days after the superintendent 17101
requests the information in writing, the superintendent may 17102
consider the application withdrawn. 17103

(E) A certificate of registration and the authority granted 17104
under that certificate is not transferable or assignable and 17105
cannot be franchised by contract or any other means. 17106

(F) The registration requirements of this chapter apply to 17107
any person acting as a mortgage broker, and no person is exempt 17108
from the requirements of this chapter on the basis of prior work 17109
or employment as a mortgage broker. 17110

Sec. 1322.031. (A) An application for a license as a loan 17111
officer shall be in writing, under oath, and in the form 17112
prescribed by the superintendent of financial institutions. The 17113
application shall be accompanied by a nonrefundable application 17114
fee of one hundred fifty dollars and shall provide all of the 17115
following: 17116

(1) The name and address of the applicant;	17117
(2) A statement as to whether the applicant has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities;	17118 17119 17120 17121 17122
(3) A statement as to whether the applicant has been subject to an adverse judgment for conversion, embezzlement, misappropriation of funds, fraud, misfeasance or malfeasance, or breach of fiduciary duty;	17123 17124 17125 17126
(4) For loan officer applications submitted on or after January 1, 2007, proof, as determined by the superintendent, that the applicant has successfully completed at least twenty-four hours of live classroom instruction in a course or program of study approved by the superintendent that consists of at least all of the following:	17127 17128 17129 17130 17131 17132
(a) Four hours of instruction concerning state and federal mortgage lending laws, which shall include no less than two hours on this chapter;	17133 17134 17135
(b) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;	17136 17137 17138
(c) Four hours of instruction concerning the loan application process;	17139 17140
(d) Two hours of instruction concerning the underwriting process;	17141 17142
(e) Two hours of instruction concerning the secondary market for mortgage loans;	17143 17144
(f) Four hours of instruction concerning the loan closing process;	17145 17146

(g) Two hours of instruction covering basic mortgage financing concepts and terms; 17147
17148

(h) Two hours of instruction concerning the ethical responsibilities of a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code. 17149
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Division (A)(4) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007. 17153
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The proof submitted by the applicant pursuant to division (A)(4) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of five years for inspection by the superintendent at the superintendent's request. 17156
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(5) Any further information that the superintendent requires. 17162

(B) Upon the filing of the application and payment of the application fee, the superintendent of financial institutions shall investigate the applicant as set forth in division (B) of this section. 17163
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(1) The superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with division (A)(11) of section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant. 17167
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(2) The superintendent shall conduct a civil records check. 17178

(3) If, in order to issue a license to an applicant, 17179
additional investigation by the superintendent outside this state 17180
is necessary, the superintendent may require the applicant to 17181
advance sufficient funds to pay the actual expenses of the 17182
investigation, if it appears that these expenses will exceed one 17183
hundred fifty dollars. The superintendent shall provide the 17184
applicant with an itemized statement of the actual expenses that 17185
the applicant is required to pay. 17186

(C) The superintendent shall pay all funds advanced and 17187
application and renewal fees and penalties the superintendent 17188
receives pursuant to this section and section 1322.041 of the 17189
Revised Code to the treasurer of state to the credit of the 17190
consumer finance fund created in section 1321.21 of the Revised 17191
Code. 17192

(D) If an application for a license does not contain all of 17193
the information required under division (A) of this section, and 17194
if that information is not submitted to the superintendent within 17195
ninety days after the superintendent requests the information in 17196
writing, the superintendent may consider the application 17197
withdrawn. 17198

(E)(1) The business of a loan officer shall principally be 17199
transacted at an office of the employing mortgage broker, which 17200
office is registered in accordance with division (A) of section 17201
1322.02 of the Revised Code. Each original license shall be 17202
deposited with and maintained by the employing mortgage broker at 17203
the mortgage broker's main office. A copy of the license shall be 17204
maintained and displayed at the office where the loan officer 17205
principally transacts business. 17206

(2) If a loan officer's employment is terminated, the 17207
mortgage broker shall return the original license to the 17208

superintendent within five business days after the termination. 17209
The licensee may request the transfer of the license to another 17210
mortgage broker by submitting a relocation application, along with 17211
a fifteen dollar fee, to the superintendent or may request the 17212
superintendent in writing to hold the license in escrow for a 17213
period not to exceed one year. Any licensee whose license is held 17214
in escrow shall cease activity as a loan officer. 17215

A mortgage broker may employ a loan officer on a temporary 17216
basis pending the transfer of the loan officer's license to the 17217
mortgage broker, if the mortgage broker receives written 17218
confirmation from the superintendent that the loan officer is 17219
licensed under sections 1322.01 to 1322.12 of the Revised Code. 17220

(F) A license, or the authority granted under that license, 17221
is not assignable and cannot be franchised by contract or any 17222
other means. 17223

Sec. 1322.04. (A) Upon the conclusion of the investigation 17224
required under division (B) of section 1322.03 of the Revised 17225
Code, the superintendent of financial institutions shall issue a 17226
certificate of registration to the applicant if the superintendent 17227
finds that the following conditions are met: 17228

(1) ~~Except as otherwise provided in division (A) of section~~ 17229
~~1322.03 of the Revised Code, the~~ The application is accompanied by 17230
the application fee. If a check or other draft instrument is 17231
returned to the superintendent for insufficient funds, the 17232
superintendent shall notify the registrant by certified mail, 17233
return receipt requested, that the certificate of registration 17234
issued in reliance on the check or other draft instrument will be 17235
canceled unless the registrant, within thirty days after receipt 17236
of the notice, submits the application fee and a 17237
one-hundred-dollar penalty to the superintendent. If the 17238
registrant does not submit the application fee and penalty within 17239

that time period, or if any check or other draft instrument used 17240
to pay the fee or penalty is returned to the superintendent for 17241
insufficient funds, the certificate of registration shall be 17242
canceled immediately without a hearing, and the registrant shall 17243
cease activity as a mortgage broker. 17244

(2) If the application is for a location that is a residence, 17245
that the applicant has obtained a valid zoning permit authorizing 17246
the use of the residence for commercial purposes, or has obtained 17247
a valid written opinion or other document issued by the county or 17248
political subdivision where the residence is located certifying 17249
that the use of the residence to transact business as a mortgage 17250
broker is not prohibited by the county or political subdivision. 17251
The application also is accompanied by a photograph of each 17252
location at which the mortgage broker's business will be 17253
transacted. 17254

(3) The sole proprietor or the person designated on the 17255
application pursuant to division (A)(3) of section 1322.03 of the 17256
Revised Code, as applicable, meets the experience requirements 17257
provided in division (A)(4) of section 1322.03 of the Revised Code 17258
and the education requirements set forth in division (A)(5) of 17259
section 1322.03 of the Revised Code. 17260

(4) The applicant maintains all licenses and registrations 17261
required by the secretary of state. 17262

(5) The applicant complies with the surety bond requirements 17263
of section 1322.05 of the Revised Code. 17264

(6) The applicant complies with sections 1322.01 to 1322.12 17265
of the Revised Code. 17266

(7) Neither the applicant nor any shareholder, member, 17267
partner, operations manager, or employee of the applicant has 17268
pleaded guilty to or been convicted of any criminal offense 17269
described in division (A)(8) of section 1322.03 of the Revised 17270

Code or any violation of an existing or former law of this state, 17271
any other state, or the United States that substantially is 17272
equivalent to a criminal offense described in that division. 17273
However, if the applicant or any of those other persons has 17274
pleaded guilty to or been convicted of any such offense other than 17275
theft, the superintendent shall not consider the offense if the 17276
applicant has proven to the superintendent, by a preponderance of 17277
the evidence, that the applicant's or other person's activities 17278
and employment record since the conviction show that the applicant 17279
or other person is honest, truthful, and of good reputation, and 17280
there is no basis in fact for believing that the applicant or 17281
other person will commit such an offense again. 17282

(8) Neither the applicant nor any shareholder, member, 17283
partner, operations manager, or employee of the applicant has been 17284
subject to any adverse judgment for conversion, embezzlement, 17285
misappropriation of funds, fraud, misfeasance or malfeasance, or 17286
breach of fiduciary duty, or, if the applicant or any of those 17287
other persons has been subject to such a judgment, the applicant 17288
has proven to the superintendent, by a preponderance of the 17289
evidence, that the applicant's or other person's activities and 17290
employment record since the judgment show that the applicant or 17291
other person is honest, truthful, and of good reputation, and 17292
there is no basis in fact for believing that the applicant or 17293
other person will be subject to such a judgment again. 17294

(9) The applicant's operations manager successfully completed 17295
the examination required under division (A) of section 1322.051 of 17296
the Revised Code. 17297

(10) The applicant's financial responsibility, experience, 17298
character, and general fitness command the confidence of the 17299
public and warrant the belief that the business will be operated 17300
honestly and fairly in compliance with the purposes of sections 17301
1322.01 to 1322.12 of the Revised Code. 17302

For purposes of determining whether an applicant that is a partnership, corporation, or other business entity or association has met the conditions set forth in divisions (A)(7), (A)(8), and (A)(10) of this section, the superintendent shall determine which partners, shareholders, or persons named in the application pursuant to division (A)(2) of section 1322.03 of the Revised Code must meet the conditions set forth in divisions (A)(7), (A)(8), and (A)(10) of this section. This determination shall be based on the extent and nature of the partner's, shareholder's, or person's ownership interest in the partnership, corporation, or other business entity or association that is the applicant.

(B) The certificate of registration issued pursuant to division (A) of this section may be renewed annually on or before the thirtieth day of April if the superintendent finds that all of the following conditions are met:

(1) The renewal application is accompanied by a nonrefundable renewal fee of ~~three~~ five hundred ~~fifty~~ dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section 1322.02 of the Revised Code; ~~however, an applicant that is registered under sections 1321.51 to 1321.60 of the Revised Code shall not be required to pay a renewal fee.~~ If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the registrant by certified mail, return receipt requested, that the certificate of registration renewed in reliance on the check or other draft instrument will be canceled unless the registrant, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the superintendent. If the registrant does not submit the renewal fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the certificate of

registration shall be canceled immediately without a hearing and 17335
the registrant shall cease activity as a mortgage broker. 17336

(2) On and after January 1, 2003, the operations manager 17337
designated under division (A)(3) of section 1322.03 of the Revised 17338
Code has completed, during the immediately preceding calendar 17339
year, at least six hours of continuing education as required under 17340
section 1322.052 of the Revised Code. 17341

(3) The applicant meets the conditions set forth in divisions 17342
(A)(2) to (10) of this section. 17343

(4) The applicant's certificate of registration is not 17344
subject to an order of suspension or revocation by the 17345
superintendent. 17346

(C)(1) Subject to division (C)(2) of this section, if a 17347
renewal fee is received by the superintendent after the thirtieth 17348
day of April, the certificate of registration shall not be 17349
considered renewed, and the applicant shall cease activity as a 17350
mortgage broker and apply for a certificate of registration as a 17351
mortgage broker. 17352

(2) Division (C)(1) of this section shall not apply if the 17353
applicant, no later than the thirty-first day of May, submits the 17354
renewal fee and a one-hundred-dollar penalty to the 17355
superintendent. 17356

(D) If the person designated as the operations manager 17357
pursuant to division (A)(3) of section 1322.03 of the Revised Code 17358
is no longer the operations manager, the registrant shall do all 17359
of the following: 17360

(1) Designate another person as the operations manager; 17361

(2) Within ten days after the designation described in 17362
division (D)(1) of this section, notify the superintendent in 17363
writing of the designation; 17364

(3) Submit any additional information that the superintendent 17365
requires to establish that the newly designated operations manager 17366
complies with the experience requirements set forth in division 17367
(A)(4) of section 1322.03 of the Revised Code. 17368

Sec. 1322.041. (A) Upon the conclusion of the investigation 17369
required under division (B) of section 1322.031 of the Revised 17370
Code, the superintendent of financial institutions shall issue a 17371
loan officer license to the applicant if the superintendent finds 17372
that the following conditions are met: 17373

(1) The application is accompanied by the application fee. If 17374
a check or other draft instrument is returned to the 17375
superintendent for insufficient funds, the superintendent shall 17376
notify the licensee by certified mail, return receipt requested, 17377
that the license issued in reliance on the check or other draft 17378
instrument will be canceled unless the licensee, within thirty 17379
days after receipt of the notice, submits the application fee and 17380
a one-hundred-dollar penalty to the superintendent. If the 17381
licensee does not submit the application fee and penalty within 17382
that time period, or if any check or other draft instrument used 17383
to pay the fee or penalty is returned to the superintendent for 17384
insufficient funds, the license shall be canceled immediately 17385
without a hearing, and the licensee shall cease activity as a loan 17386
officer. 17387

(2) The applicant complies with sections 1322.01 to 1322.12 17388
of the Revised Code. 17389

(3) The applicant has not been convicted of or pleaded guilty 17390
to any criminal offense described in division (A)(2) of section 17391
1322.031 of the Revised Code and the applicant has not pleaded 17392
guilty to or been convicted of a violation of an existing or 17393
former law of this state, any other state, or the United States 17394
that substantially is equivalent to a criminal offense described 17395

in that division. However, if the applicant has been convicted of 17396
or pleaded guilty to any such offense other than theft, the 17397
superintendent shall not consider the offense if the applicant has 17398
proven to the superintendent, by a preponderance of the evidence, 17399
that the applicant's activities and employment record since the 17400
conviction show that the applicant is honest, truthful, and of 17401
good reputation, and there is no basis in fact for believing that 17402
the applicant will commit such an offense again. 17403

(4) The applicant has not been subject to an adverse judgment 17404
for conversion, embezzlement, misappropriation of funds, fraud, 17405
misfeasance or malfeasance, or breach of fiduciary duty, or, if 17406
the applicant has been subject to such a judgment, the applicant 17407
has proven to the superintendent, by a preponderance of the 17408
evidence, that the applicant's activities and employment record 17409
since the judgment show that the applicant is honest, truthful, 17410
and of good reputation, and there is no basis in fact for 17411
believing that the applicant will be subject to such a judgment 17412
again. 17413

(5) The applicant successfully completed the examination 17414
required under division (B) of section 1322.051 of the Revised 17415
Code and the education requirements set forth in division (A)(4) 17416
of section 1322.031 of the Revised Code. 17417

(6) The applicant's character and general fitness command the 17418
confidence of the public and warrant the belief that the business 17419
will be operated honestly and fairly in compliance with the 17420
purposes of sections 1322.01 to 1322.12 of the Revised Code. 17421

(B) The license issued under division (A) of this section may 17422
be renewed annually on or before the thirtieth day of April if the 17423
superintendent finds that all of the following conditions are met: 17424

(1) The renewal application is accompanied by a nonrefundable 17425
renewal fee of one hundred fifty dollars. If a check or other 17426

draft instrument is returned to the superintendent for 17427
insufficient funds, the superintendent shall notify the licensee 17428
by certified mail, return receipt requested, that the license 17429
renewed in reliance on the check or other draft instrument will be 17430
canceled unless the licensee, within thirty days after receipt of 17431
the notice, submits the renewal fee and a one-hundred-dollar 17432
penalty to the superintendent. If the licensee does not submit the 17433
renewal fee and penalty within that time period, or if any check 17434
or other draft instrument used to pay the fee or penalty is 17435
returned to the superintendent for insufficient funds, the license 17436
shall be canceled immediately without a hearing, and the licensee 17437
shall cease activity as a loan officer. 17438

(2) On and after January 1, 2003, the loan officer has 17439
completed, during the immediately preceding calendar year, at 17440
least six hours of continuing education as required under section 17441
1322.052 of the Revised Code. 17442

(3) The applicant meets the conditions set forth in divisions 17443
(A)(2) to (6) of this section. 17444

(4) The applicant's license is not subject to an order of 17445
suspension or revocation by the superintendent. 17446

(C)(1) Subject to division (C)(2) of this section, if a 17447
license renewal application or renewal fee is received by the 17448
superintendent after the thirtieth day of April, the license shall 17449
not be considered renewed, and the applicant shall cease activity 17450
as a loan officer. 17451

(2) Division (C)(1) of this section shall not apply if the 17452
applicant, no later than the thirty-first day of May, submits the 17453
renewal application and fee and a one-hundred-dollar penalty to 17454
the superintendent. 17455

Sec. 1327.46. ~~(A)~~ As used in sections 1327.46 to 1327.71 of 17456

the Revised Code: 17457

(A) "Weights and measures" means all weights and measures of 17458
every kind, instruments and devices for weighing and measuring, 17459
and any appliances and accessories associated with any such 17460
instruments and devices, except that the term shall not be 17461
construed to include meters for the measurement of electricity, 17462
gas, whether natural or manufactured, or water when the same are 17463
operated in a public utility system. Such electricity, gas, and 17464
water meters, and appliances or accessories associated therewith 17465
are specifically excluded from the purview of the weights and 17466
measures laws. 17467

(B) "Intrastate commerce" means all commerce or trade that is 17468
begun, carried on, and completed wholly within the limits of this 17469
state, and "introduced into intrastate commerce" defines the time 17470
and place in which the first sale and delivery of a commodity is 17471
made within the state, the delivery being made either directly to 17472
the purchaser or to a common carrier for shipment to the 17473
purchaser. 17474

(C) "Package" means any commodity put up or packaged in any 17475
manner in advance of sale in units suitable for either wholesale 17476
or retail sale. 17477

(D) "Consumer package" means a package that is customarily 17478
produced or distributed for sale through a retail sales agency for 17479
consumption by an individual or use by an individual. 17480

(E) "Weight" as used in connection with any commodity means 17481
net weight. 17482

(F) "Correct" as used in connection with weights and measures 17483
means conformity with all applicable requirements of sections 17484
1327.46 to ~~1327.61~~ 1327.71 of the Revised Code and rules adopted 17485
pursuant to those sections. 17486

(G) "Primary standards" means the physical standards of the 17487

state that serve as the legal reference from which all other 17488
standards and weights and measures are derived. 17489

(H) "Secondary standards" means the physical standards that 17490
are traceable to the primary standards through comparisons, using 17491
acceptable laboratory procedures, and used in the enforcement of 17492
weights and measures laws and rules. 17493

(I) "Sale from bulk" means the sale of commodities when the 17494
quantity is determined at the time of sale. 17495

(J) "Net weight" means the weight of a commodity, excluding 17496
any materials, substances, or items not considered to be a part of 17497
the commodity. Materials, substances, or items not considered to 17498
be part of the commodity include, but are not limited to, 17499
containers, conveyances, bags, wrappers, packaging materials, 17500
labels, individual piece coverings, decorative accompaniments, and 17501
coupons. 17502

(K) "Random weight package" means a package that is one of a 17503
lot, shipment, or delivery of packages of the same commodity with 17504
no fixed pattern of weights. 17505

(L) "Motor fuel" means any liquid or gaseous matter that is 17506
used individually or blended for the generation of power in an 17507
internal combustion engine. 17508

(M) "ASTM" means the American society for testing and 17509
materials. 17510

(N) "NIST handbook 130" means the national institute of 17511
standards and technology handbook 130 "uniform laws and 17512
regulations in the areas of legal metrology and engine fuel 17513
quality." 17514

(O) "Petroleum products" means products that are obtained 17515
from the distilling and processing of crude oil and refinery blend 17516
stocks. 17517

<u>(P) "Sold" includes keeping, offering, or exposing for sale.</u>	17518
<u>(O) "Commercially used weighing and measuring device" means a device described in the national institute of standards and technology handbook 44 or its supplements and revisions and any other weighing and measuring device designated by rules adopted under section 1327.501 of the Revised Code.</u>	17519 17520 17521 17522 17523
Sec. 1327.50. The director of agriculture shall:	17524
(A) Maintain traceability of the state standards to those of the national institute of standards and technology;	17525 17526
(B) Enforce sections 1327.46 to 1327.61 <u>1327.71</u> of the Revised Code;	17527 17528
(C) Issue reasonable rules for the uniform enforcement of sections 1327.46 to 1327.61 <u>1327.71</u> of the Revised Code, which rules shall have the force and effect of law;	17529 17530 17531
(D) Establish standards of weight, measure, or count, reasonable standards of fill, and standards for the voluntary presentation of cost per unit information for any package;	17532 17533 17534
(E) Grant any exemptions from sections 1327.46 to 1327.61 <u>1327.71</u> of the Revised Code, or any rules adopted under those sections, when appropriate to the maintenance of good commercial practices in the state;	17535 17536 17537 17538
(F) Conduct investigations to ensure compliance with sections 1327.46 to 1327.61 <u>1327.71</u> of the Revised Code;	17539 17540
(G) Delegate to appropriate personnel any of these responsibilities for the proper administration of the director's office;	17541 17542 17543
(H) Test as often as is prescribed by rule the standards of weight and measure used by any municipal corporation or county within the state, and approve the same when found to be correct;	17544 17545 17546

(I) Inspect and test weights and measures ~~kept, offered, or~~ 17547
~~exposed for sale~~ that are sold; 17548

(J) Inspect and test to ascertain if they are correct, 17549
weights and measures commercially used either: 17550

(1) In determining the weight, measure, or count of 17551
commodities or things sold, ~~or offered or exposed for sale,~~ on the 17552
basis of weight, measure, or count; 17553

(2) In computing the basic charge or payment for goods or 17554
services rendered on the basis of weight, measure, or count. 17555

(K) Test all weights and measures used in checking the 17556
receipt or disbursement of supplies in every institution, for the 17557
maintenance of which funds are appropriated by the general 17558
assembly; 17559

(L) Approve for use, and may mark, such weights and measures 17560
as the director finds to be correct, and shall reject and mark as 17561
rejected such weights and measures as the director finds to be 17562
incorrect. Weights and measures that have been rejected may be 17563
seized if not corrected within the time specified or if used or 17564
disposed of in a manner not specifically authorized, and may be 17565
condemned and seized if found to be incorrect and not capable of 17566
being made correct. 17567

(M) Weigh, measure, or inspect packaged commodities ~~kept,~~ 17568
~~offered, or exposed for sale,~~ that are sold, or in the process of 17569
delivery to determine whether they contain the amounts represented 17570
and whether they are ~~kept, offered, or exposed for sale~~ sold in 17571
accordance with sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised 17572
Code or rules adopted under those sections. In carrying out this 17573
section, the director shall employ recognized sampling procedures, 17574
such as those designated in the national institute of standards 17575
and technology handbook 133 "checking the net contents of packaged 17576
goods." 17577

(N) Prescribe by rule the appropriate term or unit of weight 17578
or measure to be used, whenever the director determines in the 17579
case of a specific commodity that an existing practice of 17580
declaring the quantity by weight, measure, numerical count, or 17581
combination thereof, does not facilitate value comparisons by 17582
consumers, or offers an opportunity for consumer confusion; 17583

(O) Allow reasonable variations from the stated quantity of 17584
contents, which shall include those caused by unavoidable 17585
deviations in good manufacturing practice and by loss or gain of 17586
moisture during the course of good distribution practice, only 17587
after the commodity has entered intrastate commerce; 17588

(P) Provide for the weights and measures training of 17589
inspector personnel and establish minimum training requirements, 17590
which shall be met by all inspector personnel, whether county, 17591
municipal, or state; 17592

(Q) Prescribe the methods of tests and inspections to be 17593
employed in the enforcement of sections 1327.46 to ~~1327.61~~ 1327.71 17594
of the Revised Code. The director may prescribe the official test 17595
and inspection forms to be used. 17596

(R) Provide by rule for voluntary registration with the 17597
director of private weighing and measuring device servicing 17598
agencies, and personnel; 17599

(S) In conjunction with the national institute of standards 17600
and technology, operate a type evaluation program for 17601
certification of weighing and measuring devices as part of the 17602
national type evaluation program and operate a metrology 17603
laboratory program. The director shall establish a schedule of 17604
fees for services rendered by the department of agriculture for 17605
the type evaluation services program and the metrology laboratory 17606
program. The director may require any weighing or measuring 17607
instrument or device to be traceable to a national type evaluation 17608

program certificate of conformance prior to use for commercial or 17609
law enforcement purposes. 17610

(T) Administer the fuel quality testing program in accordance 17611
with sections 1327.70 and 1327.71 of the Revised Code and rules 17612
adopted under them. 17613

Sec. 1327.501. (A) On and after the effective date of the 17614
rules adopted under this section, no person shall operate a 17615
commercially used weighing and measuring device in this state 17616
unless the operator of the device obtains a permit issued by the 17617
director of agriculture or the director's designee. 17618

(B) An application for a permit shall be submitted to the 17619
director on a form that the director prescribes and provides. The 17620
applicant shall include with the application any information that 17621
is specified on the application form as well as the application 17622
fee established in rules adopted under this section. 17623

(C) Upon receipt of a completed application and the required 17624
fee from an applicant, the director or the director's designee 17625
shall issue or deny the permit to operate the commercially used 17626
weighing and measuring device that was the subject of the 17627
application. 17628

(D) A permit issued under this section expires on the 17629
thirtieth day of June of the year following its issuance and may 17630
be renewed annually on or before the first day of July of that 17631
year upon payment of a permit renewal fee established in rules 17632
adopted under this section. 17633

(E) If a permit renewal fee is more than sixty days past due, 17634
the director may assess a late penalty in an amount established by 17635
rules adopted under this section. 17636

(F) The director shall adopt rules in accordance with Chapter 17637
119. of the Revised Code that do all of the following: 17638

<u>(1) Establish procedures and requirements governing the issuance or denial of permits under this section;</u>	17639
	17640
<u>(2) Designate weighing and measuring devices for which a permit is required under this section in addition to those devices specified in the national institute of standards and technology handbook 44 or its supplements and revisions;</u>	17641
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<u>(3) Establish application fees required to be paid by applicants for permits under this section;</u>	17645
	17646
<u>(4) Establish permit renewal fees required to be paid by permittees under this section;</u>	17647
	17648
<u>(5) Establish late penalties to be assessed for the late payment of a permit renewal fee and fees for the replacement of lost or destroyed permits.</u>	17649
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	17651
<u>(G) All money collected through the payment of fees and the imposition of penalties under this section shall be credited to the metrology and scale certification and device permitting fund created in section 1327.511 of the Revised Code.</u>	17652
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Sec. 1327.51. (A) When necessary for the enforcement of sections 1327.46 to 1327.61 1327.71 of the Revised Code or rules adopted pursuant thereto, the director of agriculture and any weights and measures official acting under the authority of section 1327.52 of the Revised Code may do any of the following:	17656
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(1) Enter any commercial premises during normal business hours, except that in the event such premises are not open to the public, he <u>the director or official</u> shall first present his <u>the director's or official's</u> credentials and obtain consent before making entry thereto, unless a search warrant previously has been obtained;	17661
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(2) Issue stop-use, hold, and removal orders with respect to any weights and measures commercially used, and stop-sale, hold,	17667
	17668

and removal orders with respect to any packaged commodities or 17669
bulk commodity observed to be or believed to be ~~kept, offered, or~~ 17670
~~exposed for sale~~ sold; 17671

(3) Seize for use as evidence any incorrect or unapproved 17672
weight or measure or any package or commodity found to be used, 17673
retained, ~~offered or exposed for sale,~~ or sold in violation of 17674
sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised Code or rules 17675
~~promulgated~~ adopted pursuant thereto. 17676

(B) The director shall afford an opportunity for a hearing in 17677
accordance with Chapter 119. of the Revised Code to any owner or 17678
operator whose property is seized by the ~~Ohio~~ department of 17679
agriculture. 17680

Sec. 1327.511. All money collected under ~~section~~ sections 17681
1327.50 and 1327.501 of the Revised Code from fees and for 17682
services rendered by the department of agriculture in operating 17683
the type evaluation program, metrology laboratory program, and 17684
device permitting program, as applicable, shall be deposited in 17685
the state treasury to the credit of the metrology and scale 17686
certification and device permitting fund, which is hereby created. 17687
Money credited to the fund shall be used to pay operating costs 17688
incurred by the department in administering the ~~program~~ division 17689
of weights and measures, including administrative costs incurred 17690
by the division. 17691

Sec. 1327.52. Any weights and measures official elected or 17692
appointed for a county or ~~municipality~~ municipal corporation shall 17693
have the duties enumerated in divisions (I) to ~~(M)~~ (L) of section 17694
1327.50 of the Revised Code; the duties enumerated in division 17695
(M) of section 1327.50 of the Revised Code with the exception of 17696
duties enumerated in sections 1327.501, 1327.511, 1327.62, 17697
1327.65, 1327.70, and 1327.71 of the Revised Code; and the powers 17698

enumerated in section 1327.51 of the Revised Code. These powers 17699
and duties shall extend to the respective jurisdictions, except 17700
that the jurisdiction of a county official shall not extend to any 17701
municipal corporation for which a weights and measures official 17702
has been appointed. The director of agriculture shall advise and 17703
assist these officials. 17704

Sec. 1327.54. No person shall misrepresent the price of any 17705
commodity or service sold, ~~offered, exposed,~~ or advertised for 17706
sale by weight, measure, or count, nor represent the price in any 17707
manner calculated or tending to mislead or in any way deceive a 17708
person. 17709

Sec. 1327.57. (A) Except as otherwise provided by law, any 17710
consumer package or commodity in package form introduced or 17711
delivered for introduction into or received in intrastate 17712
commerce, ~~kept for the purpose of sale, or offered or exposed for~~ 17713
~~sale~~ sold in intrastate commerce shall bear on the outside of the 17714
package a definite, plain, and conspicuous declaration, as may be 17715
prescribed by rule adopted by the director of agriculture, of any 17716
of the following, as applicable: 17717

(1) The identity of the commodity in the package unless the 17718
same can easily be identified through the wrapper or container; 17719

(2) The net quantity of the contents in terms of weight, 17720
measure, or count; 17721

(3) In the case of any package ~~kept, or offered or exposed~~ 17722
~~for sale, or~~ sold at any place other than on the premises where 17723
packed, the name and place of business of the manufacturer, 17724
packer, or distributor. 17725

This section does not apply to beer or intoxicating liquor as 17726
defined in section 4301.01 of the Revised Code, or packages 17727
thereof, or to malt or brewer's wort, or packages thereof. 17728

(B) Under division (A)(2) of this section, neither the 17729
qualifying term "when packed" or any words of similar import, nor 17730
any term qualifying a unit of weight, measure, or count that tends 17731
to exaggerate the amount of commodity in a package, shall be used. 17732

(C) In addition to the declarations required by division (A) 17733
of this section, any package or commodity in package form, if the 17734
package is one of a lot containing random weights, measures, or 17735
counts of the same commodity and bears the total selling price of 17736
the package, shall bear on the outside of the package a plain and 17737
conspicuous declaration of the price per single unit of weight, 17738
measure, or count. 17739

(D) No package or commodity in package form shall be so 17740
wrapped, nor shall it be in a container so made, formed, or 17741
filled, as to mislead the purchaser as to the quantity of the 17742
contents of the package, and the contents of a container shall not 17743
fall below any reasonable standard of fill that may have been 17744
prescribed for the commodity in question by the director. 17745

Sec. 1327.58. Irrespective of whether or not there exists an 17746
adequate remedy at law, the director of agriculture may apply to 17747
any court of competent jurisdiction for a temporary or permanent 17748
injunction or other appropriate relief restraining any person from 17749
continued violation of sections 1327.46 to ~~1327.61~~ 1327.71 of the 17750
Revised Code and of ~~regulations promulgated~~ rules adopted 17751
thereunder. 17752

Sec. 1327.60. Enactment of sections 1327.46 to ~~1327.61~~ 17753
1327.71 of the Revised Code does not affect any ~~regulations~~ 17754
~~promulgated~~ rules adopted pursuant to the authority of any earlier 17755
enabling statute unless inconsistent with sections 1327.46 to 17756
~~1327.61~~ 1327.71 of the Revised Code or modified or revoked by the 17757
director of agriculture. 17758

Sec. 1327.62. Whenever the director of agriculture, or ~~his~~ the director's designee, has cause to believe that any person has violated, or is violating, ~~section 1327.54 or 1327.61~~ any provision of sections 1327.46 to 1327.71 of the Revised Code or rules adopted under them, ~~he the director~~, or ~~his~~ the director's designee, may conduct a hearing in accordance with Chapter 119. of the Revised Code to determine whether a violation has occurred. If the director or ~~his~~ the director's designee determines that the person has violated or is violating ~~section 1327.54 or 1327.61~~ any provision of sections 1327.46 to 1327.71 of the Revised Code or rules adopted under them, ~~he the director or the director's~~ designee may assess a civil penalty against the person. The person is liable for a civil penalty of not more than five hundred dollars for a first violation; for a second violation the person is liable for a civil penalty of not more than two thousand five hundred dollars; for each subsequent violation that occurs within five years after the second violation, the person is liable for a civil penalty of not more than ten thousand dollars.

Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all moneys collected under this section to the treasurer of state for deposit in the general revenue fund.

Sec. 1327.70. ~~(A) As used in this section:~~

~~(1) "Diesel fuel" has the same meaning as in section 5735.01 of the Revised Code.~~

~~(2) "Motor fuel" means gasoline or diesel fuel that is sold by a retailer.~~

~~(B)~~ The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing a motor fuel quality testing program that is uniform throughout the state. The

rules shall do all of the following: 17789

(A) Establish fuel quality requirements that are modeled on the uniform laws and regulations in NIST handbook 130; 17790
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(B) Incorporate standards for motor fuel based on the standards developed by ASTM committee D02 on petroleum products; 17792
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(C) Establish requirements governing the standards and identity of fuels and petroleum and the advertising, posting of prices, and labeling of products; 17794
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(D) Establish any other procedures and requirements that are necessary to implement this section, including the imposition of penalties. 17797
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Sec. 1327.71. There is hereby created in the state treasury the fuel quality testing fund consisting of the proceeds of any fines resulting from penalties imposed in accordance with rules adopted under section 1327.70 of the Revised Code. Money in the fund shall be used to pay the costs incurred by the department of agriculture in implementing and administering the motor fuel quality testing program and the weights and measures program and to pay overhead costs of the department. 17800
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Sec. 1327.99. Whoever violates section 1327.501, section 1327.54 ~~or~~, division (A), (B), (C), or (D) of section 1327.61, or section 1327.70 of the Revised Code or rules adopted under those sections is guilty of a misdemeanor of the second degree on a first offense; on each subsequent offense within seven years after the first offense, ~~such~~ the person is guilty of a misdemeanor of the first degree. 17808
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Sec. 1332.24. (A)(1) In accordance with section 1332.25 of the Revised Code, the director of commerce may issue to any person, or renew, a video service authorization, which 17815
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authorization confers on the person the authority, subject to 17818
sections 1332.21 to 1332.34 of the Revised Code, to provide video 17819
service in its video service area; construct and operate a video 17820
service network in, along, across, or on public rights-of-way for 17821
the provision of video service; and, when necessary to provide 17822
that service, exercise the power of a telegraph company under 17823
section 4931.04 of the Revised Code. The term of a video service 17824
authorization or authorization renewal shall be ten years. 17825

(2) For the purposes of the "Cable Communications Policy Act 17826
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et 17827
seq., a video service authorization shall constitute a franchise 17828
under that law, and the director shall be the sole franchising 17829
authority under that law for video service authorizations in this 17830
state. The director may adopt rules under Chapter 119. of the 17831
Revised Code to carry out sections 1332.21 to 1332.34 of the 17832
Revised Code. 17833

(3) The director may impose upon and collect an annual 17834
assessment on video service providers. All money collected under 17835
division (A)(3) of this section shall be deposited to the credit 17836
of the video service authorization fund created under section 17837
1332.25 of the Revised Code. The director annually shall determine 17838
the total amount to be so assessed based on the department's 17839
actual, current fiscal year administrative costs in carrying out 17840
those duties. The director shall allocate that amount 17841
proportionately among the video service providers to be assessed, 17842
using a formula established by rule. On or about the first day of 17843
July of each year, the director shall send to each video service 17844
provider to be assessed written notice of its proportional amount 17845
of the total assessment. The provider shall pay that amount not 17846
later than fourteen days following the date the notice is sent. 17847
After the initial assessment, the director annually shall 17848
reconcile the amount collected with the department's actual, 17849

fiscal year administrative costs in carrying out its duties under 17850
sections 1332.21 to 1332.34 of the Revised Code and either shall 17851
charge each assessed video service provider its respective 17852
proportion of any insufficiency or proportionately credit the 17853
provider's next assessment for any excess collected. The total 17854
amount in any fiscal year assessed shall not exceed the 17855
department's actual, current fiscal year administrative costs in 17856
carrying out its duties under sections 1332.21 to 1332.34 of the 17857
Revised Code. 17858

(B)(1) The director may investigate alleged violations of or 17859
failures to comply with division (A) of section 1332.23, division 17860
(A) of this section, division (C) of section 1332.25, division (C) 17861
or (D) of section 1332.26, division (A), (B), or (C) of section 17862
1332.27, division (A) of section 1332.28, division (A) or (B) of 17863
section 1332.29, or section 1332.30 or 1332.31 of the Revised 17864
Code, or complaints concerning any such violation or failure. 17865
Except as provided in this section, the director has no authority 17866
to regulate video service in this state, including, but not 17867
limited to, the rates, terms, or conditions of that service. 17868

(2) In conducting an investigation under division (B)(1) of 17869
this section, the director, by subpoena, may compel witnesses to 17870
testify in relation to any matter over which the director has 17871
jurisdiction and may require the production of any book, record, 17872
or other document pertaining to that matter. If a person fails to 17873
file any statement or report, obey any subpoena, give testimony, 17874
produce any book, record, or other document as required by a 17875
subpoena, or permit photocopying of any book, record, or other 17876
document subpoenaed, the court of common pleas of any county in 17877
this state, upon application made to it by the director, shall 17878
compel obedience by attachment proceedings for contempt, as in the 17879
case of disobedience of the requirements of a subpoena issued from 17880
the court or a refusal to testify. 17881

(C)(1) If the director finds that a person has violated or failed to comply with division (A) of section 1332.23, division (A) of this section, division (C) of section 1332.25, division (C) or (D) of section 1332.26, division (A), (B), or (C) of section 1332.27, division (A) of section 1332.28, division (A) or (B) of section 1332.29, or section 1332.30 or 1332.31 of the Revised Code, and the person has failed to cure the violation or failure after reasonable, written notice and reasonable time to cure, the director may do any of the following:

(a) Apply to the court of common pleas of any county in this state for an order enjoining the activity or requiring compliance. Such an action shall be commenced not later than three years after the date the alleged violation or failure occurred or was reasonably discovered. Upon a showing by the director that the person has engaged in a violation or failure to comply, the court shall grant an injunction, restraining order, or other appropriate relief.

(b) Enter into a written assurance of voluntary compliance with the person;

(c) Pursuant to an adjudication under Chapter 119. of the Revised Code, assess a civil penalty in an amount determined by the director, including for any failure to comply with an assurance of voluntary compliance under division (C)(1)(b) of this section. The amount shall be not more than one thousand dollars for each day of violation or noncompliance, not to exceed a total of ten thousand dollars, counting all subscriber impacts as a single violation or act of noncompliance. In determining whether a civil penalty is appropriate under division (C)(1)(c) of this section, the director shall consider all of the following factors:

(i) The seriousness of the noncompliance;

(ii) The good faith efforts of the person to comply;

- (iii) The person's history of noncompliance; 17913
- (iv) The financial resources of the person; 17914
- (v) Any other matter that justice requires. 17915

Civil penalties collected pursuant to division (C)(1)(c) of 17916
this section shall be deposited to the credit of the video service 17917
enforcement fund in the state treasury, which is hereby created, 17918
to be used by the department of commerce in carrying out its 17919
duties under this section. 17920

(2) Pursuant to an adjudication under Chapter 119. of the 17921
Revised Code, the director may revoke, in whole or in part, the 17922
video service authorization of any person that has repeatedly and 17923
knowingly violated or failed to comply with division (A) of 17924
section 1332.23, division (A) of this section, division (C) of 17925
section 1332.25, division (C) or (D) of section 1332.26, division 17926
(A), (B), or (C) of section 1332.27, division (A) of section 17927
1332.28, division (A) or (B) of section 1332.29, or section 17928
1332.30 or 1332.31 of the Revised Code and that has failed to cure 17929
the violations or noncompliances after reasonable written notice 17930
and reasonable time to cure. Such person acts knowingly, 17931
regardless of the person's purpose, when the person is aware that 17932
the person's conduct will probably cause a certain result or will 17933
probably be of a certain nature. A person has knowledge of 17934
circumstances when the person is aware that such circumstances 17935
probably exist. 17936

(3) The court shall conduct a de novo review in any appeal 17937
from an adjudication under division (C)(1)(c) or (C)(2) of this 17938
section. 17939

(D) The public utilities commission has no authority over a 17940
video service provider in its offering of video service or a cable 17941
operator in its offering of cable or video service, or over any 17942
person in its offering of video service pursuant to a competitive 17943

video service agreement. 17944

Sec. 1332.25. (A) An application made to the director of 17945
commerce for a video service authorization under section 1332.24 17946
of the Revised Code shall require and contain only the following: 17947

(1) Specification of the location of the applicant's 17948
principal place of business and the names of the applicant's 17949
principal executive officers; 17950

(2) Specification of the geographic and political boundaries 17951
of the applicant's proposed video service area; 17952

(3) A general description of the type or types of 17953
technologies the applicant will use to deliver the video 17954
programming, which may include wireline, wireless, or any other 17955
alternative technology, subject, as applicable, to section 1332.29 17956
of the Revised Code; 17957

(4) An attestation that the applicant has filed or will 17958
timely file with the federal communications commission all forms 17959
required by that agency in advance of offering video service in 17960
this state; 17961

(5) An attestation that the applicant will comply with 17962
applicable federal, state, and local laws; 17963

(6) An attestation that the applicant is legally, 17964
financially, and technically qualified to provide video service; 17965

(7) A description of the applicant's customer complaint 17966
handling process, including policies on addressing customer 17967
service issues, billing adjustments, and communication with 17968
government officials regarding customer complaints, and a local or 17969
toll-free telephone number at which a customer may contact the 17970
applicant. 17971

(B) For the purpose of division (A)(2) of this section: 17972

(1) The video service areas of video service providers may 17973
overlap. 17974

(2) A specified video service area shall be coextensive with 17975
municipal, township unincorporated area, or county boundaries, 17976
except as authorized under division (B)(3) or (4) of this section, 17977
but nothing in sections 1332.21 to 1332.34 of the Revised Code 17978
shall require a video service provider to provide access to video 17979
service within the entire video service area. 17980

(3) The specified video service area of a person using 17981
telecommunications facilities to provide video service on ~~the~~ 17982
~~effective date of this section~~ September 24, 2007, or of any other 17983
person later so using telecommunications facilities shall be the 17984
geographic area in which the person offers basic local exchange 17985
service. 17986

(4) Subject to division (C)(2) of section 1332.27 of the 17987
Revised Code, the specified video service area of an applicant 17988
cable operator that offers service under a franchise in effect on 17989
~~the effective date of this section~~ September 24, 2007, initially 17990
shall be, at minimum, the franchise area established under that 17991
franchise. 17992

(C) A video service provider shall immediately file an 17993
application to amend its video service authorization with the 17994
director to reflect any change in the information required under 17995
division (A)(1), (2), or (3) of this section. An amendment 17996
pursuant to division (A)(2) of this section shall include any new 17997
delivery technology information required by division (A)(3) of 17998
this section. 17999

(D) Within thirty days after its filing or within thirty days 18000
after the filing of supplemental information necessary to make it 18001
complete, the director shall determine the completeness of an 18002
application filed under division (A) or (C) of this section 18003

relative to the respective requirements of divisions (A), (B), and 18004
(C) of this section and, as applicable, shall notify the applicant 18005
of an incompleteness determination, state the bases for that 18006
determination, and inform the applicant that it may resubmit a 18007
corrected application. The director shall issue a video service 18008
authorization, authorization renewal, or amended authorization 18009
within fifteen days after the director's determination that the 18010
filed application is complete. 18011

If the director does not notify the applicant regarding the 18012
completeness of the application within the time period specified 18013
in this division or does not issue the authorization requested by 18014
a completed application within the applicable time period, the 18015
application shall be deemed complete, and the authorization or 18016
amended authorization deemed issued on the forty-fifth day after 18017
the application's filing date. 18018

(E) An applicant shall pay a two thousand dollar 18019
nonrefundable fee for each application filed under division (A) of 18020
this section and a one hundred dollar nonrefundable fee for each 18021
application to amend filed under division (C) of this section. 18022
Fees collected under this division shall be deposited to the 18023
credit of the video service authorization fund in the state 18024
treasury, which is hereby created, to be used by the department of 18025
commerce in carrying out its duties under ~~this section~~ sections
1332.21 to 1332.34 of the Revised Code. 18026
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(F) No video service provider shall identify or make 18028
reference to an application fee under division (E) of this section 18029
or an assessment under section 1332.24 of the Revised Code on any 18030
subscriber bill or in conjunction with charging any fee to the 18031
subscriber. 18032

(G) An applicant may identify any information in its 18033
application as trade secret information, and if, upon its written 18034
request to the director, the director reasonably affirms all or 18035

part of that information as trade secret information, the 18036
information so affirmed does not constitute a public record for 18037
the purpose of section 149.43 of the Revised Code. 18038

Sec. 1347.08. (A) Every state or local agency that maintains 18039
a personal information system, upon the request and the proper 18040
identification of any person who is the subject of personal 18041
information in the system, shall: 18042

(1) Inform the person of the existence of any personal 18043
information in the system of which the person is the subject; 18044

(2) Except as provided in divisions (C) and (E)(2) of this 18045
section, permit the person, the person's legal guardian, or an 18046
attorney who presents a signed written authorization made by the 18047
person, to inspect all personal information in the system of which 18048
the person is the subject; 18049

(3) Inform the person about the types of uses made of the 18050
personal information, including the identity of any users usually 18051
granted access to the system. 18052

(B) Any person who wishes to exercise a right provided by 18053
this section may be accompanied by another individual of the 18054
person's choice. 18055

(C)(1) A state or local agency, upon request, shall disclose 18056
medical, psychiatric, or psychological information to a person who 18057
is the subject of the information or to the person's legal 18058
guardian, unless a physician, psychiatrist, or psychologist 18059
determines for the agency that the disclosure of the information 18060
is likely to have an adverse effect on the person, in which case 18061
the information shall be released to a physician, psychiatrist, or 18062
psychologist who is designated by the person or by the person's 18063
legal guardian. 18064

(2) Upon the signed written request of either a licensed 18065

attorney at law or a licensed physician designated by the inmate, 18066
together with the signed written request of an inmate of a 18067
correctional institution under the administration of the 18068
department of rehabilitation and correction, the department shall 18069
disclose medical information to the designated attorney or 18070
physician as provided in division (C) of section 5120.21 of the 18071
Revised Code. 18072

(D) If an individual who is authorized to inspect personal 18073
information that is maintained in a personal information system 18074
requests the state or local agency that maintains the system to 18075
provide a copy of any personal information that the individual is 18076
authorized to inspect, the agency shall provide a copy of the 18077
personal information to the individual. Each state and local 18078
agency may establish reasonable fees for the service of copying, 18079
upon request, personal information that is maintained by the 18080
agency. 18081

(E)(1) This section regulates access to personal information 18082
that is maintained in a personal information system by persons who 18083
are the subject of the information, but does not limit the 18084
authority of any person, including a person who is the subject of 18085
personal information maintained in a personal information system, 18086
to inspect or have copied, pursuant to section 149.43 of the 18087
Revised Code, a public record as defined in that section. 18088

(2) This section does not provide a person who is the subject 18089
of personal information maintained in a personal information 18090
system, the person's legal guardian, or an attorney authorized by 18091
the person, with a right to inspect or have copied, or require an 18092
agency that maintains a personal information system to permit the 18093
inspection of or to copy, a confidential law enforcement 18094
investigatory record or trial preparation record, as defined in 18095
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 18096

(F) This section does not apply to any of the following: 18097

(1) The contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	18098 18099
(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	18100 18101 18102 18103 18104 18105
(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;	18106 18107 18108
(4) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	18109 18110 18111
(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	18112 18113 18114
(6) Files and records that have been expunged under division (D)(1) <u>or (2)</u> of section 3721.23 of the Revised Code;	18115 18116
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	18117 18118 18119
(8) Records that identify an individual described in division (A)(1) of section 5111.61 of the Revised Code, or that would tend to identify such an individual;	18120 18121 18122
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	18123 18124 18125 18126 18127

(10) Information contained in a database established and 18128
maintained pursuant to section 5101.13 of the Revised Code. 18129

Sec. 1501.01. (A) Except where otherwise expressly provided, 18130
the director of natural resources shall formulate and institute 18131
all the policies and programs of the department of natural 18132
resources. The chief of any division of the department shall not 18133
enter into any contract, agreement, or understanding unless it is 18134
approved by the director. No appointee or employee of the 18135
director, other than the assistant director, may bind the director 18136
in a contract except when given general or special authority to do 18137
so by the director. 18138

(B) The director shall correlate and coordinate the work and 18139
activities of the divisions in the department to eliminate 18140
unnecessary duplications of effort and overlapping of functions. 18141
The chiefs of the various divisions of the department shall meet 18142
with the director at least once each month at a time and place 18143
designated by the director. 18144

The director may create advisory boards to any of those 18145
divisions in conformity with section 121.13 of the Revised Code. 18146

(C) The director may accept and expend gifts, devises, and 18147
bequests of money, lands, and other properties on behalf of the 18148
department or any division thereof under the terms set forth in 18149
section 9.20 of the Revised Code. Any political subdivision of 18150
this state may make contributions to the department for the use of 18151
the department or any division therein according to the terms of 18152
the contribution. 18153

(D) The director may publish and sell or otherwise distribute 18154
data, reports, and information. 18155

(E) The director may identify and develop the geographic 18156
information system needs for the department, which may include, 18157

<u>but not be limited to, all of the following:</u>	18158
<u>(1) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology;</u>	18159 18160 18161
<u>(2) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services;</u>	18162 18163 18164 18165 18166
<u>(3) Creating, maintaining, and documenting spatial digital data bases;</u>	18167 18168
<u>(4) Providing information to and otherwise assisting government officials, planners, and resource managers in understanding land use planning and resource management;</u>	18169 18170 18171
<u>(5) Providing continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;</u>	18172 18173 18174 18175 18176 18177
<u>(6) Coordinating and administering the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;</u>	18178 18179 18180 18181
<u>(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;</u>	18182 18183 18184
<u>(8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;</u>	18185 18186 18187

(9) Preparing special studies and executing any other related 18188
duties, functions, and responsibilities identified by the 18189
director; 18190

(10) Entering into contracts or agreements with any agency of 18191
the United States government, any other public agency, or any 18192
private agency or organization for the performance of the duties 18193
specified in division (E) of this section or for accomplishing 18194
cooperative projects within those duties; 18195

(11) Entering into agreements with local government agencies 18196
for the purposes of land use inventories, Ohio capability analysis 18197
data layers, and other duties related to resource management. 18198
18199

(F) The director shall adopt rules in accordance with Chapter 18200
119. of the Revised Code to permit the department to accept by 18201
means of a credit card the payment of fees, charges, and rentals 18202
at those facilities described in section 1501.07 of the Revised 18203
Code that are operated by the department, for any data, reports, 18204
or information sold by the department, and for any other goods or 18205
services provided by the department. 18206

(G) Whenever authorized by the governor to do so, the 18207
director may appropriate property for the uses and purposes 18208
authorized to be performed by the department and on behalf of any 18209
division within the department. This authority shall be exercised 18210
in the manner provided in sections 163.01 to 163.22 of the Revised 18211
Code for the appropriation of property by the director of 18212
administrative services. This authority to appropriate property is 18213
in addition to the authority provided by law for the appropriation 18214
of property by divisions of the department. The director of 18215
natural resources also may acquire by purchase, lease, or 18216
otherwise such real and personal property rights or privileges in 18217
the name of the state as are necessary for the purposes of the 18218
department or any division therein. The director, with the 18219

approval of the governor and the attorney general, may sell, 18220
lease, or exchange portions of lands or property, real or 18221
personal, of any division of the department or grant easements or 18222
licenses for the use thereof, or enter into agreements for the 18223
sale of water from lands and waters under the administration or 18224
care of the department or any of its divisions, when the sale, 18225
lease, exchange, easement, agreement, or license for use is 18226
advantageous to the state, provided that such approval is not 18227
required for leases and contracts made under section 1501.07, 18228
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 18229
may be sold from a reservoir only to the extent that the reservoir 18230
was designed to yield a supply of water for a purpose other than 18231
recreation or wildlife, and the water sold is in excess of that 18232
needed to maintain the reservoir for purposes of recreation or 18233
wildlife. 18234

Money received from such sales, leases, easements, exchanges, 18235
agreements, or licenses for use, except revenues required to be 18236
set aside or paid into depositories or trust funds for the payment 18237
of bonds issued under sections 1501.12 to 1501.15 of the Revised 18238
Code, and to maintain the required reserves therefor as provided 18239
in the orders authorizing the issuance of such bonds or the trust 18240
agreements securing such bonds, revenues required to be paid and 18241
credited pursuant to the bond proceeding applicable to obligations 18242
issued pursuant to section 154.22, and revenues generated under 18243
section 1520.05 of the Revised Code, shall be deposited in the 18244
state treasury to the credit of the fund of the division of the 18245
department having prior jurisdiction over the lands or property. 18246
If no such fund exists, the money shall be credited to the general 18247
revenue fund. All such money received from lands or properties 18248
administered by the division of wildlife shall be credited to the 18249
wildlife fund. 18250

(H) The director shall provide for the custody, safekeeping, 18251

and deposit of all moneys, checks, and drafts received by the 18252
department or its employees prior to paying them to the treasurer 18253
of state under section 113.08 of the Revised Code. 18254

(I) The director shall cooperate with the nature conservancy, 18255
other nonprofit organizations, and the United States fish and 18256
wildlife service in order to secure protection of islands in the 18257
Ohio river and the wildlife and wildlife habitat of those islands. 18258

(J) Any instrument by which real property is acquired 18259
pursuant to this section shall identify the agency of the state 18260
that has the use and benefit of the real property as specified in 18261
section 5301.012 of the Revised Code. 18262

Sec. 1501.05. All chiefs of divisions in the department of 18263
natural resources shall be appointed by the director of natural 18264
resources. The chiefs of those divisions may be removed by the 18265
director. 18266

The chief engineer of the department of natural resources 18267
shall be a ~~registered~~ professional engineer registered under 18268
Chapter 4733. of the Revised Code or a professional architect 18269
certified and registered under Chapter 4703. of the Revised Code. 18270

The chief of each division and the chief engineer, with the 18271
advice and consent of the director, may employ such number of 18272
technical and administrative assistants as are necessary. 18273

All employees of the department, unless specifically exempted 18274
by law, shall be employed subject to the classified civil service 18275
laws in force at the time of their employment. 18276

Sec. 1501.07. The department of natural resources through the 18277
division of parks and recreation may plan, supervise, acquire, 18278
construct, enlarge, improve, erect, equip, and furnish public 18279
service facilities such as inns, lodges, hotels, cottages, camping 18280
sites, scenic trails, picnic sites, restaurants, commissaries, 18281

golf courses, boating and bathing facilities, and other similar 18282
facilities in state parks reasonably necessary and useful in 18283
promoting the public use of state parks under its control and may 18284
purchase lands or interests in lands in the name of the state 18285
necessary for those purposes. 18286

The chief of the division of parks and recreation shall 18287
administer state parks, establish rules, fix fees and charges for 18288
admission to parks and for the use of public service facilities 18289
therein, establish rentals for the lease of lands or interests 18290
therein within a state park the chief is authorized by law to 18291
lease, and exercise all powers of the chief, in conformity with 18292
all covenants of the director of natural resources in or with 18293
respect to state park revenue bonds and trust agreements securing 18294
such bonds and all terms, provisions, and conditions of such bonds 18295
and trust agreements. In the administration of state parks with 18296
respect to which state park revenue bonds are issued and 18297
outstanding, or any part of the moneys received from fees and 18298
charges for admission to or the use of facilities, from rentals 18299
for the lease of lands or interests or facilities therein, or for 18300
the lease of public service facilities are pledged for any such 18301
bonds, the chief shall exercise the powers and perform the duties 18302
of the chief subject to the control and approval of the director. 18303
The acquisition of such lands or interests therein and facilities 18304
shall be planned with regard to the needs of the people of the 18305
state and with regard to the purposes and uses of such state parks 18306
and, except for facilities constructed in consideration of a lease 18307
under section 1501.012 of the Revised Code, shall be paid for from 18308
the state park fund created in section 1541.22 of the Revised Code 18309
or from the proceeds of the sale of bonds issued under sections 18310
1501.12 to 1501.15 of the Revised Code. Sections 125.81 and 153.04 18311
of the Revised Code, insofar as they require a certification by 18312
the chief of the division of capital planning and improvement, do 18313
not apply to the acquisition of lands or interests therein and 18314

public service facilities to be paid for from the proceeds of 18315
bonds issued under sections 1501.12 to 1501.15 of the Revised 18316
Code. 18317

As used in sections 1501.07 to 1501.14 of the Revised Code, 18318
state parks are all of the following: 18319

(A) State reservoirs described and identified in section 18320
1541.06 of the Revised Code; 18321

(B) All lands or interests therein that are denominated as 18322
state parks in section 1541.083 of the Revised Code; 18323

(C) All lands or interests therein of the state identified as 18324
administered by the division of parks and recreation in the 18325
"inventory of state owned lands administered by department of 18326
natural resources as of June 1, 1963," as recorded in the journal 18327
of the director, which inventory was prepared by the real estate 18328
section of the department and is supported by maps on file ~~in~~ with 18329
the division ~~of real estate and land management~~; 18330

(D) All lands or interests in lands of the state hereafter 18331
designated as state parks in the journal of the director with the 18332
approval of the recreation and resources council. 18333

All such state parks shall be exclusively under the control 18334
and administration of the division of parks and recreation. With 18335
the approval of the council, the director by order may remove from 18336
the classification as state parks any of the lands or interests 18337
therein so classified by divisions (C) and (D) of this section, 18338
subject to the limitations, provisions, and conditions in any 18339
order authorizing state park revenue bonds or in any trust 18340
agreement securing such bonds. Lands or interests therein so 18341
removed shall be transferred to other divisions of the department 18342
for administration or may be sold as provided by law. Proceeds of 18343
any sale shall be used or transferred as provided in the order 18344
authorizing state park revenue bonds or in the trust agreement 18345

and, if no such provision is made, shall be transferred to the 18346
state park fund. State parks do not include any lands or interest 18347
in lands of the state administered jointly by two or more 18348
divisions of the department. The designation of lands as state 18349
parks under divisions (A) to (D) of this section shall be 18350
conclusive, and those lands shall be under the control of and 18351
administered by the division of parks and recreation. No order or 18352
proceeding designating lands as state parks or park purchase areas 18353
shall be subject to any appeal or review by any officer, board, 18354
commission, or court. 18355

Sec. 1501.30. (A) As used in sections 1501.30 to 1501.35 of 18356
the Revised Code: 18357

(1) "Consumptive use" means a use of water resources, other 18358
than a diversion, that results in a loss of that water to the 18359
basin from which it is withdrawn and includes, but is not limited 18360
to, evaporation, evapotranspiration, and incorporation of water 18361
into a product or agricultural crop. 18362

(2) "Diversion" means a withdrawal of water resources from 18363
either the Lake Erie or Ohio river drainage basin and transfer to 18364
another basin without return. "Diversion" does not include 18365
evaporative loss within the basin of withdrawal. 18366

(3) "Other great lakes states and provinces" means states 18367
other than this state that are parties to the great lakes basin 18368
compact under Chapter 6161. of the Revised Code and the Canadian 18369
provinces of Ontario and Quebec. 18370

(4) "Person" has the same meaning as in section 1.59 of the 18371
Revised Code and also includes any state, any political 18372
subdivision of a state, and any department, division, board, 18373
commission, agency, or instrumentality of a state or political 18374
subdivision of a state. 18375

(5) "Water resources" means any waters of the state that are available or may be made available to agricultural, industrial, commercial, and domestic users.

(6) "Waters of the state" includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within or border upon this state or are within its jurisdiction.

(B) The chief of the division of soil and water resources of the department of natural resources shall define "Lake Erie drainage basin" and "Ohio river drainage basin" for the purposes of sections 1501.30 to 1501.35 of the Revised Code.

Sec. 1502.12. (A) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The chief of the division of recycling and litter prevention, with the approval of the director of natural resources, may make grants from the fund for the ~~purpose of supporting~~ following purposes:

(1) Supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes;

(2) Supporting scrap tire amnesty and cleanup events sponsored by solid waste management districts. ~~The grants~~

Grants awarded under division (A)(1) of this section may be awarded to individuals, businesses, and entities certified under division (A) of section 1502.04 of the Revised Code.

(B) Projects and activities that are eligible for grants under division (A)(1) of this section shall be evaluated for

funding using, at a minimum, the following criteria:	18406
(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;	18407 18408
(2) The degree of local financial support for a proposed project;	18409 18410
(3) The technical merit and quality of a proposed project.	18411
Sec. 1506.01. As used in this chapter:	18412
(A) "Coastal area" means the waters of Lake Erie, the islands in the lake, and the lands under and adjacent to the lake, including transitional areas, wetlands, and beaches. The coastal area extends in Lake Erie to the international boundary line between the United States and Canada and landward only to the extent necessary to include shorelands, the uses of which have a direct and significant impact on coastal waters as determined by the director of natural resources.	18413 18414 18415 18416 18417 18418 18419 18420
(B) "Coastal management program" means the comprehensive action of the state and its political subdivisions cooperatively to preserve, protect, develop, restore, or enhance the resources of the coastal area and to ensure wise use of the land and water resources of the coastal area, giving attention to natural, cultural, historic, and aesthetic values; agricultural, recreational, energy, and economic needs; and the national interest. "Coastal management program" includes the establishment of objectives, policies, standards, and criteria concerning, without limitation, protection of air, water, wildlife, rare and endangered species, wetlands and natural areas, and other natural resources in the coastal area; management of coastal development and redevelopment; preservation and restoration of historic, cultural, and aesthetic coastal features; and public access to the coastal area for recreation purposes.	18421 18422 18423 18424 18425 18426 18427 18428 18429 18430 18431 18432 18433 18434 18435

(C) "Coastal management program document" means a 18436
comprehensive statement consisting of, without limitation, text, 18437
maps, and illustrations that is adopted by the director in 18438
accordance with this chapter, describes the objectives, policies, 18439
standards, and criteria of the coastal management program for 18440
guiding public and private uses of lands and waters in the coastal 18441
area, lists the governmental agencies, including, without 18442
limitation, state agencies, involved in implementing the coastal 18443
management program, describes their applicable policies and 18444
programs, and cites the statutes and rules under which they may 18445
adopt and implement those policies and programs. 18446

(D) "Person" means any agency of this state, any political 18447
subdivision of this state or of the United States, and any legal 18448
entity defined as a person under section 1.59 of the Revised Code. 18449

(E) "Director" means the director of natural resources or the 18450
director's designee. 18451

(F) "Permanent structure" means any residential, commercial, 18452
industrial, institutional, or agricultural building, any mobile 18453
home as defined in division (O) of section 4501.01 of the Revised 18454
Code, any manufactured home as defined in division (C)(4) of 18455
section 3781.06 of the Revised Code, and any septic system that 18456
receives sewage from a single-family, two-family, or three-family 18457
dwelling, but does not include any recreational vehicle as defined 18458
in section 4501.01 of the Revised Code. 18459

(G) "State agency" or "agency of the state" has the same 18460
meaning as "agency" as defined in section 111.15 of the Revised 18461
Code. 18462

(H) "Coastal flood hazard area" means any territory within 18463
the coastal area that has been identified as a flood hazard area 18464
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 18465
42 U.S.C.A. 4002, as amended. 18466

(I) "Coastal erosion area" means any territory included in 18467
Lake Erie coastal erosion areas identified by the director under 18468
section 1506.06 of the Revised Code. 18469

(J) "Conservancy district" means a conservancy district that 18470
is established under Chapter 6101. of the Revised Code. 18471

(K) "Park board" means the board of park commissioners of a 18472
park district that is created under Chapter 1545. of the Revised 18473
Code. 18474

(L) "Erosion control structure" means a structure that is 18475
designed solely and specifically to reduce or control erosion of 18476
the shore along or near Lake Erie, including, without limitation, 18477
revetments, seawalls, bulkheads, certain breakwaters, and similar 18478
structures. 18479

(M) "Shore structure" includes, but is not limited to, 18480
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 18481
certain dikes designated by the chief of the division of soil and 18482
water resources; piers; docks; jetties; wharves; marinas; boat 18483
ramps; any associated fill or debris used as part of the 18484
construction of shore structures that may affect shore erosion, 18485
wave action, or inundation; and fill or debris that is placed 18486
along or near the shore, including bluffs, banks, or beach ridges, 18487
for the purpose of stabilizing slopes. 18488

Sec. 1507.01. There is hereby created in the department of 18489
natural resources the division of engineering to be administered 18490
by the chief engineer of the department, who shall be a 18491
professional engineer registered under Chapter 4733. of the 18492
Revised Code or a professional architect certified and registered 18493
under Chapter 4703. of the Revised Code. The With the approval of 18494
the director of natural resources, the chief engineer shall do all 18495
of the following: 18496

(A) Administer this chapter;	18497
(B) Provide engineering, architectural, land surveying, and related administrative and maintenance support services to the other divisions in the department;	18498 18499 18500
(C) Upon request of the director of natural resources, <u>Implement</u> the department's capital improvement program and facility maintenance projects, including all associated engineering, architectural, <u>planning</u> , design, contracting, surveying, inspection, and management responsibilities and requirements;	18501 18502 18503 18504 18505 18506
(D) With the approval of the director, act <u>Act</u> as contracting officer in departmental engineering, architectural, surveying, and construction matters regarding capital improvements except for those matters otherwise specifically provided for in law;	18507 18508 18509 18510
(E) Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code;	18511 18512
(F) Coordinate the department's roadway maintenance program with the department of transportation pursuant to section 5511.05 of the Revised Code and maintain the roadway inventory of the department of natural resources;	18513 18514 18515 18516
(G) <u>(F)</u> Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers;	18517 18518 18519
(H) Subject to the approval of the director, employ <u>(G)</u> <u>Employ</u> professional and technical assistants and such other employees as are necessary for the performance of the activities required or authorized under this chapter, other work of the division, and any other work agreed to under working agreements or contractual arrangements; prescribe their duties; and fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees-;	18520 18521 18522 18523 18524 18525 18526 18527

(H) Except as otherwise provided in the Revised Code, 18528
coordinate and conduct all real estate functions for the 18529
department of natural resources, including at least acquisitions 18530
by purchase, lease, gift, devise, bequest, appropriation, or 18531
otherwise; grants through sales, leases, exchanges, easements, and 18532
licenses; inventories of land; and other related general 18533
management duties; 18534

(I) Coordinate such environmental matters concerning the 18535
department and the state as are necessary to comply with the 18536
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 18537
U.S.C. 4321, as amended, the "Intergovernmental Cooperation Act of 18538
1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water 18539
Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as 18540
amended, and regulations adopted under those acts; 18541

(J) Coordinate and administer compensatory mitigation grant 18542
programs and other programs for streams and wetlands as approved 18543
in accordance with certifications and permits issued under 18544
sections 401 and 404 of the "Federal Water Pollution Control Act," 18545
91 Stat. 1566 (1977), 33 U.S.C. 1251, as amended, by the 18546
environmental protection agency and the United States army corps 18547
of engineers; 18548

(K) Coordinate all department activities associated with the 18549
completion of drainage ditch improvements in accordance with 18550
Chapters 6131. and 6133. of the Revised Code; 18551

(L) Assist the department and its divisions by providing 18552
department-wide planning, including at least master planning, 18553
comprehensive planning, capital improvements planning, and special 18554
purpose planning. 18555

Sec. 1511.01. For the purposes of this chapter: 18556

(A) "Conservation" means the wise use and management of 18557

natural resources. 18558

(B) "Critical natural resource area" means an area identified 18559
by the director of natural resources in which occurs a natural 18560
resource that requires special management because of its 18561
importance to the well-being of the surrounding communities, the 18562
region, or the state. 18563

(C) "Pollution abatement practice" means any erosion control 18564
or animal waste pollution abatement facility, structure, or 18565
procedure and the operation and management associated with it as 18566
contained in operation and management plans developed or approved 18567
by the chief of the division of soil and water ~~conservation~~ 18568
resources or by soil and water conservation districts established 18569
under Chapter 1515. of the Revised Code. 18570

(D) "Agricultural pollution" means failure to use management 18571
or conservation practices in farming or silvicultural operations 18572
to abate wind or water erosion of the soil or to abate the 18573
degradation of the waters of the state by animal waste or soil 18574
sediment, including substances attached thereto. 18575

(E) "Waters of the state" means all streams, lakes, ponds, 18576
wetlands, watercourses, waterways, wells, springs, irrigation 18577
systems, drainage systems, and all other bodies or accumulations 18578
of water, surface and underground, natural or artificial, 18579
regardless of the depth of the strata in which underground water 18580
is located, that are situated wholly or partly within, or border 18581
upon, this state or are within its jurisdiction, except those 18582
private waters that do not combine or effect a junction with 18583
natural surface or underground waters. 18584

(F) "Operation and management plan" means a written record, 18585
developed or approved by the district board of supervisors or the 18586
chief, for the owner or operator of agricultural land or a 18587
concentrated animal feeding ~~operations~~ operation that contains 18588

implementation schedules and operational procedures for a level of 18589
management and pollution abatement practices that will abate the 18590
degradation of the waters of the state by animal waste and by soil 18591
sediment including attached pollutants. 18592

(G) "Animal waste" means animal excreta, discarded products, 18593
bedding, wash waters, waste feed, and silage drainage. "Animal 18594
waste" also includes the compost products resulting from the 18595
composting of dead animals in operations subject to section 18596
1511.022 of the Revised Code when either of the following applies: 18597

(1) The composting is conducted by the person who raises the 18598
animals and the compost product is used in agricultural operations 18599
owned or operated by that person, regardless of whether the person 18600
owns the animals; 18601

(2) The composting is conducted by the person who owns the 18602
animals, but does not raise them and the compost product is used 18603
in agricultural operations either by a person who raises the 18604
animals or by a person who raises grain that is used to feed them 18605
and that is supplied by the owner of the animals. 18606

(H) "Composting" means the controlled decomposition of 18607
organic solid material consisting of dead animals that stabilizes 18608
the organic fraction of the material. 18609

Sec. 1511.02. The chief of the division of soil and water 18610
~~conservation~~ resources, subject to the approval of the director of 18611
natural resources, shall do all of the following: 18612

(A) Provide administrative leadership to local soil and water 18613
conservation districts in planning, budgeting, staffing, and 18614
administering district programs and the training of district 18615
supervisors and personnel in their duties, responsibilities, and 18616
authorities as prescribed in this chapter and Chapter 1515. of the 18617
Revised Code; 18618

(B) Administer this chapter and Chapter 1515. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities;

(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement;

(D) Coordinate the development and implementation of cooperative programs and working agreements between local soil and water conservation districts and divisions or sections of the department of natural resources, or other agencies of local, state, and federal government;

(E) Subject to the approval of the Ohio soil and water conservation commission, adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code. Rules adopted pursuant to this section:

(1) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming or silvicultural operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by animal waste or by soil sediment including substances attached thereto, and establish criteria for determination of the acceptability of such management and conservation practices;

(2) Shall establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for nonfarm commercial, industrial, residential, or

other nonfarm purposes, and establish criteria for determination 18650
of the acceptability of such management and conservation 18651
practices. The standards shall be designed to implement applicable 18652
areawide waste treatment management plans prepared under section 18653
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 18654
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 18655
shall not apply in any municipal corporation or county that adopts 18656
ordinances or rules pertaining to sediment control, nor to lands 18657
being used in a strip mine operation as defined in section 1513.01 18658
of the Revised Code, nor to lands being used in a surface mining 18659
operation as defined in section 1514.01 of the Revised Code. 18660

(3) May recommend criteria and procedures for the approval of 18661
urban sediment pollution abatement plans and issuance of permits 18662
prior to any grading, excavating, filling, or other whole or 18663
partial disturbance of five or more contiguous acres of land owned 18664
by one person or operated as one development unit and require 18665
implementation of such a plan. Areas of less than five contiguous 18666
acres are not exempt from compliance with other provisions of this 18667
chapter and rules adopted under them. 18668

(4) Shall establish procedures for administration of rules 18669
for agricultural pollution abatement and urban sediment pollution 18670
abatement and for enforcement of rules for agricultural pollution 18671
abatement; 18672

(5) Shall specify the pollution abatement practices eligible 18673
for state cost sharing and determine the conditions for 18674
eligibility, the construction standards and specifications, the 18675
useful life, the maintenance requirements, and the limits of cost 18676
sharing for those practices. Eligible practices shall be limited 18677
to practices that address agricultural or silvicultural operations 18678
and that require expenditures that are likely to exceed the 18679
economic returns to the owner or operator and that abate soil 18680
erosion or degradation of the waters of the state by animal waste 18681

or soil sediment including pollutants attached thereto. 18682

~~(6) Until June 1, 1996, shall specify the multiflora rose 18683
control practices eligible for state cost sharing, the conditions 18684
of eligibility for state cost sharing, the limits of cost sharing 18685
for those practices, specifications for carrying out those 18686
practices to ensure effective control of the multiflora rose and 18687
to safeguard the health and safety of human beings and domestic 18688
animals and the environment, and the contract provisions to be 18689
included in cost sharing agreements with landowners; 18690~~

~~(7) Until June 1, 1996, shall establish procedures for 18691
administering grants to soil and water conservation districts for 18692
control of multiflora rose; 18693~~

~~(8) Shall establish procedures for administering grants to 18694
owners or operators of agricultural land or concentrated animal 18695
feeding operations for the implementation of operation and 18696
management plans; 18697~~

~~(9)~~(7) Shall establish procedures for administering grants to 18698
soil and water conservation districts for urban sediment pollution 18699
abatement programs, specify the types of projects eligible for 18700
grants, establish limits on the availability of grants, and 18701
establish requirements governing the execution of projects to 18702
encourage the reduction of erosion and sedimentation associated 18703
with soil-disturbing activities; 18704

~~(10)~~(8) Shall do all of the following with regard to 18705
composting conducted in conjunction with agricultural operations: 18706

(a) Provide for the distribution of educational material 18707
concerning composting to the offices of the Ohio cooperative 18708
extension service for the purposes of section 1511.022 of the 18709
Revised Code; 18710

(b) Establish methods, techniques, or practices for 18711
composting dead animals, or particular types of dead animals, that 18712

are to be used at such operations, as the chief considers to be 18713
necessary or appropriate; 18714

(c) Establish requirements and procedures governing the 18715
review and approval or disapproval of composting plans by the 18716
supervisors of soil and water conservation districts under 18717
division ~~(U)~~(Q) of section 1515.08 of the Revised Code. 18718

~~(11)~~(9) Shall be adopted, amended, or rescinded after the 18719
chief does all of the following: 18720

(a) Mails notice to each statewide organization that the 18721
chief determines represents persons or local governmental agencies 18722
who would be affected by the proposed rule, amendment thereto, or 18723
rescission thereof at least thirty-five days before any public 18724
hearing thereon; 18725

(b) Mails a copy of each proposed rule, amendment thereto, or 18726
rescission thereof to any person who requests a copy, within five 18727
days after receipt of the request; 18728

(c) Consults with appropriate state and local governmental 18729
agencies or their representatives, including statewide 18730
organizations of local governmental officials, industrial 18731
representatives, and other interested persons; 18732

(d) If the rule relates to agricultural pollution abatement, 18733
develops an economic impact statement concerning the effect of the 18734
proposed rule or amendment. 18735

~~(12)~~(10) Shall not conflict with air or water quality 18736
standards adopted pursuant to section 3704.03 or 6111.041 of the 18737
Revised Code. Compliance with rules adopted pursuant to this 18738
section does not affect liability for noncompliance with air or 18739
water quality standards adopted pursuant to section 3704.03 or 18740
6111.041 of the Revised Code. The application of a level of 18741
management and conservation practices recommended under this 18742
section to control windblown soil from farming operations creates 18743

a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil. 18744
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~~(13)~~(11) Insofar as the rules relate to urban sediment pollution, shall not be applicable in a municipal corporation or county that adopts ordinances or rules for urban sediment control, except that a municipal corporation or county that adopts such ordinances or rules may receive moneys for urban sediment control that are disbursed by the board of supervisors of the applicable soil and water conservation district under division ~~(R)~~(N) of section 1515.08 of the Revised Code. The rules shall not exempt any person from compliance with municipal ordinances enacted pursuant to Section 3 of Article XVIII, Ohio Constitution. 18746
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(F) Cost share with landowners on practices established pursuant to division (E)(5) of this section as moneys are appropriated and available for that purpose. Any practice for which cost share is provided shall be maintained for its useful life. Failure to maintain a cost share practice for its useful life shall subject the landowner to full repayment to the division. 18756
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(G) Issue orders requiring compliance with any rule adopted under division (E)(1) of this section or with section 1511.022 of the Revised Code. Before the chief issues an order, the chief shall afford each person allegedly liable an adjudication hearing under Chapter 119. of the Revised Code. The chief may require in an order that a person who has caused agricultural pollution by failure to comply with the standards established under division (E)(1) of this section operate under an operation and management plan approved by the chief under this section. The chief shall require in an order that a person who has failed to comply with division (A) of section 1511.022 of the Revised Code prepare a composting plan in accordance with rules adopted under division (E)(10)(c) of this section and operate in accordance with that 18763
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plan or that a person who has failed to operate in accordance with 18776
such a plan begin to operate in accordance with it. Each order 18777
shall be issued in writing and contain a finding by the chief of 18778
the facts upon which the order is based and the standard that is 18779
not being met. 18780

(H) Employ field assistants and such other employees as are 18781
necessary for the performance of the work prescribed by Chapter 18782
1515. of the Revised Code, for performance of work of the 18783
division, and as agreed to under working agreements or contractual 18784
arrangements with local soil and water conservation districts, 18785
prescribe their duties, and fix their compensation in accordance 18786
with such schedules as are provided by law for the compensation of 18787
state employees. 18788

All employees of the division, unless specifically exempted 18789
by law, shall be employed subject to the classified civil service 18790
laws in force at the time of employment. 18791

(I) In connection with new or relocated projects involving 18792
highways, underground cables, pipelines, railroads, and other 18793
improvements affecting soil and water resources, including surface 18794
and subsurface drainage: 18795

(1) Provide engineering service as is mutually agreeable to 18796
the Ohio soil and water conservation commission and the director 18797
to aid in the design and installation of soil and water 18798
conservation practices as a necessary component of such projects; 18799

(2) Maintain close liaison between the owners of lands on 18800
which the projects are executed, local soil and water conservation 18801
districts, and authorities responsible for such projects; 18802

(3) Review plans for such projects to ensure their compliance 18803
with standards developed under division (E) of this section in 18804
cooperation with the department of transportation or with any 18805
other interested agency that is engaged in soil or water 18806

conservation projects in the state in order to minimize adverse 18807
impacts on soil and water resources adjacent to or otherwise 18808
affected by these projects; 18809

(4) Recommend measures to retard erosion and protect soil and 18810
water resources through the installation of water impoundment or 18811
other soil and water conservation practices; 18812

(5) Cooperate with other agencies and subdivisions of the 18813
state to protect the agricultural status of rural lands adjacent 18814
to such projects and control adverse impacts on soil and water 18815
resources. 18816

(J) Collect, analyze, inventory, and interpret all available 18817
information pertaining to the origin, distribution, extent, use, 18818
and conservation of the soil resources of the state; 18819

(K) Prepare and maintain up-to-date reports, maps, and other 18820
materials pertaining to the soil resources of the state and their 18821
use and make that information available to governmental agencies, 18822
public officials, conservation entities, and the public; 18823

(L) Provide soil and water conservation districts with 18824
technical assistance including on-site soil investigations and 18825
soil interpretation reports on the suitability or limitations of 18826
soil to support a particular use or to plan soil conservation 18827
measures. The assistance shall be upon such terms as are mutually 18828
agreeable to the districts and the department of natural 18829
resources. 18830

(M) Assist local government officials in utilizing land use 18831
planning and zoning, current agricultural use value assessment, 18832
development reviews, and land management activities; 18833

(N) When necessary for the purposes of this chapter or 18834
Chapter 1515. of the Revised Code, develop or approve operation 18835
and management plans. 18836

This section does not restrict the excrement of domestic or 18837
farm animals defecated on land outside a concentrated animal 18838
feeding operation or runoff therefrom into the waters of the 18839
state. 18840

Sec. 1511.021. (A) Any person who owns or operates 18841
agricultural land or a concentrated animal feeding operation may 18842
develop and operate under an operation and management plan 18843
approved by the chief of the division of soil and water 18844
~~conservation~~ resources under section 1511.02 of the Revised Code 18845
or by the supervisors of the local soil and water conservation 18846
district under section 1515.08 of the Revised Code. 18847

(B) Any person who wishes to make a complaint regarding 18848
nuisances involving agricultural pollution may do so orally or by 18849
submitting a written, signed, and dated complaint to the chief or 18850
to the chief's designee. After receiving an oral complaint, the 18851
chief or the chief's designee may cause an investigation to be 18852
conducted to determine whether agricultural pollution has occurred 18853
or is imminent. After receiving a written, signed, and dated 18854
complaint, the chief or the chief's designee shall cause such an 18855
investigation to be conducted. 18856

(C) In a private civil action for nuisances involving 18857
agricultural pollution, it is an affirmative defense if the person 18858
owning, operating, or otherwise responsible for agricultural land 18859
or a concentrated animal feeding operation is operating under and 18860
in substantial compliance with an approved operation and 18861
management plan developed under division (A) of this section, with 18862
an operation and management plan developed by the chief under 18863
section 1511.02 of the Revised Code or by the supervisors of the 18864
local soil and water conservation district under section 1515.08 18865
of the Revised Code, or with an operation and management plan 18866
required by an order issued by the chief under division (G) of 18867

section 1511.02 of the Revised Code. Nothing in this section is in 18868
derogation of the authority granted to the chief in division (E) 18869
of section 1511.02 and in section 1511.07 of the Revised Code. 18870

Sec. 1511.022. (A) Any person who owns or operates an 18871
agricultural operation, or owns the animals raised by the owner or 18872
operator of an agricultural operation, and who wishes to conduct 18873
composting of dead animals resulting from the agricultural 18874
operation shall do both of the following: 18875

(1) Participate in an educational course concerning 18876
composting conducted by the Ohio cooperative extension service and 18877
obtain a certificate of completion for the course; 18878

(2) Use the appropriate method, technique, or practice of 18879
composting established in rules adopted under division (E)~~(10)~~(8) 18880
of section 1511.02 of the Revised Code. 18881

(B) Any person who fails to comply with division (A) of this 18882
section shall prepare and operate under a composting plan in 18883
accordance with an order issued by the chief of the division of 18884
soil and water ~~conservation~~ resources under division (G) of 18885
section 1511.02 of the Revised Code. If the person's proposed 18886
composting plan is disapproved by the board of supervisors of the 18887
appropriate soil and water conservation district under division 18888
~~(U)~~(Q)(3) of section 1515.08 of the Revised Code, the person may 18889
appeal the plan disapproval to the chief, who shall afford the 18890
person a hearing. Following the hearing, the chief shall uphold 18891
the plan disapproval or reverse it. If the chief reverses the 18892
disapproval, the plan shall be deemed approved. 18893

Sec. 1511.03. The chief of the division of soil and water 18894
~~conservation~~ resources may enter into contracts or agreements, 18895
with the approval of the director of natural resources, with any 18896
agency of the United States government, or any other public or 18897

private agency, or organization, for the performance of the 18898
prescribed duties of the division, or for accomplishing 18899
cooperative projects within the designated duties of the division. 18900

Sec. 1511.04. The chief of the division of soil and water 18901
~~conservation~~ resources may accept, on behalf of the department of 18902
natural resources, donations, grants and contributions in money, 18903
service, or equipment to enlarge or expedite the prescribed work 18904
of the division. 18905

Sec. 1511.05. The chief of the division of soil and water 18906
~~conservation~~ resources, subject to approval of the terms of the 18907
agreement by the soil and water conservation commission, shall 18908
enter into cooperative agreements with the board of supervisors of 18909
any soil and water conservation district desiring to enter into 18910
such agreements pursuant to section 1515.08 of the Revised Code. 18911
Such agreements shall be entered into to obtain compliance with 18912
rules and orders of the chief pertaining to agricultural pollution 18913
abatement and urban sediment pollution abatement. 18914

The chief or any person designated by the chief may upon 18915
obtaining agreement with the owner, tenant, or manager of any 18916
land, public or private, enter thereon to make inspections to 18917
determine whether or not there is compliance with the rules 18918
adopted under division (E)(1) of section 1511.02 of the Revised 18919
Code. Upon reason to believe there is a violation, the chief or 18920
~~his~~ the chief's designee may apply for and a judge of the court of 18921
common pleas for the county where the land is located may issue an 18922
appropriate inspection warrant as necessary to achieve the 18923
purposes of this chapter. 18924

Sec. 1511.06. The chief of the division of soil and water 18925
~~conservation~~ resources may enter into agreements with local 18926
government agencies for the purpose of soil surveys, land use 18927

inventories, and other soil-related duties. 18928

Sec. 1511.07. (A)(1) No person shall fail to comply with an 18929
order of the chief of the division of soil and water ~~conservation~~ 18930
resources issued pursuant to division (G) of section 1511.02 of 18931
the Revised Code. 18932

(2) In addition to the remedies provided and irrespective of 18933
whether an adequate remedy at law exists, the chief may apply to 18934
the court of common pleas in the county where a violation of a 18935
standard established under division (E)(1) or ~~(10)~~(8)(b) of 18936
section 1511.02 of the Revised Code causes pollution of the waters 18937
of the state for an order to compel the violator to cease the 18938
violation and to remove the agricultural pollutant or to comply 18939
with the rules adopted under division (E)~~(10)~~(8)(b) of that 18940
section, as appropriate. 18941

(3) In addition to the remedies provided and irrespective of 18942
whether an adequate remedy at law exists, whenever the chief 18943
officially determines that an emergency exists because of an 18944
unauthorized release, spill, or discharge of animal waste, or a 18945
violation of a rule adopted under division (E)~~(10)~~(8)(b) of 18946
section 1511.02 of the Revised Code, that causes pollution of the 18947
waters of the state, the chief may, without notice or hearing, 18948
issue an order reciting the existence of the emergency and 18949
requiring that necessary action be taken to meet the emergency. 18950
The order shall be effective immediately. Any person to whom the 18951
order is directed shall comply with the order immediately, but on 18952
application to the chief shall be afforded a hearing as soon as 18953
possible, but not later than twenty days after making the 18954
application. On the basis of the hearing, the chief shall continue 18955
the order in effect, revoke it, or modify it. No emergency order 18956
shall remain in effect for more than sixty days after its 18957
issuance. If a person to whom an order is issued does not comply 18958

with the order within a reasonable period, as determined by the 18959
chief, the chief or the chief's designee may enter upon private or 18960
public lands and take action to mitigate, minimize, remove, or 18961
abate the release, spill, discharge, or conditions caused by the 18962
violation of the rule. 18963

(B) The attorney general, upon the written request of the 18964
chief, shall bring appropriate legal action in Franklin county 18965
against any person who fails to comply with an order of the chief 18966
issued pursuant to division (G) of section 1511.02 of the Revised 18967
Code. 18968

Sec. 1511.071. There is hereby created in the state treasury 18969
the agricultural pollution abatement fund, which shall be 18970
administered by the chief of the division of soil and water 18971
~~conservation~~ resources. The fund may be used to pay costs incurred 18972
by the division under division (A)(3) of section 1511.07 of the 18973
Revised Code in investigating, mitigating, minimizing, removing, 18974
or abating any pollution of the waters of the state caused by an 18975
unauthorized release, spill, or discharge of animal waste into or 18976
upon the environment that requires emergency action to protect the 18977
public health. 18978

Any person responsible for causing or allowing an 18979
unauthorized release, spill, or discharge is liable to the chief 18980
for any costs incurred by the division and soil and water 18981
conservation districts in investigating, mitigating, minimizing, 18982
removing, or abating the release, spill, or discharge, regardless 18983
of whether those costs were paid out of the agricultural pollution 18984
abatement fund or any other fund of the division or a district. 18985
Upon the request of the chief, the attorney general shall bring a 18986
civil action against the responsible person to recover those 18987
costs. Moneys recovered under this section shall be paid into the 18988
agricultural pollution abatement fund. 18989

Sec. 1511.08. Any person claiming to be deprived of a right 18990
or protection afforded ~~him~~ the person by law by an order of the 18991
chief of the division of soil and water ~~conservation~~ resources, 18992
except an order which adopts a rule, may appeal to the court of 18993
common pleas of Franklin county or the court of common pleas of 18994
the county in which the alleged violation exists. 18995

If the court finds that the order of the chief appealed from 18996
was lawful and reasonable, it shall affirm such order. If the 18997
court finds that such order was unreasonable or unlawful, it shall 18998
vacate such order and make the order which it finds the chief 18999
should have made. The judgment of the court is final unless 19000
reversed, vacated, or modified on appeal. 19001

Sec. 1513.021. (A) As used in this section, "ton" means two 19002
thousand pounds of coal that is measured at the point and time of 19003
extraction after the removal of any impurities. 19004

(B) Except as otherwise provided in division (D) of this 19005
section, there is charged to an operator an energy resource 19006
extraction fee of eight cents per ton of coal. The fee that is 19007
charged under this section is to provide funding for the division 19008
of mineral resources management to administer the coal mining and 19009
reclamation program, satisfy the regulatory, environmental, and 19010
natural resources management requirements of this state, and 19011
reclaim land affected by mining. 19012

(C) In accordance with rules adopted under this section, the 19013
chief of the division of mineral resources management shall 19014
collect from each operator the fee that is charged under this 19015
section. The chief shall transmit all money collected under this 19016
section to the treasurer of state who shall transmit one cent per 19017
ton of coal to the county treasurer of the county from which the 19018
coal is extracted for the use of the general fund of that county 19019

and shall credit the remaining amount to the coal mining 19020
administration and reclamation reserve fund created in section 19021
1513.181 of the Revised Code. 19022

(D) Beginning July 1, 2013, and thereafter not later than 19023
thirty days after the end of a fiscal biennium, the director of 19024
natural resources shall examine the balance of the coal mining 19025
administration and reclamation reserve fund to determine if the 19026
fund contains sufficient money to fulfill the purposes specified 19027
in division (B) of this section for the fiscal biennium in which 19028
the examination is conducted. The director shall certify the 19029
director's determination to the director of budget and management 19030
and the treasurer of state. If the director of natural resources 19031
determines that the fund contains sufficient money for that fiscal 19032
biennium, the energy resource extraction fee shall be four cents 19033
per ton of coal. If the director determines that the fund does not 19034
contain sufficient money, the energy resource extraction fee shall 19035
be eight cents per ton of coal. 19036

(E) The chief, with the approval of the director of natural 19037
resources, shall adopt rules in accordance with Chapter 119. of 19038
the Revised Code for the administration of this section. 19039

(F) In any fiscal year, the director of natural resources may 19040
request the director of budget and management to transfer from the 19041
coal mining administration and reclamation reserve fund to the 19042
geological mapping fund created in section 1505.09 of the Revised 19043
Code a portion of the money credited to the coal mining 19044
administration and reclamation reserve fund resulting from the 19045
energy resource extraction fee that is collected under this 19046
section. 19047

(G) Not later than January 1, 2015, the chief, in cooperation 19048
with a statewide association representing the coal mining industry 19049
and a statewide environmental advocacy association, shall complete 19050
a study to determine the solvency of the coal mining 19051

administration and reclamation fund and shall report the 19052
determination to the director of budget and management and make 19053
recommendations to the director concerning the rate of the energy 19054
resource extraction fee charged under this section. 19055

Sec. 1514.08. (A) The chief of the division of mineral 19056
resources management may adopt, amend, and rescind rules in 19057
accordance with Chapter 119. of the Revised Code in order to 19058
prescribe procedures for submitting applications for permits, 19059
amendments to permits, and amendments to plans of mining and 19060
reclamation; filing annual reports and final reports; requesting 19061
inspection and approval of reclamation; paying permit and filing 19062
fees; and filing and obtaining the release of performance bonds 19063
deposited with the state. For the purpose of preventing damage to 19064
adjoining property or achieving one or more of the performance 19065
standards established in division (A)(10) of section 1514.02 of 19066
the Revised Code, the chief may establish classes of mining 19067
industries, based upon industrial categories, combinations of 19068
minerals produced, and geological conditions in which surface or 19069
in-stream mining operations occur, and may prescribe different 19070
rules consistent with the performance standards for each class. 19071
For the purpose of apportioning the workload of the division of 19072
mineral resources management among the quarters of the year, the 19073
rules may require that applications for permits and annual reports 19074
be filed in different quarters of the year, depending upon the 19075
county in which the operation is located. 19076

(B) The chief shall adopt rules under this section that do 19077
all of the following: 19078

(1) With respect to in-stream mining, and in consultation 19079
with the chief of the division of soil and water resources, 19080
determine periods of low flow, which are the only time periods 19081
during which in-stream mining is allowed, and develop and 19082

implement any criteria, in addition to the criteria established in 19083
section 1514.02 of the Revised Code, that the chief determines are 19084
necessary for the permitting of in-stream mining; 19085

(2) Establish criteria and procedures for approving or 19086
disapproving the transfer of a surface or in-stream mining permit 19087
under division (F) of section 1514.02 of the Revised Code; 19088

(3) Define when any of the following may be considered to be 19089
"significant" for purposes of section 1514.022 of the Revised 19090
Code: 19091

(a) An amendment to a permit issued under section 1514.02 of 19092
the Revised Code for a surface or in-stream mining operation; 19093

(b) An amendment to the plan of mining and reclamation that 19094
must be filed with an application for either permit under section 19095
1514.02 of the Revised Code; 19096

(c) Changes to that plan of mining and reclamation that are 19097
proposed in a permit renewal application filed under section 19098
1514.021 of the Revised Code. 19099

In defining "significant," the chief shall focus on changes 19100
that increase the likelihood that the mining operation may have a 19101
negative impact on the public. 19102

(4) Establish a framework and procedures under which the 19103
amount of any bond required to be filed under this chapter to 19104
ensure the satisfactory performance of the reclamation measures 19105
required under this chapter may be reduced by subtracting a credit 19106
based on the operator's past compliance with this chapter and 19107
rules adopted and orders issued under it. The rules also shall 19108
apply to cash, an irrevocable letter of credit, or a certificate 19109
of deposit that is on deposit in lieu of a bond. In establishing 19110
the amount of credit that an operator or applicant may receive 19111
based on past compliance, the chief may consider past compliance 19112
with respect to any permit for a surface or in-stream mining 19113

operation that has been issued in this state to the operator or 19114
applicant. 19115

(5) Establish criteria and procedures for granting a variance 19116
from compliance with the prohibitions established in divisions 19117
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 19118
criteria shall ensure that an operator may obtain a variance only 19119
if compliance with the applicable prohibition is not necessary to 19120
prevent damage to the watercourse or surrounding areas. 19121

Sec. 1514.13. (A) The chief of the division of mineral 19122
resources management shall use the compilation of data for ground 19123
water modeling submitted under section 1514.02 of the Revised Code 19124
to establish a projected cone of depression for any surface mining 19125
operation that may result in dewatering. The chief shall consult 19126
with the chief of the division of soil and water resources when 19127
projecting a cone of depression. An applicant for a surface mining 19128
permit for such an operation may submit ground water modeling that 19129
shows a projected cone of depression for that operation to the 19130
chief, provided that the modeling complies with rules adopted by 19131
the chief regarding ground water modeling. However, the chief 19132
shall establish the projected cone of depression for the purposes 19133
of this section. 19134

The chief shall adopt, and may amend and rescind, rules in 19135
accordance with Chapter 119. of the Revised Code establishing 19136
requirements and standards governing both of the following: 19137

(1) Ground water modeling for establishing a projected cone 19138
of depression. A ground water model shall be generally accepted in 19139
the scientific community. 19140

(2) Replacement of water supplies. 19141

(B)(1) If an owner of real property who obtains all or part 19142
of the owner's water supply for domestic, agricultural, 19143

industrial, or other legitimate use from ground water has a 19144
diminution, contamination, or interruption of that water supply 19145
and the owner's real property is located within the projected cone 19146
of depression of a surface mining operation established under this 19147
section, the owner may submit a written complaint to the operator 19148
of that operation or to the chief informing the operator or the 19149
chief that there is a diminution, contamination, or interruption 19150
of the owner's water supply. The complaint shall include the 19151
owner's name, address, and telephone number. 19152

If the chief receives a written complaint, the chief 19153
immediately shall send a copy of the complaint to the operator, 19154
and the operator immediately shall respond by sending the chief a 19155
statement that explains how the operator resolved or will resolve 19156
the complaint. If the operator receives a written complaint, the 19157
operator immediately shall send to the chief a copy of the 19158
complaint and include a statement that explains how the operator 19159
resolved or will resolve the complaint. Not later than seventy-two 19160
hours after receipt of the complaint, the operator shall provide 19161
the owner a supply of water that is comparable, in quantity and 19162
quality, to the owner's water supply prior to the diminution, 19163
contamination, or interruption of the owner's water supply. The 19164
operator shall maintain that water supply until the operator 19165
provides a permanent replacement water supply to the owner under 19166
division (B)(3) of this section or until the division of mineral 19167
resources management completes the evaluation under division 19168
(B)(2) of this section, whichever is applicable. 19169

(2) A rebuttable presumption exists that the operation caused 19170
the diminution, contamination, or interruption of the owner's 19171
water supply. However, not later than fourteen days after receipt 19172
of the complaint, the operator may submit to the division 19173
information showing that the operation is not the proximate cause 19174
of the diminution, contamination, or interruption of the owner's 19175

water supply. The division shall evaluate the information 19176
submitted by the operator to determine if the presumption is 19177
rebutted. If the operator fails to rebut the presumption, the 19178
division immediately shall notify the operator that the operator 19179
failed to rebut the presumption. Not later than fourteen days 19180
after receipt of that notice, the operator shall provide the owner 19181
a permanent replacement water supply that is comparable, in 19182
quantity and quality, to the owner's water supply prior to the 19183
diminution, contamination, or interruption of the owner's water 19184
supply. If the operator rebuts the presumption, the division 19185
immediately shall notify the operator that the operator rebutted 19186
the presumption, and, upon receipt of that notice, the operator 19187
may cease providing a supply of water to the owner under division 19188
(B)(1) of this section. 19189

(3) If, within fourteen days after receipt of the complaint, 19190
the operator does not submit to the division information showing 19191
that the operation is not the proximate cause of the diminution, 19192
contamination, or interruption of the owner's water supply, the 19193
operator shall provide the owner, not later than twenty-eight days 19194
after receipt of the complaint, a permanent replacement water 19195
supply that is comparable, in quantity and quality, to the owner's 19196
water supply prior to the diminution, contamination, or 19197
interruption of the owner's water supply. 19198

(4) The division may investigate a complaint under division 19199
(B) of this section. 19200

(C) If an owner of real property who obtains all or part of 19201
the owner's water supply for domestic, agricultural, industrial, 19202
or other legitimate use from ground water has a diminution, 19203
contamination, or interruption of that water supply and the 19204
owner's real property is not located within the projected cone of 19205
depression of a surface mining operation established under this 19206
section, the owner may submit a written complaint to the operator 19207

of that operation or to the chief informing the operator or the 19208
chief that there is a diminution, contamination, or interruption 19209
of the owner's water supply. The complaint shall include the 19210
owner's name, address, and telephone number. 19211

If the operator receives a written complaint, the operator 19212
immediately shall send the chief a copy of the complaint. If the 19213
chief receives a written complaint, the chief immediately shall 19214
send the operator a copy of the complaint. The chief shall 19215
investigate any complaint submitted under this division and, upon 19216
completion of the investigation, immediately shall send the 19217
results of the investigation to the operator and to the owner that 19218
filed the complaint. 19219

An owner that submits a written complaint under this division 19220
may resolve the diminution, contamination, or interruption of the 19221
owner's water supply with the operator of that operation or may 19222
commence a civil action for that purpose. 19223

(D) An operator may request the chief to amend the plan of 19224
mining and reclamation filed with the application under section 19225
1514.02 of the Revised Code when a ground water user may affect 19226
the projected cone of depression established for the operation 19227
under division (A) of this section. The operator shall submit 19228
additional data that reflect the ground water user's impact on the 19229
ground water. The chief shall perform ground water modeling using 19230
the additional data and may establish a revised projected cone of 19231
depression for that operation. 19232

(E) This section shall not be construed as creating, 19233
modifying, or affecting any right, liability, or remedy of surface 19234
riparian owners. 19235

Sec. 1515.08. The supervisors of a soil and water 19236
conservation district have the following powers in addition to 19237
their other powers: 19238

(A) To conduct surveys, investigations, and research relating 19239
to the character of soil erosion, floodwater and sediment damages, 19240
and the preventive and control measures and works of improvement 19241
for flood prevention and the conservation, development, 19242
utilization, and disposal of water needed within the district, and 19243
to publish the results of those surveys, investigations, or 19244
research, provided that no district shall initiate any research 19245
program except in cooperation or after consultation with the Ohio 19246
agricultural research and development center; 19247

(B) To develop plans for the conservation of soil resources, 19248
for the control and prevention of soil erosion, and for works of 19249
improvement for flood prevention and the conservation, 19250
development, utilization, and disposal of water within the 19251
district, and to publish those plans and information; 19252

(C) To implement, construct, repair, maintain, and operate 19253
preventive and control measures and other works of improvement for 19254
natural resource conservation and development and flood 19255
prevention, and the conservation, development, utilization, and 19256
disposal of water within the district on lands owned or controlled 19257
by this state or any of its agencies and on any other lands within 19258
the district, which works may include any facilities authorized 19259
under state or federal programs, and to acquire, by purchase or 19260
gift, to hold, encumber, or dispose of, and to lease real and 19261
personal property or interests in such property for those 19262
purposes; 19263

(D) To cooperate or enter into agreements with any occupier 19264
of lands within the district in the carrying on of natural 19265
resource conservation operations and works of improvement for 19266
flood prevention and the conservation, development, utilization, 19267
and management of natural resources within the district, subject 19268
to such conditions as the supervisors consider necessary; 19269

(E) To accept donations, gifts, grants, and contributions in 19270

money, service, materials, or otherwise, and to use or expend them 19271
according to their terms; 19272

(F) To adopt, amend, and rescind rules to carry into effect 19273
the purposes and powers of the district; 19274

(G) To sue and plead in the name of the district, and be sued 19275
and impleaded in the name of the district, with respect to its 19276
contracts and, as indicated in section 1515.081 of the Revised 19277
Code, certain torts of its officers, employees, or agents acting 19278
within the scope of their employment or official responsibilities, 19279
or with respect to the enforcement of its obligations and 19280
covenants made under this chapter; 19281

(H) To make and enter into all contracts, leases, and 19282
agreements and execute all instruments necessary or incidental to 19283
the performance of the duties and the execution of the powers of 19284
the district under this chapter, provided that all of the 19285
following apply: 19286

(1) Except as provided in section 307.86 of the Revised Code 19287
regarding expenditures by boards of county commissioners, when the 19288
cost under any such contract, lease, or agreement, other than 19289
compensation for personal services or rental of office space, 19290
involves an expenditure of more than the amount established in 19291
that section regarding expenditures by boards of county 19292
commissioners, the supervisors shall make a written contract with 19293
the lowest and best bidder after advertisement, for not less than 19294
two nor more than four consecutive weeks preceding the day of the 19295
opening of bids, in a newspaper of general circulation within the 19296
district and in such other publications as the supervisors 19297
determine. The notice shall state the general character of the 19298
work and materials to be furnished, the place where plans and 19299
specifications may be examined, and the time and place of 19300
receiving bids. 19301

(2) Each bid for a contract shall contain the full name of every person interested in it.

(3) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall meet the requirements of section 153.54 of the Revised Code.

(4) Each bid for a contract, other than a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, at the discretion of the supervisors, may be accompanied by a bond or certified check on a solvent bank in an amount not to exceed five per cent of the bid, conditioned that, if the bid is accepted, a contract shall be entered into.

(5) The supervisors may reject any and all bids.

(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;

(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;

(K) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;

(L) To enter into agreements or contracts with the department for the determination, implementation, inspection, and funding of agricultural pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department shall authorize the division of soil and water ~~conservation~~ resources to implement the required program;

(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;

~~(N) Until June 1, 1996, to conduct surveys and investigations relating to the incidence of the multiflora rose within the district and of the nature and extent of the adverse effects of the multiflora rose on agriculture, forestry, recreation, and other beneficial land uses;~~

~~(O) Until June 1, 1996, to develop plans for the control of the multiflora rose within the district and to publish those plans and information related to control of the multiflora rose;~~

~~(P) Until June 1, 1996, to enter into contracts or agreements with the chief of the division of soil and water conservation to implement and administer a program for control of the multiflora rose and to receive and expend funds provided by the chief for that purpose;~~

~~(Q) Until June 1, 1996, to enter into cost sharing agreements with landowners for control of the multiflora rose. Before entering into any such agreement, the board of supervisors shall determine that the landowner's application meets the eligibility criteria established under division (E)(6) of section 1511.02 of the Revised Code. The cost sharing agreements shall contain the contract provisions required by the rules adopted under that division and such other provisions as the board of supervisors considers appropriate to ensure effective control of the multiflora rose.~~

~~(R) To enter into contracts or agreements with the chief of the division of soil and water resources to implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;~~

~~(S)(O) To develop operation and management plans, as defined~~

in section 1511.01 of the Revised Code, as necessary; 19363

~~(F)~~(P) To determine whether operation and management plans 19364
developed under division (A) of section 1511.021 of the Revised 19365
Code comply with the standards established under division (E)(1) 19366
of section 1511.02 of the Revised Code and to approve or 19367
disapprove the plans, based on such compliance. If an operation 19368
and management plan is disapproved, the board shall provide a 19369
written explanation to the person who submitted the plan. The 19370
person may appeal the plan disapproval to the chief, who shall 19371
afford the person a hearing. Following the hearing, the chief 19372
shall uphold the plan disapproval or reverse it. If the chief 19373
reverses the plan disapproval, the plan shall be deemed approved 19374
under this division. In the event that any person operating or 19375
owning agricultural land or a concentrated animal feeding 19376
operation in accordance with an approved operation and management 19377
plan who, in good faith, is following that plan, causes 19378
agricultural pollution, the plan shall be revised in a fashion 19379
necessary to mitigate the agricultural pollution, as determined 19380
and approved by the board of supervisors of the soil and water 19381
conservation district. 19382

~~(U)~~(O) With regard to composting conducted in conjunction 19383
with agricultural operations, to do all of the following: 19384

(1) Upon request or upon their own initiative, inspect 19385
composting at any such operation to determine whether the 19386
composting is being conducted in accordance with section 1511.022 19387
of the Revised Code; 19388

(2) If the board determines that composting is not being so 19389
conducted, request the chief to issue an order under division (G) 19390
of section 1511.02 of the Revised Code requiring the person who is 19391
conducting the composting to prepare a composting plan in 19392
accordance with rules adopted under division (E)~~(10)~~(8)(c) of that 19393
section and to operate in accordance with that plan or to operate 19394

in accordance with a previously prepared plan, as applicable; 19395

(3) In accordance with rules adopted under division 19396
(E)~~(10)~~(8)(c) of section 1511.02 of the Revised Code, review and 19397
approve or disapprove any such composting plan. If a plan is 19398
disapproved, the board shall provide a written explanation to the 19399
person who submitted the plan. 19400

As used in division ~~(U)~~(Q) of this section, "composting" has 19401
the same meaning as in section 1511.01 of the Revised Code. 19402

~~(V)~~(R) With regard to conservation activities that are 19403
conducted in conjunction with agricultural operations, to assist 19404
the county auditor, upon request, in determining whether a 19405
conservation activity is a conservation practice for purposes of 19406
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 19407
Revised Code. 19408

As used in this division, "conservation practice" has the 19409
same meaning as in section 5713.30 of the Revised Code. 19410

~~(W)~~(S) To do all acts necessary or proper to carry out the 19411
powers granted in this chapter. 19412

The director of natural resources shall make recommendations 19413
to reduce the adverse environmental effects of each project that a 19414
soil and water conservation district plans to undertake under 19415
division (A), (B), (C), or (D) of this section and that will be 19416
funded in whole or in part by moneys authorized under section 19417
1515.16 of the Revised Code and shall disapprove any such project 19418
that the director finds will adversely affect the environment 19419
without equal or greater benefit to the public. The director's 19420
disapproval or recommendations, upon the request of the district 19421
filed in accordance with rules adopted by the Ohio soil and water 19422
conservation commission, shall be reviewed by the commission, 19423
which may confirm the director's decision, modify it, or add 19424
recommendations to or approve a project the director has 19425

disapproved. 19426

Any instrument by which real property is acquired pursuant to 19427
this section shall identify the agency of the state that has the 19428
use and benefit of the real property as specified in section 19429
5301.012 of the Revised Code. 19430

Sec. 1515.14. Within the limits of funds appropriated to the 19431
department of natural resources and the soil and water 19432
conservation district assistance fund created in this section, 19433
there shall be paid in each calendar year to each local soil and 19434
water conservation district an amount not to exceed one dollar for 19435
each one dollar received in accordance with section 1515.10 of the 19436
Revised Code, received from tax levies in excess of the ten-mill 19437
levy limitation approved for the benefit of local soil and water 19438
conservation districts, or received from an appropriation by a 19439
municipal corporation or a township to a maximum of eight thousand 19440
dollars, provided that the Ohio soil and water conservation 19441
commission may approve payment to a district in an amount in 19442
excess of eight thousand dollars in any calendar year upon receipt 19443
of a request and justification from the district. The county 19444
auditor shall credit such payments to the special fund established 19445
pursuant to section 1515.10 of the Revised Code for the local soil 19446
and water conservation district. The department may make advances 19447
at least quarterly to each district on the basis of the estimated 19448
contribution of the state to each district. Moneys received by 19449
each district shall be expended for the purposes of the district. 19450

For the purpose of providing money to soil and water 19451
conservation districts under this section, there is hereby created 19452
in the state treasury the soil and water conservation district 19453
assistance fund consisting of money credited to it under section 19454
3714.073 and division (A)(4) of section 3734.57 of the Revised 19455
Code. 19456

Sec. 1515.183. Upon acceptance of a petition requesting the 19457
construction of an improvement, the supervisors of a soil and 19458
water conservation district shall begin to prepare, as a guide to 19459
the board of county commissioners and the petitioners, a 19460
preliminary report regarding the proposed improvement. The 19461
supervisors shall present the completed preliminary report at the 19462
hearing that is held on the proposed improvement. 19463

The preliminary report shall include a preliminary estimate 19464
of cost, comments on the feasibility of the project, and a 19465
statement of the supervisors' opinion as to whether the benefits 19466
from the project are likely to exceed the estimated cost. The 19467
preliminary report shall identify all factors that are apparent to 19468
the supervisors, both favorable and unfavorable to the proposed 19469
improvement, so that the petitioners may be informed concerning 19470
what is involved with the construction of the improvement. 19471

In addition to reporting on the improvement as petitioned, 19472
the supervisors may submit alternate proposals to accomplish the 19473
intent of the petition. The preliminary report and all alternate 19474
proposals shall be reviewed and receive concurrence from an 19475
engineer who is employed by the division of soil and water 19476
~~conservation~~ resources or by the natural resources conservation 19477
service in the United States department of agriculture and who is 19478
responsible for providing technical assistance to the district or 19479
from any other registered professional engineer whom the 19480
supervisors choose. 19481

Sec. 1517.02. There is hereby created in the department of 19482
natural resources the division of natural areas and preserves, 19483
which shall be administered by the chief of the division of 19484
natural areas and preserves. The chief shall take an oath of 19485
office and shall file in the office of the secretary of state a 19486
bond signed by the chief and by a surety approved by the governor 19487

for a sum fixed pursuant to section 121.11 of the Revised Code. 19488

The chief shall administer a system of nature preserves ~~and~~ 19489
~~wild, scenic, and recreational river areas.~~ The chief shall 19490
establish a system of nature preserves through acquisition and 19491
dedication of natural areas of state or national significance, 19492
which shall include, but not be limited to, areas that represent 19493
characteristic examples of Ohio's natural landscape types and its 19494
natural vegetation and geological history. The chief shall 19495
encourage landowners to dedicate areas of unusual significance as 19496
nature preserves, and shall establish and maintain a registry of 19497
natural areas of unusual significance. 19498

The chief may ~~supervise, operate, protect, and maintain wild,~~ 19499
~~scenic, and recreational river areas, as designated by the~~ 19500
~~director of natural resources. The chief may cooperate with~~ 19501
participate in watershed planning activities with other states or 19502
federal agencies ~~administering any federal program concerning~~ 19503
~~wild, scenic, or recreational river areas.~~ 19504

The chief shall do the following: 19505

(A) Formulate policies and plans for the acquisition, use, 19506
management, and protection of nature preserves; 19507

(B) Formulate policies for the selection of areas suitable 19508
for registration; 19509

(C) Formulate policies for the dedication of areas as nature 19510
preserves; 19511

(D) Prepare and maintain surveys and inventories of natural 19512
areas, rare and endangered species of plants and animals, and 19513
other unique natural features. The information shall be stored in 19514
the Ohio natural heritage database, established pursuant to this 19515
division, and may be made available to any individual or private 19516
or public agency for research, educational, environmental, land 19517
management, or other similar purposes that are not detrimental to 19518

the conservation of a species or feature. Information regarding 19519
sensitive site locations of species that are listed pursuant to 19520
section 1518.01 of the Revised Code and of unique natural features 19521
that are included in the Ohio natural heritage database is not 19522
subject to section 149.43 of the Revised Code if the chief 19523
determines that the release of the information could be 19524
detrimental to the conservation of a species or unique natural 19525
feature. 19526

(E) Adopt rules for the use, visitation, and protection of 19527
nature preserves, and natural areas owned or managed through 19528
easement, license, or lease by the department and administered by 19529
the division, ~~and lands owned or managed through easement,~~ 19530
~~license, or lease by the department and administered by the~~ 19531
~~division that are within or adjacent to any wild, scenic, or~~ 19532
~~recreational river area,~~ in accordance with Chapter 119. of the 19533
Revised Code; 19534

(F) Provide facilities and improvements within the state 19535
system of nature preserves that are necessary for their 19536
visitation, use, restoration, and protection and do not impair 19537
their natural character; 19538

(G) Provide interpretive programs and publish and disseminate 19539
information pertaining to nature preserves and natural areas for 19540
their visitation and use; 19541

(H) Conduct and grant permits to qualified persons for the 19542
conduct of scientific research and investigations within nature 19543
preserves; 19544

(I) Establish an appropriate system for marking nature 19545
preserves; 19546

(J) Publish and submit to the governor and the general 19547
assembly a biennial report of the status and condition of each 19548
nature preserve, activities conducted within each preserve, and 19549

plans and recommendations for natural area preservation. 19550

Sec. 1517.10. (A) As used in this section, "felony" has the 19551
same meaning as in section 109.511 of the Revised Code. 19552

(B)(1) Any person selected by the chief of the division of 19553
natural areas and preserves for custodial or patrol service on the 19554
lands and waters operated or administered by the division shall be 19555
employed in conformity with the law applicable to the classified 19556
civil service of the state. Subject to division (C) of this 19557
section, the chief may designate that person as a preserve 19558
officer. A preserve officer, in any nature preserve, in any 19559
natural area owned or managed through easement, license, or lease 19560
by the department of natural resources and administered by the 19561
division, and on lands owned or managed through easement, license, 19562
or lease by the department and administered by the division that 19563
are ~~within or adjacent to any wild, scenic, or recreational river~~ 19564
~~area established under this chapter and~~ along any trail 19565
established under Chapter 1519. of the Revised Code, has the 19566
authority specified under section 2935.03 of the Revised Code for 19567
peace officers of the department of natural resources to keep the 19568
peace, to enforce all laws and rules governing those lands and 19569
waters, and to make arrests for violation of those laws and rules, 19570
provided that the authority shall be exercised on lands or waters 19571
administered by another division of the department only pursuant 19572
to an agreement with the chief of that division or to a request 19573
for assistance by an enforcement officer of that division in an 19574
emergency. A preserve officer, in or along any watercourse within, 19575
abutting, or upstream from the boundary of any area administered 19576
by the department, has the authority to enforce section 3767.32 of 19577
the Revised Code and any other laws prohibiting the dumping of 19578
refuse into or along waters and to make arrests for violation of 19579
those laws. The jurisdiction of a preserve officer shall be 19580
concurrent with that of the peace officers of the county, 19581

township, or municipal corporation in which the violation occurs. 19582

The governor, upon the recommendation of the chief, shall 19583
issue to each preserve officer a commission indicating authority 19584
to make arrests as provided in this section. 19585

The chief shall furnish a suitable badge to each commissioned 19586
preserve officer as evidence of the preserve officer's authority. 19587

(2) If any person employed under this section is designated 19588
by the chief to act as an agent of the state in the collection of 19589
money resulting from the sale of licenses, fees of any nature, or 19590
other money belonging to the state, the chief shall require a 19591
surety bond from the person in an amount not less than one 19592
thousand dollars. 19593

(3) A preserve officer may render assistance to a state or 19594
local law enforcement officer at the request of the officer or in 19595
the event of an emergency. Preserve officers serving outside the 19596
division of natural areas and preserves under this section or 19597
serving under the terms of a mutual aid compact authorized under 19598
section 1501.02 of the Revised Code shall be considered as 19599
performing services within their regular employment for the 19600
purposes of compensation, pension or indemnity fund rights, 19601
workers' compensation, and other rights or benefits to which they 19602
may be entitled as incidents of their regular employment. 19603

Preserve officers serving outside the division of natural 19604
areas and preserves under this section or under the terms of a 19605
mutual aid compact retain personal immunity from civil liability 19606
as specified in section 9.86 of the Revised Code and shall not be 19607
considered an employee of a political subdivision for purposes of 19608
Chapter 2744. of the Revised Code. A political subdivision that 19609
uses preserve officers under this section or under the terms of a 19610
mutual aid compact authorized under section 1501.02 of the Revised 19611
Code is not subject to civil liability under Chapter 2744. of the 19612

Revised Code as a result of any action or omission of any preserve officer acting under this section or under a mutual aid compact. 19613
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(C)(1) The chief of the division of natural areas and preserves shall not designate a person as a preserve officer pursuant to division (B)(1) of this section on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony. 19615
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(2)(a) The chief of the division of natural areas and preserves shall terminate the employment as a preserve officer of a person designated as a preserve officer under division (B)(1) of this section if that person does either of the following: 19621
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(i) Pleads guilty to a felony; 19625

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the preserve officer agrees to surrender the certificate awarded to the preserve officer under section 109.77 of the Revised Code. 19626
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(b) The chief shall suspend from employment as a preserve officer a person designated as a preserve officer under division (B)(1) of this section if that person is convicted, after trial, of a felony. If the preserve officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the preserve officer does not file a timely appeal, the chief shall terminate the employment of that preserve officer. If the preserve officer files an appeal that results in the preserve officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the preserve officer, the chief shall reinstate that preserve officer. A preserve officer who is reinstated under division (C)(2)(b) of this section shall not receive any back pay 19631
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unless that preserve officer's conviction of the felony was 19644
reversed on appeal, or the felony charge was dismissed, because 19645
the court found insufficient evidence to convict the preserve 19646
officer of the felony. 19647

(3) Division (C) of this section does not apply regarding an 19648
offense that was committed prior to January 1, 1997. 19649

(4) The suspension from employment, or the termination of the 19650
employment, of a preserve officer under division (C)(2) of this 19651
section shall be in accordance with Chapter 119. of the Revised 19652
Code. 19653

Sec. 1517.11. There is hereby created in the state treasury 19654
the natural areas and preserves fund, which shall consist of 19655
moneys transferred into it under section 5747.113 of the Revised 19656
Code and of contributions made directly to it. Any person may 19657
contribute directly to the fund in addition to or independently of 19658
the income tax refund contribution system established in that 19659
section. 19660

Moneys in the fund shall be disbursed pursuant to vouchers 19661
approved by the director of natural resources for use by the 19662
division of natural areas and preserves solely for the following 19663
purposes: 19664

(A) The acquisition of new or expanded natural areas, and 19665
nature preserves, ~~and wild, scenic, and recreational river areas;~~ 19666

(B) Facility development in natural areas, and nature 19667
preserves, ~~and wild, scenic, and recreational river areas;~~ 19668

(C) Special projects, including, but not limited to, 19669
biological inventories, research grants, and the production of 19670
interpretive material related to natural areas, and nature 19671
preserves, ~~and wild, scenic, and recreational river areas;~~ 19672

(D) Routine maintenance for health and safety purposes. 19673

Moneys appropriated from the fund shall not be used to fund 19674
salaries of permanent employees or administrative costs. 19675

All investment earnings of the fund shall be credited to the 19676
fund. 19677

Sec. 1519.03. The director of natural resources, through the 19678
chief of the division of ~~real-estate~~ parks and ~~land-management~~ 19679
recreation, shall prepare and maintain a current inventory of 19680
trails, abandoned or unmaintained roads, streets, and highways, 19681
abandoned railroad rights-of-way, utility easements, canals, and 19682
other scenic or historic corridors or rights-of-way that are 19683
suitable for recreational use. The director shall prepare and 19684
publish a comprehensive plan for development of a statewide trails 19685
system to serve present and future trail recreation needs of the 19686
state. Any state department, agency, political subdivision, or 19687
planning commission shall furnish available maps, descriptions, 19688
and other pertinent information to the director or provide access 19689
to ~~his~~ the director's representatives for inspection and 19690
duplication, upon request by the director, for trail inventory and 19691
planning purposes. 19692

Sec. 1520.02. (A) The director of natural resources has 19693
exclusive authority to administer, manage, and establish policies 19694
governing canal lands. 19695

(B)(1) The director may sell, lease, exchange, give, or grant 19696
all or part of the state's interest in any canal lands in 19697
accordance with section 1501.01 of the Revised Code. The director 19698
may stipulate that an appraisal or survey need not be conducted 19699
for, and may establish any terms or conditions that the director 19700
determines appropriate for, any such conveyance. 19701

Prior to proposing the conveyance of any canal lands, the 19702
director shall consider the local government needs and economic 19703

development potential with respect to the canal lands and the 19704
recreational, ecological, and historical value of the canal lands. 19705
In addition, the conveyance of canal lands shall be conducted in 19706
accordance with the director's policies governing the protection 19707
and conservation of canal lands established under this section. 19708

(2) With regard to canal lands, the chief of the division of 19709
~~water~~ parks and recreation, with the approval of the director, may 19710
sell, lease, or transfer minerals or mineral rights when the 19711
chief, with the approval of the director, determines that the 19712
sale, lease, or transfer is in the best interest of the state. 19713
Consideration for minerals and mineral rights shall be by rental 19714
or on a royalty basis as prescribed by the chief, with the 19715
approval of the director, and payable as prescribed by contract. 19716
Moneys collected under division (B)(2) of this section shall be 19717
paid into the state treasury to the credit of the canal lands fund 19718
created in section 1520.05 of the Revised Code. 19719

(C) The director may transfer to the Ohio historical society 19720
any equipment, maps, and records used on or related to canal lands 19721
that are of historical interest and that are not needed by the 19722
director to administer this chapter. 19723

(D) If the director determines that any canal lands are a 19724
necessary part of a county's drainage or ditch system and are not 19725
needed for any purpose of the department of natural resources, the 19726
director may sell, grant, or otherwise convey those canal lands to 19727
that county in accordance with division (B) of this section. The 19728
board of county commissioners shall accept the transfer of canal 19729
lands. 19730

(E) Notwithstanding any other section of the Revised Code, 19731
the county auditor shall transfer any canal lands conveyed under 19732
this section, and the county recorder shall record the deed for 19733
those lands in accordance with section 317.12 of the Revised Code. 19734

Sec. 1520.03. (A) The director of natural resources may 19735
appropriate real property in accordance with Chapter 163. of the 19736
Revised Code for the purpose of administering this chapter. 19737

(B)(1) The director shall operate and maintain all canals and 19738
canal reservoirs owned by the state except those canals that are 19739
operated by the Ohio historical society on July 1, 1989. 19740

(2) On behalf of the director, the division of ~~water parks~~ 19741
and recreation shall have the care and control of all canals and 19742
canal reservoirs owned by the state, the water in them, and canal 19743
lands and shall protect, operate, and maintain them and keep them 19744
in repair. The chief of the division of ~~water parks and recreation~~ 19745
may remove obstructions from or on them and shall make any 19746
alterations or changes in or to them and construct any feeders, 19747
dikes, reservoirs, dams, locks, or other works, devices, or 19748
improvements in or on them that are necessary in the discharge of 19749
the chief's duties. 19750

In accordance with Chapter 119. of the Revised Code, the 19751
chief may adopt, amend, and rescind rules that are necessary for 19752
the administration of this division. 19753

(C) The director may sell or lease water from any canal or 19754
canal reservoir that the director operates and maintains only to 19755
the extent that the water is in excess of the quantity that is 19756
required for navigation, recreation, and wildlife purposes. ~~The~~ 19757
With the approval of the director, the chief may adopt, amend, and 19758
rescind rules in accordance with Chapter 119. of the Revised Code 19759
necessary to administer this division. 19760

The withdrawal of water from any canal or canal reservoir for 19761
domestic use is exempt from this division. However, the director 19762
may require water conservation measures for water that is 19763
withdrawn from any canal or canal reservoir for domestic use 19764
during drought conditions or other emergencies declared by the 19765

governor. 19766

(D) No person shall take or divert water from any canal or 19767
canal reservoir operated and maintained by the director except in 19768
accordance with division (C) of this section. 19769

(E) At the request of the director, the attorney general may 19770
commence a civil action for civil penalties and injunctions, in a 19771
court of common pleas, against any person who has violated or is 19772
violating division (D) of this section. The court of common pleas 19773
in which an action for injunctive relief is filed has jurisdiction 19774
to and shall grant preliminary and permanent injunctive relief 19775
upon a showing that the person against whom the action is brought 19776
has violated or is violating that division. 19777

Upon a finding of a violation, the court shall assess a civil 19778
penalty of not more than one thousand dollars for each day of each 19779
violation if the violator is an individual who took or diverted 19780
the water in question for residential or agricultural use. The 19781
court shall assess a civil penalty of not more than five thousand 19782
dollars for each day of each violation if the violator is any 19783
other person who took or diverted the water in question for 19784
industrial or commercial use excluding agricultural use. Moneys 19785
from civil penalties assessed under this division shall be paid 19786
into the state treasury to the credit of the canal lands fund 19787
created in section 1520.05 of the Revised Code. 19788

Any action under this division is a civil action, governed by 19789
the rules of civil procedure and other rules of practice and 19790
procedure applicable to civil actions. 19791

(F) As used in this section, "person" means any agency of 19792
this state, any political subdivision of this state or of the 19793
United States, or any legal entity defined as a person under 19794
section 1.59 of the Revised Code. 19795

Sec. 1521.03. The chief of the division of soil and water 19796
resources shall do all of the following: 19797

(A) Assist in an advisory capacity any properly constituted 19798
watershed district, conservancy district, or soil and water 19799
conservation district or any county, municipal corporation, or 19800
other government agency of the state in the planning of works for 19801
ground water recharge, flood mitigation, floodplain management, 19802
flood control, flow capacity and stability of streams, rivers, and 19803
watercourses, or the establishment of water conservation 19804
practices, within the limits of the appropriations for those 19805
purposes; 19806

(B) Have authority to conduct basic inventories of the water 19807
and related natural resources in each drainage basin in the state; 19808
to develop a plan on a watershed basis that will recognize the 19809
variety of uses to which water may be put and the need for its 19810
management for those uses; with the approval of the director of 19811
natural resources and the controlling board, to transfer 19812
appropriated or other funds, authorized for those inventories and 19813
plan, to any division of the department of natural resources or 19814
other state agencies for the purpose of developing pertinent data 19815
relating to the plan of water management; and to accept and expend 19816
moneys contributed by any person for implementing the development 19817
of the plan; 19818

(C) Have authority to make detailed investigations of all 19819
factors relating to floods, floodplain management, and flood 19820
control in the state with particular attention to those factors 19821
bearing upon the hydraulic and hydrologic characteristics of 19822
rivers, streams, and watercourses, recognizing the variety of uses 19823
to which water and watercourses may be put; 19824

(D) Cooperate with the United States or any agency thereof 19825
and with any political subdivision of the state in planning and 19826

constructing flood control works; 19827

(E) Hold meetings or public hearings, whichever is considered 19828
appropriate by the chief, to assist in the resolution of conflicts 19829
between ground water users. Such meetings or hearings shall be 19830
called upon written request from boards of health of city or 19831
general health districts created by or under the authority of 19832
Chapter 3709. of the Revised Code or authorities having the duties 19833
of a board of health as authorized by section 3709.05 of the 19834
Revised Code, boards of county commissioners, boards of township 19835
trustees, legislative authorities of municipal corporations, or 19836
boards of directors of conservancy districts and may be called by 19837
the chief upon the request of any other person or at the chief's 19838
discretion. The chief shall collect and present at such meetings 19839
or hearings the available technical information relevant to the 19840
conflicts and to the ground water resource. The chief shall 19841
prepare a report, and may make recommendations, based upon the 19842
available technical data and the record of the meetings or 19843
hearings, about the use of the ground water resource. In making 19844
the report and any recommendations, the chief also may consider 19845
the factors listed in division (B) of section 1521.17 of the 19846
Revised Code. The technical information presented, the report 19847
prepared, and any recommendations made under this division shall 19848
be presumed to be prima-facie authentic and admissible as evidence 19849
in any court pursuant to Evidence Rule 902. 19850

(F) Perform stream or ground water gauging and may contract 19851
with the United States government or any other agency for the 19852
gauging of any streams or ground water within the state; 19853

(G) Primarily with regard to water quantity, have authority 19854
to collect, study, map, and interpret all available information, 19855
statistics, and data pertaining to the availability, supply, use, 19856
conservation, and replenishment of the ground and surface waters 19857
in the state in coordination with other agencies of this state; 19858

(H) Primarily with regard to water quantity and availability, 19859
be authorized to cooperate with and negotiate for the state with 19860
any agency of the United States government, of this state, or of 19861
any other state pertaining to the water resources of the state; 19862

(I) Provide engineering support for the coastal management 19863
program established under Chapter 1506. of the Revised Code. 19864

Sec. 1521.031. There is hereby created in the department of 19865
natural resources the Ohio water advisory council. The council 19866
shall consist of seven members appointed by the governor with the 19867
advice and consent of the senate. No more than four of the members 19868
shall be of the same political party. Members shall be persons who 19869
have a demonstrated interest in water management and whose 19870
expertise reflects the various responsibilities of the division of 19871
soil and water resources under this chapter and Chapter 1523. of 19872
the Revised Code, including, but not limited to, dam safety, 19873
surface water, groundwater, and flood plain management. The chief 19874
of the division of soil and water resources may participate in the 19875
deliberations of the council, but shall not vote. 19876

Terms of office of members shall be for two years commencing 19877
on the second day of February and ending on the first day of 19878
February. Each member shall hold office from the date of 19879
appointment until the end of the term for which ~~he was~~ appointed. 19880
The governor may remove any member at any time for inefficiency, 19881
neglect of duty, or malfeasance in office. In the event of the 19882
death, removal, resignation, or incapacity of any member, the 19883
governor, with the advice and consent of the senate, shall appoint 19884
a successor to hold office for the remainder of the term for which 19885
~~his~~ the member's predecessor was appointed. Any member shall 19886
continue in office following the expiration date of ~~his~~ the 19887
member's term until ~~his~~ the member's successor takes office or 19888
until sixty days have elapsed, whichever occurs first. Membership 19889

on the council does not constitute holding a public office or 19890
position of employment under the Revised Code and is not grounds 19891
for removal of public officers or employees from their offices or 19892
positions of employment. 19893

The council annually shall select from its members a ~~chairman~~ 19894
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 19895
shall hold at least one meeting each calendar quarter and shall 19896
keep a record of its proceedings, which shall be open to the 19897
public for inspection. Special meetings may be called by the 19898
~~chairman~~ chairperson and shall be called upon the written request 19899
of two or more members. A majority of the members constitutes a 19900
quorum. The division shall furnish clerical, technical, legal, and 19901
other services required by the council in the performance of its 19902
duties. 19903

Members shall receive no compensation, but shall be 19904
reimbursed from the appropriations for the division for the actual 19905
and necessary expenses incurred by them in the performance of 19906
their official duties. 19907

The council shall: 19908

(A) Advise the chief of the division of soil and water 19909
resources in carrying out the duties of the division under this 19910
chapter and Chapter 1523. of the Revised Code; 19911

(B) Recommend such policy and legislation with respect to 19912
water management and conservation as will promote the economic, 19913
industrial, and social development of the state while minimizing 19914
threats to the state's natural environment; 19915

(C) Review and make recommendations on the development of 19916
plans and programs for long-term, comprehensive water management 19917
throughout the state; and 19918

(D) Recommend ways to enhance cooperation among governmental 19919
agencies having an interest in water to encourage wise use and 19920

protection of the state's ground and surface waters. To this end, 19921
the council shall request nonvoting representation from 19922
appropriate governmental agencies. 19923

Sec. 1521.04. The chief of the division of soil and water 19924
resources, with the approval of the director of natural resources, 19925
may make loans and grants from the water management fund created 19926
in section 1501.32 of the Revised Code to governmental agencies 19927
for water management, water supply improvements, and planning and 19928
may administer grants from the federal government and from other 19929
public or private sources for carrying out those functions and for 19930
the performance of any acts that may be required by the United 19931
States or by any agency or department thereof as a condition for 19932
the participation by any governmental agency in any federal 19933
financial or technical assistance program. Direct and indirect 19934
costs of administration may be paid from the fund. 19935

The chief may use the water management fund for the purposes 19936
of administering the water diversion and consumptive use permit 19937
programs established in sections 1501.30 to 1501.35 of the Revised 19938
Code; to perform watershed and water resources studies for the 19939
purposes of water management planning; and to acquire, construct, 19940
reconstruct, improve, equip, maintain, operate, and dispose of 19941
water management improvements. The chief may fix, alter, charge, 19942
and collect rates, fees, rentals, and other charges to be paid 19943
into the fund by governmental agencies and persons who are 19944
supplied with water by facilities constructed or operated by the 19945
department of natural resources in order to amortize and defray 19946
the cost of the construction, maintenance, and operation of those 19947
facilities. 19948

Sec. 1521.05. (A) As used in this section: 19949

(1) "Construct" or "construction" includes drilling, boring, 19950

digging, deepening, altering, and logging. 19951

(2) "Altering" means changing the configuration of a well, 19952
including, without limitation, deepening a well, extending or 19953
replacing any portion of the inside or outside casing or wall of a 19954
well that extends below ground level, plugging a portion of a well 19955
back to a certain depth, and reaming out a well to enlarge its 19956
original diameter. 19957

(3) "Logging" means describing the lithology, grain size, 19958
color, and texture of the formations encountered during the 19959
drilling, boring, digging, deepening, or altering of a well. 19960

(4) "Grouting" means neat cement; bentonite products in 19961
slurry, granular, or pelletized form, excluding drilling mud or 19962
fluids; or any combination of neat cement and bentonite products 19963
that is placed within a well to seal the annular space or to seal 19964
an abandoned well and that is impervious to and capable of 19965
preventing the movement of water. 19966

(5) "Abandoned well" means a well whose use has been 19967
permanently discontinued and that poses potential health and 19968
safety hazards or that has the potential to transmit surface 19969
contaminants into the aquifer in which the well has been 19970
constructed. 19971

(6) "Sealing" means the complete filling of an abandoned well 19972
with grouting or other approved materials in order to permanently 19973
prevent the vertical movement of water in the well and thus 19974
prevent the contamination of ground water or the intermixing of 19975
water between aquifers. 19976

(B) Any person that constructs a well shall keep a careful 19977
and accurate log of the construction of the well. The log shall 19978
show all of the following: 19979

(1) The character, including, without limitation, the 19980
lithology, color, texture, and grain size, the name, if known, and 19981

the depth of all formations passed through or encountered;	19982
(2) The depths at which water is encountered;	19983
(3) The static water level of the completed well;	19984
(4) A copy of the record of all pumping tests and analyses related to those tests, if any;	19985 19986
(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;	19987 19988 19989 19990
(6) The type of pumping equipment installed, if any;	19991
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	19992 19993 19994
(8) The signature of the individual who constructed the well and filed the well log;	19995 19996
(9) Any other information required by the chief of the division of <u>soil and water resources</u> .	19997 19998
The log shall be furnished to <u>filed with</u> the division of <u>soil and water resources</u> within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	19999 20000 20001 20002
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	20003 20004 20005
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	20006 20007 20008
(2) The depth of the well, the size and length of its casing, and the static water level of the well;	20009 20010

(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material; 20011
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(4) The date on which the sealing was performed; 20014

(5) The signature of the individual who sealed the well and filed the sealing report; 20015
20016

(6) Any other information required by the chief. 20017

The sealing report shall be ~~furnished to~~ filed with the division within thirty days after the completion of the sealing of the well on forms prescribed and prepared by the division. 20018
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(D) In accordance with Chapter 119. of the Revised Code, the chief may adopt, amend, and rescind rules requiring other persons that are involved in the construction or subsequent development of a well to submit well logs under division (B) of this section containing any or all of the information specified in divisions (B)(1) to (9) of this section and specifying additional information to be included in sealing reports required under division (C) of this section. The chief shall adopt rules establishing procedures and requirements governing the payment and collection of water well log filing fees, including the amount of any filing fee to be imposed as an alternative to the twenty-dollar filing fee established in division (G) of this section and including procedures for the quarterly transfer of filing fees by boards of health and the director of environmental protection under that division. 20021
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(E)(1) No person shall fail to keep and ~~submit~~ file a well log or a sealing report as required by this section. 20036
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(2) No person shall make a false statement in any well log or sealing report required to be kept and ~~submitted~~ filed under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code. 20038
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(F) For the purposes of prosecution of a violation of 20042
division (E)(1) of this section, a prima-facie case is established 20043
when the division obtains either of the following: 20044

(1) A certified copy of a permit for a private water system 20045
issued in accordance with rules adopted under section 3701.344 of 20046
the Revised Code, or a certified copy of the invoice or a canceled 20047
check from the owner of a well indicating the construction or 20048
sealing services performed; 20049

(2) A certified copy of any permit issued under Chapter 3734. 20050
or 6111. of the Revised Code or plan approval granted under 20051
Chapter 6109. of the Revised Code for any activity that includes 20052
the construction or sealing of a well as applicable. 20053

(G) In accordance with rules adopted under this section, a 20054
person or entity that constructs a well for the purpose of 20055
extracting potable water as part of a private water system that is 20056
subject to rules adopted under section 3701.344 of the Revised 20057
Code or a public water system that is required to be licensed 20058
under Chapter 6109. of the Revised Code shall pay a well log 20059
filing fee of twenty dollars per well log or, if the chief has 20060
adopted rules establishing an alternative fee amount, the fee 20061
amount established under rules. The fee shall be collected by a 20062
board of health under section 3701.344 of the Revised Code or the 20063
environmental protection agency under section 6109.22 of the 20064
Revised Code, as applicable. 20065

Each calendar quarter, a board of health or the environmental 20066
protection agency, as applicable, shall forward all well log 20067
filing fees collected during the previous calendar quarter to the 20068
division of soil and water resources. The fees shall be forwarded 20069
in accordance with procedures established in rules adopted under 20070
this section. 20071

Proceeds of well log filing fees shall be used by the 20072

division of soil and water resources for the purposes of 20073
acquiring, maintaining, and dispensing digital and paper records 20074
of well logs that are filed with the division. 20075

Sec. 1521.06. (A) No dam may be constructed for the purpose 20076
of storing, conserving, or retarding water, or for any other 20077
purpose, nor shall any levee be constructed for the purpose of 20078
diverting or retaining flood water, unless the person or 20079
governmental agency desiring the construction has a construction 20080
permit for the dam or levee issued by the chief of the division of 20081
soil and water resources. 20082

A construction permit is not required under this section for: 20083

(1) A dam that is or will be less than ten feet in height and 20084
that has or will have a storage capacity of not more than fifty 20085
acre-feet at the elevation of the top of the dam, as determined by 20086
the chief. For the purposes of this section, the height of a dam 20087
shall be measured from the natural stream bed or lowest ground 20088
elevation at the downstream or outside limit of the dam to the 20089
elevation of the top of the dam. 20090

(2) A dam, regardless of height, that has or will have a 20091
storage capacity of not more than fifteen acre-feet at the 20092
elevation of the top of the dam, as determined by the chief; 20093

(3) A dam, regardless of storage capacity, that is or will be 20094
six feet or less in height, as determined by the chief; 20095

(4) A dam or levee that belongs to a class exempted by the 20096
chief; 20097

(5) The repair, maintenance, improvement, alteration, or 20098
removal of a dam or levee that is subject to section 1521.062 of 20099
the Revised Code, unless the construction constitutes an 20100
enlargement or reconstruction of the structure as determined by 20101
the chief; 20102

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code. 20103
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(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with the filing fee specified by this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. The filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule unless otherwise provided by rules adopted under this section: 20105
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(1) For the first one hundred thousand dollars of estimated cost, a fee of four per cent; 20118
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(2) For the next four hundred thousand dollars of estimated cost, a fee of three per cent; 20120
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(3) For the next five hundred thousand dollars of estimated cost, a fee of two per cent; 20122
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(4) For all costs in excess of one million dollars, a fee of one-half of one per cent. 20124
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In no case shall the filing fee be less than one thousand five hundred dollars or more than ~~one~~ five hundred thousand dollars. If the actual cost exceeds the estimated cost by more than fifteen per cent, an additional filing fee shall be required equal to the fee determined by the preceding schedule less the original filing fee. All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of 20126
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the dam safety fund, which is hereby created. Expenditures from 20134
the fund shall be made by the chief for the purpose of 20135
administering this section and sections 1521.061 and 1521.062 of 20136
the Revised Code. 20137

(C) The chief shall, within thirty days from the date of the 20138
receipt of the application, fee, and bond or other security, issue 20139
or deny a construction permit for the construction or may issue a 20140
construction permit conditioned upon the making of such changes in 20141
the plans and specifications for the construction as the chief 20142
considers advisable if the chief determines that the construction 20143
of the proposed dam or levee, in accordance with the plans and 20144
specifications filed, would endanger life, health, or property. 20145

(D) The chief may deny a construction permit after finding 20146
that a dam or levee built in accordance with the plans and 20147
specifications would endanger life, health, or property, because 20148
of improper or inadequate design, or for such other reasons as the 20149
chief may determine. 20150

In the event the chief denies a permit for the construction 20151
of the dam or levee, or issues a permit conditioned upon a making 20152
of changes in the plans or specifications for the construction, 20153
the chief shall state the reasons therefor and so notify, in 20154
writing, the person or governmental agency making the application 20155
for a permit. If the permit is denied, the chief shall return the 20156
bond or other security to the person or governmental agency making 20157
application for the permit. 20158

The decision of the chief conditioning or denying a 20159
construction permit is subject to appeal as provided in Chapter 20160
119. of the Revised Code. A dam or levee built substantially at 20161
variance from the plans and specifications upon which a 20162
construction permit was issued is in violation of this section. 20163
The chief may at any time inspect any dam or levee, or site upon 20164
which any dam or levee is to be constructed, in order to determine 20165

whether it complies with this section. 20166

(E) A registered professional engineer shall inspect the 20167
construction for which the permit was issued during all phases of 20168
construction and shall furnish to the chief such regular reports 20169
of the engineer's inspections as the chief may require. When the 20170
chief finds that construction has been fully completed in 20171
accordance with the terms of the permit and the plans and 20172
specifications approved by the chief, the chief shall approve the 20173
construction. When one year has elapsed after approval of the 20174
completed construction, and the chief finds that within this 20175
period no fact has become apparent to indicate that the 20176
construction was not performed in accordance with the terms of the 20177
permit and the plans and specifications approved by the chief, or 20178
that the construction as performed would endanger life, health, or 20179
property, the chief shall release the bond or other security. No 20180
bond or other security shall be released until one year after 20181
final approval by the chief, unless the dam or levee has been 20182
modified so that it will not retain water and has been approved as 20183
nonhazardous after determination by the chief that the dam or 20184
levee as modified will not endanger life, health, or property. 20185

(F) When inspections required by this section are not being 20186
performed, the chief shall notify the person or governmental 20187
agency to which the permit has been issued that inspections are 20188
not being performed by the registered professional engineer and 20189
that the chief will inspect the remainder of the construction. 20190
Thereafter, the chief shall inspect the construction and the cost 20191
of inspection shall be charged against the owner. Failure of the 20192
registered professional engineer to submit required inspection 20193
reports shall be deemed notice that the engineer's inspections are 20194
not being performed. 20195

(G) The chief may order construction to cease on any dam or 20196
levee that is being built in violation of this section, and may 20197

prohibit the retention of water behind any dam or levee that has
been built in violation of this section. The attorney general,
upon written request of the chief, may bring an action for an
injunction against any person who violates this section or to
enforce an order or prohibition of the chief made pursuant to this
section.

(H) The chief may adopt rules in accordance with Chapter 119.
of the Revised Code, for the design and construction of dams and
levees for which a construction permit is required by this section
or for which periodic inspection is required by section 1521.062
of the Revised Code, for establishing a filing fee schedule in
lieu of the schedule established under division (B) of this
section and for establishing the minimum and maximum amounts of a
filing fee in lieu of the amounts established in that division,
for deposit and forfeiture of bonds and other securities required
by section 1521.061 of the Revised Code, for the periodic
inspection, operation, repair, improvement, alteration, or removal
of all dams and levees, as specified in section 1521.062 of the
Revised Code, and for establishing classes of dams or levees that
are exempt from the requirements of this section and section
1521.062 of the Revised Code as being of a size, purpose, or
situation that does not present a substantial hazard to life,
health, or property. The chief may, by rule, limit the period
during which a construction permit issued under this section is
valid. The rules may allow for the extension of the period during
which a permit is valid upon written request, provided that the
written request includes a revised construction cost estimate, and
may require the payment of an additional filing fee for the
requested extension. If a construction permit expires without an
extension before construction is completed, the person or agency
shall apply for a new permit, and shall not continue construction
until the new permit is issued.

Sec. 1521.061. Except as otherwise provided in this section, 20230
a construction permit shall not be issued under section 1521.06 of 20231
the Revised Code unless the person or governmental agency applying 20232
for the permit executes and files a surety bond conditioned on 20233
completion of the dam or levee in accordance with the terms of the 20234
permit and the plans and specifications approved by the chief of 20235
the division of soil and water resources, in an amount equal to 20236
fifty per cent of the estimated cost of the project. 20237

If a permittee requests an extension of the time period 20238
during which a construction permit is valid in accordance with 20239
rules adopted under section 1521.06 of the Revised Code, the chief 20240
shall determine whether the revised construction cost estimate 20241
provided with the request exceeds the original construction cost 20242
estimate that was filed with the chief by more than twenty-five 20243
per cent. If the revised construction cost estimate exceeds the 20244
original construction cost estimate by more than twenty-five per 20245
cent, the chief may require an additional surety bond to be filed 20246
so that the total amount of the surety bonds equals at least fifty 20247
per cent of the revised construction cost estimate. 20248

The chief shall not approve any bond until it is personally 20249
signed and acknowledged by both principal and surety, or as to 20250
either by the attorney in fact thereof, with a certified copy of 20251
the power of attorney attached. The chief shall not approve the 20252
bond unless there is attached a certificate of the superintendent 20253
of insurance that the company is authorized to transact a fidelity 20254
and surety business in this state. 20255

All bonds shall be given in a form prescribed by the chief 20256
and shall run to the state as obligee. 20257

The applicant may deposit, in lieu of a bond, cash in an 20258
amount equal to the amount of the bond or United States government 20259
securities or negotiable certificates of deposit issued by any 20260

bank organized or transacting business in this state having a par 20261
value equal to or greater than the amount of the bond. Such cash 20262
or securities shall be deposited upon the same terms as bonds. If 20263
one or more certificates of deposit are deposited in lieu of a 20264
bond, the chief shall require the bank that issued any such 20265
certificate to pledge securities of the aggregate market value 20266
equal to the amount of the certificate that is in excess of the 20267
amount insured by the federal deposit insurance corporation. The 20268
securities to be pledged shall be those designated as eligible 20269
under section 135.18 of the Revised Code. The securities shall be 20270
security for the repayment of the certificate of deposit. 20271

Immediately upon a deposit of cash, securities, or 20272
certificates of deposit, the chief shall deliver them to the 20273
treasurer of state, who shall hold them in trust for the purposes 20274
for which they have been deposited. The treasurer of state is 20275
responsible for the safekeeping of such deposits. An applicant 20276
making a deposit of cash, securities, or certificates of deposit 20277
may withdraw and receive from the treasurer of state, on the 20278
written order of the chief, all or any portion of the cash, 20279
securities, or certificates of deposit, upon depositing with the 20280
treasurer of state cash, other United States government 20281
securities, or negotiable certificates of deposit issued by any 20282
bank organized or transacting business in this state equal in par 20283
value to the par value of the cash, securities, or certificates of 20284
deposit withdrawn. An applicant may demand and receive from the 20285
treasurer of state all interest or other income from any such 20286
securities or certificates as it becomes due. If securities so 20287
deposited with and in the possession of the treasurer of state 20288
mature or are called for payment by the issuer thereof, the 20289
treasurer of state, at the request of the applicant who deposited 20290
them, shall convert the proceeds of the redemption or payment of 20291
the securities into such other United States government 20292
securities, negotiable certificates of deposit issued by any bank 20293

organized or transacting business in this state, or cash as the applicant designates.

When the chief finds that a person or governmental agency has failed to comply with the conditions of the person's or agency's bond, the chief shall make a finding of that fact and declare the bond, cash, securities, or certificates of deposit forfeited in the amount set by rule of the chief. The chief shall thereupon certify the total forfeiture to the attorney general, who shall proceed to collect that amount.

In lieu of total forfeiture, the surety, at its option, may cause the dam or levee to be completed as required by section 1521.06 of the Revised Code and rules of the chief, or otherwise rendered nonhazardous, or pay to the treasurer of state the cost thereof.

All moneys collected on account of forfeitures of bonds, cash, securities, and certificates of deposit under this section shall be credited to the dam safety fund created in section 1521.06 of the Revised Code. The chief shall make expenditures from the fund to complete dams and levees for which bonds have been forfeited or to otherwise render them nonhazardous.

Expenditures from the fund for those purposes shall be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in the contract.

A surety bond shall not be required for a permit for a dam or levee that is to be designed and constructed by an agency of the United States government, if the agency files with the chief written assurance of the agency's financial responsibility for the structure during the one-year period following the chief's approval of the completed construction provided for under division (E) of section 1521.06 of the Revised Code.

Sec. 1521.062. (A) All dams and levees constructed in this state and not exempted by this section or by the chief of the division of soil and water resources under section 1521.06 of the Revised Code shall be inspected periodically by the chief, except for classes of dams that, in accordance with rules adopted under this section, are required to be inspected by registered professional engineers who have been approved for that purpose by the chief. The inspection shall ensure that continued operation and use of the dam or levee does not constitute a hazard to life, health, or property. Periodic inspections shall not be required of the following structures:

(1) A dam that is less than ten feet in height and has a storage capacity of not more than fifty acre-feet at the elevation of the top of the dam, as determined by the chief. For the purposes of this section, the height of a dam shall be measured from the natural stream bed or lowest ground elevation at the downstream or outside limit of the dam to the elevation of the top of the dam.

(2) A dam, regardless of height, that has a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief;

(3) A dam, regardless of storage capacity, that is six feet or less in height, as determined by the chief;

(4) A dam or levee belonging to a class exempted by the chief;

(5) A dam or levee that has been exempted in accordance with rules adopted under section 1521.064 of the Revised Code.

(B) In accordance with rules adopted under this section, the owner of a dam that is in a class of dams that is designated in the rules for inspection by registered professional engineers

shall obtain the services of a registered professional engineer 20355
who has been approved by the chief to conduct the periodic 20356
inspection of dams pursuant to schedules and other standards and 20357
procedures established in the rules. The registered professional 20358
engineer shall prepare a report of the inspection in accordance 20359
with the rules and provide the inspection report to the dam owner 20360
who shall submit it to the chief. A dam that is designated under 20361
the rules for inspection by a registered professional engineer, 20362
but that is not inspected within a five-year period may be 20363
inspected by the chief at the owner's expense. 20364

(C) Intervals between periodic inspections shall be 20365
determined by the chief, but shall not exceed five years. 20366

(D) In the case of a dam or levee that the chief inspects, 20367
the chief shall furnish a report of the inspection to the owner of 20368
the dam or levee. With regard to a dam or levee that has been 20369
inspected, either by the chief or by a registered professional 20370
engineer, and that is the subject of an inspection report prepared 20371
or received by the chief, the chief shall inform the owner of any 20372
required repairs, maintenance, investigations, and other remedial 20373
and operational measures. The chief shall order the owner to 20374
perform such repairs, maintenance, investigations, or other 20375
remedial or operational measures as the chief considers necessary 20376
to safeguard life, health, or property. The order shall permit the 20377
owner a reasonable time in which to perform the needed repairs, 20378
maintenance, investigations, or other remedial measures, and the 20379
cost thereof shall be borne by the owner. All orders of the chief 20380
are subject to appeal as provided in Chapter 119. of the Revised 20381
Code. The attorney general, upon written request of the chief, may 20382
bring an action for an injunction against any person who violates 20383
this section or to enforce an order of the chief made pursuant to 20384
this section. 20385

(E) The owner of a dam or levee shall monitor, maintain, and 20386

operate the structure and its appurtenances safely in accordance 20387
with state rules, terms and conditions of permits, orders, and 20388
other requirements issued pursuant to this section or section 20389
1521.06 of the Revised Code. The owner shall fully and promptly 20390
notify the division of soil and water resources and other 20391
responsible authorities of any condition that threatens the safety 20392
of the structure and shall take all necessary actions to safeguard 20393
life, health, and property. 20394

(F) Before commencing the repair, improvement, alteration, or 20395
removal of a dam or levee, the owner shall file an application 20396
including plans, specifications, and other required information 20397
with the division and shall secure written approval of the 20398
application by the chief. Emergency actions by the owner required 20399
to safeguard life, health, or property are exempt from this 20400
requirement. The chief may, by rule, define maintenance, repairs, 20401
or other remedial measures of a routine nature that are exempt 20402
from this requirement. 20403

(G) The chief may remove or correct, at the expense of the 20404
owner, any unsafe structures found to be constructed or maintained 20405
in violation of this section or section 1521.06 of the Revised 20406
Code. In the case of an owner other than a governmental agency, 20407
the cost of removal or correction of any unsafe structure, 20408
together with a description of the property on which the unsafe 20409
structure is located, shall be certified by the chief to the 20410
county auditor and placed by the county auditor upon the tax 20411
duplicate. This cost is a lien upon the lands from the date of 20412
entry and shall be collected as other taxes and returned to the 20413
division. In the case of an owner that is a governmental agency, 20414
the cost of removal or correction of any unsafe structure shall be 20415
recoverable from the owner by appropriate action in a court of 20416
competent jurisdiction. 20417

(H) If the condition of any dam or levee is found, in the 20418

judgment of the chief, to be so dangerous to the safety of life, 20419
health, or property as not to permit time for the issuance and 20420
enforcement of an order relative to repair, maintenance, or 20421
operation, the chief shall employ any of the following remedial 20422
means necessary to protect life, health, and property: 20423

(1) Lower the water level of the lake or reservoir by 20424
releasing water; 20425

(2) Completely drain the lake or reservoir; 20426

(3) Take such other measures or actions as the chief 20427
considers necessary to safeguard life, health, and property. 20428

The chief shall continue in full charge and control of the 20429
dam or levee until the structure is rendered safe. The cost of the 20430
remedy shall be recoverable from the owner of the structure by 20431
appropriate action in a court of competent jurisdiction. 20432

(I) The chief may accept and expend gifts, bequests, and 20433
grants from the United States government or from any other public 20434
or private source and may contract with the United States 20435
government or any other agency or entity for the purpose of 20436
carrying out the dam safety functions set forth in this section 20437
and section 1521.06 of the Revised Code. 20438

(J) In accordance with Chapter 119. of the Revised Code, the 20439
chief may adopt, and may amend or rescind, rules that do all of 20440
the following: 20441

(1) Designate classes of dams for which dam owners must 20442
obtain the services of a registered professional engineer to 20443
periodically inspect the dams and to prepare reports of the 20444
inspections for submittal to the chief; 20445

(2) Establish standards in accordance with which the chief 20446
must approve or disapprove registered professional engineers to 20447
inspect dams together with procedures governing the approval 20448

process; 20449

(3) Establish schedules, standards, and procedures governing 20450
periodic inspections and standards and procedures governing the 20451
preparation and submittal of inspection reports; 20452

(4) Establish provisions regarding the enforcement of this 20453
section and rules adopted under it. 20454

(K) The owner of a dam or levee shall notify the chief in 20455
writing of a change in ownership of the dam or levee prior to the 20456
exchange of the property. 20457

Sec. 1521.063. (A) Except for the federal government, the 20458
owner of ~~any a~~ dam, that is classified as a class I, class II, or 20459
class III dam under rules adopted under section 1521.06 of the 20460
Revised Code and subject to section 1521.062 of the Revised Code 20461
shall pay an annual fee, based upon the height of the dam, the 20462
linear foot length of the dam, and the per-acre foot of volume of 20463
water impounded by the dam. The fee shall be paid to the division 20464
of soil and water ~~on or before June 30, 1988, and resources~~ on or 20465
before the thirtieth day of June of each ~~succeeding~~ year. The 20466
annual fee shall be as follows until otherwise provided by rules 20467
adopted under this section: 20468

(1) For any dam classified as a class I dam under rules 20469
adopted by the chief of the division of soil and water resources 20470
under section 1521.06 of the Revised Code, ~~thirty three hundred~~ 20471
dollars plus ten dollars per foot of height of dam, five cents per 20472
foot of length of the dam and five cents per-acre foot of water 20473
impounded by the dam; 20474

(2) For any dam classified as a class II dam under those 20475
rules, ~~thirty ninety~~ sixty dollars plus ~~one dollar~~ six dollars per foot 20476
of height of dam, five cents per foot of length of the dam and 20477
five cents per-acre foot of water impounded by the dam; 20478

(3) For any dam classified as a class III dam under those 20479
rules, thirty ninety dollars plus four dollars per foot of height 20480
of the dam, five cents per foot of length of the dam, and five 20481
cents per-acre foot of volume of water impounded by the dam. 20482

For purposes of this section, the height of a dam is the 20483
vertical height, to the nearest foot, as determined by the 20484
division under section 1521.062 of the Revised Code. 20485

All fees collected under this section shall be deposited in 20486
the dam safety fund created in section 1521.06 of the Revised 20487
Code. Any owner who fails to pay any annual fee required by this 20488
section within sixty days after the due date shall be assessed a 20489
penalty of ten per cent of the annual fee plus interest at the 20490
rate of one-half per cent per month from the due date until the 20491
date of payment. 20492

There is hereby created the compliant dam discount program to 20493
be administered by the chief. Under the program, the chief may 20494
reduce the amount of the annual fee that an owner of a dam is 20495
required to pay under division (A)(1), (2), or (3) of this section 20496
if the owner is in compliance with section 1521.062 of the Revised 20497
Code and has developed an emergency action plan pursuant to 20498
standards established in rules adopted under this section. The 20499
chief shall not discount an annual fee by more than twenty-five 20500
per cent of the total annual fee that is due. In addition, the 20501
chief shall not discount the annual fee that is due from the owner 20502
of a dam who has been assessed a penalty under this section. 20503

(B) The chief shall, in accordance with Chapter 119. of the 20504
Revised Code and subject to the prior approval of the director of 20505
natural resources, adopt, and may amend or rescind, rules for the 20506
collection of fees and the administration, implementation, and 20507
enforcement of this section and for the establishment of an annual 20508
fee schedule in lieu of the schedule established ~~under~~ in division 20509
20510

(A) of this section. 20511

(C)(1) No person, political subdivision, or state 20512
governmental agency shall violate or fail to comply with this 20513
section or any rule or order adopted or issued under it. 20514

(2) The attorney general, upon written request of the chief, 20515
may commence an action against any such violator. Any action under 20516
division (C)(2) of this section is a civil action. 20517

(D) As used in this section, "political subdivision" includes 20518
townships, municipal corporations, counties, school districts, 20519
municipal universities, park districts, sanitary districts, and 20520
conservancy districts and subdivisions thereof. 20521

Sec. 1521.064. The chief of the division of soil and water 20522
resources, in accordance with Chapter 119. of the Revised Code, 20523
shall adopt, and may amend and rescind, rules establishing a 20524
program under which dams and levees may be exempted from 20525
inspections under section 1521.062 of the Revised Code if the 20526
continued operation and use of, and any rupturing of or other 20527
structural damage to, the dams and levees will not constitute a 20528
hazard to life, health, or property. The rules shall establish, 20529
without limitation, all of the following: 20530

(A) A procedure by which the owner of such a dam or levee may 20531
apply for an exemption under this section; 20532

(B) The standards that a dam or levee shall meet in order to 20533
be exempted under this section; 20534

(C) A procedure by which the chief shall periodically review 20535
the status of a dam or levee that has been exempted under this 20536
section to determine if the exemption should be rescinded; 20537

(D) A requirement that the owner of any dam or levee exempted 20538
under this section shall agree, in writing, to accept liability 20539
for any injury, death, or loss to persons or property caused by 20540

the rupturing of or other structural damage to the dam or levee. 20541

Sec. 1521.07. The chief of the division of soil and water 20542
resources or any employee in the service of the division may enter 20543
upon lands to make surveys and inspections in accordance with this 20544
chapter, when necessary in the discharge of the duties enumerated 20545
in this chapter. 20546

Sec. 1521.10. In order to be entitled to the compensation 20547
provided for in section 1521.09 of the Revised Code, the landowner 20548
~~must~~ shall have prepared and submit to the division of soil and 20549
water resources complete plans for the dam provided for in such 20550
section. The plans shall have the approval of the chief of the 20551
division of soil and water resources and the dam shall be 20552
constructed in accordance with such plans before compensation can 20553
be claimed. 20554

Sec. 1521.11. Upon the completion of the dam referred to in 20555
section 1521.09 of the Revised Code to the satisfaction of the 20556
division of soil and water resources, it shall certify the 20557
completion and the capacity thereof to the county auditor who 20558
shall thereupon make such reduction in the assessed valuation of 20559
the contiguous landowner as ~~he~~ the contiguous landowner is 20560
entitled to receive under sections 1521.09 to 1521.12, ~~inclusive,~~ 20561
of the Revised Code. 20562

Sec. 1521.12. In the event that any dam is constructed before 20563
plans are submitted to and approved by the division of soil and 20564
water resources as required by section 1521.10 of the Revised 20565
Code, the landowner may submit plans of the dam ~~he~~ the landowner 20566
has built, showing the area of the drainage basin above the dam, a 20567
cross section of the dam site, a cross section, plan, and 20568
elevation of the dam, a map of the spillway, a topographic map of 20569

the reservoir basin, and such other data and information as the 20570
division requires. If the plans receive the approval of the 20571
division, and upon examination the dam is found to be 20572
satisfactorily completed in accordance with such plans, ~~said the~~ 20573
division shall certify the completion and capacity thereof to the 20574
county auditor. If the plans fail to meet the requirements of the 20575
division, the owner may submit revised plans, and when such 20576
revised plans have been approved and the dam rebuilt to conform to 20577
such plans, the completion of the dam and its capacity shall then 20578
be certified to the auditor who shall thereupon make such 20579
reduction in the assessed valuation of the contiguous land as such 20580
owner is entitled to receive under sections 1521.09 to 1521.12~~7~~ 20581
~~inclusive~~, of the Revised Code. 20582

Sec. 1521.13. (A) Development in one-hundred-year floodplain 20583
areas shall be protected to at least the one-hundred-year flood 20584
level, and flood water conveyance shall be maintained, at a 20585
minimum, in accordance with standards established under the 20586
national flood insurance program. This division does not preclude 20587
a state agency or political subdivision from establishing flood 20588
protection standards that are more restrictive than this division. 20589

(B) Prior to the expenditure of money for or the construction 20590
of buildings, structures, roads, bridges, or other facilities in 20591
locations that may be subject to flooding or flood damage, all 20592
state agencies and political subdivisions shall notify and consult 20593
with the division of soil and water resources and shall furnish 20594
information that the division reasonably requires in order to 20595
avoid the uneconomic, hazardous, or unnecessary use of floodplains 20596
in connection with such facilities. 20597

(C) The chief of the division of soil and water resources 20598
shall do all of the following: 20599

(1) Coordinate the floodplain management activities of state 20600

agencies and political subdivisions with the floodplain management 20601
activities of the United States, including the national flood 20602
insurance program; 20603

(2) Collect, prepare, and maintain technical data and 20604
information on floods and floodplain management and make the data 20605
and information available to the public, state agencies, political 20606
subdivisions, and agencies of the United States; 20607

(3) Cooperate and enter into agreements with persons for the 20608
preparation of studies and reports on floods and floodplain 20609
management; 20610

(4) Assist any county, municipal corporation, or state agency 20611
in developing comprehensive floodplain management programs; 20612

(5) Provide technical assistance to any county, municipal 20613
corporation, or state agency through engineering assistance, data 20614
collection, preparation of model laws, training, and other 20615
activities relating to floodplain management; 20616

(6) For the purpose of reducing damages and the threat to 20617
life, health, and property in the event of a flood, cooperate with 20618
state agencies, political subdivisions, and the United States in 20619
the development of flood warning systems, evacuation plans, and 20620
flood emergency preparedness plans; 20621

(7) Upon request, assist the emergency management agency 20622
established by section 5502.22 of the Revised Code in the 20623
preparation of flood hazard mitigation reports required as a 20624
condition for receiving federal disaster aid under the "Disaster 20625
Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, 20626
and regulations adopted under it; 20627

(8) Adopt, and may amend or rescind, rules in accordance with 20628
Chapter 119. of the Revised Code for the administration, 20629
implementation, and enforcement of this section and sections 20630
1521.14 and 1521.18 of the Revised Code; 20631

(9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards established under the national flood insurance program.

(10) On behalf of the director of natural resources, administer section 1506.04 of the Revised Code.

In addition to the duties imposed in divisions (C)(1) to (10) of this section, and with respect to existing publicly owned facilities that have suffered flood damage or that may be subject to flood damage, the chief may conspicuously mark past and probable flood heights in order to assist in creating public awareness of and knowledge about flood hazards.

(D)(1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with division (A) of this section and with rules adopted under division (C)(9) of this section.

(2) State agencies shall apply floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage.

(3) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a one-hundred-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with division (A) of this section, rules adopted under division (C)(9) of this section, and any applicable local floodplain management resolution or ordinance.

(4) Prior to the disbursement of any state disaster assistance money in connection with any incident of flooding to or within a county or municipal corporation that is not listed by the chief as being in compliance under division (D)(1) of section 1521.18 of the Revised Code, a state agency that has authority to disburse such money shall require the county or municipal corporation to establish or reestablish compliance as provided in that division.

(E)(1) Subject to section 1521.18 of the Revised Code, a county or a municipal corporation may do all of the following:

(a) Adopt floodplain maps that reflect the best available data and that indicate the areas to be regulated under a floodplain management resolution or ordinance, as applicable;

(b) Develop and adopt a floodplain management resolution or ordinance, as applicable;

(c) Adopt floodplain management standards that exceed the standards that are established under the national flood insurance program.

(2) A county or municipal corporation shall examine and apply, where economically feasible, floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage.

(3) A county that adopts a floodplain management resolution shall do so in accordance with the procedures established in section 307.37 of the Revised Code. The county may enforce the resolution by issuing stop work orders, seeking injunctive relief, or pursuing other civil actions that the county considers necessary to ensure compliance with the resolution. In addition, failure to comply with the floodplain management resolution constitutes a violation of division (D) of section 307.37 of the Revised Code.

(4) No action challenging the validity of a floodplain management resolution adopted by a county or a floodplain management ordinance adopted by a municipal corporation, or an amendment to such a resolution or ordinance, because of a procedural error in the adoption of the resolution, ordinance, or amendment shall be brought more than two years after the adoption of the resolution, ordinance, or amendment.

Sec. 1521.14. Upon the written request of the director of natural resources, the attorney general shall bring an action for appropriate relief in a court of competent jurisdiction against any development that is not in compliance with the standards of the national flood insurance program and that is one of the following:

(A) Located in a county or municipal corporation that is not listed by the chief of the division of soil and water resources as being in compliance under division (D)(1) of section 1521.18 of the Revised Code;

(B) Funded, financed, undertaken, or preempted by a state agency.

Sec. 1521.15. (A) The chief of the division of soil and water resources shall develop and maintain, in cooperation with local, state, federal, and private agencies and entities, a water resources inventory for the collection, interpretation, storage, retrieval, exchange, and dissemination of information concerning the water resources of this state, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of consumptive use and diversion of the water resources. The water resources inventory also shall include, without limitation, information to assist in determining the reasonableness of water use and sharing

under common law, promoting reasonable use and development of 20724
water resources, and resolving water use conflicts. 20725

All agencies of the state shall cooperate with the chief in 20726
the development and maintenance of the inventory. 20727

(B) The chief shall cooperate with the other great lakes 20728
states and provinces to develop a common base of data regarding 20729
the management of the water resources of the Lake Erie drainage 20730
basin and to establish systematic arrangements for the exchange of 20731
those data. 20732

~~(C) The chief shall prepare and present to the governor no 20733
later than September 1, 1998, a long term water resources plan for 20734
the protection, conservation, and management of the water 20735
resources of the Lake Erie drainage basin. The plan shall include, 20736
without limitation, all of the following: 20737~~

~~(1) An inventory of surface and ground water resources; 20738~~

~~(2) Identification and assessment of existing uses and future 20739
demand for all of the following: 20740~~

~~(a) Withdrawal of water resources for domestic, agricultural, 20741
manufacturing, mining, navigation, power production, recreation, 20742
fish and wildlife, and other uses; 20743~~

~~(b) Diversion; 20744~~

~~(c) Consumptive use. 20745~~

~~(3) Guidelines to minimize consumptive use; 20746~~

~~(4) Guidelines and procedures to coordinate, conserve, 20747
develop, protect, use, and manage the water resources of the Lake 20748
Erie drainage basin. 20749~~

Sec. 1521.16. (A) Any person who owns a facility that has the 20750
capacity to withdraw waters of the state in an amount greater than 20751
one hundred thousand gallons per day from all sources and whose 20752

construction is completed before January 1, 1990, shall register 20753
the facility by January 1, 1991, with the chief of the division of 20754
soil and water resources, and any person who owns a facility that 20755
has the capacity to withdraw waters of the state in such an amount 20756
and whose construction is completed on or after January 1, 1990, 20757
shall register the facility with the chief within three months 20758
after the facility is completed. The person shall register the 20759
facility using a form prescribed by the chief that shall include, 20760
without limitation, the name and address of the registrant and 20761
date of registration; the locations and sources of the facility's 20762
water supply; the facility's withdrawal capacity per day and the 20763
amount withdrawn from each source; the uses made of the water, 20764
places of use, and places of discharge; and such other information 20765
as the chief may require by rule. 20766

The registration date of any facility whose construction was 20767
completed prior to January 1, 1990, and that is registered under 20768
this division prior to January 1, 1991, shall be January 1, 1990. 20769
The registration date of any facility whose construction was 20770
completed prior to January 1, 1990, and that is required to 20771
register under this division prior to January 1, 1991, but that is 20772
not registered prior to that date, and the registration date of 20773
any facility whose construction was completed after January 1, 20774
1990, and that is required to register under this division shall 20775
be the date on which the registration is received by the chief. 20776

(B) In accordance with division (D) of this section, the 20777
chief shall adopt rules establishing standards and criteria for 20778
determining when an area of ground water is a ground water stress 20779
area, the geographic limits of such an area, and a threshold 20780
withdrawal capacity for the area below which registration under 20781
this division shall not be required. At any time following the 20782
adoption of those rules, the chief may by order designate an area 20783
of ground water as a ground water stress area and shall establish 20784

in any such order a threshold withdrawal capacity for the area 20785
below which registration under this division shall not be 20786
required. 20787

Following the designation of a ground water stress area, the 20788
chief immediately shall give notice by publication in a newspaper 20789
of general circulation in the designated area that shall include a 20790
map delineating the designated ground water stress area and a 20791
statement of the threshold withdrawal capacity established for the 20792
area below which registration under this division shall not be 20793
required. The notice shall not appear in the legal notices section 20794
of the newspaper. Any person who owns a facility in the designated 20795
ground water stress area that is not registered under division (A) 20796
of this section and that has the capacity to withdraw waters of 20797
the state in an amount greater than the threshold withdrawal 20798
capacity for the area from all sources shall register ~~his~~ the 20799
facility with the chief not later than thirty days after 20800
publication of the notice. A person registering a facility under 20801
this division shall do so using a form prescribed by the chief. 20802
The form shall include the information specified in division (A) 20803
of this section. 20804

(C) Any person who owns a facility registered under division 20805
(A) or (B) of this section shall file a report annually with the 20806
chief listing the amount of water withdrawn per day by the 20807
facility, the return flow per day, and any other information the 20808
chief may require by rule. Any person who, under Chapter 6109. of 20809
the Revised Code, provides such information to the Ohio 20810
environmental protection agency is exempt from reporting under 20811
this division. The director of environmental protection shall 20812
provide the chief any such reported information upon ~~his~~ request. 20813

(D) The chief shall adopt, and may amend or rescind, rules in 20814
accordance with Chapter 119. of the Revised Code to carry out this 20815
section. 20816

(E)(1) No person knowingly shall fail to register a facility 20817
or file a report as required under this section. 20818

(2) No person shall file a false report under this section. 20819
Violation of division (E)(2) of this section is falsification 20820
under section 2921.13 of the Revised Code. 20821

(F) At the request of the director of natural resources, the 20822
attorney general may commence a civil action to compel compliance 20823
with this section, in a court of common pleas, against any person 20824
who has violated or is violating division (E)(1) of this section. 20825
The court of common pleas in which a civil action is commenced 20826
under this division has jurisdiction to and shall compel 20827
compliance with this section upon a showing that the person 20828
against whom the action is brought has violated or is violating 20829
that division. 20830

Any action under this division is a civil action, governed by 20831
the rules of civil procedure and other rules of practice and 20832
procedure applicable to civil actions. 20833

Sec. 1521.18. (A) For the purposes of this section, a 20834
one-hundred-year floodplain is limited to an area identified as a 20835
one-hundred-year floodplain in accordance with the "National Flood 20836
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 20837
amended. 20838

(B) Each municipal corporation or county that has within its 20839
boundaries a one-hundred-year floodplain and that adopts a 20840
floodplain management ordinance or resolution or any amendments to 20841
such an ordinance or resolution on or after April 11, 1991, after 20842
adopting the ordinance, resolution, or amendments and before 20843
submitting the ordinance, resolution, or amendments to the federal 20844
emergency management agency for final approval for compliance with 20845
applicable standards adopted under the "National Flood Insurance 20846
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 20847

submit the ordinance, resolution, or amendments to the chief of 20848
the division of soil and water resources for the chief's review 20849
for compliance with those standards. Within forty-five days after 20850
receiving any such ordinance, resolution, or amendments, the chief 20851
shall complete the review and notify the municipal corporation or 20852
county as to whether the ordinance, resolution, or amendments 20853
comply with those standards. If the chief finds that the 20854
ordinance, resolution, or amendments comply with those standards, 20855
the chief shall forward it or them to the federal emergency 20856
management agency for final approval. 20857

(C)(1) If the chief determines that a county or municipal 20858
corporation that has adopted a floodplain management resolution or 20859
ordinance fails to administer or enforce the resolution or 20860
ordinance, the chief shall send a written notice by certified mail 20861
to the board of county commissioners of the county or the chief 20862
executive officer of the municipal corporation stating the nature 20863
of the noncompliance. 20864

(2) In order to maintain its compliance status in accordance 20865
with division (D) of this section, a county or municipal 20866
corporation that has received a notice of noncompliance under 20867
division (C)(1) of this section may submit information to the 20868
chief not later than thirty days after receiving the notice that 20869
demonstrates compliance or indicates the actions that the county 20870
or municipal corporation is taking to administer or enforce the 20871
resolution or ordinance. The chief shall review the information 20872
and shall issue a final determination by certified mail to the 20873
county or municipal corporation of the compliance or noncompliance 20874
status of the county or municipal corporation. If the chief issues 20875
a final determination of noncompliance, the chief shall send a 20876
copy of that determination to the federal emergency management 20877
agency concurrently with mailing the notice to the municipal 20878
corporation or county. 20879

(D)(1) A county or municipal corporation is considered to be 20880
in compliance for the purposes of this section if either of the 20881
following applies: 20882

(a) The county or municipal corporation has adopted a 20883
floodplain management resolution or ordinance that the chief has 20884
determined complies with applicable standards adopted under the 20885
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 20886
4001, as amended, and is adequately administering and enforcing it 20887
as determined under division (C) of this section. 20888

(b) The county or municipal corporation is participating in 20889
the national flood insurance program and has not received a notice 20890
of noncompliance under division (B) or (C) of this section. 20891

(2) The chief shall maintain a list of all counties and 20892
municipal corporations that have one-hundred-year floodplains 20893
within their boundaries. The list shall indicate whether each such 20894
county or municipal corporation is in compliance or noncompliance 20895
as provided in division (D)(1) of this section and whether each 20896
such county or municipal corporation is participating in the 20897
national flood insurance program. The chief shall provide a copy 20898
of the list to the general assembly and all state agencies 20899
annually and shall notify the general assembly and the agencies of 20900
any changes at least quarterly. 20901

(E) Any county or municipal corporation that is adversely 20902
affected by any determination of the chief under this section may 20903
appeal it in accordance with Chapter 119. of the Revised Code not 20904
later than thirty days after the final determination. 20905

Sec. 1521.19. (A) There is hereby created the Ohio water 20906
resources council consisting of the directors of agriculture, 20907
development, environmental protection, health, natural resources, 20908
transportation, and the Ohio public works commission, the 20909
chairperson of the public utilities commission of Ohio, the 20910

executive director of the Ohio water development authority, and an 20911
executive assistant in the office of the governor appointed by the 20912
governor. The governor shall appoint one of the members of the 20913
council to serve as its chairperson. The council may adopt bylaws 20914
that are necessary for the implementation of this section. The 20915
council shall provide a forum for policy development, 20916
collaboration and coordination among state agencies, and strategic 20917
direction with respect to state water resource programs. The 20918
council shall be assisted in its functions by a state agency 20919
coordinating group and an advisory group as provided in this 20920
section. 20921

(B) The state agency coordinating group shall consist of the 20922
executive director of the Ohio Lake Erie commission and a member 20923
or members from each state agency, commission, and authority 20924
represented on the council, to be appointed by the applicable 20925
director, chairperson, or executive director. However, the 20926
environmental protection agency shall be represented on the group 20927
by the chiefs of the divisions within that agency having 20928
responsibility for surface water programs and drinking and ground 20929
water programs, and the department of natural resources shall be 20930
represented on the group by the chief of the division of ~~water and~~ 20931
~~the chief of the division of~~ soil and water ~~conservation~~ 20932
resources. The chairperson of the council shall appoint a leader 20933
of the state agency coordinating group. The group shall provide 20934
assistance to and perform duties on behalf of the council as 20935
directed by the council. 20936

(C) The advisory group shall consist of not more than 20937
twenty-four members, each representing an organization or entity 20938
with an interest in water resource issues. The council shall 20939
appoint the members of the advisory group. Of the initial 20940
appointments, not more than ten members shall be appointed for 20941
one-year terms, and not more than ten members shall be appointed 20942

for two-year terms. Of the four initial appointments made after 20943
~~the effective date of this amendment~~ April 6, 2007, two of the 20944
members shall be appointed for one-year terms, and two of the 20945
members shall be appointed for two-year terms. Thereafter, all 20946
advisory group members shall serve two-year terms. Members may be 20947
reappointed. Each member shall hold office from the date of the 20948
member's appointment until the end of the member's term. A member 20949
shall continue in office subsequent to the expiration date of the 20950
member's term until the member's successor takes office or until a 20951
period of sixty days has elapsed, whichever occurs first. The 20952
council may remove a member for misfeasance, nonfeasance, or 20953
malfeasance in office. The council shall appoint members to fill 20954
any vacancies on the group. A member appointed to fill a vacancy 20955
shall hold office for the remainder of the term for which that 20956
member was appointed. 20957

The chairperson of the council shall appoint a chairperson of 20958
the advisory group. The advisory group shall advise the council on 20959
water resources issues addressed by the council. 20960

(D) There is hereby created in the state treasury the Ohio 20961
water resources council fund. The department of natural resources 20962
shall serve as the fiscal agent for the fund. The departments of 20963
agriculture, development, environmental protection, health, 20964
natural resources, and transportation shall transfer moneys to the 20965
fund in equal amounts via intrastate transfer voucher. The public 20966
utilities commission of Ohio, Ohio public works commission, and 20967
Ohio water development authority may transfer moneys to the fund. 20968
If a voluntary transfer of moneys is made to the fund, the portion 20969
that is required to be transferred by the departments of 20970
agriculture, development, environmental protection, health, 20971
natural resources, and transportation may be equally reduced. 20972
Moneys in the fund shall be used to pay the operating expenses of 20973
the Ohio water resources council, including those specified in 20974

division (E) of this section. 20975

(E) The Ohio water resources council may hire staff to 20976
support its activities. The council may enter into contracts and 20977
agreements with federal agencies, state agencies, political 20978
subdivisions, and private entities to assist in accomplishing its 20979
objectives. Advisory group members shall be reimbursed for 20980
expenses necessarily incurred in the performance of their duties 20981
pursuant to section 126.31 of the Revised Code and any applicable 20982
rules pertaining to travel reimbursement adopted by the office of 20983
budget and management. 20984

Sec. 1523.01. In addition to all other powers granted to and 20985
duties devolving upon the chief of the division of soil and water 20986
resources, when in the chief's judgment it is for the public 20987
welfare and the best interests of the citizens of the state that 20988
the surplus, flood, and other waters of any of the watersheds, 20989
rivers, streams, watercourses, or public waters should be 20990
conserved, impounded, and stored in order to insure and promote 20991
the public health, welfare, and safety and to encourage and 20992
promote agriculture, commerce, manufacturing, and other public 20993
purposes, such chief shall proceed in furtherance of the purposes 20994
of sections 1523.01 to 1523.13 of the Revised Code, and for the 20995
preservation of the use of such waters for navigation, in case 20996
such waters are required for navigation, to construct such 20997
reservoirs, dams, storage basins, dikes, canals, raceways, and 20998
other improvements as are necessary for such purposes, or the 20999
chief may make additions to, enlarge, and make alterations in and 21000
upon such reservoirs, dams, storage basins, dikes, canals, 21001
raceways, and other improvements already in existence and 21002
constituting a part of the public works, as are necessary for such 21003
purposes. Any rights or privileges granted by sections 1523.01 to 21004
1523.13 of the Revised Code, shall not interfere with the control 21005
and maintenance of the state reservoirs or public parks which have 21006

been dedicated to the public for purposes of recreation and 21007
pleasure. 21008

~~Said~~ The chief, subject to the written approval of the 21009
director of natural resources and the governor, may acquire by 21010
gift, purchase, or by appropriation proceedings, in the name of 21011
and on behalf of the state, such real and personal property, 21012
rights, privileges, and appurtenances as are necessary in the 21013
chief's judgment for the construction of such reservoirs, dams, 21014
storage basins, dikes, canals, raceways, and other improvements, 21015
or for the alteration, enlargement, or maintenance of existing 21016
reservoirs, dams, and other improvements, together with such 21017
rights of way, drives, and roadways as are necessary for 21018
convenient access thereto. The appropriation proceedings referred 21019
to in this section shall be restricted to private property only. 21020

Before proceeding to purchase or appropriate any such 21021
property or rights, the cost of which, together with the land or 21022
real estate necessary upon which to locate and construct such 21023
improvements, including damages to remaining property, is in 21024
excess of one thousand dollars, the chief shall prepare plans, 21025
specifications, and estimates of such cost, including all material 21026
and labor therefor, together with the cost of such land or real 21027
estate and damages, and shall thereupon submit such plans, 21028
specifications, and estimates to the director, who in turn shall 21029
submit them to the governor for approval. 21030

The governor shall thereupon publish written notice once a 21031
week for two consecutive weeks in a newspaper published in and of 21032
general circulation in the counties where any such improvements 21033
are proposed to be constructed, setting forth the location and 21034
character of the proposed improvements, that the plans, 21035
specifications, and estimates therefor are on file in the 21036
governor's office, and that objections thereto will be heard by 21037
the governor on a day to be named in ~~said~~ the notice, which day 21038

shall be not less than ten nor more than twenty days after the 21039
first publication thereof. Within thirty days after the date fixed 21040
for ~~said~~ the hearing, the governor shall return such plans, 21041
specifications, and estimates to the director, with the governor's 21042
written approval or rejection thereof indorsed thereon. The 21043
director shall immediately return such plans, specifications, and 21044
estimates, together with the governor's indorsement thereon, to 21045
the chief. 21046

Any instrument by which real property is acquired pursuant to 21047
this section shall identify the agency of the state that has the 21048
use and benefit of the real property as specified in section 21049
5301.012 of the Revised Code. 21050

Sec. 1523.02. If the governor approves the plans, 21051
specifications, and estimates authorized by section 1523.01 of the 21052
Revised Code, the chief of the division of soil and water 21053
resources shall thereupon proceed, as provided in sections 1523.02 21054
to 1523.13 of the Revised Code, to construct the improvements or 21055
to make alterations in or to enlarge those already existing, in 21056
such manner and form as is shown by such plans and specifications. 21057
In order to provide the funds for such construction, alteration, 21058
or enlargement, the chief shall issue and sell bonds of the state, 21059
not in excess of the estimated cost of such improvements. The 21060
bonds shall be issued in denominations of not less than one 21061
hundred dollars payable as a whole or in series on or before fifty 21062
years from the date thereof, with interest not to exceed the rate 21063
provided in section 9.95 of the Revised Code, payable either 21064
annually or semiannually. 21065

The bonds shall show on their face the purpose for which 21066
issued and shall create no liability upon or be considered an 21067
indebtedness of the state, but both the principal and interest 21068
shall be paid solely out of the proceeds arising from the 21069

improvements constructed, altered, or enlarged by the chief, or 21070
from the proceeds of the sale or foreclosure of the lien securing 21071
the bonds on such improvement or such part thereof as is 21072
constructed from the money realized from the sale of the bonds. 21073

The form of the bonds shall be approved by the attorney 21074
general, and they shall be signed by the governor and attested by 21075
the director of natural resources and the chief. The bonds may be 21076
issued as coupon bonds, payable to bearer only, or upon demand of 21077
the owner or holder thereof as registered bonds. 21078

Such bonds shall be sold by the chief to the highest bidder 21079
therefor, but for not less than the par value thereof, with 21080
accrued interest thereon, after thirty days' notice in at least 21081
two newspapers of general circulation in the county where such 21082
improvements are to be constructed, altered, or enlarged, setting 21083
forth the nature, amount, rate of interest, and length of time the 21084
bonds have to run, with the time and place of sale. 21085

The treasurer of state shall be the treasurer of the fund 21086
realized from the sale of such bonds, and the auditor of state 21087
shall be the auditor of such fund. The proceeds of such sale shall 21088
be turned over to the treasurer of state and shall be deposited by 21089
the treasurer of state in a solvent bank, located either in 21090
Columbus or in the county in which such improvements are located. 21091
Such proceeds shall be kept by such bank in a fund to be known as 21092
the water conservation improvement fund. Such fund shall be used 21093
to acquire the necessary real estate and to construct such new 21094
improvements and for no other purpose, except that the treasurer 21095
of state may pay the interest on the bonds during the period of 21096
condemnation and the construction, alteration, or enlargement of 21097
such improvements out of the proceeds arising from the sale of the 21098
bonds for a term not exceeding three years from the date on which 21099
the bonds are issued. The bank shall give bond to the state in 21100
such amount as the treasurer of state considers advisable, and 21101

with surety to the satisfaction of the treasurer of state, for the 21102
benefit of the holders of the bonds, and for the benefit of any 21103
contractors performing labor or furnishing material for such 21104
improvements, as provided by law, conditioned that it will safely 21105
keep the money and will make no payments or disbursements 21106
therefrom except as provided in sections 1523.01 to 1523.13 of the 21107
Revised Code. 21108

The treasurer of state shall hold such fund as trustee for 21109
the holders of the bonds and for all persons performing labor or 21110
furnishing material for the construction, alteration, or 21111
enlargement of any improvement made under such sections. Such 21112
funds shall not be turned into the state treasury, but shall be 21113
deposited and disbursed by the treasurer of state as provided in 21114
such sections. The interest coupons attached to such bonds shall 21115
bear the signature of the treasurer of state, executed by the 21116
treasurer of state or printed or lithographed thereon. 21117

Both the interest and principal of such bonds shall be made 21118
payable at the office of the treasurer of state in Columbus, and 21119
shall be paid by the treasurer of state, without warrant or 21120
authority of the director of budget and management, to the owner 21121
or holder of such bonds upon presentation by the owner or holder 21122
of matured interest coupons or bonds. 21123

Sec. 1523.03. Immediately after the sale of the bonds 21124
authorized by section 1523.02 of the Revised Code and the payment 21125
of the proceeds thereof to the treasurer of state as provided in 21126
such section, the chief of the division of soil and water 21127
resources shall make a written contract for the construction of 21128
the improvements or for the making of additions to or alterations 21129
in existing improvements with the lowest responsive and 21130
responsible bidder, in accordance with section 9.312 of the 21131
Revised Code, after advertisements once a week for four 21132

consecutive weeks in one newspaper in each of the cities of 21133
Columbus, Cleveland, and Cincinnati having a general circulation 21134
therein, one trade paper having a circulation among contractors 21135
engaged in the construction of public improvement work of like 21136
character, and two newspapers having a general circulation within 21137
the county in which the dam, reservoir, storage basin, or other 21138
improvement is located or is to be located. 21139

All bids shall be filed with the chief, within the time fixed 21140
for the filing of such bids in ~~said~~ the advertisement. The bids 21141
shall be opened and publicly read by the chief at twelve noon on 21142
the last day for filing them. Each bid shall contain the full 21143
names of every person or company interested in it, shall 21144
separately state the price of both the labor and material to be 21145
furnished under it, and shall meet the requirements of section 21146
153.54 of the Revised Code. 21147

The chief may reject any bids. If the chief rejects all bids, 21148
the chief shall within sixty days thereafter readvertise for bids 21149
for the construction of such improvements, as provided in this 21150
section, and may continue to readvertise for bids every sixty days 21151
until bids are received which are made to the chief's satisfaction 21152
and in conformity to sections 1523.01 to 1523.13 of the Revised 21153
Code. 21154

The chief may award separate contracts to bidders for each 21155
part of the labor to be done or material to be furnished for the 21156
construction of such improvements, provided that the amount of the 21157
contract, if awarded as a whole, or the aggregate of ~~said~~ the 21158
several contracts, if awarded separately, shall not, together with 21159
the cost of the land necessary for such improvements and the 21160
estimated damages to remaining property, be in excess of the 21161
estimated cost of the construction thereof, including such land 21162
and damages. Such contracts shall provide that all payments 21163
thereunder shall be made only from the proceeds of the sale of the 21164

bonds issued for the construction of such improvements. No 21165
contractor shall receive payment for any work or labor performed 21166
or material furnished for such improvements unless the contract 21167
therefor was, at the time of its execution, approved by the 21168
governor by the governor's written indorsement on such contract. 21169

Sec. 1523.04. When estimates or statements for either 21170
material theretofore furnished or labor theretofore performed 21171
under a contract entered into as provided in section 1523.03 of 21172
the Revised Code are presented to the chief of the division of 21173
soil and water ~~of the department of natural~~ resources by the 21174
contractor, certified as to the correctness thereof under oath by 21175
~~him~~ the contractor or ~~his~~ the contractor's authorized agent and 21176
approved in writing by the chief, the chief shall pay the amount 21177
of such estimates or statements from the water conservation 21178
improvement fund. 21179

Sec. 1523.05. The chief of the division of soil and water 21180
resources shall by contract in writing sell or lease for 21181
agricultural, commercial, manufacturing, or other lawful purposes, 21182
for any term not exceeding fifty years, the water, or any part 21183
thereof, conserved and stored by the improvements then existing, 21184
or that will be conserved and stored by any improvements 21185
thereafter to be constructed by ~~him~~ the chief. The chief may lease 21186
the land surrounding ~~said~~ the water for a term not exceeding fifty 21187
years, as shown by the plans and specifications prepared by ~~him~~ 21188
the chief and approved by the governor as provided in section 21189
1523.01 of the Revised Code. Such agreements shall be for a 21190
certain price or rental for the water or lands furnished to or 21191
used by the grantees, lessees, or their assigns, to be paid 21192
quarterly, semiannually, or annually as the chief deems advisable. 21193

~~Said~~ The chief may, for a term not exceeding fifty years, 21194
sell or lease power generated by any head of water raised or 21195

maintained by any such improvement, or ~~he~~ the chief may sell or 21196
lease the right to use such head of water for generating power or 21197
other hydraulic purposes. 21198

All such contracts of sale or lease, whether for water or 21199
power, shall contain such reservations or restrictions as the 21200
chief deems necessary and proper in furtherance of the purposes of 21201
sections 1523.01 to 1523.13, ~~inclusive,~~ of the Revised Code, and 21202
the preservation of the use of such waters for navigation in case 21203
they are required therefor. 21204

Such contracts or leases ~~must~~ shall be approved by the 21205
attorney general as to their general form and legality and, before 21206
becoming binding obligations on the state, they shall be approved 21207
by the governor by ~~his~~ the governor's written indorsement thereon. 21208

Sec. 1523.06. (A) The chief of the division of soil and water 21209
resources before selling bonds as provided in section 1523.02 of 21210
the Revised Code or before receiving bids for the construction of 21211
improvements as authorized by section 1523.03 of the Revised Code 21212
may enter into tentative agreements for the sale or lease of water 21213
or power to: 21214

(1) Ascertain whether the public interest and welfare 21215
reasonably require the proposed improvements in the proposed 21216
locality; 21217

(2) Determine whether the revenues which the state may derive 21218
from the lease of lands and the lease and sale of the waters which 21219
are estimated will be conserved, impounded, and stored, or from 21220
the sale or lease of the power generated by such improvements, 21221
will be sufficient: 21222

(a) To pay the interest on bonds issued under section 1523.02 21223
of the Revised Code; 21224

(b) To create a sinking fund to retire ~~said~~ the bonds at 21225

their maturity; 21226

(c) To maintain and keep ~~said~~ the improvements in repair. 21227

(B) The performance and carrying out of such tentative 21228
agreements shall be conditioned upon the ability of such chief to: 21229

(1) Sell ~~said~~ the proposed bonds at not less than par and 21230
accrued interest; 21231

(2) Secure bids for the furnishing of all the labor and 21232
material necessary in the construction of such improvements, 21233
including all real estate required and damages incurred, at such a 21234
price that the rentals or compensation to be paid will provide 21235
during the terms of such contracts or leases a sum sufficient to 21236
pay ~~said~~ the interest, retire ~~said~~ the bonds, and maintain and 21237
keep ~~said~~ the improvements in repair. 21238

Sec. 1523.07. The treasurer of state shall be treasurer and 21239
the auditor of state shall be auditor of all moneys derived from 21240
the use of the improvements authorized by sections 1523.01 to 21241
1523.13, ~~inclusive,~~ of the Revised Code. The treasurer of state 21242
shall hold ~~said~~ the moneys as trustee for the maintenance of any 21243
improvements constructed under such sections, and for the holders 21244
of any bonds issued in accordance with section 1523.02 of the 21245
Revised Code. ~~Said~~ The moneys shall not be turned into the state 21246
treasury, but shall be deposited and disbursed by the treasurer of 21247
state in the manner provided in this section. All such moneys 21248
shall be collected by the treasurer of state on statements to be 21249
furnished by the chief of the division of soil and water resources 21250
and when so collected shall be deposited in solvent banks in the 21251
state upon the same terms as state funds are now loaned. ~~Said~~ The 21252
funds shall be kept by such banks in a fund known as the "water 21253
conservation fund" and shall be used, first, to maintain and keep 21254
in repair the dams, reservoirs, storage basins, and other 21255
improvements, and, second, to pay the interest upon and principal 21256

of the bonds issued and sold pursuant to section 1523.02 of the Revised Code, as such interest falls due or ~~said the~~ bonds mature.

The banks in which the treasurer of state deposits any of the moneys belonging either to the water conservation improvement fund provided for in section 1523.02 of the Revised Code or the water conservation fund provided for in this section shall be state depository banks as provided for in sections 135.01 to 135.21~~7 inclusive~~, of the Revised Code. An amount not to exceed fifty thousand dollars of the money on deposit at any one time in the water conservation improvement fund, and an amount not to exceed ten thousand dollars in the water conservation fund shall be held by any of ~~said the~~ banks as an active deposit, and ~~said the~~ banks shall pay the treasurer of state on such deposits, both active and inactive, the same rate of interest then being paid by them upon the funds of the state then deposited with them by the treasurer of state. All such payments of interest shall be credited to the respective funds upon which such interest is paid.

Sec. 1523.08. When the cost of any repairs to the improvements authorized by section 1523.01 of the Revised Code does not exceed one thousand dollars, the chief of the division of soil and water ~~of the department of natural resources~~ either may make such repairs ~~himself~~ or may let a contract therefor without advertising for bids. If the cost of any such repairs is in excess of one thousand dollars, the chief shall advertise for bids for the making of such repairs and let a contract therefor as provided in section 1523.03 of the Revised Code.

When itemized statements are presented to the chief showing the amount of labor performed and material furnished in the making of such repairs, verified by the person making them and approved in writing by the chief, the chief shall pay the amount of such statement from the water conservation fund.

Sec. 1523.09. If a reservoir, dam, storage basin, or other 21288
improvement constructed or enlarged by the chief of the division 21289
of soil and water resources as provided in sections 1523.01 to 21290
1523.13 of the Revised Code constitutes a part of the canal system 21291
of the state or is located upon any river, stream, or body of 21292
water formerly used as a feeder for the canal system, no water 21293
shall be sold or leased from the improvement ~~by the chief~~ except 21294
in accordance with section 1520.03 of the Revised Code. 21295

Sec. 1523.10. The funds derived from the sale, use, or lease 21296
of the water impounded and conserved or the power generated by the 21297
improvements constructed pursuant to sections 1523.01 to 1523.13, ~~inclusive,~~ 21298
~~inclusive,~~ of the Revised Code, or from the lease of the lands and 21299
improvements adjacent thereto are hereby expressly pledged for the 21300
purpose of maintaining and keeping ~~said the~~ improvements in repair 21301
and for the payment of the interest on and principal of the bonds 21302
issued under section 1523.02 of the Revised Code, as the same fall 21303
due and mature. The owners of such bonds are hereby given a lien 21304
for the payment of the principal and interest of such bonds upon 21305
any dam, reservoir, storage basin, or other improvements, or any 21306
part thereof, with the appurtenances belonging thereto, 21307
constructed by the chief of the division of soil and water 21308
resources with the funds derived from the sale of such bonds. 21309

If default is made in the payment of the interest on any of 21310
~~said the~~ bonds for three or more successive years, or if bonds, 21311
aggregating in par value not less than ten per cent of the total 21312
amount of such bonds then outstanding are not paid at maturity, 21313
then all of ~~said the~~ bonds, both principal and interest, shall 21314
become due and payable, and the owners of any of ~~said the~~ bonds, 21315
aggregating in par value not less than ten per cent of the total 21316
amount of such bonds then outstanding, may institute proceedings 21317
to foreclose such lien against the state in the court of common 21318

pleas of the county in which is located any of ~~said~~ the 21319
improvements, constructed, altered, or enlarged out of the 21320
proceeds of the sale of such bonds. 21321

~~Said~~ The court shall have jurisdiction of such action with 21322
full power to foreclose such lien and to make an order to the 21323
sheriff of ~~said~~ the county, acting as a master commissioner, 21324
directing ~~him~~ the sheriff to make a sale of such improvements or 21325
part thereof at not less than two-thirds of the appraised value 21326
thereof, and upon such terms and in manner and form as provided 21327
for in ~~said~~ the order, and to pay the proceeds of such sale to the 21328
clerk of the court of common pleas. Upon motion of the purchaser 21329
of such improvements at such sale, the court, if such sale is 21330
found to be regular in all respects and according to law, shall 21331
confirm the sale and order the sheriff to execute a deed to such 21332
purchaser and ~~his~~ the purchaser's assigns, conveying to ~~him~~ the 21333
purchaser and the purchaser's assigns all the right, title, and 21334
interest of the holders of ~~said~~ the bonds in and to ~~said~~ the 21335
improvements, and all the right, title, and interest of the state, 21336
for a period of not more than fifty years from the date of such 21337
conveyance, in the same, with full right and franchise, for ~~said~~ 21338
the period of not to exceed fifty years, to operate ~~said~~ the 21339
improvements and dispose of the water conserved or the power 21340
generated thereby, with the further right, for ~~said~~ the period of 21341
fifty years, to flow, transport, and convey ~~said~~ the water from 21342
~~said~~ the improvements, or to conduct and transmit power generated 21343
thereby through, over, and upon any of the lands of the state or 21344
channels or beds of any of its reservoirs, lakes, canals, races, 21345
aqueducts, or watercourses. In the exercise of such rights, such 21346
purchaser or ~~his~~ the purchaser's assigns shall at all times during 21347
the term of ~~said~~ the grant maintain the improvements so conveyed 21348
to them in a good state of repair and shall not interfere with the 21349
navigation of the canals of the state or with the control and 21350
maintenance thereof or with the sale of water by the state from 21351

its dams, reservoirs, and improvements other than those so 21352
constructed. The state does not incur any liability by reason of 21353
such sale and the rights granted thereunder to continue to 21354
maintain such canals, races, channels, or watercourses, or to 21355
continue the use thereof. Such conveyance or grant by the sheriff 21356
as such master commissioner shall contain a clause giving the 21357
chief such control of waste gates and wickets as to regulate the 21358
flow of water in the state reservoirs or canals, in such manner as 21359
to maintain the proper level therein and to prevent the flowing 21360
into such reservoirs and canals of such quantities of water as 21361
might impair any of the property of the state or its lessees, 21362
except as otherwise provided in section 1520.03 of the Revised 21363
Code. 21364

Upon the foreclosure of ~~said~~ the lien and the sale of ~~said~~ 21365
the improvements, all contracts or leases for the sale, use, or 21366
lease of water, the lands and improvements adjacent thereto, or 21367
power rights then outstanding shall become void, and the rights of 21368
the state and the several lessees thereunder, shall cease. 21369

Upon the making of an order by the court for the sale of such 21370
improvements, and before they are offered for sale by the sheriff, 21371
the court shall appoint three disinterested appraisers, one of 21372
whom shall be a water-works or hydraulic engineer with at least 21373
five years' experience in the practice of ~~his~~ the engineer's 21374
profession, and two of whom shall be freeholders residing in the 21375
county in which any of such improvements are located. ~~Said~~ The 21376
appraisers shall appraise ~~said~~ the improvements and shall, within 21377
the time fixed by the court, file such appraisal in writing with 21378
the clerk. If the lien given by this section as security for the 21379
payment of ~~said~~ the bonds covers a part only of ~~said~~ the 21380
improvements, ~~said~~ the appraisers shall appraise ~~said~~ the 21381
improvements as an entirety, and shall also appraise separately 21382
the part constructed from the proceeds of the sale of ~~said~~ the 21383

bonds, the lien of which is being foreclosed in such proceeding. 21384

In making such appraisal and fixing the value of ~~said~~ the 21385
improvements or of such part thereof, ~~said~~ the appraisers shall 21386
have access to all papers and documents on file in the office of 21387
the chief relating to such improvements, including the plans and 21388
specifications therefor, and the bids made and contracts entered 21389
into for the construction thereof, and all leases and contracts 21390
for the sale of water impounded therein and power generated 21391
thereby. The order of the court shall direct the sale only of such 21392
part of ~~said~~ the improvements as have been constructed from the 21393
proceeds of the sale of ~~said~~ the bonds. The purchaser at such 21394
sale, in the operation of such improvements during the term of the 21395
franchise granted to ~~him~~ the purchaser by this section, shall draw 21396
from the dam or reservoir impounding such water only such portion 21397
thereof as the appraised value of that part of such improvements, 21398
constructed from the proceeds of the sale of such bonds and sold 21399
to ~~him~~ the purchaser under the order of the court, bears to the 21400
entire appraised value of such improvements. 21401

If at any time during the term of the franchise granted to 21402
the purchaser of such improvements at such foreclosure sale any 21403
controversy arises between ~~him~~ the purchaser or ~~his~~ the 21404
purchaser's assigns and the chief as to the operation of such 21405
improvements, or as to the amount of water which ~~said~~ the 21406
purchaser is drawing or is entitled to draw therefrom, either ~~said~~ 21407
the purchaser or ~~said~~ the chief may file a petition in ~~said~~ the 21408
court, setting forth the facts connected with such controversy. 21409

Notice in writing of the filing of such petition shall be 21410
given to the opposite party to ~~said~~ the controversy within thirty 21411
days from the date of the filing thereof, either by service of 21412
such notice personally upon such opposite party by the sheriff of 21413
such county or by service by mail by the clerk. Such notice shall 21414
be mailed to the name and address which the purchaser filed with 21415

~~said the~~ clerk at the time of the delivery to the purchaser by the 21416
sheriff of the deed. Within thirty days from the serving or 21417
mailing of such notice, the opposite party to ~~said the~~ controversy 21418
shall file ~~his an~~ answer in ~~said the~~ court, and thereupon the 21419
court shall hear and determine ~~said the~~ controversy and make such 21420
order in regard to it as is just and proper, which order shall be 21421
binding upon all the parties to ~~said the~~ controversy. 21422

At the termination of ~~said the~~ period of not to exceed fifty 21423
years, all of the rights and privileges conveyed to ~~said the~~ 21424
purchaser by the deed and grant of such sheriff as master 21425
commissioner shall cease and ~~said the~~ improvements, with all the 21426
appurtenances belonging thereto, shall revert to and become the 21427
property of the state, free and clear of any claims whatever 21428
against them. 21429

The clerk shall distribute and pay the money received by ~~him~~ 21430
~~the clerk~~ from the sheriff as such master commissioner from the 21431
sale of such improvements to the holders of ~~said the~~ bonds pro 21432
rata, and upon such payment to any of ~~said the~~ bondholders, they 21433
shall surrender to the ~~said the~~ clerk their bonds, with all unpaid 21434
interest coupons thereon. The clerk shall thereupon cancel the 21435
same and deliver them, so canceled, to the treasurer of the water 21436
conservation improvement fund. 21437

Sec. 1523.11. All appropriations of property made by the 21438
chief of the division of soil and water resources in carrying out 21439
sections 1523.01 to 1523.13, ~~inclusive,~~ of the Revised Code, shall 21440
be made in accordance with sections 163.01 to 163.22, ~~inclusive,~~ 21441
of the Revised Code, provided that possession of any property so 21442
appropriated shall not be taken by the state or the chief before 21443
the compensation and damages awarded therefor in the appropriation 21444
proceedings have been paid into court. 21445

Sec. 1523.12. Sections 1523.01 to 1523.13,~~inclusive,~~ of the 21446
Revised Code do not authorize any reduction in the quantity or any 21447
impairment in the quality of the water in any watershed, stream, 21448
or basin, developed or undeveloped, from which any political 21449
subdivision is, at the time the chief of the division of soil and 21450
water resources proposes and is proceeding to construct in such 21451
watershed, stream, or basin any of the improvements authorized by 21452
such sections, taking water for the use of itself or its 21453
inhabitants, or has plans under way, or has made or begun 21454
appropriation of any property or rights in such watershed, stream, 21455
or basin for the purpose of acquiring a water supply for itself or 21456
its inhabitants for either domestic, industrial, or other uses. 21457
Such sections do not authorize the chief to sell or lease the 21458
right to use water at any time for any purpose or to such an 21459
extent as to prejudice, abrogate, or supersede any of the water 21460
rights granted by the state to the city of Akron as provided in 21461
volume 102, Ohio Laws, page 175, sections 1 to 3,~~inclusive.~~ 21462

Sec. 1523.13. If by reason of severe drought or other causes 21463
the water supply of any political subdivision is, in the judgment 21464
of the chief of the division of soil and water resources, at any 21465
time so reduced or impaired as to endanger the property of such 21466
political subdivision, or the health, safety, or property of the 21467
inhabitants thereof, then the chief, under such regulations as ~~he~~ 21468
the chief prescribes, may grant to such political subdivision the 21469
right, during the continuance of such emergency, to draw or take 21470
such quantity of water as is necessary to protect the property of 21471
such political subdivision and the health, safety, or property of 21472
its inhabitants from any improvement constructed under sections 21473
1523.01 to 1523.13,~~inclusive,~~ of the Revised Code, before any of 21474
the lessees or grantees of the state using the water for 21475
industrial purposes take water therefrom. Such political 21476

subdivision shall pay such price per thousand gallons for the 21477
water so taken by it as is fixed by the chief and the governor. 21478
The price so fixed shall not exceed the maximum price then being 21479
paid for water to the state by any of its lessees or grantees. 21480
Such grant by the chief to such political subdivision shall not 21481
modify the terms or impair the validity of any leases then 21482
existing between the state and other persons, firms, or 21483
corporations, except as expressly provided in this section. 21484

Sec. 1523.14. The director of transportation in constructing 21485
highways, bridges, and culverts as provided by law; the board of 21486
county commissioners in constructing highways, bridges, and 21487
culverts as provided by law; the board of township trustees of any 21488
township in constructing highways, bridges, and culverts as 21489
provided by law; and any municipal corporation constructing or 21490
improving viaducts, bridges, and culverts under section 717.01 of 21491
the Revised Code, either severally or jointly, upon request of the 21492
chief of the division of soil and water resources and with the 21493
approval of the director of transportation, may construct and 21494
maintain slack-water dams in connection with ~~said~~ the highway, 21495
highway bridge, or culvert so as to create reservoirs, ponds, 21496
water parks, basins, lakes, or other incidental works to conserve 21497
the water supply of the state. 21498

Sec. 1523.15. The chief of the division of soil and water ~~of~~ 21499
~~the department of natural~~ resources may request the public 21500
authority having charge of the construction of state, county, or 21501
township highways, highway bridges, and culverts, or municipal 21502
streets, for the construction of slack-water dams in connection 21503
with the construction of any such highway, street, highway bridge, 21504
or culvert whenever, in ~~his~~ the chief's opinion, the construction 21505
of such dam is desirable and feasible for the economical creation 21506
and construction of reservoirs, ponds, water parks, basins, lakes, 21507

or other incidental works for the conservation of the water supply 21508
of the state. 21509

The public authority having charge of such construction may 21510
approve such request when, in its opinion, the construction of 21511
such dams will not unnecessarily delay or hinder the construction 21512
of the highway, street, highway bridge, or culvert, or will not 21513
interfere with its value or use for highway purposes. 21514

If such request is approved, the chief, in cooperation with 21515
the department of transportation and the public authority 21516
participating in the project, shall make a survey and prepare 21517
plans, specifications, and estimates for the construction of such 21518
dams and the reservoir, pond, water park, basin, lake, or other 21519
incidental works in connection therewith. 21520

Upon approval of the plans and specifications and 21521
determination to proceed with the project, the chief shall enter 21522
into an agreement with the public authority on the distribution of 21523
the cost and expense of the construction of such dams and 21524
incidental works in connection therewith. The portion of the cost 21525
to be paid by the division of soil and water resources shall be 21526
paid from any funds appropriated for or paid into the division and 21527
available for such purpose. 21528

Such dams shall be constructed under and subject to any laws 21529
governing the construction of state, county, or township highways, 21530
bridges, or culverts. Any public authority undertaking 21531
construction under sections 1523.14 to 1523.20 of the Revised Code 21532
shall proceed in the same manner as provided for the construction 21533
of highway or street improvements. 21534

Sec. 1523.16. Any department or division of the state 21535
government, or any county, township, municipal corporation, park 21536
board, or district, or any organization, club, corporation, or 21537
private person may petition the chief of the division of soil and 21538

water resources for the construction of dams and reservoir 21539
projects in connection with the construction of any highway, 21540
highway bridge, or culvert. 21541

Upon receipt of such a petition and its approval by the 21542
chief, ~~he~~ the chief shall proceed as authorized by section 1523.15 21543
of the Revised Code. If the public authority having charge of the 21544
construction of such highway, street, highway bridge, or culvert 21545
approves the request, then the chief shall enter into an agreement 21546
with the public authority, organization, or person petitioning for 21547
the construction of such dam or reservoir on the apportionment of 21548
the cost and expense of construction. The cost and expense of such 21549
dam project shall include the cost of clearing and grubbing and 21550
the cost of property and damages incidental thereto. Such 21551
agreement shall also contain provisions for the proper maintenance 21552
and repair of such projects after completion, and also apportion 21553
the revenue derived therefrom between the division of soil and 21554
water resources and the petitioner. 21555

Sec. 1523.17. In all cases in which a public authority, 21556
private organization, or person petitions for the construction of 21557
a dam and reservoir project as authorized by ~~section~~ sections 21558
1523.14 to 1523.20 of the Revised Code, the chief of the division 21559
of soil and water ~~of the department of natural~~ resources, as a 21560
condition precedent to the construction of such project, shall 21561
require the petitioning authority, organization, or person to pay 21562
~~his~~ the petitioning authority's, organization's, or person's share 21563
of the cost and expense of such project. 21564

Any deficiency shall be made up by the parties bearing the 21565
cost before any further work is done. If the deficiency is not 21566
made up within sixty days after it is known, the amount paid in, 21567
less the expense incurred by the chief and the cooperating public 21568
authorities, shall be refunded to the donor. After completion of 21569

the work, any amount remaining to the credit of the project shall 21570
likewise be refunded. 21571

Sec. 1523.18. In the construction of dams, reservoirs, and 21572
other incidental works under sections 1523.14 to 1523.20 of the 21573
Revised Code, the chief of the division of soil and water 21574
resources shall proceed as provided by law, and shall enter into 21575
contracts therefor as provided in sections 153.01 to 153.29 of the 21576
Revised Code. The director of transportation, the chief of the 21577
division of wildlife with the approval of the director of natural 21578
resources, and any county, township, municipal corporation, and 21579
public park board or district may proceed with the letting of 21580
contracts for the construction of such dams or reservoir projects, 21581
approved by the chief of the division of soil and water resources, 21582
under any laws regulating the letting of contracts applicable to 21583
their respective departments, divisions, districts, or political 21584
subdivisions, and the authority of sections 1523.14 to 1523.20 of 21585
the Revised Code. 21586

Sec. 1523.19. The chief of the division of soil and water 21587
resources shall have the supervision, care, and control of all 21588
dams, reservoirs, ponds, water parks, basins, lakes, or other 21589
incidental works constructed under sections 1523.14 to 1523.20~~7~~ 21590
~~inclusive~~, of the Revised Code, and shall maintain and keep them 21591
in repair. The cost of such maintenance and repair shall be paid 21592
from any funds appropriated to the division of soil and water 21593
resources for that purpose or paid into the state treasury as 21594
agreed upon with the public or contracting authorities 21595
co-operating in the construction of such projects. 21596

Such projects may also be maintained by any department or 21597
division of state government or other public authorities leasing 21598
or operating the projects, through agreements made with ~~said~~ the 21599
chief. All rentals derived from the lessees of such projects shall 21600

be used by ~~said~~ the chief in the maintenance or repair of all such 21601
projects constructed under such sections. The costs and expenses 21602
of the reconstruction of any such projects shall be distributed, 21603
unless otherwise agreed, on the same basis and pro-rata share of 21604
the costs and expenses as was paid by the contracting authorities 21605
contributing to the cost of the original project. 21606

Sec. 1523.20. When the chief of the division of soil and 21607
water resources and the owners of the lands, waters, or riparian 21608
rights are unable to agree upon the terms, purchase price, and 21609
sale thereof, the chief may acquire the lands by appropriation 21610
proceedings in the manner provided by sections 163.01 to 163.22 of 21611
the Revised Code. 21612

The title or lease to any such lands, waters, or riparian 21613
rights shall be taken by the chief, subject to the approval of the 21614
governor and the attorney general, in the name of the state. The 21615
lease rentals or purchase price of any such lands, waters, or 21616
riparian rights, as well as all costs and expenses of constructing 21617
any such reservoirs, ponds, water parks, basins, lakes, or other 21618
incidental works on those lands, may be paid for from any funds 21619
appropriated for the use of or paid into the division of soil and 21620
water resources and available for that purpose. The chief may 21621
accept contributions to those funds from individuals, 21622
associations, clubs, organizations, and corporations. 21623

Sec. 1531.01. As used in this chapter and Chapter 1533. of 21624
the Revised Code: 21625

(A) "Person" means a person as defined in section 1.59 of the 21626
Revised Code or a company; an employee, agent, or officer of such 21627
a person or company; a combination of individuals; the state; a 21628
political subdivision of the state; an interstate body created by 21629
a compact; or the federal government or a department, agency, or 21630

instrumentality of it. 21631

(B) "Resident" means any individual who has resided in this 21632
state for not less than six months next preceding the date of 21633
making application for a license. 21634

(C) "Nonresident" means any individual who does not qualify 21635
as a resident. 21636

(D) "Division rule" or "rule" means any rule adopted by the 21637
chief of the division of wildlife under section 1531.10 of the 21638
Revised Code unless the context indicates otherwise. 21639

(E) "Closed season" means that period of time during which 21640
the taking of wild animals protected by this chapter and Chapter 21641
1533. of the Revised Code is prohibited. 21642

(F) "Open season" means that period of time during which the 21643
taking of wild animals protected by this chapter and Chapter 1533. 21644
of the Revised Code is permitted. 21645

(G) "Take or taking" includes pursuing, shooting, hunting, 21646
killing, trapping, angling, fishing with a trotline, or netting 21647
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 21648
wild bird, or wild quadruped, and any lesser act, such as 21649
wounding, or placing, setting, drawing, or using any other device 21650
for killing or capturing any wild animal, whether it results in 21651
killing or capturing the animal or not. "Take or taking" includes 21652
every attempt to kill or capture and every act of assistance to 21653
any other person in killing or capturing or attempting to kill or 21654
capture a wild animal. 21655

(H) "Possession" means both actual and constructive 21656
possession and any control of things referred to. 21657

(I) "Bag limit" means the number, measurement, or weight of 21658
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 21659
birds, and wild quadrupeds permitted to be taken. 21660

(J) "Transport and transportation" means carrying or moving	21661
or causing to be carried or moved.	21662
(K) "Sell and sale" means barter, exchange, or offer or	21663
expose for sale.	21664
(L) "Whole to include part" means that every provision	21665
relating to any wild animal protected by this chapter and Chapter	21666
1533. of the Revised Code applies to any part of the wild animal	21667
with the same effect as it applies to the whole.	21668
(M) "Angling" means fishing with not more than two hand	21669
lines, not more than two units of rod and line, or a combination	21670
of not more than one hand line and one rod and line, either in	21671
hand or under control at any time while fishing. The hand line or	21672
rod and line shall have attached to it not more than three baited	21673
hooks, not more than three artificial fly rod lures, or one	21674
artificial bait casting lure equipped with not more than three	21675
sets of three hooks each.	21676
(N) "Trotline" means a device for catching fish that consists	21677
of a line having suspended from it, at frequent intervals,	21678
vertical lines with hooks attached.	21679
(O) "Fish" means a cold-blooded vertebrate having fins.	21680
(P) "Measurement of fish" means length from the end of the	21681
nose to the longest tip or end of the tail.	21682
(Q) "Wild birds" includes game birds and nongame birds.	21683
(R) "Game" includes game birds, game quadrupeds, and	21684
fur-bearing animals.	21685
(S) "Game birds" includes mourning doves, ringneck pheasants,	21686
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated	21687
grouse, wild turkey, Hungarian partridge, Chukar partridge,	21688
woodcocks, black-breasted plover, golden plover, Wilson's snipe or	21689
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules,	21690

duck, geese, brant, and crows. 21691

(T) "Nongame birds" includes all other wild birds not 21692
included and defined as game birds or migratory game birds. 21693

(U) "Wild quadrupeds" includes game quadrupeds and 21694
fur-bearing animals. 21695

(V) "Game quadrupeds" includes cottontail rabbits, gray 21696
squirrels, black squirrels, fox squirrels, red squirrels, flying 21697
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 21698
wild boar, and black bears. 21699

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 21700
skunks, opossums, muskrats, fox, beavers, badgers, otters, 21701
coyotes, and bobcats. 21702

(X) "Wild animals" includes mollusks, crustaceans, aquatic 21703
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 21704
and all other wild mammals, but does not include domestic deer. 21705

(Y) "Hunting" means pursuing, shooting, killing, following 21706
after or on the trail of, lying in wait for, shooting at, or 21707
wounding wild birds or wild quadrupeds while employing any device 21708
commonly used to kill or wound wild birds or wild quadrupeds 21709
whether or not the acts result in killing or wounding. "Hunting" 21710
includes every attempt to kill or wound and every act of 21711
assistance to any other person in killing or wounding or 21712
attempting to kill or wound wild birds or wild quadrupeds. 21713

(Z) "Trapping" means securing or attempting to secure 21714
possession of a wild bird or wild quadruped by means of setting, 21715
placing, drawing, or using any device that is designed to close 21716
upon, hold fast, confine, or otherwise capture a wild bird or wild 21717
quadruped whether or not the means results in capture. "Trapping" 21718
includes every act of assistance to any other person in capturing 21719
wild birds or wild quadrupeds by means of the device whether or 21720
not the means results in capture. 21721

(AA) "Muskrat spear" means any device used in spearing muskrats.	21722 21723
(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.	21724 21725 21726
(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.	21727 21728
(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.	21729 21730 21731 21732 21733 21734 21735 21736 21737 21738 21739
(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.	21740 21741 21742
(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.	21743 21744 21745
(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.	21746 21747
(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (Alosa pseudoharengus), American eel (Anguilla rostrata), bowfin (Amia calva), burbot (Lota lota), carp (Cyprinus carpio),	21748 21749 21750 21751 21752

smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt (*Allosmerus elongatus*, *Hypomesus sp.*, *Osmerus sp.*, *Spirinchus sp.*), sturgeon (*Acipenser sp.*, *Scaphirhynchus sp.*), sucker other than buffalo and quillback (*Carpiodes sp.*, *Catostomus sp.*, *Hypentelium sp.*, *Minytrema sp.*, *Moxostoma sp.*), white bass (*Morone chrysops*), white perch (*Roccus americanus*), and yellow perch (*Perca flavescens*). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.

(LL) "Round" when used in describing fish means with head and tail intact.

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across 21784
the entire width of the back, at the top and bottom of the cars in 21785
all trap, crib, and fyke nets for the purpose of keeping the 21786
meshes hanging squarely while the nets are fishing. 21787

(OO) "Fishing guide" means any person who, for consideration 21788
or hire, operates a boat, rents, leases, or otherwise furnishes 21789
angling devices, ice fishing shanties or shelters of any kind, or 21790
other fishing equipment, and accompanies, guides, directs, or 21791
assists any other person in order for the other person to engage 21792
in fishing. 21793

(PP) "Net" means fishing devices with meshes composed of 21794
twine or synthetic material and includes, but is not limited to, 21795
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 21796
seines, except minnow seines and minnow dip nets. 21797

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 21798
nets, dip nets, carp aprons, trotlines, other similar gear, and 21799
any boat used in conjunction with that gear, but does not include 21800
gill nets. 21801

(RR) "Native wildlife" means any species of the animal 21802
kingdom indigenous to this state. 21803

(SS) "Gill net" means a single section of fabric or netting 21804
seamed to a float line at the top and a lead line at the bottom, 21805
which is designed to entangle fish in the net openings as they 21806
swim into it. 21807

(TT) "Tag fishing tournament" means a contest in which a 21808
participant pays a fee, or gives other valuable consideration, for 21809
a chance to win a prize by virtue of catching a tagged or 21810
otherwise specifically marked fish within a limited period of 21811
time. 21812

(UU) "Tenant" means an individual who resides on land for 21813
which the individual pays rent and whose annual income is 21814

primarily derived from agricultural production conducted on that 21815
land, as "agricultural production" is defined in section 929.01 of 21816
the Revised Code. 21817

(VV) "Nonnative wildlife" means any wild animal not 21818
indigenous to this state, but does not include domestic deer. 21819

(WW) "Reptiles" includes common musk turtle (*sternotherus* 21820
odoratus), common snapping turtle (*Chelydra serpentina* 21821
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 21822
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 21823
blandingii), common map turtle (*Graptemys geographica*), ouachita 21824
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 21825
painted turtle (*Chrysemys picta marginata*), red-eared slider 21826
(*Trachemys scripta elegans*), eastern spiny softshell turtle 21827
(*Apalone spinifera spinifera*), midland smooth softshell turtle 21828
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 21829
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 21830
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 21831
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 21832
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 21833
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 21834
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 21835
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 21836
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 21837
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 21838
northern redbelly snake (*Storeria occipitomaculata* 21839
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 21840
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 21841
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 21842
(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis* 21843
sauritus sauritus), northern ribbon snake (*Thamnophis sauritus* 21844
septentrionalis), eastern hognose snake (*Heterodon platirhinos*), 21845
eastern smooth earth snake (*Virginia valeriae valeriae*), northern 21846

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	21847
(<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis</i>	21848
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	21849
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	21850
(<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys vernalis</i>	21851
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	21852
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	21853
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	21854
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	21855
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	21856
rattlesnake (<i>Crotalus horridus horridus</i>).	21857
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	21858
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	21859
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	21860
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	21861
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	21862
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	21863
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	21864
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	21865
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	21866
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	21867
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	21868
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	21869
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	21870
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	21871
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	21872
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	21873
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	21874
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	21875
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	21876
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	21877
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	21878
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	21879

spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris* 21880
crepitans blanchardi), northern spring peeper (*Pseudacris crucifer* 21881
crucifer), gray treefrog (*Hyla versicolor*), Cope's gray treefrog 21882
(*Hyla chrysoscelis*), western chorus frog (*Pseudacris triseriata* 21883
triseriata), mountain chorus frog (*Pseudacris brachyphona*), 21884
bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*), 21885
northern leopard frog (*Rana pipiens*), pickerel frog (*Rana* 21886
palustris), southern leopard frog (*Rana utricularia*), and wood 21887
frog (*Rana sylvatica*). 21888

(YY) "Deer" means white-tailed deer (*Odocoileus* 21889
virginianus). 21890

(ZZ) "Domestic deer" means nonnative deer that have been 21891
legally acquired or their offspring and that are held in private 21892
ownership for primarily agricultural purposes. 21893

(AAA) "Migratory game bird" includes waterfowl (*Anatidae*); 21894
doves (*Columbidae*); cranes (*Gruidae*); cormorants 21895
(*Phalacrocoracidae*); rails, coots, and gallinules (*Rallidae*); and 21896
woodcock and snipe (*Scolopacidae*). 21897

(BBB) "Accompany" means to go along with another person while 21898
staying within a distance from the person that enables 21899
uninterrupted, unaided visual and auditory communication. 21900

(CCC) "Electric-powered all-purpose vehicle" means any 21901
battery-powered self-propelled electric vehicle that is designed 21902
primarily for cross-country travel on land, water, or land and 21903
water and that is steered by wheels, caterpillar treads, or a 21904
combination of wheels and caterpillar treads and includes vehicles 21905
that operate on a cushion of air, vehicles commonly known as 21906
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 21907
bikes. "Electric-powered all-purpose vehicle" does not include a 21908
utility vehicle as defined in section 4501.01 of the Revised Code, 21909
any vehicle that is principally used in playing golf, any motor 21910

vehicle or aircraft that is required to be registered under 21911
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 21912
excluded from the definition of "motor vehicle" as provided in 21913
division (B) of section 4501.01 of the Revised Code. 21914

(DDD) "Children" means biological or adopted sons or 21915
daughters and adopted stepsons or stepdaughters. 21916

(EEE) "Grandchildren" means the children of one's child who 21917
are younger than eighteen years of age. 21918

Sec. 1533.10. Except as provided in this section or division 21919
(A)(2) of section 1533.12 of the Revised Code, no person shall 21920
hunt any wild bird or wild quadruped without a hunting license. 21921
Each day that any person hunts within the state without procuring 21922
such a license constitutes a separate offense. Except as otherwise 21923
provided in this section, every applicant for a hunting license 21924
who is a resident of the state and eighteen years of age or more 21925
shall procure a resident hunting license or an apprentice resident 21926
hunting license, the fee for which shall be eighteen dollars 21927
unless the rules adopted under division (B) of section 1533.12 of 21928
the Revised Code provide for issuance of a resident hunting 21929
license to the applicant free of charge. Except as provided in 21930
rules adopted under division (B)(2) of that section, each 21931
applicant who is a resident of this state and who at the time of 21932
application is sixty-six years of age or older shall procure a 21933
special senior hunting license, the fee for which shall be 21934
one-half of the regular hunting license fee. Every applicant who 21935
is under the age of eighteen years shall procure a special youth 21936
hunting license or an apprentice youth hunting license, the fee 21937
for which shall be one-half of the regular hunting license fee. 21938
~~The owner of~~ A resident of this state who owns lands in the state 21939
and the owner's children of any age and grandchildren under 21940
eighteen years of age may hunt on the lands without a hunting 21941

license, but shall obtain a deer or wild turkey permit as required 21942
in section 1533.11 of the Revised Code. The tenant and children of 21943
the tenant, residing on lands in the state, may hunt on them 21944
without a hunting license, but shall obtain a deer or wild turkey 21945
permit as required in section 1533.11 of the Revised Code. Except 21946
as otherwise provided in division (A)(1) of section 1533.12 of the 21947
Revised Code, every applicant for a hunting license who is a 21948
nonresident of the state and who is eighteen years of age or older 21949
shall procure a nonresident hunting license or an apprentice 21950
nonresident hunting license, the fee for which shall be one 21951
hundred twenty-four dollars unless the applicant is a resident of 21952
a state that is a party to an agreement under section 1533.91 of 21953
the Revised Code, in which case the fee shall be eighteen dollars. 21954
Apprentice resident hunting licenses, apprentice youth hunting 21955
licenses, and apprentice nonresident hunting licenses are subject 21956
to the requirements established under section 1533.102 of the 21957
Revised Code and rules adopted pursuant to it. 21958

The chief of the division of wildlife may issue a small game 21959
hunting license expiring three days from the effective date of the 21960
license to a nonresident of the state, the fee for which shall be 21961
thirty-nine dollars. No person shall take or possess deer, wild 21962
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 21963
animal while possessing only a small game hunting license. A small 21964
game hunting license or an apprentice nonresident hunting license 21965
does not authorize the taking or possessing of ducks, geese, or 21966
brant without having obtained, in addition to the small game 21967
hunting license or the apprentice nonresident hunting license, a 21968
wetlands habitat stamp as provided in section 1533.112 of the 21969
Revised Code. A small game hunting license or an apprentice 21970
nonresident hunting license does not authorize the taking or 21971
possessing of deer, wild turkeys, or fur-bearing animals. A 21972
nonresident of the state who wishes to take or possess deer, wild 21973
turkeys, or fur-bearing animals in this state shall procure, 21974

respectively, a deer or wild turkey permit as provided in section 21975
1533.11 of the Revised Code or a fur taker permit as provided in 21976
section 1533.111 of the Revised Code in addition to a nonresident 21977
hunting license, an apprentice nonresident hunting license, a 21978
special youth hunting license, or an apprentice youth hunting 21979
license, as applicable, as provided in this section. 21980

No person shall procure or attempt to procure a hunting 21981
license by fraud, deceit, misrepresentation, or any false 21982
statement. 21983

This section does not authorize the taking and possessing of 21984
deer or wild turkeys without first having obtained, in addition to 21985
the hunting license required by this section, a deer or wild 21986
turkey permit as provided in section 1533.11 of the Revised Code 21987
or the taking and possessing of ducks, geese, or brant without 21988
first having obtained, in addition to the hunting license required 21989
by this section, a wetlands habitat stamp as provided in section 21990
1533.112 of the Revised Code. 21991

This section does not authorize the hunting or trapping of 21992
fur-bearing animals without first having obtained, in addition to 21993
a hunting license required by this section, a fur taker permit as 21994
provided in section 1533.111 of the Revised Code. 21995

No hunting license shall be issued unless it is accompanied 21996
by a written explanation of the law in section 1533.17 of the 21997
Revised Code and the penalty for its violation, including a 21998
description of terms of imprisonment and fines that may be 21999
imposed. 22000

No hunting license, other than an apprentice hunting license, 22001
shall be issued unless the applicant presents to the agent 22002
authorized to issue the license a previously held hunting license 22003
or evidence of having held such a license in content and manner 22004
approved by the chief, a certificate of completion issued upon 22005

completion of a hunter education and conservation course approved 22006
by the chief, or evidence of equivalent training in content and 22007
manner approved by the chief. A previously held apprentice hunting 22008
license does not satisfy the requirement concerning the 22009
presentation of a previously held hunting license or evidence of 22010
it. 22011

No person shall issue a hunting license, except an apprentice 22012
hunting license, to any person who fails to present the evidence 22013
required by this section. No person shall purchase or obtain a 22014
hunting license, other than an apprentice hunting license, without 22015
presenting to the issuing agent the evidence required by this 22016
section. Issuance of a hunting license in violation of the 22017
requirements of this section is an offense by both the purchaser 22018
of the illegally obtained hunting license and the clerk or agent 22019
who issued the hunting license. Any hunting license issued in 22020
violation of this section is void. 22021

The chief, with approval of the wildlife council, shall adopt 22022
rules prescribing a hunter education and conservation course for 22023
first-time hunting license buyers, other than buyers of apprentice 22024
hunting licenses, and for volunteer instructors. The course shall 22025
consist of subjects including, but not limited to, hunter safety 22026
and health, use of hunting implements, hunting tradition and 22027
ethics, the hunter and conservation, the law in section 1533.17 of 22028
the Revised Code along with the penalty for its violation, 22029
including a description of terms of imprisonment and fines that 22030
may be imposed, and other law relating to hunting. Authorized 22031
personnel of the division or volunteer instructors approved by the 22032
chief shall conduct such courses with such frequency and at such 22033
locations throughout the state as to reasonably meet the needs of 22034
license applicants. The chief shall issue a certificate of 22035
completion to each person who successfully completes the course 22036
and passes an examination prescribed by the chief. 22037

Sec. 1533.11. (A) ~~Except as provided in this section, no (1)~~ 22038
~~No person shall hunt deer on lands of another without first~~ 22039
~~obtaining an annual deer permit. Except as provided in this~~ 22040
~~section, no~~ No person shall hunt wild turkeys ~~on lands of another~~ 22041
without first obtaining an annual wild turkey permit. ~~Each~~ 22042

(2) Except as otherwise provided in this division, each 22043
applicant for a deer or wild turkey permit shall pay an annual fee 22044
of twenty-three dollars for each permit unless the rules adopted 22045
under division (B) of section 1533.12 of the Revised Code provide 22046
for issuance of a deer or wild turkey permit to the applicant free 22047
of charge. A resident of this state who owns lands in this state 22048
and the owner's children and grandchildren shall procure a 22049
landowner deer or landowner wild turkey permit free of charge in 22050
order to hunt deer or wild turkeys on those lands. A tenant and 22051
children of the tenant residing on lands in this state shall 22052
procure a landowner deer or landowner wild turkey permit free of 22053
charge in order to hunt deer or wild turkeys on those lands. 22054
Except as provided in rules adopted under division (B)(2) of ~~that~~ 22055
section 1533.12 of the Revised Code, each applicant who is a 22056
resident of this state and who at the time of application is 22057
sixty-six years of age or older shall procure a senior deer or 22058
wild turkey permit in order to hunt on lands of another, the fee 22059
for which shall be one-half of the regular deer or wild turkey 22060
permit fee. Each applicant who is under the age of eighteen years 22061
shall procure a youth deer or wild turkey permit in order to hunt 22062
on lands of another, the fee for which shall be one-half of the 22063
regular deer or wild turkey permit fee. ~~Except~~ 22064

(3) Except as provided in division (A)(2) of section 1533.12 22065
of the Revised Code, a deer or wild turkey permit shall run 22066
concurrently with the hunting license. ~~The~~ 22067

(4) The money received shall be paid into the state treasury 22068

to the credit of the wildlife fund, created in section 1531.17 of 22069
the Revised Code, exclusively for the use of the division of 22070
wildlife in the acquisition and development of land for deer or 22071
wild turkey management, for investigating deer or wild turkey 22072
problems, and for the stocking, management, and protection of deer 22073
or wild turkey. ~~Every~~ 22074

(5) ~~Every~~ person, while hunting deer or wild turkey ~~on lands~~ 22075
~~of another~~, shall carry the person's deer or wild turkey permit 22076
and exhibit it to any enforcement officer so requesting. Failure 22077
to so carry and exhibit such a permit constitutes an offense under 22078
this section. The chief of the division of wildlife shall adopt 22079
any additional rules the chief considers necessary to carry out 22080
this section and section 1533.10 of the Revised Code. 22081

~~The owner and the children of the owner of lands in this~~ 22082
~~state may hunt deer or wild turkey thereon without a deer or wild~~ 22083
~~turkey permit. The tenant and children of the tenant may hunt deer~~ 22084
~~or wild turkey on lands where they reside without a deer or wild~~ 22085
~~turkey permit.~~ 22086

(B) A deer or wild turkey permit is not transferable. No 22087
person shall carry a deer or wild turkey permit issued in the name 22088
of another person. 22089

(C) The wildlife refunds fund is hereby created in the state 22090
treasury. The fund shall consist of money received from 22091
application fees for deer permits that are not issued. Money in 22092
the fund shall be used to make refunds of such application fees. 22093

Sec. 1541.03. All lands and waters dedicated and set apart 22094
for state park purposes shall be under the control and management 22095
of the division of parks and recreation, which shall protect, 22096
maintain, and keep them in repair. The division shall have the 22097
following powers over all such lands and waters: 22098

(A) To make alterations and improvements;	22099
(B) To construct and maintain dikes, wharves, landings, docks, dams, and other works;	22100 22101
(C) To construct and maintain roads and drives in, around, upon, and to the lands and waters to make them conveniently accessible and useful to the public;	22102 22103 22104
(D) Except as otherwise provided in this section, to adopt, amend, and rescind, in accordance with Chapter 119. of the Revised Code, rules necessary for the proper management of state parks, bodies of water, and the lands adjacent to them under its jurisdiction and control, including the following:	22105 22106 22107 22108 22109
(1) Governing opening and closing times and dates of the parks;	22110 22111
(2) Establishing fees and charges for use of facilities in state parks;	22112 22113
(3) Governing camps, camping, and fees for camps and camping;	22114
(4) Governing the application for and rental of, rental fees for, and the use of cottages;	22115 22116
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds, and parking on those lands;	22117 22118 22119
(6) Governing all advertising within state parks and the requirements for the operation of places selling tangible personal property and control of food service sales on lands and waters under the control of the division, which rules shall establish uniform requirements;	22120 22121 22122 22123 22124
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft, as those terms are defined in section 1547.01 of	22125 22126 22127 22128

the Revised Code, over waters under the control of the division 22129
and establishing reasonable fees for the construction of and 22130
annual use permits for those structures and devices; 22131

(8) Governing state beaches, swimming, inflatable devices, 22132
and fees for them; 22133

(9) Governing the removal and disposition of any watercraft, 22134
rowboat, sailboat, or powercraft, as those terms are defined in 22135
section 1547.01 of the Revised Code, left unattended for more than 22136
seven days on any lands or waters under the control of the 22137
division; 22138

(10) Governing the establishment and collection of check 22139
collection charges for checks that are returned to the division or 22140
dishonored for any reason. 22141

(E) To coordinate and plan trails in accordance with section 22142
1519.03 of the Revised Code; 22143

(F) To cooperate with the United States and agencies of it 22144
and with political subdivisions in administering federal 22145
recreation moneys under the "Land and Water Conservation Fund Act 22146
of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and 22147
distribute the statewide comprehensive outdoor recreation plan; 22148
and administer the state recreational vehicle fund created in 22149
section 4519.11 of the Revised Code; 22150

(G) To administer any state or federally funded grant program 22151
that is related to natural resources and recreation as considered 22152
necessary by the director of natural resources; 22153

(H) To assist the department of natural resources and its 22154
divisions by providing department-wide planning, capital 22155
improvements planning, and special purpose planning. 22156

With the approval of the director, the chief of the division 22157
of parks and recreation may enter into contracts or agreements 22158

with any agency of the United States government, any other public agency, or any private entity or organization for the performance of the duties of the division.

The division shall adopt rules under this section establishing a discount program for all persons who are issued a golden buckeye card under section 173.06 of the Revised Code. The discount program shall provide a discount for all park services and rentals, but shall not provide a discount for the purchase of merchandise.

The division shall not adopt rules establishing fees or charges for parking a motor vehicle in a state park or for admission to a state park.

Every resident of this state with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from the veterans administration, and who received an honorable discharge from the armed forces of the United States, and every veteran to whom the registrar of motor vehicles has issued a set of license plates under section 4503.41 of the Revised Code, shall be exempt from the fees for camping, provided that the resident or veteran carries in the state park such evidence of the resident's or veteran's disability as the chief ~~of the division of parks and recreation~~ prescribes by rule.

Unless otherwise provided by division rule, every resident of this state who is sixty-five years of age or older or who is permanently and totally disabled and who furnishes evidence of that age or disability in a manner prescribed by division rule shall be charged one-half of the regular fee for camping, except on the weekends and holidays designated by the division, and shall not be charged more than ninety per cent of the regular charges for state recreational facilities, equipment, services, and food service operations utilized by the person at any time of year,

whether maintained or operated by the state or leased for 22191
operation by another entity. 22192

As used in this section, "food service operations" means 22193
restaurants that are owned by the department of natural resources 22194
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 22195
parks or are part of a state park lodge. "Food service operations" 22196
does not include automatic vending machines, concession stands, or 22197
snack bars. 22198

As used in this section, "prisoner of war" means any 22199
regularly appointed, enrolled, enlisted, or inducted member of the 22200
military forces of the United States who was captured, separated, 22201
and incarcerated by an enemy of the United States. Any person who 22202
has been a prisoner of war, was honorably discharged from the 22203
military forces, and is a resident of this state is exempt from 22204
the fees for camping. To claim this exemption, the person shall 22205
present written evidence in the form of a record of separation, a 22206
letter from one of the military forces of the United States, or 22207
such other evidence as the chief prescribes by rule that satisfies 22208
the eligibility criteria established by this section. 22209

Sec. 1547.01. (A) As used in sections 1541.03, 1547.26, 22210
1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 22211
1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the Revised 22212
Code, "watercraft" means any of the following when used or capable 22213
of being used for transportation on the water: 22214

(1) A vessel operated by machinery either permanently or 22215
temporarily affixed; 22216

(2) A sailboat other than a sailboard; 22217

(3) An inflatable, manually propelled boat that is required 22218
by federal law to have a hull identification number meeting the 22219
requirements of the United States coast guard; 22220

(4) A canoe or rowboat.	22221
"Watercraft" does not include ferries as referred to in	22222
Chapter 4583. of the Revised Code.	22223
Watercraft subject to section 1547.54 of the Revised Code	22224
shall be divided into five classes as follows:	22225
Class A: Less than sixteen feet in length;	22226
Class 1: At least sixteen feet, but less than twenty-six feet	22227
in length;	22228
Class 2: At least twenty-six feet, but less than forty feet	22229
in length;	22230
Class 3: At least forty feet, but less than sixty-five feet	22231
in length;	22232
Class 4: At least sixty-five feet in length.	22233
(B) As used in this chapter:	22234
(1) "Vessel" includes every description of craft, including	22235
nondisplacement craft and seaplanes, designed to be used as a	22236
means of transportation on water.	22237
(2) "Rowboat" means any vessel, except a canoe, that is	22238
designed to be rowed and that is propelled by human muscular	22239
effort by oars or paddles and upon which no mechanical propulsion	22240
device, electric motor, internal combustion engine, or sail has	22241
been affixed or is used for the operation of the vessel.	22242
(3) "Sailboat" means any vessel, equipped with mast and	22243
sails, dependent upon the wind to propel it in the normal course	22244
of operation.	22245
(a) Any sailboat equipped with an inboard engine is deemed a	22246
powercraft with auxiliary sail.	22247
(b) Any sailboat equipped with a detachable motor is deemed a	22248
sailboat with auxiliary power.	22249

- (c) Any sailboat being propelled by mechanical power, whether 22250
under sail or not, is deemed a powercraft and subject to all laws 22251
and rules governing powercraft operation. 22252
- (4) "Powercraft" means any vessel propelled by machinery, 22253
fuel, rockets, or similar device. 22254
- (5) "Person" includes any legal entity defined as a person in 22255
section 1.59 of the Revised Code and any body politic, except the 22256
United States and this state, and includes any agent, trustee, 22257
executor, receiver, assignee, or other representative thereof. 22258
- (6) "Owner" includes any person who claims lawful possession 22259
of a vessel by virtue of legal title or equitable interest therein 22260
that entitled the person to that possession. 22261
- (7) "Operator" includes any person who navigates or has under 22262
the person's control a vessel, or vessel and detachable motor, on 22263
the waters in this state. 22264
- (8) "Visible" means visible on a dark night with clear 22265
atmosphere. 22266
- (9) "Waters in this state" means all streams, rivers, lakes, 22267
ponds, marshes, watercourses, waterways, and other bodies of 22268
water, natural or humanmade, that are situated wholly or partially 22269
within this state or within its jurisdiction and are used for 22270
recreational boating. 22271
- (10) "Navigable waters" means waters that come under the 22272
jurisdiction of the department of the army of the United States 22273
and any waterways within or adjacent to this state, except inland 22274
lakes having neither a navigable inlet nor outlet. 22275
- (11) "In operation" in reference to a vessel means that the 22276
vessel is being navigated or otherwise used on the waters in this 22277
state. 22278
- (12) "Sewage" means human body wastes and the wastes from 22279

toilets and other receptacles intended to receive or retain body waste.	22280 22281
(13) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls.	22282 22283 22284
(14) "Coast guard approved" means bearing an approval number assigned by the United States coast guard.	22285 22286
(15) "Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy.	22287 22288 22289 22290 22291
(16) "Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.	22292 22293 22294 22295 22296
(17) "Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.	22297 22298 22299 22300 22301
(18) "Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy.	22302 22303 22304 22305
(19) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States coast guard, including, without limitation, all of the following:	22306 22307 22308 22309

(a) The approval label on the type five personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use.

(b) The personal flotation device is used in accordance with any requirements on the approval label.

(c) The personal flotation device is used in accordance with requirements in its owner's manual if the approval label refers to such a manual.

(20) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and shall be registered by length. Inflatable watercraft propelled by a sail shall be classified as a sailboat and shall be registered by length.

(21) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.

(22) "Diver's flag" means a red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

(23) "Muffler" means an acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

(24) "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.

(25) "Personal watercraft" means a vessel, less than sixteen

feet in length, that is propelled by machinery and designed to be 22340
operated by an individual sitting, standing, or kneeling on the 22341
vessel rather than by an individual sitting or standing inside the 22342
vessel. 22343

(26) "No wake" has the same meaning as "idle speed." 22344

(27) "Watercraft dealer" means any person who is regularly 22345
engaged in the business of manufacturing, selling, displaying, 22346
offering for sale, or dealing in vessels at an established place 22347
of business. "Watercraft dealer" does not include a person who is 22348
a marine salvage dealer or any other person who dismantles, 22349
salvages, or rebuilds vessels using used parts. 22350

(28) "Electronic" includes electrical, digital, magnetic, 22351
optical, electromagnetic, or any other form of technology that 22352
entails capabilities similar to these technologies. 22353

(29) "Electronic record" means a record generated, 22354
communicated, received, or stored by electronic means for use in 22355
an information system or for transmission from one information 22356
system to another. 22357

(30) "Electronic signature" means a signature in electronic 22358
form attached to or logically associated with an electronic 22359
record. 22360

(31) "Drug of abuse" has the same meaning as in section 22361
4506.01 of the Revised Code. 22362

~~(C) Unless otherwise provided, this chapter applies to all 22363
vessels operating on the waters in this state. Nothing in this 22364
chapter shall be construed in contravention of any valid federal 22365
act or regulation, but is in addition to the act or regulation 22366
where not inconsistent. 22367~~

~~The state reserves to itself the exclusive right to regulate 22368
the minimum equipment requirements of watercraft and vessels 22369~~

~~operated on the waters in this state.~~ 22370

(32) "Watercourse" means a substantially natural channel with 22371
recognized banks and bottom in which a flow of water occurs, with 22372
an average of at least ten feet mean surface water width and at 22373
least five miles of length. 22374

(33) "Impoundment" means the reservoir created by a dam or 22375
other artificial barrier across a watercourse that causes water to 22376
be stored deeper than and generally beyond the banks of the 22377
natural channel of the watercourse during periods of normal flow, 22378
but does not include water stored behind rock piles, rock riffle 22379
dams, and low channel dams where the depth of water is less than 22380
ten feet above the channel bottom and is essentially confined 22381
within the banks of the natural channel during periods of normal 22382
stream flow. 22383

(34) "Wild river area" means an area declared a wild river 22384
area by the director of natural resources under this chapter and 22385
includes those rivers or sections of rivers that are free of 22386
impoundments and generally inaccessible except by trail, with 22387
watersheds or shorelines essentially primitive and waters 22388
unpolluted, representing vestiges of primitive America. 22389

(35) "Scenic river area" means an area declared a scenic 22390
river area by the director under this chapter and includes those 22391
rivers or sections of rivers that are free of impoundments, with 22392
shorelines or watersheds still largely primitive and shorelines 22393
largely undeveloped, but accessible in places by roads. 22394

(36) "Recreational river area" means an area declared a 22395
recreational river area by the director under this chapter and 22396
includes those rivers or sections of rivers that are readily 22397
accessible by road or railroad, that may have some development 22398
along their shorelines, and that may have undergone some 22399
impoundment or diversion in the past. 22400

Sec. 1547.02. Unless otherwise provided, this chapter applies 22401
to all vessels operating on the waters in this state. Nothing in 22402
this chapter shall be construed in contravention of any valid 22403
federal act or regulation, but is in addition to the act or 22404
regulation where not inconsistent. 22405

The state reserves to itself the exclusive right to regulate 22406
the minimum equipment requirements of watercraft and vessels 22407
operated on the waters in this state. 22408

Sec. 1547.51. There is hereby created within the department 22409
of natural resources the division of watercraft. The division 22410
shall ~~administer~~ do all of the following: 22411

(A) Administer and enforce all laws relative to the 22412
identification, numbering, registration, titling, use, and 22413
operation of vessels operated on the waters in this state ~~and,~~ 22414
~~with the approval of the director of natural resources, educate;~~ 22415

(B) Educate and inform the citizens of the state about, and 22416
promote, conservation, navigation, safety practices, and the 22417
benefits of recreational boating; 22418

(C) Provide wild, scenic, and recreational river area 22419
conservation education and provide for corridor protection, 22420
restoration, habitat enhancement, and clean-up projects in wild 22421
river areas, scenic river areas, and recreational river areas; 22422

(D) Provide for and assist in the development, maintenance, 22423
and operation of marine recreational facilities, docks, launching 22424
facilities, and harbors for the benefit of public navigation, 22425
recreation, or commerce if the chief of the division of watercraft 22426
determines that they are in the best interests of the state. 22427

Sec. 1547.52. (A) The division of watercraft shall be 22428
administered by the chief of the division of watercraft. The chief 22429

may adopt, amend, and rescind: 22430

(1) Rules considered necessary by the chief to supplement the 22431
identification, operation, titling, use, registration, and 22432
numbering of watercraft or vessels as provided in this chapter and 22433
Chapter 1548. of the Revised Code; 22434

(2) Rules governing the navigation of vessels on waters in 22435
this state, including, but not limited to, rules regarding 22436
steering and sailing, the conduct of vessels in sight of one 22437
another or in restricted visibility, lights and shapes of lights 22438
used on vessels, and sound and light signals. As the chief 22439
considers necessary, these navigational rules shall be consistent 22440
with and equivalent to the regulations and interpretive rulings 22441
governing inland waters adopted or issued under the "Inland 22442
Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C.A. 151, 22443
1604, 1605, 1608, 2001 to 2008, and 2071 to 2073. 22444

(3) Rules governing the use, visitation, protection, and 22445
administration of wild river areas, scenic river areas, and 22446
recreational river areas; 22447

(4) Rules establishing fees and charges for all of the 22448
following: 22449

(a) Boating skill development classes and other educational 22450
classes; 22451

(b) Law enforcement services provided at special events when 22452
the services are in addition to normal enforcement duties; 22453

(c) Inspections of vessels or motors conducted under this 22454
chapter or Chapter 1548. of the Revised Code; 22455

(d) The conducting of stream impact reviews of any planned or 22456
proposed construction, modification, renovation, or development 22457
project that may potentially impact a watercourse within a 22458
designated wild, scenic, or recreational river area. 22459

All rules adopted by the chief under division (A) of this section shall be adopted in accordance with Chapter 119. of the Revised Code and are subject to the prior approval of the director of natural resources.

(B) The chief, with the approval of the director, may employ such clerical and technical help as the chief considers necessary.

(C) The chief may designate license agents with the approval of the director.

(D) The division is hereby designated as the agency to administer the Ohio boating safety program and allocated federal funds under, and the chief shall prepare and submit reports in such form as may be required by, the "Federal Boat Safety Act of 1971," 85 Stat. 222, 46 U.S.C.A. 1475(a)(6), as amended.

(E) The chief may sell any of the following:

(1) Items related to or that promote boating safety, including, but not limited to, pins, badges, books, bulletins, maps, publications, calendars, and other educational articles;

(2) Artifacts pertaining to boating;

(3) Confiscated or forfeited items;

(4) Surplus equipment.

Sec. 1547.531. (A)(1) Except as provided in division (A)(2) or (B) of this section, no person shall operate or give permission for the operation of any watercraft on the waters in this state unless the watercraft is registered in the name of the current owner in accordance with section 1547.54 of the Revised Code, and the registration is valid and in effect.

(2) On and after January 1, 1999, if a watercraft that is required to be issued a certificate of title under Chapter 1548. of the Revised Code is transferred to a new owner, it need not be

registered under section 1547.54 of the Revised Code for 22489
forty-five days following the date of the transfer, provided that 22490
the new owner purchases a temporary watercraft registration under 22491
division (A) of this section or holds a bill of sale from a 22492
watercraft dealer. 22493

For the purposes of division (A)(2) of this section, a 22494
temporary watercraft registration or a bill of sale from a 22495
watercraft dealer shall contain at least all of the following 22496
information: 22497

(a) The hull identification number or serial number of the 22498
watercraft; 22499

(b) The make of the watercraft; 22500

(c) The length of the watercraft; 22501

(d) The type of propulsion, if any; 22502

(e) The state in which the watercraft principally is 22503
operated; 22504

(f) The name of the owner; 22505

(g) The address of the owner, including the zip code; 22506

(h) The signature of the owner; 22507

(i) The date of purchase; 22508

(j) A notice to the owner that the temporary watercraft 22509
registration expires forty-five days after the date of purchase of 22510
the watercraft or that the watercraft cannot be operated on the 22511
waters in this state solely under the bill of sale beginning 22512
forty-five days after the date of purchase of the watercraft, as 22513
applicable. 22514

(3) A person may purchase a temporary watercraft registration 22515
from the chief of the division of watercraft or from an authorized 22516
agent designated under section 1547.54 of the Revised Code. The 22517

chief shall furnish forms for temporary watercraft registrations 22518
to authorized agents. In addition to completing the registration 22519
form with the information specified in divisions (A)(2)(a) to (i) 22520
of this section, the person shall pay one of the applicable fees 22521
required under divisions (A)(2)(a) to (g) of section 1547.54 of 22522
the Revised Code as provided in that section. 22523

Moneys received for the payment of temporary watercraft 22524
registrations shall be deposited to the credit of the waterways 22525
safety fund created in section 1547.75 of the Revised Code. 22526

(4) In addition to the applicable fee required under division 22527
(A)(3) of this section, the chief or an authorized agent shall 22528
charge an additional writing fee of three dollars for a temporary 22529
watercraft registration that the chief or the authorized agent 22530
issues. When the temporary watercraft registration is issued by an 22531
authorized agent, the agent may retain the additional writing fee. 22532
When the temporary watercraft registration is issued by the chief, 22533
the additional writing fee shall be deposited to the credit of the 22534
waterways safety fund. 22535

(5) A person who purchases a temporary watercraft 22536
registration for a watercraft and who subsequently applies for a 22537
registration certificate under section 1547.54 of the Revised Code 22538
need not pay the fee required under division (A)(2) of that 22539
section for the initial registration certificate issued for that 22540
watercraft, provided that at the time of application for the 22541
registration certificate, the person furnishes proof of payment 22542
for the temporary watercraft registration. 22543

(6) A person who purchases a temporary watercraft 22544
registration, who subsequently applies for a registration 22545
certificate under section 1547.54 of the Revised Code, and who is 22546
exempt from payment for the registration certificate under 22547
division ~~(O)~~(P) of that section may apply to the chief for a 22548
refund of the amount paid for the temporary watercraft 22549

registration at the time that the person applies for a 22550
registration certificate. The chief shall refund that amount upon 22551
issuance to the person of a registration certificate. 22552

(7) All records of the division of watercraft made or 22553
maintained for the purposes of divisions (A)(2) to (8) of this 22554
section are public records. The records shall be available for 22555
inspection at reasonable hours and in a manner that is compatible 22556
with normal operations of the division. 22557

(8) Pursuant to division (A)(1) of section 1547.52 of the 22558
Revised Code, the chief may adopt rules establishing all of the 22559
following: 22560

(a) Record-keeping requirements governing the issuance of 22561
temporary watercraft registrations and the use of bills of sale 22562
from watercraft dealers for the purposes of division (A)(2) of 22563
this section; 22564

(b) Procedures and requirements for the refund of fees under 22565
division (A)(6) of this section; 22566

(c) Any other procedures and requirements necessary for the 22567
administration and enforcement of divisions (A)(2) to (8) of this 22568
section. 22569

(B) All of the following watercraft are exempt from 22570
registration: 22571

(1) Those that are exempt from numbering by the state under 22572
divisions (B) to (G) of section 1547.53 of the Revised Code; 22573

(2) Those that have been issued a commercial documentation by 22574
the United States coast guard or its successor and are used 22575
exclusively for commercial purposes; 22576

(3) Those that have been documented by the United States 22577
coast guard or its successor as temporarily transitting, whose 22578
principal use is not on the waters in this state, and that have 22579

not been used within this state for more than sixty days. 22580

(C) No person shall operate a watercraft documented by the 22581
United States coast guard or its successor unless the certificate 22582
of documentation is valid, is on the watercraft for which it has 22583
been issued, and is available for inspection whenever the 22584
watercraft is in operation. In accordance with 46 C.F.R. part 67, 22585
as amended, the watercraft shall display the official number, the 22586
vessel name, and the home port listed on the certificate of 22587
documentation. 22588

(D)(1) For the purposes of this section and section 1547.53 22589
of the Revised Code, a watercraft is principally using the waters 22590
in this state if any of the following applies: 22591

(a) The owner resides in this state and declares that the 22592
watercraft principally is using the waters in this state. 22593

(b) The owner resides in another state, but declares that the 22594
watercraft principally is using the waters in this state. 22595

(c) The watercraft is registered in another state or 22596
documented by the United States coast guard and is used within 22597
this state for more than sixty days regardless of whether it has 22598
been assigned a seasonal or permanent mooring at any public or 22599
private docking facility in this state. 22600

(2) Notwithstanding division (D)(1)(c) of this section, a 22601
person on active duty in the armed forces of the United States may 22602
register a watercraft in the person's state of permanent residence 22603
in lieu of registering it in this state regardless of the number 22604
of days that the watercraft is used in this state. 22605

Sec. 1547.54. (A)(1) Except as otherwise provided in section 22606
1547.542 of the Revised Code, the owner of every watercraft 22607
requiring registration under this chapter shall file an 22608
application for a triennial registration certificate with the 22609

chief of the division of watercraft on forms that shall be 22610
provided by the chief or by an electronic means approved by the 22611
chief. The application shall be signed by the following: 22612

(a) If the watercraft is owned by two persons under joint 22613
ownership with right of survivorship established under section 22614
2131.12 of the Revised Code, by both of those persons as owners of 22615
the watercraft. The signatures may be done by electronic signature 22616
if the owners themselves are renewing the registration and there 22617
are no changes in the registration information since the issuance 22618
of the immediately preceding registration certificate. In all 22619
other instances, the signatures shall be done manually. 22620

(b) If the watercraft is owned by a minor, by the minor and a 22621
parent or legal guardian. The signatures may be done by electronic 22622
signature if the parent or legal guardian and the minor themselves 22623
are renewing the registration and there are no changes in the 22624
registration information since the issuance of the immediately 22625
preceding registration certificate. In all other instances, the 22626
signatures shall be done manually. 22627

(c) In all other cases, by the owner of the watercraft. The 22628
signature may be done by electronic signature if the owner is 22629
renewing the registration personally and there are no changes in 22630
the registration information since the issuance of the immediately 22631
preceding registration certificate. In all other instances, the 22632
signatures shall be done manually. 22633

(2) An application for a triennial registration of a 22634
watercraft filed under division (A)(1) of this section shall be 22635
accompanied by the following fee: 22636

(a) For canoes, rowboats, and inflatable watercraft that are 22637
numbered under section 1547.53 of the Revised Code, twelve 22638
dollars; 22639

(b) For canoes, row boats, and inflatable watercraft that are 22640

not numbered under section 1547.53 of the Revised Code, seventeen 22641
dollars; 22642

(c) For class A watercraft, including motorized canoes, 22643
thirty dollars; 22644

(d) For class 1 watercraft, forty-five dollars; 22645

(e) For class 2 watercraft, sixty dollars; 22646

(f) For class 3 watercraft, seventy-five dollars; 22647

(g) For class 4 watercraft, ninety dollars. 22648

(3) For the purpose of registration, any watercraft operated 22649
by means of power, sail, or any other mechanical or electrical 22650
means of propulsion, except motorized canoes, shall be registered 22651
by length as prescribed in this section. 22652

(4) If an application for registration is filed by two 22653
persons as owners under division (A)(1)(a) of this section, the 22654
person who is listed first on the title shall serve as and perform 22655
the duties of the "owner" and shall be considered the person "in 22656
whose name the watercraft is registered" for purposes of divisions 22657
(B) to ~~(Q)~~(R) of this section and for purposes of all other 22658
sections in this chapter. 22659

(B) All registration certificates issued under this section 22660
are valid for three years and are renewable on a triennial basis 22661
unless sooner terminated or discontinued in accordance with this 22662
chapter. The renewal date shall be printed on the registration 22663
certificate. A registration certificate may be renewed by the 22664
owner in the manner prescribed by the chief. All fees shall be 22665
charged according to a proration of the time remaining in the 22666
registration cycle to the nearest year. 22667

(C) In addition to the fees set forth in this section, the 22668
chief, or any authorized agent, shall charge an additional writing 22669
fee of three dollars for any registration certificate the chief or 22670

authorized agent issues. When the registration certificate is 22671
issued by an authorized agent, the additional writing fee of three 22672
dollars shall be retained by the issuing agent. When the 22673
registration certificate is issued by the chief, the additional 22674
writing fee of three dollars shall be deposited to the credit of 22675
the waterways safety fund established in section 1547.75 of the 22676
Revised Code. 22677

(D) In addition to the fees established in this section, 22678
watercraft that are not powercraft shall be charged a waterways 22679
conservation assessment fee of five dollars. The fee shall be 22680
collected at the time of the issuance of a triennial watercraft 22681
registration under division (A)(2) of this section and deposited 22682
in the state treasury and credited to a distinct account in the 22683
waterways safety fund created in section 1547.75 of the Revised 22684
Code. 22685

(E)(1) Upon receipt of the application in approved form, the 22686
chief shall enter the same upon the records of the office of the 22687
division of watercraft, assign a number to the watercraft if a 22688
number is required under section 1547.53 of the Revised Code, and 22689
issue to the applicant a registration certificate. If a number is 22690
assigned by the chief, it shall be set forth on the certificate. 22691
The registration certificate shall be on the watercraft for which 22692
it is issued and available at all times for inspection whenever 22693
the watercraft is in operation, except that livery operators may 22694
retain the registration certificate at the livery where it shall 22695
remain available for inspection at all times and except as 22696
otherwise provided in division ~~(D)~~(E)(2) of this section. 22697

(2) A person who is operating on the waters of this state a 22698
canoe, rowboat, or inflatable watercraft that has not been 22699
numbered under section 1547.53 of the Revised Code and who is 22700
stopped by a law enforcement officer in the enforcement of this 22701
chapter or rules adopted under it shall present to the officer, 22702

not later than seventy-two hours after being stopped, a 22703
registration certificate. The registration certificate shall have 22704
been obtained under this section for the canoe, rowboat, or 22705
inflatable watercraft prior to the time that it was stopped. 22706
Failure of the person to present the registration certificate 22707
within seventy-two hours constitutes prima-facie evidence of a 22708
violation of this section. 22709

~~(E)~~(F) No person shall issue or be issued a registration 22710
certificate for a watercraft that is required to be issued a 22711
certificate of title under Chapter 1548. of the Revised Code 22712
except upon presentation of a certificate of title for the 22713
watercraft as provided in that chapter, proof of current 22714
documentation by the United States coast guard, a renewal 22715
registration form provided by the division of watercraft, or a 22716
certificate of registration issued under this section that has 22717
expired if there is no change in the ownership or description of 22718
the watercraft. 22719

~~(F)~~(G) Whenever the ownership of a watercraft changes, a new 22720
application form together with the prescribed fee shall be filed 22721
with the chief or the chief's agent and a new registration 22722
certificate shall be issued. The application shall be signed 22723
manually by the person or persons specified in divisions (A)(1)(a) 22724
to (c) of this section and shall be accompanied by a two-dollar 22725
transfer fee. Any remaining time on the registration shall be 22726
transferred. An authorized agent of the chief shall charge an 22727
additional writing fee of three dollars, which shall be retained 22728
by the issuing agent. If the certificate is issued by the chief, 22729
an additional writing fee of three dollars for each certificate 22730
issued shall be collected and deposited to the credit of the 22731
waterways safety fund. 22732

~~(G)~~(H) If an agency of the United States has in force an 22733
overall system of identification numbering for watercraft or 22734

certain types of watercraft within the United States, the 22735
numbering system employed by the division shall be in conformity 22736
with that system. 22737

~~(H)~~(I)(1) The chief may assign any registration certificates 22738
to any authorized agent for the assignment of the registration 22739
certificates. If a person accepts that authorization, the person 22740
may be assigned a block of numbers and certificates that upon 22741
assignment, in conformity with this chapter and Chapter 1548. of 22742
the Revised Code and with rules of the division, shall be valid as 22743
if assigned directly by the division. Any person so designated as 22744
an agent by the chief shall post with the division security as may 22745
be required by the director of natural resources. The chief may 22746
issue an order temporarily or permanently restricting or 22747
suspending an agent's authorization without a hearing if the chief 22748
finds that the agent has violated this chapter or Chapter 1548. of 22749
the Revised Code, rules adopted under them, or any agreements 22750
prescribed by the chief. 22751

(2) A clerk of the court of common pleas may apply for 22752
designation as an authorized agent of the chief. The division 22753
shall accept the clerk's bond that is required under section 22754
2303.02 of the Revised Code for any security that is required for 22755
agents under this division, provided that the bond includes a 22756
rider or other provision specifically covering the clerk's duties 22757
as an authorized agent of the chief. 22758

~~(I)~~(J) All records of the division made or kept pursuant to 22759
this section shall be public records. Those records shall be 22760
available for inspection at reasonable hours and in a manner 22761
compatible with normal operations of the division. 22762

~~(J)~~(K) The owner shall furnish the division notice within 22763
fifteen days of the following: 22764

(1) The transfer, other than through the creation of a 22765

security interest in any watercraft, of all or any part of the 22766
owner's interest or, if the watercraft is owned by two persons 22767
under joint ownership with right of survivorship established under 22768
section 2131.12 of the Revised Code, of all or any part of the 22769
joint interest of either of the two persons. The transfer shall 22770
not terminate the registration certificate. 22771

(2) Any change in the address appearing on the certificate . 22772
As a part of the notification, the owner shall furnish the chief 22773
with the owner's new address. 22774

(3) The destruction or abandonment of the watercraft. 22775

~~(K)~~(L) The chief may issue duplicate registration 22776
certificates or duplicate tags to owners of currently registered 22777
watercraft, the fee for which shall be four dollars. 22778

~~(L)~~(M) If the chief finds that a registration certificate 22779
previously issued to an owner is in error to a degree that would 22780
impair its basic purpose and use, the chief may issue a corrected 22781
certificate to the owner without charge. 22782

~~(M)~~(N) No authorized agent shall issue and no person shall 22783
receive or accept from an authorized agent a registration 22784
certificate assigned to the authorized agent under division ~~(H)~~(I) 22785
of this section unless the exact month, day, and year of issue are 22786
plainly written on the certificate by the agent. Certificates 22787
issued with incorrect dates of issue are void from the time they 22788
are issued. 22789

~~(N)~~(O) The chief, in accordance with Chapter 119. of the 22790
Revised Code, shall adopt rules governing the renewal of 22791
watercraft registrations by electronic means. 22792

~~(O)~~(P) As used in this section: 22793

(1) "Disabled veteran" means a person who is included in 22794
either of the following categories: 22795

(a) Because of a service-connected disability, has been or is 22796
awarded funds for the purchase of a motor vehicle under the 22797
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 22798
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 22799

(b) Has a service-connected disability rated at one hundred 22800
per cent by the veterans administration. 22801

(2) "Prisoner of war" means any regularly appointed, 22802
enrolled, enlisted, or inducted member of the military forces of 22803
the United States who was captured, separated, and incarcerated by 22804
an enemy of the United States at any time, and any regularly 22805
appointed, enrolled, or enlisted member of the military forces of 22806
Great Britain, France, Australia, Belgium, Brazil, Canada, China, 22807
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 22808
South Africa, or the republics formerly associated with the Union 22809
of Soviet Socialist Republics or Yugoslavia who was a citizen of 22810
the United States at the time of the appointment, enrollment, or 22811
enlistment, and was captured, separated, and incarcerated by an 22812
enemy of this country during World War II. 22813

~~(P)~~(Q) Any disabled veteran, congressional medal of honor 22814
awardee, or prisoner of war may apply to the chief for a 22815
certificate of registration, or for a renewal of the certificate 22816
of registration, without the payment of any fee required by this 22817
section. The application for a certificate of registration shall 22818
be accompanied by evidence of disability or by documentary 22819
evidence in support of a congressional medal of honor that the 22820
chief requires by rule. The application for a certificate of 22821
registration by any person who has been a prisoner of war shall be 22822
accompanied by written evidence in the form of a record of 22823
separation, a letter from one of the armed forces of a country 22824
listed in division ~~(O)~~(P)(2) of this section, or other evidence 22825
that the chief may require by rule, that the person was honorably 22826
discharged or is currently residing in this state on active duty 22827

with one of the branches of the armed forces of the United States, 22828
or was a prisoner of war and was honorably discharged or received 22829
an equivalent discharge or release from one of the armed forces of 22830
a country listed in division ~~(O)~~(P)(2) of this section. 22831

~~(O)~~(R) Annually by the fifteenth day of January, the director 22832
of natural resources shall determine the amount of fees that would 22833
have been collected in the prior calendar year for each 22834
certificate of registration issued or renewed pursuant to division 22835
~~(P)~~(Q) of this section and shall certify the total amount of 22836
foregone revenue to the director of budget and management for 22837
reimbursement. The director of budget and management shall 22838
transfer the amount certified from the general revenue fund to the 22839
waterways safety fund ~~created pursuant to section 1547.75 of the~~ 22840
~~Revised Code.~~ 22841

Sec. 1547.542. Any person or organization owning any number 22842
of canoes, rowboats, inflatable watercraft, or sailboats for the 22843
purpose of rental to the public may apply with the chief of the 22844
division of watercraft for and receive an annual certificate of 22845
livery registration. No watercraft shall be rented to the public 22846
from a livery or other place of business in this state unless it 22847
first has been numbered and registered in accordance with this 22848
section or section 1547.54 of the Revised Code. Certificates of 22849
livery registration shall be issued by an authorized agent who is 22850
selected by the chief from among those designated under section 22851
1547.54 of the Revised Code. The certificate shall display the 22852
name of the owner of the livery, the date of issuance, the date of 22853
expiration, the number of watercraft registered, the fee paid, an 22854
authorized facsimile of the signature of the chief provided by the 22855
authorized agent who is selected to issue the certificate, and the 22856
signature of the livery owner. The certificate shall bear the 22857
livery watercraft registration number assigned to the livery 22858
owner, which shall be displayed in accordance with section 1547.57 22859

of the Revised Code on each watercraft in the fleet for which the certificate was issued. The owner of a livery shall obtain an amended certificate of livery registration from the chief whenever the composition of the fleet changes.

The fee for each watercraft registered under this section shall be an annual registration fee. The fee shall be one-third of the triennial registration fees prescribed in section 1547.54 of the Revised Code. However, if the size of the fleet does not increase, the fee for an amended certificate of livery registration shall be the fee prescribed for issuing a duplicate registration certificate under section 1547.54 of the Revised Code, and the chief shall not refund to the livery owner all or any portion of an annual registration fee applicable to a watercraft transferred or abandoned by the livery owner. If the size of the fleet increases, the livery owner shall be required to pay the applicable annual registration fee for each watercraft registered under an amended certificate of livery registration that is in excess of the number of watercraft contained in the annual certificate of livery registration.

In addition to the fees established in this section, watercraft that are not powercraft shall be charged a waterways conservation assessment fee. The fee shall be collected at the time of the issuance of an annual livery registration under this section and shall be one dollar and fifty cents for each watercraft included in the registration. The fee shall be deposited in the state treasury and credited to a distinct account in the waterways safety fund created in section 1547.75 of the Revised Code.

The certificate of livery registration, rental receipts, and required safety equipment are subject to inspection at any time at the livery's place of business by any authorized representative of the division of watercraft or any law enforcement officer in

accordance with section 1547.63 of the Revised Code. 22892

Except as provided in this section, all watercraft registered 22893
under this section are subject to this chapter and Chapter 1548. 22894
of the Revised Code. 22895

The chief may issue an order temporarily or permanently 22896
restricting or suspending a livery certificate of registration and 22897
the privileges associated with it without a hearing if the chief 22898
finds that the holder of the certificate has violated this 22899
chapter. 22900

Sec. 1547.73. There is hereby created in the division of 22901
watercraft, a waterways safety council composed of five members 22902
appointed by the governor with the advice and consent of the 22903
senate. Not more than three of such appointees shall belong to the 22904
same political party. Terms of office shall be for five years, 22905
commencing on the first day of February and ending on the 22906
thirty-first day of January, ~~except that upon expiration of the~~ 22907
~~term ending February 4, 1973, the new term which succeeds it shall~~ 22908
~~commence on February 5, 1973 and end on January 31, 1978; upon~~ 22909
~~expiration of the term ending February 3, 1974, the new term which~~ 22910
~~succeeds it shall commence on February 4, 1974 and end on January~~ 22911
~~31, 1979; upon expiration of the term ending February 2, 1975, the~~ 22912
~~new term which succeeds it shall commence on February 3, 1975 and~~ 22913
~~end on January 31, 1980; and upon expiration of the term ending~~ 22914
~~February 6, 1977, the new term which succeeds it shall commence on~~ 22915
~~February 7, 1977 and end on January 31, 1982.~~ Each member shall 22916
hold office from the date of his appointment until the end of the 22917
term for which ~~he~~ the member was appointed. The chief of the 22918
division of watercraft shall act as secretary of the council. In 22919
the event of the death, removal, resignation, or incapacity of a 22920
member of the council, the governor, with the advice and consent 22921
of the senate, shall appoint a successor to fill the unexpired 22922

term who shall hold office for the remainder of the term for which 22923
~~his~~ the member's predecessor was appointed. Any member shall 22924
continue in office subsequent to the expiration date of ~~his~~ the 22925
member's term until ~~his~~ the member's successor takes office, or 22926
until a period of sixty days has elapsed, whichever occurs first. 22927
The governor may remove any appointed member of the council for 22928
misfeasance, nonfeasance, or malfeasance in office. 22929

The council may: 22930

(A) Advise with and recommend to the chief as to plans and 22931
~~program~~ programs for the construction, maintenance, repair, and 22932
operation of refuge harbors and other projects for the harboring, 22933
mooring, docking, and storing of light draft vessels as provided 22934
in sections 1547.71, 1547.72, and 1547.78 of the Revised Code; 22935

(B) Advise with and recommend to the chief as to the methods 22936
of coordinating the shore erosion projects of the department of 22937
natural resources with the refuge of light draft vessel harbor 22938
projects; 22939

(C) Advise with and recommend to the chief as to plans and 22940
programs for the acquisition, protection, construction, 22941
maintenance, and administration of wild river areas, scenic river 22942
areas, and recreational river areas; 22943

(D) Consider and make recommendations upon any matter which 22944
is brought to its attention by any person or ~~which~~ that the chief 22945
may submit to it; 22946

~~(D)~~(E) Submit to the governor biennially recommendations for 22947
amendments to the laws of the state relative to refuge and light 22948
draft vessel harbor projects. 22949

Before entering upon the discharge of ~~his~~ official duties, 22950
each member of the council shall take and subscribe to an oath of 22951
office, which oath, in writing, shall be filed in the office of 22952
the secretary of state. 22953

The members of the council shall serve without compensation, 22954
but shall be entitled to receive their actual and necessary 22955
expenses incurred in the performance of their official duties from 22956
the waterways safety fund as provided in section 1547.75 of the 22957
Revised Code. 22958

The council shall, by a majority vote of all its members, 22959
adopt and amend bylaws. 22960

To be eligible for appointment as a member of the council, a 22961
person shall be a citizen of the United States, and an elector of 22962
the state, and possess a knowledge of and have an interest in 22963
small boat operations. 22964

The council shall hold at least four regular quarterly 22965
meetings each year. Special meetings shall be held at such times 22966
as the bylaws of the council provide, or at the behest of a 22967
majority of its members. Notices of all meetings shall be given in 22968
such manner as the bylaws provide. The council shall choose 22969
annually from among its members a ~~chairman~~ chairperson to preside 22970
over its meetings. A majority of the members of the council shall 22971
constitute a quorum. No advice shall be given or recommendation 22972
made without a majority of the members of the council concurring 22973
therein. 22974

Sec. ~~1517.14~~ 1547.81. ~~As used in sections 1517.14 to 1517.18~~ 22975
~~of the Revised Code, "watercourse" means a substantially natural~~ 22976
~~channel with recognized banks and bottom, in which a flow of water~~ 22977
~~occurs, with an average of at least ten feet mean surface water~~ 22978
~~width and at least five miles of length. The director of natural~~ 22979
resources or the director's representative may create, supervise, 22980
operate, protect, and maintain wild, scenic, and recreational 22981
river areas ~~under the classifications established in section~~ 22982
~~1517.15 of the Revised Code. In creating wild, scenic, and~~ 22983
~~recreational river areas, the director shall classify each such~~ 22984

area as either a wild river area, a scenic river area, or a recreational river area. The director or the director's representative may prepare and maintain a plan for the establishment, development, use, and administration of those areas as a part of the comprehensive state plans for water management and outdoor recreation. The director or the director's representative may cooperate with federal agencies administering any federal program concerning wild, scenic, or recreational river areas.

The director may propose for establishment as a wild, scenic, or recreational river area a part or parts of any watercourse in this state, with adjacent lands, that in the director's judgment possesses water conservation, scenic, fish, wildlife, historic, or outdoor recreation values that should be preserved, ~~using the classifications established in section 1517.15 of the Revised Code.~~ The area shall include lands adjacent to the watercourse in sufficient width to preserve, protect, and develop the natural character of the watercourse, but shall not include any lands more than one thousand feet from the normal waterlines of the watercourse unless an additional width is necessary to preserve water conservation, scenic, fish, wildlife, historic, or outdoor recreation values.

The director shall publish the intention to declare an area a wild, scenic, or recreational river area at least once in a newspaper of general circulation in each county, any part of which is within the area, and shall send written notice of the intention to the legislative authority of each county, township, and municipal corporation and to each conservancy district established under Chapter 6101. of the Revised Code, any part of which is within the area, and to the director of transportation, the director of development, the director of administrative services, and the director of environmental protection. The notices shall

include a copy of a map and description of the area. 23017

After thirty days from the last date of publication or 23018
dispatch of written notice as required in this section, the 23019
director shall enter a declaration in the director's journal that 23020
the area is a wild river area, scenic river area, or recreational 23021
river area. When so entered, the area is a wild, scenic, or 23022
recreational river area, as applicable. The director, after thirty 23023
days' notice as prescribed in this section and upon the approval 23024
of the recreation and resources commission created in section 23025
1501.04 of the Revised Code, may terminate the status of an area 23026
as a wild river area, scenic river area, or recreational river 23027
area by an entry in the director's journal. 23028

Declaration by the director that an area is a wild, scenic, 23029
or recreational river area does not authorize the director or any 23030
governmental agency or political subdivision to restrict the use 23031
of land by the owner thereof or any person acting under the 23032
landowner's authority or to enter upon the land and does not 23033
expand or abridge the regulatory authority of any governmental 23034
agency or political subdivision over the area. 23035

The director may enter into a lease or other agreement with a 23036
political subdivision to administer all or part of a wild, scenic, 23037
or recreational river area and may acquire real property or any 23038
estate, right, or interest therein in order to provide for the 23039
protection and public recreational use of a wild, scenic, or 23040
recreational river area. 23041

The chief of the division of ~~natural areas and preserves~~ 23042
watercraft or the chief's representative may participate in 23043
watershed-wide planning with federal, state, and local agencies in 23044
order to protect the values of wild, scenic, and recreational 23045
river areas. 23046

Sec. ~~1517.16~~ 1547.82. No state department, state agency, or 23047

political subdivision shall build or enlarge any highway, road, or 23048
structure or modify or cause the modification of the channel of 23049
any watercourse within a wild, scenic, or recreational river area 23050
outside the limits of a municipal corporation without first having 23051
obtained approval of the plans for the highway, road, or structure 23052
or channel modification from the director of natural resources or 23053
~~his~~ the director's representative. The court of common pleas 23054
having jurisdiction, upon petition by the director, shall enjoin 23055
work on any highway, road, or structure or channel modification 23056
for which such approval has not been obtained. 23057

Sec. ~~1517.17~~ 1547.83. The chief of the division of ~~natural~~ 23058
~~areas and preserves~~ watercraft shall administer the state programs 23059
for wild river areas, scenic river areas, and recreational river 23060
areas. The chief may accept and administer state and federal 23061
financial assistance ~~programs~~ for the maintenance, protection, and 23062
administration of wild, scenic, and recreational river areas and 23063
for construction of facilities within those areas. The chief, with 23064
the approval of the director of natural resources, may expend for 23065
the purpose of administering the state programs for wild, scenic, 23066
and recreational river areas money that is appropriated by the 23067
general assembly for that purpose, money that is in the scenic 23068
rivers protection fund created in section 4501.24 of the Revised 23069
Code, and money that is in the waterways safety fund created in 23070
section 1547.75 of the Revised Code as determined to be necessary 23071
by the division of watercraft not to exceed four per cent of all 23072
money accruing to the fund. The chief may condition any 23073
expenditures, maintenance activities, or construction of 23074
facilities on the adoption and enforcement of adequate floodplain 23075
zoning or land use rules. 23076

~~The director of natural resources may make a lease or~~ 23077
~~agreement with a political subdivision to administer all or part~~ 23078
~~of a wild, scenic, or recreational river area.~~ 23079

~~The director may acquire real property or any estate, right, or interest therein for protection and public recreational use as a wild, scenic, or recreational river area.~~

~~The chief may expend funds for the acquisition, protection, construction, maintenance, and administration of real property and public use facilities in wild, scenic, or recreational river areas when the funds are so appropriated by the general assembly. The chief may condition such expenditures, acquisition of land or easements, or construction of facilities within a wild, scenic, or recreational river area upon adoption and enforcement of adequate floodplain zoning rules.~~

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

The chief may cooperate with federal agencies administering any federal program concerning wild, scenic, or recreational river areas.

Sec. 1517.18 1547.84. The director of natural resources shall appoint an advisory council for each wild, scenic, or recreational river area, composed of not more than ten persons who are representative of local government and local organizations and interests in the vicinity of the wild, scenic, or recreational river area, who shall serve without compensation. The chief of the division of ~~natural areas and preserves~~ watercraft or ~~his~~ the chief's representative shall serve as an ex officio member of each council.

~~The terms of all members serving on any advisory council under this section on the effective date of this amendment shall end on January 31, 1995. The director shall appoint new members to serve on each council for terms beginning on February 1, 1995,~~

~~provided that a member serving on a council on the effective date~~ 23111
~~of this amendment may be appointed to such a new term. The initial~~ 23112
members appointed to each council shall serve for terms of not 23113
more than three years, with the terms of not more than four 23114
members of any council ending in the same year. Thereafter, terms 23115
of office shall be for three years commencing on the first day of 23116
February and ending on the last day of January. 23117

Each council shall advise the chief on the acquisition of 23118
land and easements and on the lands and waters that should be 23119
included in a wild, scenic, or recreational river area or a 23120
proposed wild, scenic, or recreational river area, facilities 23121
therein, and other aspects of establishment and administration of 23122
the area that may affect the local interest. 23123

Sec. 1547.85. The director of natural resources may 23124
participate in the federal program for the protection of certain 23125
selected rivers that are located within the boundaries of the 23126
state as provided in the "Wild and Scenic Rivers Act," 82 Stat. 23127
906 (1968), 16 U.S.C. 1271 et seq., as amended. The director may 23128
authorize the chief of the division of watercraft to participate 23129
in any other federal program established for the purpose of 23130
protecting, conserving, or developing recreational access to 23131
waters in this state that possess outstanding scenic, 23132
recreational, geologic, fish and wildlife, historic, cultural, or 23133
other similar values. 23134

Sec. 1547.86. Any action taken by the chief of the division 23135
of watercraft under sections 1547.81 to 1547.87 of the Revised 23136
Code shall not be deemed in conflict with certain powers and 23137
duties conferred on and delegated to federal agencies and to 23138
municipal corporations under Section 7 of Article XVIII, Ohio 23139
Constitution, or as provided by sections 721.04 to 721.11 of the 23140
Revised Code. 23141

Sec. 1547.87. The division of watercraft, in carrying out 23142
sections 1547.81 to 1547.87 of the Revised Code, may accept, 23143
receive, and expend gifts, devises, or bequests of money, lands, 23144
or other properties under the terms established in section 9.20 of 23145
the Revised Code. 23146

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 23147
Revised Code is guilty of a felony of the fourth degree. 23148

(B) Whoever violates division (F) of section 1547.08, section 23149
1547.10, division (I) of section 1547.111, section 1547.13, or 23150
section 1547.66 of the Revised Code is guilty of a misdemeanor of 23151
the first degree. 23152

(C) Whoever violates a provision of this chapter or a rule 23153
adopted thereunder, for which no penalty is otherwise provided, is 23154
guilty of a minor misdemeanor. 23155

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 23156
the Revised Code without causing injury to persons or damage to 23157
property is guilty of a misdemeanor of the fourth degree. 23158

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 23159
the Revised Code causing injury to persons or damage to property 23160
is guilty of a misdemeanor of the third degree. 23161

(F) Whoever violates division ~~(M)~~(N) of section 1547.54, 23162
division (G) of section 1547.30, or section 1547.131, 1547.25, 23163
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 23164
of the Revised Code or a rule adopted under division (A)(2) of 23165
section 1547.52 of the Revised Code is guilty of a misdemeanor of 23166
the fourth degree. 23167

(G) Whoever violates section 1547.11 of the Revised Code is 23168
guilty of a misdemeanor of the first degree and shall be punished 23169
as provided in division (G)(1), (2), or (3) of this section. 23170

(1) Except as otherwise provided in division (G)(2) or (3) of 23171
this section, the court shall sentence the offender to a jail term 23172
of three consecutive days and may sentence the offender pursuant 23173
to section 2929.24 of the Revised Code to a longer jail term. In 23174
addition, the court shall impose upon the offender a fine of not 23175
less than one hundred fifty nor more than one thousand dollars. 23176

The court may suspend the execution of the mandatory jail 23177
term of three consecutive days that it is required to impose by 23178
division (G)(1) of this section if the court, in lieu of the 23179
suspended jail term, places the offender under a community control 23180
sanction pursuant to section 2929.25 of the Revised Code and 23181
requires the offender to attend, for three consecutive days, a 23182
drivers' intervention program that is certified pursuant to 23183
section 3793.10 of the Revised Code. The court also may suspend 23184
the execution of any part of the mandatory jail term of three 23185
consecutive days that it is required to impose by division (G)(1) 23186
of this section if the court places the offender under a community 23187
control sanction pursuant to section 2929.25 of the Revised Code 23188
for part of the three consecutive days; requires the offender to 23189
attend, for that part of the three consecutive days, a drivers' 23190
intervention program that is certified pursuant to section 3793.10 23191
of the Revised Code; and sentences the offender to a jail term 23192
equal to the remainder of the three consecutive days that the 23193
offender does not spend attending the drivers' intervention 23194
program. The court may require the offender, as a condition of 23195
community control, to attend and satisfactorily complete any 23196
treatment or education programs, in addition to the required 23197
attendance at a drivers' intervention program, that the operators 23198
of the drivers' intervention program determine that the offender 23199
should attend and to report periodically to the court on the 23200
offender's progress in the programs. The court also may impose any 23201
other conditions of community control on the offender that it 23202
considers necessary. 23203

(2) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to one violation of section
1547.11 of the Revised Code or one other equivalent offense, the
court shall sentence the offender to a jail term of ten
consecutive days and may sentence the offender pursuant to section
2929.24 of the Revised Code to a longer jail term. In addition,
the court shall impose upon the offender a fine of not less than
one hundred fifty nor more than one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section 3793.10
of the Revised Code.

(3) If, within six years of the offense, the offender has
been convicted of or pleaded guilty to more than one violation or
offense identified in division (G)(2) of this section, the court
shall sentence the offender to a jail term of thirty consecutive
days and may sentence the offender to a longer jail term of not
more than one year. In addition, the court shall impose upon the
offender a fine of not less than one hundred fifty nor more than
one thousand dollars.

In addition to any other sentence that it imposes upon the
offender, the court may require the offender to attend a drivers'
intervention program that is certified pursuant to section 3793.10
of the Revised Code.

(4) Upon a showing that serving a jail term would seriously
affect the ability of an offender sentenced pursuant to division
(G)(1), (2), or (3) of this section to continue the offender's
employment, the court may authorize that the offender be granted
work release after the offender has served the mandatory jail term
of three, ten, or thirty consecutive days that the court is
required by division (G)(1), (2), or (3) of this section to
impose. No court shall authorize work release during the mandatory

jail term of three, ten, or thirty consecutive days that the court 23236
is required by division (G)(1), (2), or (3) of this section to 23237
impose. The duration of the work release shall not exceed the time 23238
necessary each day for the offender to commute to and from the 23239
place of employment and the place in which the jail term is served 23240
and the time actually spent under employment. 23241

(5) Notwithstanding any section of the Revised Code that 23242
authorizes the suspension of the imposition or execution of a 23243
sentence or the placement of an offender in any treatment program 23244
in lieu of being imprisoned or serving a jail term, no court shall 23245
suspend the mandatory jail term of ten or thirty consecutive days 23246
required to be imposed by division (G)(2) or (3) of this section 23247
or place an offender who is sentenced pursuant to division (G)(2) 23248
or (3) of this section in any treatment program in lieu of being 23249
imprisoned or serving a jail term until after the offender has 23250
served the mandatory jail term of ten or thirty consecutive days 23251
required to be imposed pursuant to division (G)(2) or (3) of this 23252
section. Notwithstanding any section of the Revised Code that 23253
authorizes the suspension of the imposition or execution of a 23254
sentence or the placement of an offender in any treatment program 23255
in lieu of being imprisoned or serving a jail term, no court, 23256
except as specifically authorized by division (G)(1) of this 23257
section, shall suspend the mandatory jail term of three 23258
consecutive days required to be imposed by division (G)(1) of this 23259
section or place an offender who is sentenced pursuant to division 23260
(G)(1) of this section in any treatment program in lieu of 23261
imprisonment until after the offender has served the mandatory 23262
jail term of three consecutive days required to be imposed 23263
pursuant to division (G)(1) of this section. 23264

(6) As used in division (G) of this section: 23265

(a) "Equivalent offense" has the same meaning as in section 23266
4511.181 of the Revised Code. 23267

(b) "Jail term" and "mandatory jail term" have the same 23268
meanings as in section 2929.01 of the Revised Code. 23269

(H) Whoever violates section 1547.304 of the Revised Code is 23270
guilty of a misdemeanor of the fourth degree and also shall be 23271
assessed any costs incurred by the state or a county, township, 23272
municipal corporation, or other political subdivision in disposing 23273
of an abandoned junk vessel or outboard motor, less any money 23274
accruing to the state, county, township, municipal corporation, or 23275
other political subdivision from that disposal. 23276

(I) Whoever violates division (B) or (C) of section 1547.49 23277
of the Revised Code is guilty of a minor misdemeanor. 23278

(J) Whoever violates section 1547.31 of the Revised Code is 23279
guilty of a misdemeanor of the fourth degree on a first offense. 23280
On each subsequent offense, the person is guilty of a misdemeanor 23281
of the third degree. 23282

(K) Whoever violates section 1547.05 or 1547.051 of the 23283
Revised Code is guilty of a misdemeanor of the fourth degree if 23284
the violation is not related to a collision, injury to a person, 23285
or damage to property and a misdemeanor of the third degree if the 23286
violation is related to a collision, injury to a person, or damage 23287
to property. 23288

(L) The sentencing court, in addition to the penalty provided 23289
under this section for a violation of this chapter or a rule 23290
adopted under it that involves a powercraft powered by more than 23291
ten horsepower and that, in the opinion of the court, involves a 23292
threat to the safety of persons or property, shall order the 23293
offender to complete successfully a boating course approved by the 23294
national association of state boating law administrators before 23295
the offender is allowed to operate a powercraft powered by more 23296
than ten horsepower on the waters in this state. Violation of a 23297
court order entered under this division is punishable as contempt 23298

under Chapter 2705. of the Revised Code. 23299

Sec. 1548.10. (A) The clerk of the court of common pleas 23300
shall charge and retain fees as follows: 23301

(1) Fifteen dollars for each duplicate copy of a certificate 23302
of title. The clerk shall retain that entire fee. 23303

(2) Fifteen dollars for each certificate of title, which 23304
shall include any notation or indication of any lien or security 23305
interest on a certificate of title and any memorandum certificate 23306
of title or non-negotiable evidence of ownership requested at the 23307
time the certificate of title is issued. The clerk shall retain 23308
~~ten~~ twelve dollars and ~~fifty~~ twenty-five cents of that fee. 23309

(3) Five dollars for each certificate of title with no 23310
security interest noted that is issued to a licensed watercraft 23311
dealer for resale purposes. The clerk shall retain two dollars of 23312
that fee. 23313

(4) Five dollars for each memorandum certificate of title or 23314
non-negotiable evidence of ownership that is applied for 23315
separately. The clerk shall retain that entire fee. 23316

(B) The fees charged for a certificate of title and the 23317
notation or indication of any lien or security interest on a 23318
certificate of title that are not retained by the clerk shall be 23319
paid to the chief of the division of watercraft by monthly 23320
returns, which shall be forwarded to the chief not later than the 23321
fifth day of the month next succeeding that in which the 23322
certificate is forwarded, or that in which the chief is notified 23323
of a lien or security interest or cancellation of a lien or 23324
security interest. 23325

The chief shall deposit one dollar of the amount the chief 23326
receives for each certificate of title in the automated title 23327
processing fund created in section 4505.09 of the Revised Code. 23328

Moneys deposited in that fund under this section shall be used for 23329
the purpose specified in division (B)(3)(b) of that section. 23330

Sec. 1707.17. (A)(1) The license of every dealer in and 23331
salesperson of securities shall expire on the thirty-first day of 23332
December of each year, and may be renewed upon the filing with the 23333
division of securities of an application for renewal, and the 23334
payment of the fee prescribed in this section. The division shall 23335
give notice, without unreasonable delay, of its action on any 23336
application for renewal of a dealer's or salesperson's license. 23337

(2) The license of every investment adviser and investment 23338
adviser representative licensed under section 1707.141 or 1707.161 23339
of the Revised Code shall expire on the thirty-first day of 23340
December of each year. The licenses may be renewed upon the filing 23341
with the division of an application for renewal, and the payment 23342
of the fee prescribed in division (B) of this section. The 23343
division shall give notice, without unreasonable delay, of its 23344
action on any application for renewal. 23345

(3) An investment adviser required to make a notice filing 23346
under division (B) of section 1707.141 of the Revised Code 23347
annually shall file with the division the notice filing and the 23348
fee prescribed in division (B) of this section, no later than the 23349
thirty-first day of December of each year. 23350

(4) The license of every state retirement system investment 23351
officer licensed under section 1707.163 of the Revised Code and 23352
the license of a bureau of workers' compensation chief investment 23353
officer issued under section 1707.165 of the Revised Code shall 23354
expire on the thirtieth day of June of each year. The licenses may 23355
be renewed on the filing with the division of an application for 23356
renewal, and the payment of the fee prescribed in division (B) of 23357
this section. The division shall give notice, without unreasonable 23358
delay, of its action on any application for renewal. 23359

(B)(1) The fee for each dealer's license, and for each annual renewal thereof, shall be ~~one~~ two hundred dollars. 23360
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(2) The fee for each salesperson's license, and for each annual renewal thereof, shall be ~~fifty~~ sixty dollars. 23362
23363

(3) The fee for each investment adviser's license, and for each annual renewal thereof, shall be ~~fifty~~ one hundred dollars. 23364
23365

(4) The fee for each investment adviser notice filing required by division (B) of section 1707.141 of the Revised Code shall be ~~fifty~~ one hundred dollars. 23366
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23368

(5) The fee for each investment adviser representative's license, and for each annual renewal thereof, shall be ~~thirty-five~~ fifty dollars. 23369
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(6) The fee for each state retirement system investment officer's license, and for each annual renewal thereof, shall be fifty dollars. 23372
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(7) The fee for a bureau of workers' compensation chief investment officer's license, and for each annual renewal thereof, shall be fifty dollars. 23375
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(C) A dealer's, salesperson's, investment adviser's, investment adviser representative's, bureau of workers' compensation chief investment officer's, or state retirement system investment officer's license may be issued at any time for the remainder of the calendar year. In that event, the annual fee shall not be reduced. 23378
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Sec. 1707.18. (A)(1) If a partnership licensed as a dealer is terminated under the laws of the state where the partnership is organized, or by death, resignation, withdrawal, or addition of a general partner, the license of the partnership shall be automatically extended for a period of thirty days after the termination. The license of the partnership and the licenses of 23384
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its salespersons may be transferred to the successor partnership 23390
within that period if the division of securities finds that the 23391
successor partnership is substantially similar to its predecessor 23392
partnership, and if an application for transfer of license has 23393
been filed. The fee for such a transfer shall be fifty dollars, 23394
plus ~~ten~~ fifteen dollars for every salesperson's license that is 23395
transferred. 23396

(2) If a partnership licensed as an investment adviser is 23397
terminated under the laws of the state where the partnership is 23398
organized, or by death, resignation, withdrawal, or addition of a 23399
general partner, the license of the partnership shall be 23400
automatically extended for a period of thirty days after the 23401
termination. The license of the partnership shall, and the 23402
licenses of its investment adviser representatives may, be 23403
transferred to the successor partnership within that period if the 23404
division finds that the successor partnership is substantially 23405
similar to its predecessor partnership, and if an application for 23406
transfer of license has been filed. The fee for such transfer 23407
shall be fifty dollars, plus ~~ten~~ fifteen dollars for every 23408
investment adviser representative's license that is transferred. 23409

(B)(1) If a licensed dealer changes its business form, 23410
reincorporates, or by merger or otherwise becomes a different 23411
person, as person is defined in section 1707.01 of the Revised 23412
Code, upon application the division may transfer the dealer's 23413
license and the licenses of its salespersons to the successor 23414
entity, if the division finds that the successor entity is 23415
substantially similar to the predecessor entity. The fee for such 23416
a transfer shall be fifty dollars plus ~~ten~~ fifteen dollars for 23417
every salesperson's license transferred. 23418

(2) If a licensed investment adviser changes its business 23419
form, reincorporates, or by merger or otherwise becomes a 23420
different person, as person is defined in section 1707.01 of the 23421

Revised Code, upon application, the division may transfer the 23422
investment adviser license and the licenses of its investment 23423
adviser representatives to the successor entity, if the division 23424
finds that the successor entity is substantially similar to the 23425
predecessor entity. The fee for the transfer shall be fifty 23426
dollars plus ~~ten~~ fifteen dollars for every investment adviser 23427
representative's license transferred. 23428

Sec. 1707.37. (A) All fees and charges collected under 23429
~~Chapter 1707. of the Revised Code~~ this chapter shall be paid into 23430
the state treasury to the credit of the division of securities 23431
fund, which is hereby created. All expenses of the division of 23432
securities, other than those specified in division (B) of this 23433
section, shall be paid from the fund. 23434

The fund shall be assessed a proportionate share of the 23435
administrative costs of the department of commerce in accordance 23436
with procedures prescribed by the director of commerce and 23437
approved by the director of budget and management. The assessments 23438
shall be paid from the division of securities fund to the division 23439
of administration fund. 23440

If moneys in the division of securities fund are determined 23441
by the director of budget and management and the director of 23442
commerce to be in excess of those necessary to defray all the 23443
expenses in any fiscal year, the director of budget and management 23444
shall transfer the excess to the general revenue fund. 23445

(B) There is hereby created in the state treasury the 23446
division of securities investor education and enforcement expense 23447
fund, which shall consist of all money received in settlement of 23448
any violation of this chapter and any cash transfers. Money in the 23449
fund shall be used to pay expenses of the division of securities 23450
relating to education or enforcement for the protection of 23451
securities investors and the public. The division may adopt rules 23452

pursuant to section 1707.20 of the Revised Code that establish 23453
what qualifies as such an expense. 23454

If the director of budget and management and the director of 23455
commerce determine that money in the fund is in excess of one 23456
million dollars at the end of a fiscal year and that any amount of 23457
that excess is not needed to defray the qualifying expenses of the 23458
division, the director of budget and management may transfer that 23459
amount to the general revenue fund. 23460

Sec. 1710.01. As used in this chapter: 23461

(A) "Special improvement district" means a special 23462
improvement district organized under this chapter. 23463

(B) "Church" means a fellowship of believers, congregation, 23464
society, corporation, convention, or association that is formed 23465
primarily or exclusively for religious purposes and that is not 23466
formed for the private profit of any person. 23467

(C) "Church property" means property that is described as 23468
being exempt from taxation under division (A)(2) of section 23469
5709.07 of the Revised Code and that the county auditor has 23470
entered on the exempt list compiled under section 5713.07 of the 23471
Revised Code. 23472

(D) "Municipal executive" means the mayor, city manager, or 23473
other chief executive officer of the municipal corporation in 23474
which a special improvement district is located. 23475

(E) "Participating political subdivision" means the municipal 23476
corporation or township, or each of the municipal corporations or 23477
townships, that has territory within the boundaries of a special 23478
improvement district created under this chapter. 23479

(F) "Legislative authority of a participating political 23480
subdivision" means, with reference to a township, the board of 23481
township trustees. 23482

(G) "Public improvement" means the planning, design, 23483
construction, reconstruction, enlargement, or alteration of any 23484
facility or improvement, including the acquisition of land, for 23485
which a special assessment may be levied under Chapter 727. of the 23486
Revised Code. 23487

(H) "Public service" means any service that can be provided 23488
by a municipal corporation or any service for which a special 23489
assessment may be levied under Chapter 727. of the Revised Code. 23490

(I) "Existing qualified nonprofit corporation" means a 23491
nonprofit corporation that existed before the creation of the 23492
corresponding district under this chapter, that is composed of 23493
members located within or adjacent to the district, that has 23494
established a police department under section 1702.80 of the 23495
Revised Code, and that is organized for purposes that include 23496
acquisition of real property within an area specified by its 23497
articles for the subsequent transfer of such property to its 23498
members exclusively for charitable, scientific, literary, or 23499
educational purposes, or holding and maintaining and leasing such 23500
property; planning for and assisting in the development of its 23501
members; providing for the relief of the poor and distressed or 23502
underprivileged in the area and adjacent areas; combating 23503
community deterioration and lessening the burdens of government; 23504
providing or assisting others in providing housing for low- or 23505
moderate-income persons; and assisting its members by the 23506
provision of public safety and security services, parking 23507
facilities, transit service, landscaping, and parks. 23508

Sec. 1710.02. (A) A special improvement district may be 23509
created within the boundaries of any one municipal corporation, 23510
any one township, or any combination of contiguous municipal 23511
corporations and townships ~~by a petition of the property owners~~ 23512
~~within the proposed district,~~ for the purpose of developing and 23513

implementing plans for public improvements and public services 23514
that benefit the district. A district may be created by petition 23515
of the owners of real property within the proposed district, or by 23516
an existing qualified nonprofit corporation. If the district is 23517
created by an existing qualified nonprofit corporation, the 23518
purposes for which the district is created may be supplemental to 23519
the other purposes for which the corporation is organized. All 23520
territory in a district shall be contiguous. 23521

The district shall be governed by the board of trustees of a 23522
nonprofit corporation. This board shall be known as the board of 23523
directors of the special improvement district. No special 23524
improvement district shall include any church property, or 23525
property of the federal or state government or a county, township, 23526
or municipal corporation, unless the church or the county, 23527
township, or municipal corporation specifically requests in 23528
writing that the property be included within the district, or 23529
unless the church is a member of the existing qualified nonprofit 23530
corporation creating the district at the time the district is 23531
created. More than one district may be created within a 23532
participating political subdivision, but no real property may be 23533
included within more than one district unless the owner of the 23534
property files a written consent with the clerk of the legislative 23535
authority, the township fiscal officer, or the village clerk, as 23536
appropriate. The area of each district shall be contiguous. 23537

(B) Except as provided in division (C) of this section, a 23538
district created under this chapter is not a political 23539
subdivision. A district created under this chapter shall be 23540
considered a public agency under section 102.01 and a public 23541
authority under section 4115.03 of the Revised Code. Each member 23542
of the board of directors of a district, each member's designee or 23543
proxy, and each officer and employee of a district shall be 23544
considered a public official or employee under section 102.01 of 23545

the Revised Code and a public official and public servant under 23546
section 2921.42 of the Revised Code. Districts created under this 23547
chapter are not subject to section 121.24 of the Revised Code. 23548
Districts created under this chapter are subject to sections 23549
121.22 and 121.23 of the Revised Code. 23550

(C) Each district created under this chapter shall be 23551
considered a political subdivision for purposes of section 4905.34 23552
of the Revised Code. 23553

Membership on the board of directors of the district shall 23554
not be considered as holding a public office. Directors and their 23555
designees shall be entitled to the immunities provided by Chapter 23556
1702. and to the same immunity as an employee under division 23557
(A)(6) of section 2744.03 of the Revised Code, except that 23558
directors and their designees shall not be entitled to the 23559
indemnification provided in section 2744.07 of the Revised Code 23560
unless the director or designee is an employee or official of a 23561
participating political subdivision of the district and is acting 23562
within the scope of the director's or designee's employment or 23563
official responsibilities. 23564

District officers and district members and directors and 23565
their designees or proxies shall not be required to file a 23566
statement with the Ohio ethics commission under section 102.02 of 23567
the Revised Code. All records of the district shall be treated as 23568
public records under section 149.43 of the Revised Code, except 23569
that records of organizations contracting with a district shall 23570
not be considered to be public records under section 149.43 or 23571
section 149.431 of the Revised Code solely by reason of any 23572
contract with a district. 23573

(D) Except as otherwise provided in this section, the 23574
nonprofit corporation that governs a district shall be organized 23575
in the manner described in Chapter 1702. of the Revised Code. ~~The~~ 23576
Except in the case of a district created by an existing qualified 23577

nonprofit corporation, the corporation's articles of incorporation 23578
are required to be approved, as provided in division (E) of this 23579
section, by resolution of the legislative authority of each 23580
participating political subdivision of the district. A copy of 23581
that resolution shall be filed along with the articles of 23582
incorporation in the secretary of state's office. 23583

In addition to meeting the requirements for articles of 23584
incorporation set forth in Chapter 1702. of the Revised Code, the 23585
articles of incorporation for the nonprofit corporation governing 23586
a district formed under this chapter shall provide all the 23587
following: 23588

(1) The name for the district, which shall include the name 23589
of each participating political subdivision of the district; 23590

(2) A description of the territory within the district, which 23591
may be all or part of each participating political subdivision. 23592
The description shall be specific enough to enable real property 23593
owners to determine if their property is located within the 23594
district. 23595

(3) A description of the procedure by which the articles of 23596
incorporation may be amended. The procedure shall include 23597
receiving approval of the amendment, by resolution, from the 23598
legislative authority of each participating political subdivision 23599
and filing the approved amendment and resolution with the 23600
secretary of state. 23601

(4) The reasons for creating the district, plus an 23602
explanation of how the district will be conducive to the public 23603
health, safety, peace, convenience, and welfare of the district. 23604

(E) The articles of incorporation for a nonprofit corporation 23605
governing a district created under this chapter and amendments to 23606
them shall be submitted to the municipal executive, if any, and 23607
the legislative authority of each municipal corporation or 23608

township in which the proposed district is to be located, Except 23609
in the case of a district created by an existing qualified 23610
nonprofit corporation, the articles or amendments shall be 23611
accompanied by a petition signed either by the owners of at least 23612
sixty per cent of the front footage of all real property located 23613
in the proposed district that abuts upon any street, alley, public 23614
road, place, boulevard, parkway, park entrance, easement, or other 23615
existing public improvement within the proposed district, 23616
excluding church property or property owned by the state, county, 23617
township, municipal, or federal government, unless a church, 23618
county, township, or municipal corporation has specifically 23619
requested in writing that the property be included in the 23620
district, or by the owners of at least seventy-five per cent of 23621
the area of all real property located within the proposed 23622
district, excluding church property or property owned by the 23623
state, county, township, municipal, or federal government, unless 23624
a church, county, township, or municipal corporation has 23625
specifically requested in writing that the property be included in 23626
the district. For purposes of determining compliance with these 23627
requirements, the area of the district, or the front footage and 23628
ownership of property, shall be as shown in the most current 23629
records available at the county recorder's office and the county 23630
engineer's office sixty days prior to the date on which the 23631
petition is filed. 23632

Each municipal corporation or township with which the 23633
petition is filed has sixty days to approve or disapprove, by 23634
resolution, the petition, including the articles of incorporation. 23635
In the case of a district created by an existing qualified 23636
nonprofit corporation, each municipal corporation or township has 23637
sixty days to approve or disapprove the creation of the district 23638
after the corporation submits the articles of incorporation or 23639
amendments thereto. This chapter does not prohibit or restrict the 23640
rights of municipal corporations under Article XVIII of the Ohio 23641

Constitution or the right of the municipal legislative authority 23642
to impose reasonable conditions in a resolution of approval. 23643

(F) Persons proposing creation and operation of the district 23644
may propose an initial plan for public services or public 23645
improvements that benefit all or any part of the district. Any 23646
initial plan shall be submitted as part of the petition proposing 23647
creation of the district or, in the case of a district created by 23648
an existing qualified nonprofit corporation, shall be submitted 23649
with the articles of incorporation or amendments thereto. 23650

An initial plan may include provisions for the following: 23651

(1) Creation and operation of the district and of the 23652
nonprofit corporation to govern the district under this chapter; 23653

(2) Hiring employees and professional services; 23654

(3) Contracting for insurance; 23655

(4) Purchasing or leasing office space and office equipment; 23656

(5) Other actions necessary initially to form, operate, or 23657
organize the district and the nonprofit corporation to govern the 23658
district; 23659

(6) A plan for public improvements or public services that 23660
benefit all or part of the district, which plan shall comply with 23661
the requirements of division (A) of section 1710.06 of the Revised 23662
Code and may include, but is not limited to, any of the permissive 23663
provisions described in the fourth sentence of that division or 23664
listed in divisions (A)(1) to (5) of that section. 23665

After the initial plan is approved by all municipal 23666
corporations and townships to which it is submitted for approval 23667
and the district is created, each participating subdivision shall 23668
levy a special assessment within its boundaries to pay for the 23669
costs of the initial plan. The levy shall be for no more than ten 23670
years from the date of the approval of the initial plan. For 23671

purposes of levying an assessment for this initial plan, the 23672
services or improvements included in the initial plan shall be 23673
deemed a special benefit to property owners within the district. 23674

(G) Each nonprofit corporation governing a district under 23675
this chapter may do the following: 23676

(1) Exercise all powers of nonprofit corporations granted 23677
under Chapter 1702. of the Revised Code that do not conflict with 23678
this chapter; 23679

(2) Develop, adopt, revise, implement, and repeal plans for 23680
public improvements and public services for all or any part of the 23681
district; 23682

(3) Contract with any person, political subdivision as 23683
defined in section 2744.01 of the Revised Code, or state agency as 23684
defined in section 1.60 of the Revised Code to develop and 23685
implement plans for public improvements or public services within 23686
the district; 23687

(4) Contract and pay for insurance for the district and for 23688
directors, officers, agents, contractors, employees, or members of 23689
the district for any consequences of the implementation of any 23690
plan adopted by the district or any actions of the district. 23691

Sec. 1710.03. (A) ~~Each owner, other than a church or the~~ 23692
~~state, county, township, municipal, or federal government, unless~~ 23693
~~a church or county, township, or municipal corporation has~~ 23694
~~specifically requested in writing that the property be included in~~ 23695
~~the district, Except as otherwise provided in this division, each~~ 23696
owner of real property within a special improvement district other 23697
than the state or federal government is a member of the district, 23698
and the real property of each member of the district is subject to 23699
special assessment under division (C) of section 1710.06 of the 23700
Revised Code. The A church is not a member of the district unless 23701

the church specifically requested in writing that its property be 23702
included in the district or unless, in the case of a district 23703
created by an existing qualified nonprofit corporation, the church 23704
is a member of the corporation at the time the district is 23705
created. A county, township, or municipal corporation owning real 23706
property in the district is not a member of the district unless 23707
such entity specifically requested in writing that its property be 23708
included in the district. 23709

The identity and address of the owners shall be determined 23710
for any particular action of the nonprofit corporation that 23711
governs the district, including notice of meetings of the 23712
district, no more than sixty days prior to the date of the action, 23713
from the most current records available at the county auditor's 23714
office. For purposes of this chapter, the persons shown on such 23715
records as having common or joint ownership interests in a parcel 23716
of real property collectively shall constitute the owner of the 23717
real property. 23718

(B) A member may file a written statement with the district's 23719
secretary at least three days prior to any meeting of the entire 23720
membership of the district to appoint a proxy to carry out the 23721
member's rights and responsibilities under this chapter at that 23722
meeting. 23723

(C) A member also may appoint a designee to carry out the 23724
member's rights and responsibilities under this chapter by filing 23725
a written designation form with the district's secretary. This 23726
form shall include the name and address of the member, the name 23727
and address of the designee, and the expiration date, if any, of 23728
the designation and may authorize the designee to vote at any 23729
meeting of the district. 23730

(D) A proxy or designee need not be an elector or resident of 23731
any participating political subdivision of the district or a 23732
member of the district. The appointment of a proxy or a designee 23733

may be changed by filing a new form with the district's secretary. 23734
The most current form filed with the secretary is the valid 23735
appointment. Service of any notice upon a proxy or designee at the 23736
proxy's or designee's address as shown on that form satisfies any 23737
requirements for notification of the member. 23738

Sec. 1710.04. (A) A special improvement district created 23739
under this chapter shall be governed by the board of directors of 23740
the special improvement district. The board shall consist of at 23741
least five directors. The board shall include a person appointed 23742
by the legislative authority of each participating political 23743
subdivision and the municipal executive of each municipal 23744
corporation with territory within the boundaries of the special 23745
improvement district. The remainder of the board's members shall 23746
be members of the district. Except for the municipal executives 23747
and the appointees of the legislative authorities, and except as 23748
otherwise provided in this division, members of the board of 23749
directors shall be elected at a meeting of the entire membership 23750
of the district. The initial election of directors may occur at 23751
the first meeting of the entire membership of the district after 23752
its creation. All subsequent elections shall be held at a November 23753
meeting of the membership. 23754

Each municipal executive may designate one person who is an 23755
employee of the municipal corporation involved with its planning 23756
or economic development functions to serve in the municipal 23757
executive's stead. This designee shall serve at the pleasure of 23758
the municipal executive. 23759

In the case of a district created by an existing qualified 23760
nonprofit corporation, the corporation's board of trustees or 23761
other governing board, however denominated, shall be the board of 23762
directors of the special improvement district for the purposes of 23763
this chapter. The election of directors otherwise required by this 23764

division shall not be required, and the requirement that municipal 23765
executives and appointees of the legislative authorities be 23766
members of the district's board of directors may be satisfied by 23767
the membership on the corporation's governing board of 23768
representatives of such participating political subdivisions, or 23769
may be waived if approved by resolution of the legislative 23770
authorities of the participating political subdivisions. 23771

(B) A director may file a written statement with the 23772
district's secretary at least three days prior to any meeting of 23773
the board to have a person act as proxy to carry out the 23774
director's rights and responsibilities under this chapter at that 23775
meeting. 23776

A director may also appoint a designee to carry out the 23777
director's rights and responsibilities under this chapter by 23778
filing a written designation form with the district's secretary. 23779
This form shall include the name and address of the director, the 23780
name and address of the designee, and the expiration date, if any, 23781
of the designation. 23782

A proxy or designee need not be an elector or resident of a 23783
participating political subdivision of the district or a member of 23784
the district. The appointment of a proxy or designee may be 23785
changed by filing a new form with the district's secretary. The 23786
most current form filed with the secretary is the valid 23787
appointment. Service of any notice upon a proxy or designee at the 23788
proxy's or designee's address as shown on that form satisfies any 23789
requirements for notification of the director. 23790

(C) Notice of the time, date, place, and agenda for any 23791
meeting of the board of directors shall be by written notice to 23792
each director, transmitted by certified mail, personal service, or 23793
electronic device prior to the meeting. If possible, the notice 23794
shall be served at least one week prior to the meeting. 23795

The board shall act by a majority vote of those present and 23796
authorized to vote at any meeting where proper notice has been 23797
served. 23798

(D) The board shall elect a chairperson, vice-chairperson, 23799
secretary, and treasurer of the board. These officers shall serve 23800
at the board's pleasure. A director may be elected to more than 23801
one office, except that the director elected as treasurer shall 23802
not be elected to any other office of the board. 23803

By the first day of March of each year, the treasurer shall 23804
submit to each member of the district and to the municipal 23805
executive, chief fiscal officer, and legislative authority of each 23806
municipal corporation with territory within the boundaries of the 23807
special improvement district and the board of township trustees of 23808
each township with territory within the boundaries of the special 23809
improvement district, a report of the district's activities and 23810
financial condition for the previous year. 23811

(E) Divisions (B), (C), and (D) of this section do not apply 23812
to a district created by an existing qualified nonprofit 23813
corporation to the extent those divisions are not consistent with 23814
the regulations of the corporation, in which case the regulations 23815
of the corporation shall govern. 23816

Sec. 1710.06. (A) The board of directors of a special 23817
improvement district may develop and adopt one or more written 23818
plans for public improvements or public services that benefit all 23819
or any part of the district. Each plan shall set forth the 23820
specific public improvements or public services that are to be 23821
provided, identify the area in which they will be provided, and 23822
specify the method of assessment to be used. Each plan for public 23823
improvements or public services shall indicate the period of time 23824
the assessments are to be levied for the improvements and services 23825
and, if public services are included in the plan, the period of 23826

time the services are to remain in effect. Plans for public 23827
improvements may include the planning, design, construction, 23828
reconstruction, enlargement, or alteration of any public 23829
improvements and the acquisition of land for the improvements. 23830
Plans for public improvements or public services may also include, 23831
but are not limited to, provisions for the following: 23832

(1) Creating and operating the district and the nonprofit 23833
corporation under this chapter, including hiring employees and 23834
professional services, contracting for insurance, and purchasing 23835
or leasing office space and office equipment and other 23836
requirements of the district; 23837

(2) Planning, designing, and implementing a public 23838
improvements or public services plan, including hiring 23839
architectural, engineering, legal, appraisal, insurance, and 23840
planning services, and, for public services, managing, protecting, 23841
and maintaining public and private facilities, including public 23842
improvements; 23843

(3) Conducting court proceedings to carry out this chapter; 23844

(4) Paying damages resulting from the provision of public 23845
improvements or public services and implementing the plans; 23846

(5) Paying the costs of issuing, paying interest on, and 23847
redeeming notes and bonds issued for funding public improvements 23848
and public services plans. 23849

(B) Once the board of directors adopts a plan, it shall 23850
submit the plan to the legislative authority of each participating 23851
political subdivision and the municipal executive of each 23852
municipal corporation in which the district is located, if any. 23853
The legislative authorities and municipal executives shall review 23854
the plan and, within sixty days after receiving it, may submit 23855
their comments and recommendations about it to the district. After 23856
reviewing these comments and recommendations, the board of 23857

directors may amend the plan. It may then submit the plan, amended 23858
or otherwise, in the form of a petition to members of the district 23859
whose property may be assessed for the plan. Once the petition is 23860
signed by those members who own at least sixty per cent of the 23861
front footage of property that is to be assessed and that abuts 23862
upon a street, alley, public road, place, boulevard, parkway, park 23863
entrance, easement, or other public improvement, or those members 23864
who own at least seventy-five per cent of the area to be assessed 23865
for the improvement or service, the petition may be submitted to 23866
each legislative authority for approval. 23867

Each legislative authority shall, by resolution, approve or 23868
reject the petition within sixty days after receiving it. If the 23869
petition is approved by the legislative authority of each 23870
participating political subdivision, the plan contained in the 23871
petition shall be effective at the earliest date on which a 23872
nonemergency resolution of the legislative authority with the 23873
latest effective date may become effective. A plan may not be 23874
resubmitted to the legislative authorities and municipal 23875
executives more than three times in any twelve-month period. 23876

(C) Each participating political subdivision shall levy, by 23877
special assessment upon specially benefited property located 23878
within the district, the costs of any public improvements or 23879
public services plan contained in a petition approved by the 23880
participating political subdivisions under this section or 23881
division (F) of section 1710.02 of the Revised Code. The levy 23882
shall be made in accordance with the procedures set forth in 23883
Chapter 727. of the Revised Code, except that: 23884

(1) The assessment for each improvements or services plan may 23885
be levied by any one or any combination of the methods of 23886
assessment listed in section 727.01 of the Revised Code, provided 23887
that the assessment is uniformly applied. 23888

(2) For the purpose of levying an assessment, the board of 23889

directors may combine one or more improvements or services plans 23890
or parts of plans and levy a single assessment against specially 23891
benefited property. 23892

(3) For purposes of special assessments levied by a township 23893
pursuant to this chapter, references in Chapter 727. of the 23894
Revised Code to the municipal corporation shall be deemed to refer 23895
to the township, and references to the legislative authority of 23896
the municipal corporation shall be deemed to refer to the board of 23897
township trustees. 23898

Church property or property owned by a political subdivision, 23899
including any participating political subdivision in which a 23900
special improvement district is located, shall be included in and 23901
be subject to special assessments made pursuant to a plan adopted 23902
under this section or division (F) of section 1710.02 of the 23903
Revised Code, if the church or political subdivision has 23904
specifically requested in writing that its property be included 23905
within the special improvement district and the church or 23906
political subdivision is a member of the district or, in the case 23907
of a district created by an existing qualified nonprofit 23908
corporation, if the church is a member of the corporation. 23909

(D) All rights and privileges of property owners who are 23910
assessed under Chapter 727. of the Revised Code shall be granted 23911
to property owners assessed under this chapter, including those 23912
rights and privileges specified in sections 727.15 to 727.17 and 23913
727.18 to 727.22 of the Revised Code and the right to notice of 23914
the resolution of necessity and the filing of the estimated 23915
assessment under section 727.13 of the Revised Code. Property 23916
owners assessed for public services under this chapter shall have 23917
the same rights and privileges as property owners assessed for 23918
public improvements under this chapter. 23919

Sec. 1710.10. (A) When a participating political subdivision 23920

contracts to provide improvements or services to a special 23921
improvement district, the participating political subdivision 23922
shall charge only its additional cost of providing the improvement 23923
or service, without any allocation of overhead costs, fixed costs, 23924
or assignment of costs at rates higher than those at which the 23925
participating political subdivision assigns costs for similar 23926
improvements or services for political subdivision purposes. 23927

(B) ~~Any~~ Except in the case of a district created by an 23928
existing qualified nonprofit corporation, any law enforcement or 23929
fire protection service to be provided under a district's public 23930
service plan shall be provided only by contract with a 23931
participating political subdivision of the district. ~~The~~ In the 23932
case of a district created by an existing qualified nonprofit 23933
corporation, the corporation may provide law enforcement service 23934
as provided under section 1702.80 of the Revised Code. 23935

The district shall reimburse the participating political 23936
subdivision for any additional cost incurred in providing that law 23937
enforcement or fire protection service. This additional cost shall 23938
not include any overhead, fixed costs, or assignment of costs at 23939
rates higher than those at which the political subdivision assigns 23940
costs for these services for political subdivision purposes. 23941

23942
(C) Any liability for providing fire or police services under 23943
this section by a participating political subdivision shall remain 23944
with the participating political subdivision and shall not be 23945
assumed by the district. 23946

Sec. 1710.13. ~~The~~ This section does not apply to a special 23947
improvement district created by an existing qualified nonprofit 23948
corporation. 23949

The process for dissolving a special improvement district or 23950
repealing an improvements or services plan may be initiated by a 23951

petition signed by members of the district who own at least twenty 23952
per cent of the appraised value of the real property located in 23953
the district, excluding church property or real property owned by 23954
the federal government, the state, or a county, township, or 23955
municipal corporation, unless the church, county, township, or 23956
municipal corporation has specifically requested in writing that 23957
the property be included in the district, and filed with the 23958
municipal executive, if any, and the legislative authorities of 23959
all the participating political subdivisions of the district. As 23960
used in this section, "appraised value" means the taxable value 23961
established by the county auditor for purposes of real estate 23962
taxation. 23963

No later than forty-five days after such a petition is filed, 23964
the members of the district shall meet to consider it. Notice of 23965
the meeting shall be given as provided in section 1710.05 of the 23966
Revised Code. Upon the affirmative vote of members who 23967
collectively own more than fifty per cent of the appraised value 23968
of the real property in the district that may be subject to 23969
assessment under division (C) of section 1710.06 of the Revised 23970
Code, the district shall be dissolved, or the plan shall be 23971
repealed, as applicable. 23972

No rights or obligations of any person under any contract, or 23973
in relation to any bonds, notes, or assessments made under this 23974
chapter, shall be affected by the dissolution of the district or 23975
the repeal of a plan, except with the consent of that person or by 23976
order of a court with jurisdiction over the matter. Upon 23977
dissolution of a district, any assets or rights of the district, 23978
after payment of all bonds, notes, or other obligations of the 23979
district, shall be deposited in a special account in the treasury 23980
of each participating political subdivision, prorated among all 23981
participating political subdivisions to reflect the percentage of 23982
the district's territory within that political subdivision, to be 23983

used for the benefit of the territory that made up the district. 23984

Once the members have approved the repeal of a plan, all 23985
bonds, notes, and other obligations of the district associated 23986
with the plan shall be paid. Thereafter, the plan shall be 23987
repealed. Upon receipt of proof that all bonds, notes, and other 23988
obligations have been paid and that the plan has been repealed, 23989
the participating political subdivisions shall terminate any 23990
levies imposed to pay for costs of the plan. 23991

Sec. 1739.05. (A) A multiple employer welfare arrangement 23992
that is created pursuant to sections 1739.01 to 1739.22 of the 23993
Revised Code and that operates a group self-insurance program may 23994
be established only if any of the following applies: 23995

(1) The arrangement has and maintains a minimum enrollment of 23996
three hundred employees of two or more employers. 23997

(2) The arrangement has and maintains a minimum enrollment of 23998
three hundred self-employed individuals. 23999

(3) The arrangement has and maintains a minimum enrollment of 24000
three hundred employees or self-employed individuals in any 24001
combination of divisions (A)(1) and (2) of this section. 24002

(B) A multiple employer welfare arrangement that is created 24003
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 24004
that operates a group self-insurance program shall comply with all 24005
laws applicable to self-funded programs in this state, including 24006
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 24007
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 24008
3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 24009
3923.80, 3924.031, 3924.032, and 3924.27 of the Revised Code. 24010

(C) A multiple employer welfare arrangement created pursuant 24011
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 24012
enrollments only through agents or solicitors licensed pursuant to 24013

Chapter 3905. of the Revised Code to sell or solicit sickness and 24014
accident insurance. 24015

(D) A multiple employer welfare arrangement created pursuant 24016
to sections 1739.01 to 1739.22 of the Revised Code shall provide 24017
benefits only to individuals who are members, employees of 24018
members, or the dependents of members or employees, or are 24019
eligible for continuation of coverage under section 1751.53 or 24020
3923.38 of the Revised Code or under Title X of the "Consolidated 24021
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 24022
U.S.C.A. 1161, as amended. 24023

Sec. 1751.03. (A) Each application for a certificate of 24024
authority under this chapter shall be verified by an officer or 24025
authorized representative of the applicant, shall be in a format 24026
prescribed by the superintendent of insurance, and shall set forth 24027
or be accompanied by the following: 24028

(1) A certified copy of the applicant's articles of 24029
incorporation and all amendments to the articles of incorporation; 24030

(2) A copy of any regulations adopted for the government of 24031
the corporation, any bylaws, and any similar documents, and a copy 24032
of all amendments to these regulations, bylaws, and documents. The 24033
corporate secretary shall certify that these regulations, bylaws, 24034
documents, and amendments have been properly adopted or approved. 24035

(3) A list of the names, addresses, and official positions of 24036
the persons responsible for the conduct of the applicant, 24037
including all members of the board, the principal officers, and 24038
the person responsible for completing or filing financial 24039
statements with the department of insurance, accompanied by a 24040
completed original biographical affidavit and release of 24041
information for each of these persons on forms acceptable to the 24042
department; 24043

(4) A full and complete disclosure of the extent and nature	24044
of any contractual or other financial arrangement between the	24045
applicant and any provider or a person listed in division (A)(3)	24046
of this section, including, but not limited to, a full and	24047
complete disclosure of the financial interest held by any such	24048
provider or person in any health care facility, provider, or	24049
insurer that has entered into a financial relationship with the	24050
health insuring corporation;	24051
(5) A description of the applicant, its facilities, and its	24052
personnel, including, but not limited to, the location, hours of	24053
operation, and telephone numbers of all contracted facilities;	24054
(6) The applicant's projected annual enrollee population over	24055
a three-year period;	24056
(7) A clear and specific description of the health care plan	24057
or plans to be used by the applicant, including a description of	24058
the proposed providers, procedures for accessing care, and the	24059
form of all proposed and existing contracts relating to the	24060
administration, delivery, or financing of health care services;	24061
(8) A copy of each type of evidence of coverage and	24062
identification card or similar document to be issued to	24063
subscribers;	24064
(9) A copy of each type of individual or group policy,	24065
contract, or agreement to be used;	24066
(10) The schedule of the proposed contractual periodic	24067
prepayments or premium rates, or both, accompanied by appropriate	24068
supporting data;	24069
(11) A financial plan which provides a three-year projection	24070
of operating results, including the projected expenses, income,	24071
and sources of working capital;	24072
(12) The enrollee complaint procedure to be utilized as	24073

required under section 1751.19 of the Revised Code; 24074

(13) A description of the procedures and programs to be 24075
implemented on an ongoing basis to assure the quality of health 24076
care services delivered to enrollees, including, if applicable, a 24077
description of a quality assurance program complying with the 24078
requirements of sections 1751.73 to 1751.75 of the Revised Code; 24079

(14) A statement describing the geographic area or areas to 24080
be served, by county; 24081

(15) A copy of all solicitation documents; 24082

(16) A balance sheet and other financial statements showing 24083
the applicant's assets, liabilities, income, and other sources of 24084
financial support; 24085

(17) A description of the nature and extent of any 24086
reinsurance program to be implemented, and a demonstration that 24087
errors and omission insurance and, if appropriate, fidelity 24088
insurance, will be in place upon the applicant's receipt of a 24089
certificate of authority; 24090

(18) Copies of all proposed or in force related-party or 24091
intercompany agreements with an explanation of the financial 24092
impact of these agreements on the applicant. If the applicant 24093
intends to enter into a contract for managerial or administrative 24094
services, with either an affiliated or an unaffiliated person, the 24095
applicant shall provide a copy of the contract and a detailed 24096
description of the person to provide these services. The 24097
description shall include that person's experience in managing or 24098
administering health care plans, a copy of that person's most 24099
recent audited financial statement, and a completed biographical 24100
affidavit on a form acceptable to the superintendent for each of 24101
that person's principal officers and board members and for any 24102
additional employee to be directly involved in providing 24103
managerial or administrative services to the health insuring 24104

corporation. If the person to provide managerial or administrative 24105
services is affiliated with the health insuring corporation, the 24106
contract must provide for payment for services based on actual 24107
costs. 24108

(19) A statement from the applicant's board that the admitted 24109
assets of the applicant have not been and will not be pledged or 24110
hypothecated; 24111

(20) A statement from the applicant's board that the 24112
applicant will submit monthly financial statements during the 24113
first year of operations; 24114

(21) The name and address of the applicant's Ohio statutory 24115
agent for service of process, notice, or demand; 24116

(22) Copies of all documents the applicant filed with the 24117
secretary of state; 24118

(23) The location of those books and records of the applicant 24119
that must be maintained, which books and records shall be 24120
maintained in Ohio if the applicant is a domestic corporation, and 24121
which may be maintained either in the applicant's state of 24122
domicile or in Ohio if the applicant is a foreign corporation; 24123

(24) The applicant's federal identification number, corporate 24124
address, and mailing address; 24125

(25) An internal and external organizational chart; 24126

(26) A list of the assets representing the initial net worth 24127
of the applicant; 24128

(27) If the applicant has a parent company, the parent 24129
company's guaranty, on a form acceptable to the superintendent, 24130
that the applicant will maintain Ohio's minimum net worth. If no 24131
parent company exists, a statement regarding the availability of 24132
future funds if needed. 24133

(28) The names and addresses of the applicant's actuary and 24134

external auditors;	24135
(29) If the applicant is a foreign corporation, a copy of the most recent financial statements filed with the insurance regulatory agency in the applicant's state of domicile;	24136 24137 24138
(30) If the applicant is a foreign corporation, a statement from the insurance regulatory agency of the applicant's state of domicile stating that the regulatory agency has no objection to the applicant applying for an Ohio license and that the applicant is in good standing in the applicant's state of domicile;	24139 24140 24141 24142 24143
(31) Any other information that the superintendent may require;	24144 24145
(32) Documentation acceptable to the superintendent of the bond or securities required by section 1751.271 of the Revised Code.	24146 24147 24148
(B)(1) A health insuring corporation, unless otherwise provided for in this chapter or in section 3901.321 of the Revised Code, shall file a timely notice with the superintendent describing any change to the corporation's articles of incorporation or regulations, or any major modification to its operations as set out in the information required by division (A) of this section that affects any of the following:	24149 24150 24151 24152 24153 24154 24155
(a) The solvency of the health insuring corporation;	24156
(b) The health insuring corporation's continued provision of services that it has contracted to provide;	24157 24158
(c) The manner in which the health insuring corporation conducts its business.	24159 24160
(2) If the change or modification is to be the result of an action to be taken by the health insuring corporation, the notice shall be filed with the superintendent prior to the health insuring corporation taking the action. The action shall be deemed	24161 24162 24163 24164

approved if the superintendent does not disapprove it within sixty 24165
days of filing. 24166

(3) The filing of a notice pursuant to division (B)(1) or (2) 24167
of this section shall also serve as the submission of a notice 24168
when required for the superintendent's review for purposes of 24169
section 3901.341 of the Revised Code, if the notice contains all 24170
of the information that section 3901.341 of the Revised Code 24171
requires for such submissions and a copy of any written agreement. 24172
The filing of such a notice, for the purpose of satisfying this 24173
division and section 3901.341 of the Revised Code, shall be 24174
subject to the sixty-day review period of division (B)(2) of this 24175
section. 24176

(C)(1) No health insuring corporation shall expand its 24177
approved service area until a copy of the request for expansion, 24178
accompanied by documentation of the network of providers, forms of 24179
all proposed or existing provider contracts relating to the 24180
delivery of health care services, a schedule of proposed 24181
contractual periodic prepayments and premium rates for group 24182
contracts accompanied by appropriate supporting data, enrollment 24183
projections, plan of operation, and any other changes have been 24184
filed with the superintendent. 24185

~~(2) Within ten calendar days after receipt of a complete 24186
filing under division (C)(1) of this section, the superintendent 24187
shall refer the appropriate jurisdictional issues to the director 24188
of health if required pursuant to section 1751.04 of the Revised 24189
Code. 24190~~

~~(3) Within seventy-five days after the superintendent's 24191
receipt of a complete filing under division (C)(1) of this 24192
section, the superintendent shall determine whether the plan for 24193
expansion is lawful, fair, and reasonable. If a referral is 24194
required pursuant to section 1751.04 of the Revised Code, the 24195
superintendent may not make a determination until the 24196~~

~~superintendent has received the director's certification of 24197
compliance, which the director shall furnish within forty five 24198
days after the referral under division (C)(2) of this section. The 24199
director shall not certify that the requirements of section 24200
1751.04 of the Revised Code are not met, unless the applicant has 24201
been given an opportunity for a hearing as provided in division 24202
(D) of section 1751.04 of the Revised Code. The forty five day and 24203
seventy five day review periods provided for in division (C)(3) of 24204
this section shall cease to run as of the date on which the notice 24205
of the applicant's right to request a hearing is mailed and shall 24206
remain suspended until the director issues a final certification. 24207~~

~~(4) If the superintendent has not approved or disapproved all 24208
or a portion of a service area expansion within the 24209
seventy-five-day period provided for in division (C)(3) of this 24210
section, the filing shall be deemed approved. 24211~~

~~(5)(3) Disapproval of all or a portion of the filing shall be 24212
effected by written notice, which shall state the grounds for the 24213
order of disapproval and shall be given in accordance with Chapter 24214
119. of the Revised Code. 24215~~

Sec. 1751.04. (A) Except as provided by division ~~(F)~~(D) of 24216
this section, upon the receipt by the superintendent of insurance 24217
of a complete application for a certificate of authority to 24218
establish or operate a health insuring corporation, which 24219
application sets forth or is accompanied by the information and 24220
documents required by division (A) of section 1751.03 of the 24221
Revised Code, the superintendent shall ~~transmit copies of the 24222
application and accompanying documents to the director of health. 24223~~

~~(B) The director shall review the application and 24224
accompanying documents and make findings as to whether the 24225
applicant for a certificate of authority has done all of the 24226
following with respect to any basic health care services and 24227~~

supplemental health care services to be furnished: 24228

(1) Demonstrated the willingness and potential ability to 24229
ensure that all basic health care services and supplemental health 24230
care services described in the evidence of coverage will be 24231
provided to all its enrollees as promptly as is appropriate and in 24232
a manner that assures continuity; 24233

(2) Made effective arrangements to ensure that its enrollees 24234
have reliable access to qualified providers in those specialties 24235
that are generally available in the geographic area or areas to be 24236
served by the applicant and that are necessary to provide all 24237
basic health care services and supplemental health care services 24238
described in the evidence of coverage; 24239

(3) Made appropriate arrangements for the availability of 24240
short-term health care services in emergencies within the 24241
geographic area or areas to be served by the applicant, 24242
twenty-four hours per day, seven days per week, and for the 24243
provision of adequate coverage whenever an out-of-area emergency 24244
arises; 24245

(4) Made appropriate arrangements for an ongoing evaluation 24246
and assurance of the quality of health care services provided to 24247
enrollees, including, if applicable, the development of a quality 24248
assurance program complying with the requirements of sections 24249
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 24250
personnel, facilities, and equipment by or through which the 24251
services are rendered; 24252

(5) Developed a procedure to gather and report statistics 24253
relating to the cost and effectiveness of its operations, the 24254
pattern of utilization of its services, and the quality, 24255
availability, and accessibility of its services. 24256

~~(C) Within ninety days of the director's receipt of (B) Based~~ 24257
upon the information provided in the application for issuance of a 24258

certificate of authority, the ~~director shall certify to the~~ 24259
superintendent shall determine whether or not the applicant meets 24260
the requirements of division ~~(B)~~(A) of this section ~~and sections~~ 24261
~~3702.51 to 3702.62 of the Revised Code.~~ If the ~~director certifies~~ 24262
superintendent determines that the applicant does not meet these 24263
requirements, the ~~director~~ superintendent shall specify in what 24264
respects it is deficient. However, the ~~director~~ superintendent 24265
shall not ~~certify that~~ deny an application because the 24266
requirements of this section are not met unless the applicant has 24267
been given an opportunity for a hearing on that issue. 24268

~~(D)~~(C) If the applicant requests a hearing, the ~~director~~ 24269
superintendent shall hold a hearing before ~~certifying that~~ denying 24270
an application because the applicant does not meet the 24271
requirements of this section. The hearing shall be held in 24272
accordance with Chapter 119. of the Revised Code. 24273

~~(E)~~ The ninety day review period provided for under division 24274
~~(C)~~ of this section shall cease to run as of the date on which the 24275
notice of the applicant's right to request a hearing is mailed and 24276
shall remain suspended until the director issues a final 24277
certification order. 24278

~~(F)~~(D) Nothing in this section requires the ~~director~~ 24279
superintendent to review or make findings with regard to an 24280
application and accompanying documents to establish or operate any 24281
of the following: 24282

(1) A health insuring corporation to cover solely medicaid 24283
recipients; 24284

(2) A health insuring corporation to cover solely medicare 24285
beneficiaries; 24286

(3) A health insuring corporation to cover solely medicaid 24287
recipients and medicare beneficiaries; 24288

(4) A health insuring corporation to cover solely 24289

participants of the children's buy-in program;	24290
(5) A health insuring corporation to cover solely medicaid recipients and participants of the children's buy-in program;	24291 24292
(6) A health insuring corporation to cover solely medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program.	24293 24294 24295
Sec. 1751.05. (A) The superintendent of insurance shall issue or deny a certificate of authority to health insuring corporations within the deadlines specified as follows:	24296 24297 24298
(1) For a health insuring corporation filing an application pursuant to section 1751.03 of the Revised Code, forty five days from the superintendent's receipt of the certification from the director of health under division (C) of section 1751.04 of the Revised Code;	24299 24300 24301 24302 24303
(2) One <u>one</u> hundred thirty-five days from the superintendent's receipt of a complete application and accompanying documents if the health insuring corporation is to cover solely the following:	24304 24305 24306 24307
(a) Medicaid recipients;	24308
(b) Medicare beneficiaries;	24309
(c) Medicaid recipients and medicare beneficiaries;	24310
(d) Participants of the children's buy-in program;	24311
(e) Medicaid recipients and participants of the children's buy-in program;	24312 24313
(f) Medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program.	24314 24315
(B) A certificate of authority shall be issued upon payment of the application fee prescribed in section 1751.44 of the Revised Code if the superintendent is satisfied that the following	24316 24317 24318

conditions are met: 24319

(1) The persons responsible for the conduct of the affairs of 24320
the applicant are competent, trustworthy, and possess good 24321
reputations. 24322

(2) The ~~director certifies~~ superintendent determines, in 24323
accordance with division ~~(C)~~(B) of section 1751.04 of the Revised 24324
Code, that the organization's proposed plan of operation meets the 24325
requirements of division ~~(B)~~(A) of that section and ~~sections~~ 24326
~~3702.51 to 3702.62~~ of the Revised Code. If, after the director has 24327
~~certified compliance, the application is amended in a manner that~~ 24328
~~affects its approval under section 1751.04 of the Revised Code,~~ 24329
~~the superintendent shall request the director to review and~~ 24330
~~recertify the amended plan of operation. Within forty five days of~~ 24331
~~receipt of the amended plan from the superintendent, the director~~ 24332
~~shall certify to the superintendent, pursuant to section 1751.04~~ 24333
~~of the Revised Code, whether or not the amended plan meets the~~ 24334
~~requirements of section 1751.04 of the Revised Code. The~~ 24335
~~superintendent's forty five day review period shall cease to run~~ 24336
~~as of the date on which the amended plan is transmitted to the~~ 24337
~~director and shall remain suspended until the superintendent~~ 24338
~~receives a new certification from the director.~~ 24339

(3) The applicant constitutes an appropriate mechanism to 24340
effectively provide or arrange for the provision of the basic 24341
health care services, supplemental health care services, or 24342
specialty health care services to be provided to enrollees. 24343

(4) The applicant is financially responsible, complies with 24344
section 1751.28 of the Revised Code, and may reasonably be 24345
expected to meet its obligations to enrollees and prospective 24346
enrollees. In making this determination, the superintendent may 24347
consider: 24348

(a) The financial soundness of the applicant's arrangements 24349

for health care services, including the applicant's proposed 24350
contractual periodic prepayments or premiums and the use of 24351
copayments and deductibles; 24352

(b) The adequacy of working capital; 24353

(c) Any agreement with an insurer, a government, or any other 24354
person for insuring the payment of the cost of health care 24355
services or providing for automatic applicability of an 24356
alternative coverage in the event of discontinuance of the health 24357
insuring corporation's operations; 24358

(d) Any agreement with providers or health care facilities 24359
for the provision of health care services; 24360

(e) Any deposit of securities submitted in accordance with 24361
section 1751.27 of the Revised Code as a guarantee that the 24362
obligations will be performed. 24363

(5) The applicant has submitted documentation of an 24364
arrangement to provide health care services to its enrollees until 24365
the expiration of the enrollees' contracts with the applicant if a 24366
health care plan or the operations of the health insuring 24367
corporation are discontinued prior to the expiration of the 24368
enrollees' contracts. An arrangement to provide health care 24369
services may be made by using any one, or any combination, of the 24370
following methods: 24371

(a) The maintenance of insolvency insurance; 24372

(b) A provision in contracts with providers and health care 24373
facilities, but no health insuring corporation shall rely solely 24374
on such a provision for more than thirty days; 24375

(c) An agreement with other health insuring corporations or 24376
insurers, providing enrollees with automatic conversion rights 24377
upon the discontinuation of a health care plan or the health 24378
insuring corporation's operations; 24379

(d) Such other methods as approved by the superintendent.	24380
(6) Nothing in the applicant's proposed method of operation, as shown by the information submitted pursuant to section 1751.03 of the Revised Code or by independent investigation, will cause harm to an enrollee or to the public at large, as determined by the superintendent.	24381 24382 24383 24384 24385
(7) Any deficiencies certified <u>identified</u> by the director <u>superintendent under section 1751.04 of the Revised Code</u> have been corrected.	24386 24387 24388
(8) The applicant has deposited securities as set forth in section 1751.27 of the Revised Code.	24389 24390
(C) If an applicant elects to fulfill the requirements of division (A) <u>(B)</u> (5) of this section through an agreement with other health insuring corporations or insurers, the agreement shall require those health insuring corporations or insurers to give thirty days' notice to the superintendent prior to cancellation or discontinuation of the agreement for any reason.	24391 24392 24393 24394 24395 24396
(D) A certificate of authority shall be denied only after compliance with the requirements of section 1751.36 of the Revised Code.	24397 24398 24399
Sec. 1751.14. (A) Any <u>Notwithstanding section 3901.71 of the Revised Code, any</u> policy, contract, or agreement for health care services authorized by this chapter that is issued, delivered, or renewed in this state and that provides that coverage of an unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the policy, contract, or agreement, shall also provide in substance that <u>both of the following:</u>	24400 24401 24402 24403 24404 24405 24406 24407
<u>(1) That the limiting age shall not be less than twenty-nine years of age if all of the following are true:</u>	24408 24409

<u>(a) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.</u>	24410
	24411
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<u>(b) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.</u>	24413
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<u>(c) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.</u>	24416
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	24418
	24419
<u>(2) That</u> attainment of the limiting age shall not operate to terminate the coverage of the child if the child is and continues to be both <u>of the following:</u>	24420
	24421
	24422
(1) <u>(a)</u> Incapable of self-sustaining employment by reason of mental retardation or physical handicap;	24423
	24424
(2) <u>(b)</u> Primarily dependent upon the subscriber for support and maintenance.	24425
	24426
(B) Proof of incapacity and dependence for purposes of division (A) of this section shall be furnished to the health insuring corporation within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the health insuring corporation may require proof satisfactory to it of the continuance of such incapacity and dependency.	24427
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<u>(C) Nothing in this section shall require a health insuring corporation to cover a dependent child's children as dependents on the policy, contract, or agreement of the parent or legal guardian of the dependent.</u>	24434
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<u>(D)</u> This section does not apply to any health insuring corporation policy, contract, or agreement offering only	24438
	24439

supplemental health care services or specialty health care services. 24440
24441

(E) A health insuring corporation that offers employer-sponsored policies, contracts, or agreements shall separately identify any additional premium costs for coverage of dependent children who are not described in division (A)(2) of this section and are either nineteen to twenty-three years of age and are not full-time students or are twenty-four years of age or older. Nothing in this section shall be construed to require an employer to offer coverage to the dependents of any employee. 24442
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(F) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following: 24450
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24452

(1) A public employee benefit plan; 24453

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 24454
24455

Sec. 1751.15. (A) After a health insuring corporation has furnished, directly or indirectly, basic health care services for a period of twenty-four months, and if it currently meets the financial requirements set forth in section 1751.28 of the Revised Code and had net income as reported to the superintendent of insurance for at least one of the preceding four calendar quarters, it shall hold an annual open enrollment period of not less than thirty days during its month of licensure for individuals who are not federally eligible individuals at the time they apply for enrollment. 24456
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(B) During the open enrollment period described in division (A) of this section, the health insuring corporation shall accept applicants and their dependents in the order in which they apply for enrollment and in accordance with any of the following: 24466
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24469

(1) Up to its capacity, as determined by the health insuring corporation subject to review by the superintendent;	24470 24471
(2) If less than its capacity, one <u>the health insuring corporation shall not be required to accept applicants under this section if the total number of subscribers covered by the health insuring corporation under this section and section 3923.581 of the Revised Code exceeds four and one-half</u> per cent of the health insuring corporation's total number of subscribers residing in this state as of the immediately preceding thirty-first day of December.	24472 24473 24474 24475 24476 24477 24478 24479
(C) <u>Premiums charged to individuals for open enrollment coverage under this section shall not exceed an amount that is one and one-half times the base rate for coverage offered to any other individual to which the health insuring corporation is currently accepting new business, and for which similar copayments and deductibles are applied.</u>	24480 24481 24482 24483 24484 24485
(D) Where a health insuring corporation demonstrates to the satisfaction of the superintendent that such open enrollment would jeopardize its economic viability, the superintendent may do any of the following:	24486 24487 24488 24489
(1) Waive the requirement for open enrollment;	24490
(2) Impose a limit on the number of applicants and their dependents that must be enrolled;	24491 24492
(3) Authorize such underwriting restrictions upon open enrollment as are necessary to do any of the following:	24493 24494
(a) Preserve its financial stability;	24495
(b) Prevent excessive adverse selection;	24496
(c) Avoid unreasonably high or unmarketable charges for coverage of health care services.	24497 24498
(D) (E)(1) A request to the superintendent under division	24499

~~(C)~~(D) of this section for any restriction, limit, or waiver 24500
during an open enrollment period must be accompanied by supporting 24501
documentation, including financial data. In reviewing the request, 24502
the superintendent may consider various factors, including the 24503
size of the health insuring corporation, the health insuring 24504
corporation's net worth and profitability, the health insuring 24505
corporation's delivery system structure, and the effect on 24506
profitability of prior open enrollments. 24507

(2) Any action taken by the superintendent under division 24508
~~(C)~~(D) of this section shall be effective for a period of not more 24509
than one year. At the expiration of such time, a new demonstration 24510
of the health insuring corporation's need for the restriction, 24511
limit, or waiver shall be made before a new restriction, limit, or 24512
waiver is granted by the superintendent. 24513

(3) Irrespective of the granting of any restriction, limit, 24514
or waiver by the superintendent, a health insuring corporation may 24515
reject an applicant or a dependent of the applicant during its 24516
open enrollment period if the applicant or dependent: 24517

(a) Was eligible for and was covered under any 24518
employer-sponsored health care coverage, or if employer-sponsored 24519
health care coverage was available at the time of open enrollment; 24520

(b) Is eligible for continuation coverage under state or 24521
federal law; 24522

(c) Is eligible for medicare, and the health insuring 24523
corporation does not have an agreement on appropriate payment 24524
mechanisms with the governmental agency administering the medicare 24525
program. 24526

~~(E)~~(F) A health insuring corporation shall not be required 24527
either to enroll applicants or their dependents who are confined 24528
to a health care facility because of chronic illness, permanent 24529
injury, or other infirmity that would cause economic impairment to 24530

the health insuring corporation if such applicants or their dependents were enrolled or to make the effective date of benefits for applicants or their dependents enrolled under this section earlier than ninety days after the date of enrollment.

~~(F)~~(G) A health insuring corporation shall not be required to cover the fees or costs, or both, for any basic health care service related to a transplant of a body organ if the transplant occurs within one year after the effective date of an enrollee's coverage under this section. This limitation on coverage does not apply to a newly born child who meets the requirements for coverage under section 1751.61 of the Revised Code.

~~(G)~~(H) Each health insuring corporation required to hold an open enrollment pursuant to division (A) of this section shall file with the superintendent, not later than sixty days prior to the commencement of the proposed open enrollment period, the following documents:

- (1) The proposed public notice of open enrollment;
- (2) The evidence of coverage approved pursuant to section 1751.11 of the Revised Code that will be used during open enrollment;
- (3) The contractual periodic prepayment and premium rate approved pursuant to this section and section 1751.12 of the Revised Code that will be applicable during open enrollment;
- (4) Any solicitation document approved pursuant to section 1751.31 of the Revised Code to be sent to applicants, including the application form that will be used during open enrollment;
- (5) A list of the proposed dates of publication of the public notice, and the names of the newspapers in which the notice will appear;
- (6) Any request for a restriction, limit, or waiver with

respect to the open enrollment period, along with any supporting 24561
documentation. 24562

~~(H)~~(I)(1) An open enrollment period shall not satisfy the 24563
requirements of this section unless the health insuring 24564
corporation provides adequate public notice in accordance with 24565
divisions ~~(H)~~(I)(2) and (3) of this section. No public notice 24566
shall be used until the form of the public notice has been filed 24567
by the health insuring corporation with the superintendent. If the 24568
superintendent does not disapprove the public notice within sixty 24569
days after it is filed, it shall be deemed approved, unless the 24570
superintendent sooner gives approval for the public notice. If the 24571
superintendent determines within this sixty-day period that the 24572
public notice fails to meet the requirements of this section, the 24573
superintendent shall so notify the health insuring corporation and 24574
it shall be unlawful for the health insuring corporation to use 24575
the public notice. Such disapproval shall be effected by a written 24576
order, which shall state the grounds for disapproval and shall be 24577
issued in accordance with Chapter 119. of the Revised Code. 24578

(2) A public notice pursuant to division ~~(H)~~(I)(1) of this 24580
section shall be published in at least one newspaper of general 24581
circulation in each county in the health insuring corporation's 24582
service area, at least once in each of the two weeks immediately 24583
preceding the month in which the open enrollment is to occur and 24584
in each week of that month, or until the enrollment limitation is 24585
reached, whichever occurs first. The notice published during the 24586
last week of open enrollment shall appear not less than five days 24587
before the end of the open enrollment period. It shall be at least 24588
two newspaper columns wide or two and one-half inches wide, 24589
whichever is larger. The first two lines of the text shall be 24590
published in not less than twelve-point, boldface type. The 24591
remainder of the text of the notice shall be published in not less 24592

than eight-point type. The entire public notice shall be 24593
surrounded by a continuous black line not less than one-eighth of 24594
an inch wide. 24595

(3) The following information shall be included in the public 24596
notice provided under division ~~(H)~~(I)(2) of this section: 24597

(a) The dates that open enrollment will be held and the date 24598
coverage obtained under the open enrollment will become effective; 24599

(b) Notice that an applicant or the applicant's dependents 24600
will not be denied coverage during open enrollment because of a 24601
preexisting health condition, but that some limitations and 24602
restrictions may apply; 24603

(c) The address where a person may obtain an application; 24604

(d) The telephone number that a person may call to request an 24605
application or to ask questions; 24606

(e) The date the first payment will be due; 24607

(f) The actual rates or range of rates that will be 24608
applicable for applicants; 24609

(g) Any limitation granted by the superintendent on the 24610
number of applications that will be accepted by the health 24611
insuring corporation. 24612

(4) Within thirty days after the end of an open enrollment 24613
period, the health insuring corporation shall submit to the 24614
superintendent proof of publication for the public notices, and 24615
shall report the total number of applicants and their dependents 24616
enrolled during the open enrollment period. 24617

~~(I)~~(J)(1) No health insuring corporation may employ any 24618
scheme, plan, or device that restricts the ability of any person 24619
to enroll during open enrollment. 24620

(2) No health insuring corporation may require enrollment to 24621
be made in person. Every health insuring corporation shall permit 24622

application for coverage by mail. A representative of the health 24623
insuring corporation may visit an applicant who has submitted an 24624
application by mail, in order to explain the operations of the 24625
health insuring corporation and to answer any questions the 24626
applicant may have. Every health insuring corporation shall make 24627
open enrollment applications and solicitation documents readily 24628
available to any potential applicant who requests such material. 24629

~~(J)~~(K) An application postmarked on the last day of an open 24630
enrollment period shall qualify as a valid application, regardless 24631
of the date on which it is received by the health insuring 24632
corporation. 24633

~~(K)~~(L) This section does not apply to any of the following: 24634

(1) Any health insuring corporation that offers only 24635
supplemental health care services or specialty health care 24636
services; 24637

(2) Any health insuring corporation that offers plans only 24638
through medicare, medicaid, or the children's buy-in program and 24639
that has no other commercial enrollment; 24640

(3) Any health insuring corporation that offers plans only 24641
through other federal health care programs regulated by federal 24642
regulatory bodies and that has no other commercial enrollment; 24643

(4) Any health insuring corporation that offers plans only 24644
through contracts covering officers or employees of the state that 24645
have been entered into by the department of administrative 24646
services and that has no other commercial enrollment. 24647

~~(L)~~(M) Each health insuring corporation shall accept 24648
federally eligible individuals for open enrollment coverage as 24649
provided in section 3923.581 of the Revised Code. A health 24650
insuring corporation may reinsure coverage of any federally 24651
eligible individual acquired under that section with the open 24652
enrollment reinsurance program in accordance with division (G) of 24653

section 3924.11 of the Revised Code. Fixed periodic prepayment 24654
rates charged for coverage reinsured by the program shall be 24655
established in accordance with section 3924.12 of the Revised 24656
Code. 24657

~~(M)~~(N) As used in this section, ~~"federally:~~ 24658

(1) "Base rate" means, as to any health benefit plan that is 24659
issued by a health insuring corporation in the individual market, 24660
the lowest premium rate for new or existing business prescribed by 24661
the health insuring corporation for the same or similar coverage 24662
under a plan or arrangement covering any individual with similar 24663
case characteristics. 24664

(2) "Federally eligible individual" means an eligible 24665
individual as defined in 45 C.F.R. 148.103. 24666

Sec. 1751.16. (A) Except as provided in division (F) of this 24667
section, every group contract issued by a health insuring 24668
corporation shall provide an option for conversion to an 24669
individual contract issued on a direct-payment basis to any 24670
subscriber covered by the group contract who terminates employment 24671
or membership in the group, unless: 24672

(1) Termination of the conversion option or contract is based 24673
upon nonpayment of premium after reasonable notice in writing has 24674
been given by the health insuring corporation to the subscriber. 24675

(2) The subscriber is, or is eligible to be, covered for 24676
benefits at least comparable to the group contract under any of 24677
the following: 24678

(a) Medicare; 24679

(b) Any act of congress or law under this or any other state 24680
of the United States providing coverage at least comparable to the 24681
benefits under division (A)(2)(a) of this section; 24682

(c) Any policy of insurance or health care plan providing 24683

coverage at least comparable to the benefits under division 24684
(A)(2)(a) of this section. 24685

(B)(1) The direct-payment contract offered by the health 24686
insuring corporation pursuant to division (A) of this section 24687
shall provide the following: 24688

(a) In the case of an individual who is not a federally 24689
eligible individual, benefits comparable to benefits in any of the 24690
individual contracts then being issued to individual subscribers 24691
by the health insuring corporation; 24692

(b) In the case of a federally eligible individual, a basic 24693
and standard plan established ~~by the board of directors of the~~ 24694
~~Ohio health reinsurance program~~ under section 3924.10 of the 24695
Revised Code or plans substantially similar to the basic and 24696
standard plan in benefit design and scope of covered services. For 24697
purposes of division (B)(1)(b) of this section, the superintendent 24698
of insurance shall determine whether a plan is substantially 24699
similar to the basic or standard plan in benefit design and scope 24700
of covered services. The contractual periodic prepayments charged 24701
for such plans may not exceed an amount that is ~~two~~ one and 24702
one-half times the ~~midpoint of the standard base~~ rate charged any 24703
other individual of a group to which the organization is currently 24704
accepting new business and for which similar copayments and 24705
deductibles are applied. 24706

(2) The direct payment contract offered pursuant to division 24707
(A) of this section may include a coordination of benefits 24708
provision as approved by the superintendent. 24709

(3) For purposes of division (B) of this section ~~"federally:~~ 24710

(a) "Federally eligible individual" means an eligible 24711
individual as defined in 45 C.F.R. 148.103. 24712

(b) "Base rate" means, as to any health benefit plan that is 24713
issued by a health insuring corporation in the individual market, 24714

the lowest premium rate for new or existing business prescribed by 24715
the health insuring corporation for the same or similar coverage 24716
under a plan or arrangement covering any individual with similar 24717
case characteristics. 24718

(C) The option for conversion shall be available: 24719

(1) Upon the death of the subscriber, to the surviving spouse 24720
with respect to such of the spouse and dependents as are then 24721
covered by the group contract; 24722

(2) To a child solely with respect to the child upon the 24723
child's attaining the limiting age of coverage under the group 24724
contract while covered as a dependent under the contract; 24725

(3) Upon the divorce, dissolution, or annulment of the 24726
marriage of the subscriber, to the divorced spouse, or, in the 24727
event of annulment, to the former spouse of the subscriber. 24728

(D) No health insuring corporation shall use age or health 24729
status as the basis for refusing to renew a converted contract. 24730

(E) Written notice of the conversion option provided by this 24731
section shall be given to the subscriber by the health insuring 24732
corporation by mail. The notice shall be sent to the subscriber's 24733
address in the records of the employer upon receipt of notice from 24734
the employer of the event giving rise to the conversion option. If 24735
the subscriber has not received notice of the conversion privilege 24736
at least fifteen days prior to the expiration of the thirty-day 24737
conversion period, then the subscriber shall have an additional 24738
period within which to exercise the privilege. This additional 24739
period shall expire fifteen days after the subscriber receives 24740
notice, but in no event shall the period extend beyond sixty days 24741
after the expiration of the thirty-day conversion period. 24742

(F) This section does not apply to any group contract 24743
offering only supplemental health care services or specialty 24744
health care services. 24745

Sec. 1751.19. (A) A health insuring corporation shall 24746
establish and maintain a complaint system that has been approved 24747
by the superintendent of insurance to provide adequate and 24748
reasonable procedures for the expeditious resolution of written 24749
complaints initiated by subscribers or enrollees concerning any 24750
matter relating to services provided, directly or indirectly, by 24751
the health insuring corporation, including, but not limited to, 24752
complaints regarding cancellations or nonrenewals of coverage. 24753
Complaints regarding a health insuring corporation's decision to 24754
deny, reduce, or terminate coverage for health care services are 24755
subject to section 1751.83 of the Revised Code. 24756

(B) A health insuring corporation shall provide a timely 24757
written response to each written complaint it receives. 24758

(C)(1) Copies of complaints and responses, including medical 24759
records related to those complaints, shall be available to the 24760
superintendent ~~and the director of health~~ for inspection for three 24761
years. Any document or information provided to the superintendent 24762
pursuant to this division that contains a medical record is 24763
confidential, and is not a public record subject to section 149.43 24764
of the Revised Code. 24765

(2) Notwithstanding division (C)(1) of this section, the 24766
superintendent may share documents and information that contain a 24767
medical record in connection with the investigation or prosecution 24768
of any illegal or criminal activity with the chief deputy 24769
rehabilitator, the chief deputy liquidator, other deputy 24770
rehabilitators and liquidators, and any other person employed by, 24771
or acting on behalf of, the superintendent pursuant to Chapter 24772
3901. or 3903. of the Revised Code, with other local, state, 24773
federal, and international regulatory and law enforcement 24774
agencies, with local, state, and federal prosecutors, and with the 24775
national association of insurance commissioners and its affiliates 24776

and subsidiaries, provided that the recipient agrees to maintain 24777
the confidential or privileged status of the confidential or 24778
privileged document or information and has authority to do so. 24779

(3) Nothing in this section shall prohibit the superintendent 24780
from receiving documents and information in accordance with 24781
section 3901.045 of the Revised Code. 24782

(4) The superintendent may enter into agreements governing 24783
the sharing and use of documents and information consistent with 24784
the requirements of this section. 24785

(5) No waiver of any applicable privilege or claim of 24786
confidentiality in the documents and information described in 24787
division (C)(1) of this section occurs as a result of sharing or 24788
receiving documents and information as authorized in divisions 24789
(C)(2) and (3) of this section. 24790

(D) A health insuring corporation shall establish and 24791
maintain a procedure to accept complaints over the telephone or in 24792
person. These complaints are not subject to the reporting 24793
requirement under division (C) of section 1751.32 of the Revised 24794
Code. 24795

(E) A health insuring corporation may comply with this 24796
section and section 1751.83 of the Revised Code by establishing 24797
one system for receiving and reviewing complaints and requests for 24798
internal review from enrollees and subscribers if the system meets 24799
the requirements of both sections. 24800

Sec. 1751.32. Each health insuring corporation, annually, on 24801
or before the first day of March, shall file a report with the 24802
superintendent of insurance ~~and the director of health~~, covering 24803
the preceding calendar year. 24804

The report shall be verified by an officer of the health 24805
insuring corporation, shall be in the form the superintendent 24806

prescribes, and shall include:	24807
(A) A financial statement of the health insuring corporation, including its balance sheet and receipts and disbursements for the preceding year, which reflect, at a minimum:	24808 24809 24810
(1) All premium rate and other payments received for health care services rendered;	24811 24812
(2) Expenditures with respect to all categories of providers, facilities, insurance companies, and other persons engaged to fulfill obligations of the health insuring corporation arising out of its health care policies, contracts, certificates, and agreements;	24813 24814 24815 24816 24817
(3) Expenditures for capital improvements or additions thereto, including, but not limited to, construction, renovation, or purchase of facilities and equipment.	24818 24819 24820
(B) A description of the enrollee population and composition, group and nongroup;	24821 24822
(C) A summary of enrollee written complaints and their disposition;	24823 24824
(D) A statement of the number of subscriber policies, contracts, certificates, and agreements that have been terminated by action of the health insuring corporation, including the number of enrollees affected;	24825 24826 24827 24828
(E) A summary of the information compiled pursuant to division (B)(5) of section 1751.04 of the Revised Code;	24829 24830
(F) A current report of the names and addresses of the persons responsible for the conduct of the affairs of the health insuring corporation as required by section 1751.03 of the Revised Code. Additionally, the report shall include the amount of wages, expense reimbursements, and other payments to these persons for services to the health insuring corporation, and shall include a	24831 24832 24833 24834 24835 24836

full disclosure of the financial interests related to the 24837
operations of the health insuring corporation acquired by these 24838
persons during the preceding year. 24839

(G) An actuarial opinion in the form prescribed by the 24840
superintendent by rule; 24841

(H) Any other information relating to the performance of the 24842
health insuring corporation that is necessary to enable the 24843
superintendent to carry out the superintendent's duties under this 24844
chapter. 24845

Sec. 1751.321. Each health insuring corporation, annually, on 24846
or before the first day of June, shall file with the 24847
superintendent of insurance ~~and the director of health~~ an audit 24848
report certified by an independent certified public accountant 24849
covering the preceding calendar year. The report shall be verified 24850
by an officer of the health insuring corporation and shall be in 24851
the form prescribed by the superintendent by rule. 24852

Sec. 1751.34. (A) Each health insuring corporation and each 24853
applicant for a certificate of authority under this chapter shall 24854
be subject to examination by the superintendent of insurance in 24855
accordance with section 3901.07 of the Revised Code. Section 24856
3901.07 of the Revised Code shall govern every aspect of the 24857
examination, including the circumstances under and frequency with 24858
which it is conducted, the authority of the superintendent and any 24859
examiner or other person appointed by the superintendent, the 24860
liability for the assessment of expenses incurred in conducting 24861
the examination, and the remittance of the assessment to the 24862
superintendent's examination fund. 24863

(B) The ~~director of health~~ superintendent shall make an 24864
examination concerning the matters subject to the ~~director's~~ 24865
superintendent's consideration in section 1751.04 of the Revised 24866

Code as often as the ~~director~~ superintendent considers it 24867
necessary for the protection of the interests of the people of 24868
this state, ~~but not less frequently than once every three years.~~ 24869
The expenses of such examinations shall be assessed against the 24870
health insuring corporation being examined in the manner in which 24871
expenses of examinations are assessed against an insurance company 24872
under section 3901.07 of the Revised Code. Nothing in this 24873
division requires the ~~director~~ superintendent to make an 24874
examination of any of the following: 24875

(1) A health insuring corporation that covers solely medicaid 24876
recipients; 24877

(2) A health insuring corporation that covers solely medicare 24878
beneficiaries; 24879

(3) A health insuring corporation that covers solely medicaid 24880
recipients and medicare beneficiaries; 24881

(4) A health insuring corporation that covers solely 24882
participants of the children's buy-in program; 24883

(5) A health insuring corporation that covers solely medicaid 24884
recipients and participants of the children's buy-in program; 24885

(6) A health insuring corporation that covers solely medicaid 24886
recipients, medicare beneficiaries, and participants of the 24887
children's buy-in program. 24888

(C) An examination, pursuant to section 3901.07 of the 24889
Revised Code, of an insurance company holding a certificate of 24890
authority under this chapter to organize and operate a health 24891
insuring corporation shall include an examination of the health 24892
insuring corporation pursuant to this section and the examination 24893
shall satisfy the requirements of divisions (A) and (B) of this 24894
section. 24895

(D) The superintendent may conduct market conduct 24896

examinations pursuant to section 3901.011 of the Revised Code of 24897
any health insuring corporation as often as the superintendent 24898
considers it necessary for the protection of the interests of 24899
subscribers and enrollees. The expenses of such market conduct 24900
examinations shall be assessed against the health insuring 24901
corporation being examined. All costs, assessments, or fines 24902
collected under this division shall be paid into the state 24903
treasury to the credit of the department of insurance operating 24904
fund. 24905

Sec. 1751.35. (A) The superintendent of insurance may suspend 24906
or revoke any certificate of authority issued to a health insuring 24907
corporation under this chapter if the superintendent finds that: 24908
24909

(1) The health insuring corporation is operating in 24910
contravention of its articles of incorporation, its health care 24911
plan or plans, or in a manner contrary to that described in and 24912
reasonably inferred from any other information submitted under 24913
section 1751.03 of the Revised Code, unless amendments to such 24914
submissions have been filed and have taken effect in compliance 24915
with this chapter. 24916

(2) The health insuring corporation fails to issue evidences 24917
of coverage in compliance with the requirements of section 1751.11 24918
of the Revised Code. 24919

(3) The contractual periodic prepayments or premium rates 24920
used do not comply with the requirements of section 1751.12 of the 24921
Revised Code. 24922

(4) The health insuring corporation enters into a contract, 24923
agreement, or other arrangement with any health care facility or 24924
provider, that does not comply with the requirements of section 24925
1751.13 of the Revised Code, or the corporation fails to provide 24926
an annual certificate as required by section 1751.13 of the 24927

Revised Code.	24928
(5) The director of health has certified <u>superintendent</u>	24929
<u>determines</u> , after a hearing conducted in accordance with Chapter	24930
119. of the Revised Code, that the health insuring corporation no	24931
longer meets the requirements of section 1751.04 of the Revised	24932
Code.	24933
(6) The health insuring corporation is no longer financially	24934
responsible and may reasonably be expected to be unable to meet	24935
its obligations to enrollees or prospective enrollees.	24936
(7) The health insuring corporation has failed to implement	24937
the complaint system that complies with the requirements of	24938
section 1751.19 of the Revised Code.	24939
(8) The health insuring corporation, or any agent or	24940
representative of the corporation, has advertised, merchandised,	24941
or solicited on its behalf in contravention of the requirements of	24942
section 1751.31 of the Revised Code.	24943
(9) The health insuring corporation has unlawfully	24944
discriminated against any enrollee or prospective enrollee with	24945
respect to enrollment, disenrollment, or price or quality of	24946
health care services.	24947
(10) The continued operation of the health insuring	24948
corporation would be hazardous or otherwise detrimental to its	24949
enrollees.	24950
(11) The health insuring corporation has submitted false	24951
information in any filing or submission required under this	24952
chapter or any rule adopted under this chapter.	24953
(12) The health insuring corporation has otherwise failed to	24954
substantially comply with this chapter or any rule adopted under	24955
this chapter.	24956
(13) The health insuring corporation is not operating a	24957

health care plan. 24958

(14) The health insuring corporation has failed to comply 24959
with any of the requirements of sections 1751.77 to 1751.88 of the 24960
Revised Code. 24961

(B) A certificate of authority shall be suspended or revoked 24962
only after compliance with the requirements of Chapter 119. of the 24963
Revised Code. 24964

(C) When the certificate of authority of a health insuring 24965
corporation is suspended, the health insuring corporation, during 24966
the period of suspension, shall not enroll any additional 24967
subscribers or enrollees except newborn children or other newly 24968
acquired dependents of existing subscribers or enrollees, and 24969
shall not engage in any advertising or solicitation whatsoever. 24970

(D) When the certificate of authority of a health insuring 24971
corporation is revoked, the health insuring corporation, following 24972
the effective date of the order of revocation, shall conduct no 24973
further business except as may be essential to the orderly 24974
conclusion of the affairs of the health insuring corporation. The 24975
health insuring corporation shall engage in no further advertising 24976
or solicitation whatsoever. The superintendent, by written order, 24977
may permit such further operation of the health insuring 24978
corporation as the superintendent may find to be in the best 24979
interest of enrollees, to the end that enrollees will be afforded 24980
the greatest practical opportunity to obtain continuing health 24981
care coverage. 24982

Sec. 1751.36. (A) When the superintendent of insurance has 24983
cause to believe that grounds for the denial of an application for 24984
a certificate of authority exist, or that grounds for the 24985
suspension or revocation of a certificate of authority exist, the 24986
superintendent shall notify the applicant or health insuring 24987
corporation ~~and the director of health~~ in writing, specifically 24988

stating the grounds for the denial, suspension, or revocation and 24989
setting a date of at least thirty days after the notification for 24990
a hearing on the matter. 24991

(B) ~~The recommendations and findings of the director of 24992
health with respect to matters subject to the director's 24993
consideration under section 1751.04 of the Revised Code, provided 24994
in connection with any decision regarding the denial, suspension, 24995
or revocation of a certificate of authority, shall be reviewed and 24996
considered by the superintendent. After the hearing authorized by 24997
division (A) of this section, or upon the failure of the applicant 24998
or health insuring corporation to appear at the hearing, the 24999
superintendent shall take such action as in accordance with law 25000
and the evidence. The action shall be set out in written findings 25001
which shall be mailed to the applicant or health insuring 25002
corporation with a copy to the director of health. The action of 25003
the superintendent is subject to review in accordance with Chapter 25004
119. of the Revised Code, except that a certification by the 25005
director under division (D) of section 1751.04 or division (A)(5) 25006
of section 1751.35 of the Revised Code that was made in accordance 25007
with Chapter 119. of the Revised Code shall be final as to the 25008
matters certified. 25009~~

(C) Chapter 119. of the Revised Code applies to proceedings 25010
under this section to the extent that it is not in conflict with 25011
divisions (A) and (B) of this section. 25012

Sec. 1751.45. (A) In lieu of the suspension or revocation of 25013
a certificate of authority under section 1751.35 of the Revised 25014
Code, the superintendent of insurance, pursuant to an adjudication 25015
hearing initiated and conducted in accordance with Chapter 119. of 25016
the Revised Code, or by consent of the health insuring corporation 25017
without an adjudication hearing, may levy an administrative 25018
penalty. The administrative penalty shall be in an amount 25019

determined by the superintendent, but the administrative penalty 25020
shall not exceed one hundred thousand dollars per violation. 25021
Additionally, the superintendent may require the health insuring 25022
corporation to correct any deficiency that may be the basis for 25023
the suspension or revocation of the health insuring corporation's 25024
certificate of authority. All penalties collected shall be paid 25025
into the state treasury to the credit of the department of 25026
insurance operating fund. 25027

(B) If the superintendent ~~or the director of health~~ for any 25028
reason has cause to believe that any violation of this chapter has 25029
occurred or is threatened, the superintendent ~~or the director~~ may 25030
give notice to the health insuring corporation and to the 25031
representatives or other persons who appear to be involved in the 25032
suspected violation to arrange a conference with the suspected 25033
violators or their authorized representatives for the purpose of 25034
attempting to ascertain the facts relating to the suspected 25035
violation, and, if it appears that any violation has occurred or 25036
is threatened, to arrive at an adequate and effective means of 25037
correcting or preventing the violation. 25038

Proceedings under this division shall not be covered by any 25039
formal procedural requirements, and may be conducted in the manner 25040
the superintendent ~~or the director of health~~ may consider 25041
appropriate under the circumstances. 25042

(C)(1) The superintendent may issue an order directing a 25043
health insuring corporation or a representative of the health 25044
insuring corporation to cease and desist from engaging in any act 25045
or practice in violation of this chapter. Within thirty days after 25046
service of the order to cease and desist, the respondent may 25047
request a hearing on the question of whether acts or practices in 25048
violation of this chapter have occurred. Such hearings shall be 25049
conducted in accordance with Chapter 119. of the Revised Code and 25050
judicial review shall be available as provided by that chapter. 25051

(2) If the superintendent has reasonable cause to believe 25052
that an order issued pursuant to this division has been violated 25053
in whole or in part, the superintendent may request the attorney 25054
general to commence and prosecute any appropriate action or 25055
proceeding in the name of the state against the violators in the 25056
court of common pleas of Franklin county. The court in any such 25057
action or proceeding may levy civil penalties, not to exceed one 25058
hundred thousand dollars per violation, in addition to any other 25059
appropriate relief, including requiring a violator to pay the 25060
expenses reasonably incurred by the superintendent in enforcing 25061
the order. The penalties and fees collected under this division 25062
shall be paid into the state treasury to the credit of the 25063
department of insurance operating fund. 25064

Sec. 1751.46. (A) The superintendent of insurance ~~and the~~ 25065
~~director of health~~ may contract with qualified persons to make 25066
recommendations concerning the determinations required to be made 25067
by the superintendent ~~or the director~~ relative to an expansion of 25068
a service area pursuant to division (C) of section 1751.03 of the 25069
Revised Code, an application for a certificate of authority 25070
pursuant to sections 1751.04 and 1751.05 of the Revised Code, a 25071
contractual periodic prepayment or premium rate pursuant to 25072
section 1751.12 of the Revised Code, and an examination pursuant 25073
to division (B) of section 1751.34 of the Revised Code. The 25074
recommendations may be accepted in full or in part, or may be 25075
rejected, by the superintendent ~~or director~~. 25076

The total cost of a contract with a qualified person pursuant 25077
to this division shall represent the fair market value of the 25078
services provided and shall be borne by the health insuring 25079
corporation that is the subject of the determination required to 25080
be made by the superintendent ~~or the director~~. 25081

(B) No qualified person placed on contract by the 25082

superintendent ~~or the director~~ pursuant to division (A) of this 25083
section shall have a conflict of interest with the department of 25084
insurance, ~~the department of health,~~ or the health insuring 25085
corporation. 25086

Sec. 1751.48. ~~(A)~~ The superintendent of insurance may adopt 25087
rules as are necessary to carry out the provisions of this 25088
chapter. These rules shall be adopted in accordance with Chapter 25089
119. of the Revised Code. 25090

~~(B) The director of health may make recommendations to the 25091
superintendent for rules that are necessary to enable the director 25092
to carry out the director's responsibilities under this chapter, 25093
including rules that prescribe standards relating to the 25094
requirements set forth in division (B) of section 1751.04 of the 25095
Revised Code. In adopting any rules pertaining to the director's 25096
responsibilities, the superintendent shall consider the 25097
recommendations of the director. 25098~~

Sec. 1751.831. The superintendent of insurance shall 25099
establish and maintain a system for receiving and reviewing 25100
requests for review from or on behalf of enrollees who, under 25101
section 1751.83 of the Revised Code, have been denied coverage of 25102
a health care service or had coverage reduced or terminated when 25103
the grounds for the denial, reduction, or termination is that the 25104
service is not a service covered under the terms of the enrollee's 25105
policy, contract, or agreement. 25106

On receipt of a written request from an enrollee or 25107
authorized person, the superintendent shall consider whether the 25108
health care service is a service covered under the terms of the 25109
enrollee's policy, contract, or agreement, except that the 25110
superintendent shall not conduct a review under this section 25111
unless the enrollee has exhausted the health insuring 25112

corporation's internal review process established pursuant to 25113
section 1751.83 of the Revised Code. The health insuring 25114
corporation and the enrollee or authorized person shall provide 25115
the superintendent with any information required by the 25116
superintendent that is in their possession and is germane to the 25117
review. 25118

Unless the superintendent is not able to do so because making 25119
the determination requires resolution of a medical issue, the 25120
superintendent shall determine whether the health care service at 25121
issue is a service covered under the terms of the enrollee's 25122
contract, policy, or agreement. The superintendent shall notify 25123
the enrollee, or authorized person, and the health insuring 25124
corporation of the superintendent's determination or that the 25125
superintendent is not able to make a determination. 25126

If the superintendent notifies the health insuring 25127
corporation that making the determination requires the resolution 25128
of a medical issue, the health insuring corporation shall ~~afford~~ 25129
~~the enrollee an opportunity for~~ initiate an external review under 25130
section 1751.84 or 1751.85 of the Revised Code. If the 25131
superintendent notifies the health insuring corporation that the 25132
health service is a covered service, the health insuring 25133
corporation shall ~~either~~ cover the service ~~or afford the enrollee~~ 25134
~~an opportunity for an external review under section 1751.84 or~~ 25135
~~1751.85 of the Revised Code.~~ If the superintendent notifies the 25136
health insuring corporation that the health care service is not a 25137
covered service, the health insuring corporation is not required 25138
to cover the service or afford the enrollee an external review. 25139

Sec. 1751.84. (A) Except as provided in divisions (B) and (C) 25140
of this section, a health insuring corporation shall afford an 25141
enrollee an opportunity for an external review if both of the 25142
following are the case: 25143

(1) The health insuring corporation has denied, reduced, or terminated coverage for what would be a covered health care service except for the fact that the health insuring corporation has determined that the health care service is not medically necessary;

(2) Except in the case of an expedited review, the service, plus any ancillary services and follow-up care, will cost the enrollee more than five hundred dollars if the proposed service is not covered by the health insuring corporation.

External review shall be conducted in accordance with this section, except that if an enrollee with a terminal condition meets all of the criteria of division (A) of section 1751.85 of the Revised Code, an external review shall be conducted under that section.

(B) An enrollee need not be afforded a review under this section in any of the following circumstances:

(1) The superintendent of insurance has determined under section 1751.831 of the Revised Code that the health care service is not a service covered under the terms of the enrollee's policy, contract, or agreement.

(2) Except as provided in section 1751.811 of the Revised Code, the enrollee has failed to exhaust the health insuring corporation's internal review process established pursuant to section 1751.83 of the Revised Code.

(3) The enrollee has previously been afforded an external review for the same adverse determination and no new clinical information has been submitted to the health insuring corporation.

~~(C)(1) A health insuring corporation may deny a request for an external review of an adverse determination if it is requested later than sixty days after the enrollee's receipt of notice of the result of an internal review brought under section 1751.83 of~~

~~the Revised Code.~~ An external review may be requested by the 25175
enrollee, an authorized person, the enrollee's provider, or a 25176
health care facility rendering health care service to the 25177
enrollee. The enrollee may request a review without the approval 25178
of the provider or the health care facility rendering the health 25179
care service. The provider or health care facility may not request 25180
a review without the prior consent of the enrollee. 25181

(2) An external review must be requested in writing, except 25182
that if the enrollee has a condition that requires expedited 25183
review, the review may be requested orally or by electronic means. 25184
When an oral or electronic request for review is made, written 25185
confirmation of the request shall be submitted to the health 25186
insuring corporation not later than five days after the oral or 25187
written request is submitted. 25188

Except in the case of an expedited review, a request for an 25189
external review must be accompanied by written certification from 25190
the enrollee's provider or the health care facility rendering the 25191
health care service to the enrollee that the proposed service, 25192
plus any ancillary services and follow-up care, will cost the 25193
enrollee more than five hundred dollars if the proposed service is 25194
not covered by the health insuring corporation. 25195

(3) For an expedited review, the enrollee's provider must 25196
certify that the enrollee's condition could, in the absence of 25197
immediate medical attention, result in any of the following: 25198

(a) Placing the health of the enrollee or, with respect to a 25199
pregnant woman, the health of the enrollee or the unborn child, in 25200
serious jeopardy; 25201

(b) Serious impairment to bodily functions; 25202

(c) Serious dysfunction of any bodily organ or part. 25203

(D) The procedures used in conducting an external review of 25204
an adverse determination shall include all of the following: 25205

(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	25206 25207 25208
(2) Except as provided in division (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	25209 25210 25211 25212 25213
(a) The health insuring corporation or any officer, director, or managerial employee of the health insuring corporation;	25214 25215
(b) The enrollee, the enrollee's provider, or the practice group of the enrollee's provider;	25216 25217
(c) The health care facility at which the health care service requested by the enrollee would be provided;	25218 25219
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the enrollee.	25220 25221
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	25222 25223 25224
(a) The clinical peer is affiliated with an academic medical center that provides health care services to enrollees of the health insuring corporation.	25225 25226 25227
(b) The clinical peer has staff privileges at a health care facility that provides health care services to enrollees of the health insuring corporation.	25228 25229 25230
(c) The clinical peer is a participating provider but was not involved with the health insuring corporation's adverse determination.	25231 25232 25233
(4) Division (D)(2) of this section does not prohibit the health insuring corporation from paying the independent review	25234 25235

organization for the conduct of the review. 25236

(5) An enrollee shall not be required to pay for any part of 25237
the cost of the review. The cost of the review shall be borne by 25238
the health insuring corporation. 25239

(6)(a) The health insuring corporation shall provide to the 25240
independent review organization conducting the review a copy of 25241
those records in its possession that are relevant to the 25242
enrollee's medical condition and the review. The records shall be 25243
used solely for the purpose of this division. 25244

At the request of the independent review organization, the 25245
health insuring corporation, enrollee, or the provider or health 25246
care facility rendering health care services to the enrollee shall 25247
provide any additional information the independent review 25248
organization requests to complete the review. A request for 25249
additional information may be made in writing, orally, or by 25250
electronic means. The independent review organization shall submit 25251
the request to the enrollee and health insuring corporation. If a 25252
request is submitted orally or by electronic means to an enrollee 25253
or health insuring corporation, not later than five days after the 25254
request is submitted, the independent review organization shall 25255
provide written confirmation of the request. If the review was 25256
initiated by a provider or health care facility, a copy of the 25257
request shall be submitted to the provider or health care 25258
facility. 25259

(b) An independent review organization is not required to 25260
make a decision if it has not received any requested information 25261
that it considers necessary to complete a review. An independent 25262
review organization that does not make a decision for this reason 25263
shall notify the enrollee and the health insuring corporation that 25264
a decision is not being made. The notice may be made in writing, 25265
orally, or by electronic means. An oral or electronic notice shall 25266
be confirmed in writing not later than five days after the oral or 25267

electronic notice is made. If the review was initiated by a 25268
provider or health care facility, a copy of the notice shall be 25269
submitted to the provider or health care facility. 25270

(7) The health insuring corporation may elect to cover the 25271
service requested and terminate the review. The health insuring 25272
corporation shall notify the enrollee and all other parties 25273
involved with the decision by mail or, with the consent or 25274
approval of the enrollee, by electronic means. 25275

(8) In making its decision, an independent review 25276
organization conducting the review shall take into account all of 25277
the following: 25278

(a) Information submitted by the health insuring corporation, 25279
the enrollee, the enrollee's provider, and the health care 25280
facility rendering the health care service, including the 25281
following: 25282

(i) The enrollee's medical records; 25283

(ii) The standards, criteria, and clinical rationale used by 25284
the health insuring corporation to make its decision. 25285

(b) Findings, studies, research, and other relevant documents 25286
of government agencies and nationally recognized organizations, 25287
including the national institutes of health or any board 25288
recognized by the national institutes of health, the national 25289
cancer institute, the national academy of sciences, the United 25290
States food and drug administration, the health care financing 25291
administration of the United States department of health and human 25292
services, and the agency for health care policy and research; 25293

(c) Relevant findings in peer-reviewed medical or scientific 25294
literature, published opinions of nationally recognized medical 25295
experts, and clinical guidelines adopted by relevant national 25296
medical societies. 25297

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the health insuring corporation and the enrollee. If the enrollee's provider or the health care facility rendering health care services to the enrollee requested the review, the independent review organization shall also send a copy of its decision to the enrollee's provider or the health care facility.

(b) The independent review organization's decision shall include a description of the enrollee's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision.

(E) The independent review organization shall base its decision on the information submitted under division (D)(8) of this section. In making its decision, the independent review organization shall consider safety, efficacy, appropriateness, and cost effectiveness.

(F) The health insuring corporation shall provide any coverage determined by the independent review organization's decision to be medically necessary, subject to the other terms, limitations, and conditions of the enrollee's contract. The decision shall apply only to the individual enrollee's external review.

Sec. 1753.09. (A) Except as provided in division (D) of this section, prior to terminating the participation of a provider on the basis of the participating provider's failure to meet the health insuring corporation's standards for quality or utilization

in the delivery of health care services, a health insuring 25329
corporation shall give the participating provider notice of the 25330
reason or reasons for its decision to terminate the provider's 25331
participation and an opportunity to take corrective action. The 25332
health insuring corporation shall develop a performance 25333
improvement plan in conjunction with the participating provider. 25334
If after being afforded the opportunity to comply with the 25335
performance improvement plan, the participating provider fails to 25336
do so, the health insuring corporation may terminate the 25337
participation of the provider. 25338

(B)(1) A participating provider whose participation has been 25339
terminated under division (A) of this section may appeal the 25340
termination to the appropriate medical director of the health 25341
insuring corporation. The medical director shall give the 25342
participating provider an opportunity to discuss with the medical 25343
director the reason or reasons for the termination. 25344

(2) If a satisfactory resolution of a participating 25345
provider's appeal cannot be reached under division (B)(1) of this 25346
section, the participating provider may appeal the termination to 25347
a panel composed of participating providers who have comparable or 25348
higher levels of education and training than the participating 25349
provider making the appeal. A representative of the participating 25350
provider's specialty shall be a member of the panel, if possible. 25351
This panel shall hold a hearing, and shall render its 25352
recommendation in the appeal within thirty days after holding the 25353
hearing. The recommendation shall be presented to the medical 25354
director and to the participating provider. 25355

(3) The medical director shall review and consider the 25356
panel's recommendation before making a decision. The decision 25357
rendered by the medical director shall be final. 25358

(C) A provider's status as a participating provider shall 25359
remain in effect during the appeal process set forth in division 25360

(B) of this section unless the termination was based on any of the 25361
reasons listed in division (D) of this section. 25362

(D) Notwithstanding division (A) of this section, a 25363
provider's participation may be immediately terminated if the 25364
participating provider's conduct presents an imminent risk of harm 25365
to an enrollee or enrollees; or if there has occurred unacceptable 25366
quality of care, fraud, patient abuse, loss of clinical 25367
privileges, loss of professional liability coverage, incompetence, 25368
or loss of authority to practice in the participating provider's 25369
field; or if a governmental action has impaired the participating 25370
provider's ability to practice. 25371

(E) Divisions (A) to (D) of this section apply only to 25372
providers who are natural persons. 25373

(F)(1) Nothing in this section prohibits a health insuring 25374
corporation from rejecting a provider's application for 25375
participation, or from terminating a participating provider's 25376
contract, if the health insuring corporation determines that the 25377
health care needs of its enrollees are being met and no need 25378
exists for the provider's or participating provider's services. 25379

(2) Nothing in this section shall be construed as prohibiting 25380
a health insuring corporation from terminating a participating 25381
provider who does not meet the terms and conditions of the 25382
participating provider's contract. 25383

(3) Nothing in this section shall be construed as prohibiting 25384
a health insuring corporation from terminating a participating 25385
provider's contract pursuant to any provision of the contract 25386
described in division (E)(2) of section 3963.02 of the Revised 25387
Code, except that, notwithstanding any provision of a contract 25388
described in that division, this section applies to the 25389
termination of a participating provider's contract for any of the 25390
causes described in divisions (A), (D), and (F)(1) and (2) of this 25391

section. 25392

(G) The superintendent of insurance may adopt rules as 25393
necessary to implement and enforce sections 1753.06, 1753.07, and 25394
1753.09 of the Revised Code. Such rules shall be adopted in 25395
accordance with Chapter 119. of the Revised Code. ~~The director of~~ 25396
~~health may make recommendations to the superintendent for rules~~ 25397
~~necessary to implement and enforce sections 1753.06, 1753.07, and~~ 25398
~~1753.09 of the Revised Code. In adopting any rules pursuant to~~ 25399
~~this division, the superintendent shall consider the~~ 25400
~~recommendations of the director.~~ 25401

Sec. 1901.31. The clerk and deputy clerks of a municipal 25402
court shall be selected, be compensated, give bond, and have 25403
powers and duties as follows: 25404

(A) There shall be a clerk of the court who is appointed or 25405
elected as follows: 25406

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 25407
county, Portage county, and Wayne county municipal courts and 25408
through December 31, 2008, the Cuyahoga Falls municipal court, if 25409
the population of the territory equals or exceeds one hundred 25410
thousand at the regular municipal election immediately preceding 25411
the expiration of the term of the present clerk, the clerk shall 25412
be nominated and elected by the qualified electors of the 25413
territory in the manner that is provided for the nomination and 25414
election of judges in section 1901.07 of the Revised Code. 25415

The clerk so elected shall hold office for a term of six 25416
years, which term shall commence on the first day of January 25417
following the clerk's election and continue until the clerk's 25418
successor is elected and qualified. 25419

(b) In the Hamilton county municipal court, the clerk of 25420
courts of Hamilton county shall be the clerk of the municipal 25421

court and may appoint an assistant clerk who shall receive the 25422
compensation, payable out of the treasury of Hamilton county in 25423
semimonthly installments, that the board of county commissioners 25424
prescribes. The clerk of courts of Hamilton county, acting as the 25425
clerk of the Hamilton county municipal court and assuming the 25426
duties of that office, shall receive compensation at one-fourth 25427
the rate that is prescribed for the clerks of courts of common 25428
pleas as determined in accordance with the population of the 25429
county and the rates set forth in sections 325.08 and 325.18 of 25430
the Revised Code. This compensation shall be paid from the county 25431
treasury in semimonthly installments and is in addition to the 25432
annual compensation that is received for the performance of the 25433
duties of the clerk of courts of Hamilton county, as provided in 25434
sections 325.08 and 325.18 of the Revised Code. 25435

(c) In the Portage county and Wayne county municipal courts, 25436
the clerks of courts of Portage county and Wayne county shall be 25437
the clerks, respectively, of the Portage county and Wayne county 25438
municipal courts and may appoint a chief deputy clerk for each 25439
branch that is established pursuant to section 1901.311 of the 25440
Revised Code and assistant clerks as the judges of the municipal 25441
court determine are necessary, all of whom shall receive the 25442
compensation that the legislative authority prescribes. The clerks 25443
of courts of Portage county and Wayne county, acting as the clerks 25444
of the Portage county and Wayne county municipal courts and 25445
assuming the duties of these offices, shall receive compensation 25446
payable from the county treasury in semimonthly installments at 25447
one-fourth the rate that is prescribed for the clerks of courts of 25448
common pleas as determined in accordance with the population of 25449
the county and the rates set forth in sections 325.08 and 325.18 25450
of the Revised Code. 25451

(d) Except as otherwise provided in division (A)(1)(d) of 25452
this section, in the Akron municipal court, candidates for 25453

election to the office of clerk of the court shall be nominated by 25454
primary election. The primary election shall be held on the day 25455
specified in the charter of the city of Akron for the nomination 25456
of municipal officers. Notwithstanding any contrary provision of 25457
section 3513.05 or 3513.257 of the Revised Code, the declarations 25458
of candidacy and petitions of partisan candidates and the 25459
nominating petitions of independent candidates for the office of 25460
clerk of the Akron municipal court shall be signed by at least 25461
fifty qualified electors of the territory of the court. 25462

The candidates shall file a declaration of candidacy and 25463
petition, or a nominating petition, whichever is applicable, not 25464
later than four p.m. of the seventy-fifth day before the day of 25465
the primary election, in the form prescribed by section 3513.07 or 25466
3513.261 of the Revised Code. The declaration of candidacy and 25467
petition, or the nominating petition, shall conform to the 25468
applicable requirements of section 3513.05 or 3513.257 of the 25469
Revised Code. 25470

If no valid declaration of candidacy and petition is filed by 25471
any person for nomination as a candidate of a particular political 25472
party for election to the office of clerk of the Akron municipal 25473
court, a primary election shall not be held for the purpose of 25474
nominating a candidate of that party for election to that office. 25475
If only one person files a valid declaration of candidacy and 25476
petition for nomination as a candidate of a particular political 25477
party for election to that office, a primary election shall not be 25478
held for the purpose of nominating a candidate of that party for 25479
election to that office, and the candidate shall be issued a 25480
certificate of nomination in the manner set forth in section 25481
3513.02 of the Revised Code. 25482

Declarations of candidacy and petitions, nominating 25483
petitions, and certificates of nomination for the office of clerk 25484
of the Akron municipal court shall contain a designation of the 25485

term for which the candidate seeks election. At the following 25486
regular municipal election, all candidates for the office shall be 25487
submitted to the qualified electors of the territory of the court 25488
in the manner that is provided in section 1901.07 of the Revised 25489
Code for the election of the judges of the court. The clerk so 25490
elected shall hold office for a term of six years, which term 25491
shall commence on the first day of January following the clerk's 25492
election and continue until the clerk's successor is elected and 25493
qualified. 25494

(e) Except as otherwise provided in division (A)(1)(e) of 25495
this section, in the Barberton municipal court, candidates for 25496
election to the office of clerk of the court shall be nominated by 25497
primary election. The primary election shall be held on the day 25498
specified in the charter of the city of Barberton for the 25499
nomination of municipal officers. Notwithstanding any contrary 25500
provision of section 3513.05 or 3513.257 of the Revised Code, the 25501
declarations of candidacy and petitions of partisan candidates and 25502
the nominating petitions of independent candidates for the office 25503
of clerk of the Barberton municipal court shall be signed by at 25504
least fifty qualified electors of the territory of the court. 25505

The candidates shall file a declaration of candidacy and 25506
petition, or a nominating petition, whichever is applicable, not 25507
later than four p.m. of the seventy-fifth day before the day of 25508
the primary election, in the form prescribed by section 3513.07 or 25509
3513.261 of the Revised Code. The declaration of candidacy and 25510
petition, or the nominating petition, shall conform to the 25511
applicable requirements of section 3513.05 or 3513.257 of the 25512
Revised Code. 25513

If no valid declaration of candidacy and petition is filed by 25514
any person for nomination as a candidate of a particular political 25515
party for election to the office of clerk of the Barberton 25516
municipal court, a primary election shall not be held for the 25517

purpose of nominating a candidate of that party for election to 25518
that office. If only one person files a valid declaration of 25519
candidacy and petition for nomination as a candidate of a 25520
particular political party for election to that office, a primary 25521
election shall not be held for the purpose of nominating a 25522
candidate of that party for election to that office, and the 25523
candidate shall be issued a certificate of nomination in the 25524
manner set forth in section 3513.02 of the Revised Code. 25525

Declarations of candidacy and petitions, nominating 25526
petitions, and certificates of nomination for the office of clerk 25527
of the Barberton municipal court shall contain a designation of 25528
the term for which the candidate seeks election. At the following 25529
regular municipal election, all candidates for the office shall be 25530
submitted to the qualified electors of the territory of the court 25531
in the manner that is provided in section 1901.07 of the Revised 25532
Code for the election of the judges of the court. The clerk so 25533
elected shall hold office for a term of six years, which term 25534
shall commence on the first day of January following the clerk's 25535
election and continue until the clerk's successor is elected and 25536
qualified. 25537

(f)(i) Through December 31, 2008, except as otherwise 25538
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 25539
Falls municipal court, candidates for election to the office of 25540
clerk of the court shall be nominated by primary election. The 25541
primary election shall be held on the day specified in the charter 25542
of the city of Cuyahoga Falls for the nomination of municipal 25543
officers. Notwithstanding any contrary provision of section 25544
3513.05 or 3513.257 of the Revised Code, the declarations of 25545
candidacy and petitions of partisan candidates and the nominating 25546
petitions of independent candidates for the office of clerk of the 25547
Cuyahoga Falls municipal court shall be signed by at least fifty 25548
qualified electors of the territory of the court. 25549

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(ii) Division (A)(1)(f)(i) of this section shall have no effect after December 31, 2008.

(g) Except as otherwise provided in division (A)(1)(g) of this section, in the Toledo municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Toledo for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Toledo municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Toledo municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section

3513.02 of the Revised Code. 25614

Declarations of candidacy and petitions, nominating 25615
petitions, and certificates of nomination for the office of clerk 25616
of the Toledo municipal court shall contain a designation of the 25617
term for which the candidate seeks election. At the following 25618
regular municipal election, all candidates for the office shall be 25619
submitted to the qualified electors of the territory of the court 25620
in the manner that is provided in section 1901.07 of the Revised 25621
Code for the election of the judges of the court. The clerk so 25622
elected shall hold office for a term of six years, which term 25623
shall commence on the first day of January following the clerk's 25624
election and continue until the clerk's successor is elected and 25625
qualified. 25626

(2)(a) Except for the Alliance, Auglaize county, Brown 25627
county, Columbiana county, Holmes county, Lorain, Massillon, and 25628
Youngstown municipal courts, in a municipal court for which the 25629
population of the territory is less than one hundred thousand, the 25630
clerk shall be appointed by the court, and the clerk shall hold 25631
office until the clerk's successor is appointed and qualified. 25632

(b) In the Alliance, Lorain, Massillon, and Youngstown 25633
municipal courts, the clerk shall be elected for a term of office 25634
as described in division (A)(1)(a) of this section. 25635

(c) In the Auglaize county, Brown county, and Holmes county 25636
municipal courts, the clerks of courts of Auglaize county, Brown 25637
county, and Holmes county shall be the clerks, respectively, of 25638
the Auglaize county, Brown county, and Holmes county municipal 25639
courts and may appoint a chief deputy clerk for each branch office 25640
that is established pursuant to section 1901.311 of the Revised 25641
Code, and assistant clerks as the judge of the court determines 25642
are necessary, all of whom shall receive the compensation that the 25643
legislative authority prescribes. The clerks of courts of Auglaize 25644
county, Brown county, and Holmes county, acting as the clerks of 25645

the Auglaize county, Brown county, and Holmes county municipal courts and assuming the duties of these offices, shall receive compensation payable from the county treasury in semimonthly installments at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(d) In the Columbiana county municipal court, the clerk of courts of Columbiana county shall be the clerk of the municipal court, may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks shall receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana county, acting as the clerk of the Columbiana county municipal court and assuming the duties of that office, shall receive in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(3) During the temporary absence of the clerk due to illness, vacation, or other proper cause, the court may appoint a temporary clerk, who shall be paid the same compensation, have the same authority, and perform the same duties as the clerk.

(B) Except in the Hamilton county, Portage county, and Wayne county municipal courts, if a vacancy occurs in the office of the clerk of the Alliance, Lorain, Massillon, or Youngstown municipal court or occurs in the office of the clerk of a municipal court

for which the population of the territory equals or exceeds one 25678
hundred thousand because the clerk ceases to hold the office 25679
before the end of the clerk's term or because a clerk-elect fails 25680
to take office, the vacancy shall be filled, until a successor is 25681
elected and qualified, by a person chosen by the residents of the 25682
territory of the court who are members of the county central 25683
committee of the political party by which the last occupant of 25684
that office or the clerk-elect was nominated. Not less than five 25685
nor more than fifteen days after a vacancy occurs, those members 25686
of that county central committee shall meet to make an appointment 25687
to fill the vacancy. At least four days before the date of the 25688
meeting, the chairperson or a secretary of the county central 25689
committee shall notify each such member of that county central 25690
committee by first class mail of the date, time, and place of the 25691
meeting and its purpose. A majority of all such members of that 25692
county central committee constitutes a quorum, and a majority of 25693
the quorum is required to make the appointment. If the office so 25694
vacated was occupied or was to be occupied by a person not 25695
nominated at a primary election, or if the appointment was not 25696
made by the committee members in accordance with this division, 25697
the court shall make an appointment to fill the vacancy. A 25698
successor shall be elected to fill the office for the unexpired 25699
term at the first municipal election that is held more than one 25700
hundred twenty days after the vacancy occurred. 25701

(C)(1) In a municipal court, other than the Auglaize county, 25702
the Brown county, the Columbiana county, the Holmes county, and 25703
the Lorain municipal courts, for which the population of the 25704
territory is less than one hundred thousand, the clerk of the 25705
municipal court shall receive the annual compensation that the 25706
presiding judge of the court prescribes, if the revenue of the 25707
court for the preceding calendar year, as certified by the auditor 25708
or chief fiscal officer of the municipal corporation in which the 25709
court is located or, in the case of a county-operated municipal 25710

court, the county auditor, is equal to or greater than the 25711
expenditures, including any debt charges, for the operation of the 25712
court payable under this chapter from the city treasury or, in the 25713
case of a county-operated municipal court, the county treasury for 25714
that calendar year, as also certified by the auditor or chief 25715
fiscal officer. If the revenue of a municipal court, other than 25716
the Auglaize county, the Brown county, the Columbiana county, and 25717
the Lorain municipal courts, for which the population of the 25718
territory is less than one hundred thousand for the preceding 25719
calendar year as so certified is not equal to or greater than 25720
those expenditures for the operation of the court for that 25721
calendar year as so certified, the clerk of a municipal court 25722
shall receive the annual compensation that the legislative 25723
authority prescribes. As used in this division, "revenue" means 25724
the total of all costs and fees that are collected and paid to the 25725
city treasury or, in a county-operated municipal court, the county 25726
treasury by the clerk of the municipal court under division (F) of 25727
this section and all interest received and paid to the city 25728
treasury or, in a county-operated municipal court, the county 25729
treasury in relation to the costs and fees under division (G) of 25730
this section. 25731

(2) In a municipal court, other than the Hamilton county, 25732
Portage county, and Wayne county municipal courts, for which the 25733
population of the territory is one hundred thousand or more, and 25734
in the Lorain municipal court, the clerk of the municipal court 25735
shall receive annual compensation in a sum equal to eighty-five 25736
per cent of the salary of a judge of the court. 25737

(3) The compensation of a clerk described in division (C)(1) 25738
or (2) of this section and of the clerk of the Columbiana county 25739
municipal court is payable in either semimonthly installments or 25740
biweekly installments, as determined by the payroll administrator, 25741
from the same sources and in the same manner as provided in 25742

section 1901.11 of the Revised Code, except that the compensation 25743
of the clerk of the Carroll county municipal court is payable in 25744
biweekly installments. 25745

(D) Before entering upon the duties of the clerk's office, 25746
the clerk of a municipal court shall give bond of not less than 25747
six thousand dollars to be determined by the judges of the court, 25748
conditioned upon the faithful performance of the clerk's duties. 25749

(E) The clerk of a municipal court may do all of the 25750
following: administer oaths, take affidavits, and issue executions 25751
upon any judgment rendered in the court, including a judgment for 25752
unpaid costs; issue, sign, and attach the seal of the court to all 25753
writs, process, subpoenas, and papers issuing out of the court; 25754
and approve all bonds, sureties, recognizances, and undertakings 25755
fixed by any judge of the court or by law. The clerk may refuse to 25756
accept for filing any pleading or paper submitted for filing by a 25757
person who has been found to be a vexatious litigator under 25758
section 2323.52 of the Revised Code and who has failed to obtain 25759
leave to proceed under that section. The clerk shall do all of the 25760
following: file and safely keep all journals, records, books, and 25761
papers belonging or appertaining to the court; record the 25762
proceedings of the court; perform all other duties that the judges 25763
of the court may prescribe; and keep a book showing all receipts 25764
and disbursements, which book shall be open for public inspection 25765
at all times. 25766

The clerk shall prepare and maintain a general index, a 25767
docket, and other records that the court, by rule, requires, all 25768
of which shall be the public records of the court. In the docket, 25769
the clerk shall enter, at the time of the commencement of an 25770
action, the names of the parties in full, the names of the 25771
counsel, and the nature of the proceedings. Under proper dates, 25772
the clerk shall note the filing of the complaint, issuing of 25773
summons or other process, returns, and any subsequent pleadings. 25774

The clerk also shall enter all reports, verdicts, orders, 25775
judgments, and proceedings of the court, clearly specifying the 25776
relief granted or orders made in each action. The court may order 25777
an extended record of any of the above to be made and entered, 25778
under the proper action heading, upon the docket at the request of 25779
any party to the case, the expense of which record may be taxed as 25780
costs in the case or may be required to be prepaid by the party 25781
demanding the record, upon order of the court. 25782

(F) The clerk of a municipal court shall receive, collect, 25783
and issue receipts for all costs, fees, fines, bail, and other 25784
moneys payable to the office or to any officer of the court. The 25785
clerk shall each month disburse to the proper persons or officers, 25786
and take receipts for, all costs, fees, fines, bail, and other 25787
moneys that the clerk collects. Subject to sections 3375.50 and 25788
4511.193 of the Revised Code and to any other section of the 25789
Revised Code that requires a specific manner of disbursement of 25790
any moneys received by a municipal court and except for the 25791
Hamilton county, Lawrence county, and Ottawa county municipal 25792
courts, the clerk shall pay all fines received for violation of 25793
municipal ordinances into the treasury of the municipal 25794
corporation the ordinance of which was violated and shall pay all 25795
fines received for violation of township resolutions adopted 25796
pursuant to section 503.52 or 503.53 or Chapter 504. of the 25797
Revised Code into the treasury of the township the resolution of 25798
which was violated. Subject to sections 1901.024 and 4511.193 of 25799
the Revised Code, in the Hamilton county, Lawrence county, and 25800
Ottawa county municipal courts, the clerk shall pay fifty per cent 25801
of the fines received for violation of municipal ordinances and 25802
fifty per cent of the fines received for violation of township 25803
resolutions adopted pursuant to section 503.52 or 503.53 or 25804
Chapter 504. of the Revised Code into the treasury of the county. 25805
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 25806
Revised Code and to any other section of the Revised Code that 25807

requires a specific manner of disbursement of any moneys received 25808
by a municipal court, the clerk shall pay all fines collected for 25809
the violation of state laws into the county treasury. Except in a 25810
county-operated municipal court, the clerk shall pay all costs and 25811
fees the disbursement of which is not otherwise provided for in 25812
the Revised Code into the city treasury. The clerk of a 25813
county-operated municipal court shall pay the costs and fees the 25814
disbursement of which is not otherwise provided for in the Revised 25815
Code into the county treasury. Moneys deposited as security for 25816
costs shall be retained pending the litigation. The clerk shall 25817
keep a separate account of all receipts and disbursements in civil 25818
and criminal cases, which shall be a permanent public record of 25819
the office. On the expiration of the term of the clerk, the clerk 25820
shall deliver the records to the clerk's successor. The clerk 25821
shall have other powers and duties as are prescribed by rule or 25822
order of the court. 25823

(G) All moneys paid into a municipal court shall be noted on 25824
the record of the case in which they are paid and shall be 25825
deposited in a state or national bank, or a domestic savings and 25826
loan association, as defined in section 1151.01 of the Revised 25827
Code, that is selected by the clerk. Any interest received upon 25828
the deposits shall be paid into the city treasury, except that, in 25829
a county-operated municipal court, the interest shall be paid into 25830
the treasury of the county in which the court is located. 25831

On the first Monday in January of each year, the clerk shall 25832
make a list of the titles of all cases in the court that were 25833
finally determined more than one year past in which there remains 25834
unclaimed in the possession of the clerk any funds, or any part of 25835
a deposit for security of costs not consumed by the costs in the 25836
case. The clerk shall give notice of the moneys to the parties who 25837
are entitled to the moneys or to their attorneys of record. All 25838
the moneys remaining unclaimed on the first day of April of each 25839

year shall be paid by the clerk to the city treasurer, except 25840
that, in a county-operated municipal court, the moneys shall be 25841
paid to the treasurer of the county in which the court is located. 25842
The treasurer shall pay any part of the moneys at any time to the 25843
person who has the right to the moneys upon proper certification 25844
of the clerk. 25845

(H) Deputy clerks of a municipal court other than the Carroll 25846
county municipal court may be appointed by the clerk and shall 25847
receive the compensation, payable in either biweekly installments 25848
or semimonthly installments, as determined by the payroll 25849
administrator, out of the city treasury, that the clerk may 25850
prescribe, except that the compensation of any deputy clerk of a 25851
county-operated municipal court shall be paid out of the treasury 25852
of the county in which the court is located. The judge of the 25853
Carroll county municipal court may appoint deputy clerks for the 25854
court, and the deputy clerks shall receive the compensation, 25855
payable in biweekly installments out of the county treasury, that 25856
the judge may prescribe. Each deputy clerk shall take an oath of 25857
office before entering upon the duties of the deputy clerk's 25858
office and, when so qualified, may perform the duties appertaining 25859
to the office of the clerk. The clerk may require any of the 25860
deputy clerks to give bond of not less than three thousand 25861
dollars, conditioned for the faithful performance of the deputy 25862
clerk's duties. 25863

(I) For the purposes of this section, whenever the population 25864
of the territory of a municipal court falls below one hundred 25865
thousand but not below ninety thousand, and the population of the 25866
territory prior to the most recent regular federal census exceeded 25867
one hundred thousand, the legislative authority of the municipal 25868
corporation may declare, by resolution, that the territory shall 25869
be considered to have a population of at least one hundred 25870
thousand. 25871

(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts.

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in

this state, and that does one or more of the following:	25902
(a) Receives and cares for children for two or more consecutive weeks;	25903 25904
(b) Participates in the placement of children in certified foster homes;	25905 25906
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	25907 25908
(B) As used in this chapter:	25909
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	25910 25911 25912 25913 25914 25915
(2) "Adult" means an individual who is eighteen years of age or older.	25916 25917
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	25918 25919 25920 25921
(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	25922 25923 25924
(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of	25925 25926 25927 25928 25929 25930 25931

age. 25932

(6) "Child day camp," "child care," "child day-care center," 25933
"part-time child day-care center," "type A family day-care home," 25934
"certified type B family day-care home," "type B home," 25935
"administrator of a child day-care center," "administrator of a 25936
type A family day-care home," "in-home aide," and "authorized 25937
provider" have the same meanings as in section 5104.01 of the 25938
Revised Code. 25939

(7) "Child care provider" means an individual who is a 25940
child-care staff member or administrator of a child day-care 25941
center, a type A family day-care home, or a type B family day-care 25942
home, or an in-home aide or an individual who is licensed, is 25943
regulated, is approved, operates under the direction of, or 25944
otherwise is certified by the department of job and family 25945
services, department of mental retardation and developmental 25946
disabilities, or the early childhood programs of the department of 25947
education. 25948

(8) "Chronic truant" has the same meaning as in section 25949
2152.02 of the Revised Code. 25950

(9) "Commit" means to vest custody as ordered by the court. 25951

(10) "Counseling" includes both of the following: 25952

(a) General counseling services performed by a public 25953
children services agency or shelter for victims of domestic 25954
violence to assist a child, a child's parents, and a child's 25955
siblings in alleviating identified problems that may cause or have 25956
caused the child to be an abused, neglected, or dependent child. 25957

(b) Psychiatric or psychological therapeutic counseling 25958
services provided to correct or alleviate any mental or emotional 25959
illness or disorder and performed by a licensed psychiatrist, 25960
licensed psychologist, or a person licensed under Chapter 4757. of 25961
the Revised Code to engage in social work or professional 25962

counseling.	25963
(11) "Custodian" means a person who has legal custody of a	25964
child or a public children services agency or private child	25965
placing agency that has permanent, temporary, or legal custody of	25966
a child.	25967
(12) "Delinquent child" has the same meaning as in section	25968
2152.02 of the Revised Code.	25969
(13) "Detention" means the temporary care of children pending	25970
court adjudication or disposition, or execution of a court order,	25971
in a public or private facility designed to physically restrict	25972
the movement and activities of children.	25973
(14) "Developmental disability" has the same meaning as in	25974
section 5123.01 of the Revised Code.	25975
(15) "Foster caregiver" has the same meaning as in section	25976
5103.02 of the Revised Code.	25977
(16) "Guardian" means a person, association, or corporation	25978
that is granted authority by a probate court pursuant to Chapter	25979
2111. of the Revised Code to exercise parental rights over a child	25980
to the extent provided in the court's order and subject to the	25981
residual parental rights of the child's parents.	25982
(17) "Habitual truant" means any child of compulsory school	25983
age who is absent without legitimate excuse for absence from the	25984
public school the child is supposed to attend for five or more	25985
consecutive school days, seven or more school days in one school	25986
month, or twelve or more school days in a school year.	25987
(18) "Juvenile traffic offender" has the same meaning as in	25988
section 2152.02 of the Revised Code.	25989
(19) "Legal custody" means a legal status that vests in the	25990
custodian the right to have physical care and control of the child	25991
and to determine where and with whom the child shall live, and the	25992

right and duty to protect, train, and discipline the child and to 25993
provide the child with food, shelter, education, and medical care, 25994
all subject to any residual parental rights, privileges, and 25995
responsibilities. An individual granted legal custody shall 25996
exercise the rights and responsibilities personally unless 25997
otherwise authorized by any section of the Revised Code or by the 25998
court. 25999

(20) A "legitimate excuse for absence from the public school 26000
the child is supposed to attend" includes, but is not limited to, 26001
any of the following: 26002

(a) The fact that the child in question has enrolled in and 26003
is attending another public or nonpublic school in this or another 26004
state; 26005

(b) The fact that the child in question is excused from 26006
attendance at school for any of the reasons specified in section 26007
3321.04 of the Revised Code; 26008

(c) The fact that the child in question has received an age 26009
and schooling certificate in accordance with section 3331.01 of 26010
the Revised Code. 26011

(21) "Mental illness" and "mentally ill person subject to 26012
hospitalization by court order" have the same meanings as in 26013
section 5122.01 of the Revised Code. 26014

(22) "Mental injury" means any behavioral, cognitive, 26015
emotional, or mental disorder in a child caused by an act or 26016
omission that is described in section 2919.22 of the Revised Code 26017
and is committed by the parent or other person responsible for the 26018
child's care. 26019

(23) "Mentally retarded person" has the same meaning as in 26020
section 5123.01 of the Revised Code. 26021

(24) "Nonsecure care, supervision, or training" means care, 26022

supervision, or training of a child in a facility that does not 26023
confine or prevent movement of the child within the facility or 26024
from the facility. 26025

(25) "Of compulsory school age" has the same meaning as in 26026
section 3321.01 of the Revised Code. 26027

(26) "Organization" means any institution, public, 26028
semipublic, or private, and any private association, society, or 26029
agency located or operating in the state, incorporated or 26030
unincorporated, having among its functions the furnishing of 26031
protective services or care for children, or the placement of 26032
children in certified foster homes or elsewhere. 26033

(27) "Out-of-home care" means detention facilities, shelter 26034
facilities, certified children's crisis care facilities, certified 26035
foster homes, placement in a prospective adoptive home prior to 26036
the issuance of a final decree of adoption, organizations, 26037
certified organizations, child day-care centers, type A family 26038
day-care homes, child care provided by type B family day-care home 26039
providers and by in-home aides, group home providers, group homes, 26040
institutions, state institutions, residential facilities, 26041
residential care facilities, residential camps, day camps, public 26042
schools, chartered nonpublic schools, educational service centers, 26043
hospitals, and medical clinics that are responsible for the care, 26044
physical custody, or control of children. 26045

(28) "Out-of-home care child abuse" means any of the 26046
following when committed by a person responsible for the care of a 26047
child in out-of-home care: 26048

(a) Engaging in sexual activity with a child in the person's 26049
care; 26050

(b) Denial to a child, as a means of punishment, of proper or 26051
necessary subsistence, education, medical care, or other care 26052
necessary for a child's health; 26053

(c) Use of restraint procedures on a child that cause injury or pain;	26054 26055
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	26056 26057 26058
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	26059 26060 26061 26062 26063
(29) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	26064 26065 26066
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	26067 26068 26069
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	26070 26071 26072 26073
(c) Failure to develop a process for all of the following:	26074
(i) Administration of prescription drugs or psychotropic drugs for the child;	26075 26076
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	26077 26078
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	26079 26080 26081
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary	26082 26083

for the health or well-being of the child; 26084

(e) Confinement of the child to a locked room without 26085
monitoring by staff; 26086

(f) Failure to provide ongoing security for all prescription 26087
and nonprescription medication; 26088

(g) Isolation of a child for a period of time when there is 26089
substantial risk that the isolation, if continued, will impair or 26090
retard the mental health or physical well-being of the child. 26091

(30) "Permanent custody" means a legal status that vests in a 26092
public children services agency or a private child placing agency, 26093
all parental rights, duties, and obligations, including the right 26094
to consent to adoption, and divests the natural parents or 26095
adoptive parents of all parental rights, privileges, and 26096
obligations, including all residual rights and obligations. 26097

(31) "Permanent surrender" means the act of the parents or, 26098
if a child has only one parent, of the parent of a child, by a 26099
voluntary agreement authorized by section 5103.15 of the Revised 26100
Code, to transfer the permanent custody of the child to a public 26101
children services agency or a private child placing agency. 26102

(32) "Person" means an individual, association, corporation, 26103
or partnership and the state or any of its political subdivisions, 26104
departments, or agencies. 26105

(33) "Person responsible for a child's care in out-of-home 26106
care" means any of the following: 26107

(a) Any foster caregiver, in-home aide, or provider; 26108

(b) Any administrator, employee, or agent of any of the 26109
following: a public or private detention facility; shelter 26110
facility; certified children's crisis care facility; organization; 26111
certified organization; child day-care center; type A family 26112
day-care home; certified type B family day-care home; group home; 26113

institution; state institution; residential facility; residential
care facility; residential camp; day camp; school district;
community school; chartered nonpublic school; educational service
center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of
an extracurricular activity sponsored by a school district, public
school, or chartered nonpublic school;

(d) Any other person who performs a similar function with
respect to, or has a similar relationship to, children.

(34) "Physically impaired" means having one or more of the
following conditions that substantially limit one or more of an
individual's major life activities, including self-care, receptive
and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic
fever or any other similar chronic or acute health problem, or
amputation or another similar cause.

(35) "Placement for adoption" means the arrangement by a
public children services agency or a private child placing agency
with a person for the care and adoption by that person of a child
of whom the agency has permanent custody.

(36) "Placement in foster care" means the arrangement by a
public children services agency or a private child placing agency
for the out-of-home care of a child of whom the agency has
temporary custody or permanent custody.

(37) "Planned permanent living arrangement" means an order of
a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public
children services agency or a private child placing agency without

the termination of parental rights. 26144

(b) The order permits the agency to make an appropriate 26145
placement of the child and to enter into a written agreement with 26146
a foster care provider or with another person or agency with whom 26147
the child is placed. 26148

(38) "Practice of social work" and "practice of professional 26149
counseling" have the same meanings as in section 4757.01 of the 26150
Revised Code. 26151

(39) "Sanction, service, or condition" means a sanction, 26152
service, or condition created by court order following an 26153
adjudication that a child is an unruly child that is described in 26154
division (A)(4) of section 2152.19 of the Revised Code. 26155

(40) "Protective supervision" means an order of disposition 26156
pursuant to which the court permits an abused, neglected, 26157
dependent, or unruly child to remain in the custody of the child's 26158
parents, guardian, or custodian and stay in the child's home, 26159
subject to any conditions and limitations upon the child, the 26160
child's parents, guardian, or custodian, or any other person that 26161
the court prescribes, including supervision as directed by the 26162
court for the protection of the child. 26163

(41) "Psychiatrist" has the same meaning as in section 26164
5122.01 of the Revised Code. 26165

(42) "Psychologist" has the same meaning as in section 26166
4732.01 of the Revised Code. 26167

(43) "Residential camp" means a program in which the care, 26168
physical custody, or control of children is accepted overnight for 26169
recreational or recreational and educational purposes. 26170

(44) "Residential care facility" means an institution, 26171
residence, or facility that is licensed by the department of 26172
mental health under section 5119.22 of the Revised Code and that 26173

provides care for a child. 26174

(45) "Residential facility" means a home or facility that is 26175
licensed by the department of mental retardation and developmental 26176
disabilities under section 5123.19 of the Revised Code and in 26177
which a child with a developmental disability resides. 26178

(46) "Residual parental rights, privileges, and 26179
responsibilities" means those rights, privileges, and 26180
responsibilities remaining with the natural parent after the 26181
transfer of legal custody of the child, including, but not 26182
necessarily limited to, the privilege of reasonable visitation, 26183
consent to adoption, the privilege to determine the child's 26184
religious affiliation, and the responsibility for support. 26185

~~(47) "School day" means the school day established by the 26186
state board of education pursuant to section 3313.48 of the 26187
Revised Code. 26188~~

~~(48) "School," "school month," and "school year" have the 26189
same meanings as in section 3313.62 of the Revised Code. 26190~~

~~(49)~~(48) "Secure correctional facility" means a facility 26191
under the direction of the department of youth services that is 26192
designed to physically restrict the movement and activities of 26193
children and used for the placement of children after adjudication 26194
and disposition. 26195

~~(50)~~(49) "Sexual activity" has the same meaning as in section 26196
2907.01 of the Revised Code. 26197

~~(51)~~(50) "Shelter" means the temporary care of children in 26198
physically unrestricted facilities pending court adjudication or 26199
disposition. 26200

~~(52)~~(51) "Shelter for victims of domestic violence" has the 26201
same meaning as in section 3113.33 of the Revised Code. 26202

~~(53)~~(52) "Temporary custody" means legal custody of a child 26203

who is removed from the child's home, which custody may be 26204
terminated at any time at the discretion of the court or, if the 26205
legal custody is granted in an agreement for temporary custody, by 26206
the person who executed the agreement. 26207

(C) For the purposes of this chapter, a child shall be 26208
presumed abandoned when the parents of the child have failed to 26209
visit or maintain contact with the child for more than ninety 26210
days, regardless of whether the parents resume contact with the 26211
child after that period of ninety days. 26212

Sec. 2315.50. (A) This section applies to an action 26213
maintained as a class action in which the settlement agreement or 26214
judgment includes a monetary award, including compensatory or 26215
punitive and exemplary damages, restitution, or any other payment 26216
of money due from each defendant to the members of the class. 26217

(B) It is the policy of this state, insofar as it is not 26218
inconsistent with federal law, that all unpaid moneys remaining 26219
after the distribution to the members of the class of monetary 26220
awards in class actions described in division (A) of this section 26221
shall be used for the charitable public purpose of providing 26222
financial assistance to legal aid societies that operate within 26223
this state. Not later than the twentieth day of the month 26224
immediately following the month during which the amount of unpaid 26225
moneys, if any, remaining after that distribution of the monetary 26226
award in the class action is identified, each defendant from whom 26227
the unpaid moneys are due, in a manner and form prescribed in the 26228
rules established by the Ohio legal assistance foundation under 26229
section 120.52 of the Revised Code, shall do both of the 26230
following: 26231

(1) Remit the sum of the unpaid moneys to the treasurer of 26232
state for deposit in the legal aid fund established under section 26233
120.52 of the Revised Code; 26234

(2) Notify the Ohio legal assistance foundation of all of the 26235
following: 26236

(a) The amount of the sum of unpaid moneys remitted under 26237
division (B)(1) of this section; 26238

(b) The case name and case number of the class action and the 26239
court that approved the settlement agreement or rendered the 26240
judgment in the class action. 26241

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 26242
2317.41 of the Revised Code but subject to division (B) of this 26243
section, the records, or copies or photographs of the records, of 26244
a hospital, homes required to be licensed pursuant to section 26245
3721.01 of the Revised Code, ~~and of adult care facilities required~~ 26246
to be licensed pursuant to Chapter 3722. of the Revised Code, ~~and~~ 26247
~~community alternative homes licensed pursuant to section 3724.03~~ 26248
~~of the Revised Code,~~ in lieu of the testimony in open court of 26249
their custodian, person who made them, or person under whose 26250
supervision they were made, may be qualified as authentic evidence 26251
if any such person endorses thereon the person's verified 26252
certification identifying such records, giving the mode and time 26253
of their preparation, and stating that they were prepared in the 26254
usual course of the business of the institution. Such records, 26255
copies, or photographs may not be qualified by certification as 26256
provided in this section unless the party intending to offer them 26257
delivers a copy of them, or of their relevant portions, to the 26258
attorney of record for each adverse party not less than five days 26259
before trial. Nothing in this section shall be construed to limit 26260
the right of any party to call the custodian, person who made such 26261
records, or person under whose supervision they were made, as a 26262
witness. 26263

(B) Division (A) of this section does not apply to any 26264
certified copy of the results of any test given to determine the 26265

presence or concentration of alcohol, a drug of abuse, a 26266
combination of them, a controlled substance, or a metabolite of a 26267
controlled substance in a patient's whole blood, blood serum or 26268
plasma, breath, or urine at any time relevant to a criminal 26269
offense that is submitted in a criminal action or proceeding in 26270
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 26271
of the Revised Code. 26272

Sec. 2503.17. ~~(A) Except as provided in division (B) and~~ 26273
~~subject to division (C) of this section, the~~ The clerk of the 26274
supreme court shall charge and collect ~~forty~~ one hundred dollars, 26275
as a filing fee, for each case entered upon the ~~minute book,~~ 26276
~~including, but not limited to, original actions in the court,~~ 26277
~~appeals filed as of right, and cases certified by the courts of~~ 26278
~~appeals for review on the ground of conflict of decisions; and for~~ 26279
~~each motion to certify the record of a court of appeals or for~~ 26280
~~leave to file a notice of appeal in criminal cases~~ docket. The 26281
filing fees so charged and collected shall be in full for 26282
~~docketing the cases or motions, making dockets from term to term,~~ 26283
~~indexing and entering appearances, issuing process, filing papers,~~ 26284
~~entering rules, motions, orders, continuances, decrees, and~~ 26285
~~judgments, making lists of causes on the regular docket for~~ 26286
~~publication each year, making and certifying orders, decrees, and~~ 26287
~~judgments of the court to other tribunals, and the issuing of~~ 26288
~~mandates. Except as provided in division (B) of this section, the~~ 26289
each case filed in the supreme court under the Rules of Practice 26290
of the Supreme Court. The party invoking the action of the court 26291
shall pay the filing fee to the clerk before the case ~~or motion~~ is 26292
docketed, and it shall be taxed as costs and recovered from the 26293
other party if the party invoking the action of the court 26294
succeeds, unless the court otherwise directs. 26295

~~(B)(1) As used in this division, "prosecutor" has the same~~ 26296
~~meaning as in section 2935.01 of the Revised Code.~~ 26297

~~(2) The clerk of the supreme court shall not charge to and collect from a prosecutor the forty dollar filing fee prescribed by division (A) of this section when all of the following circumstances apply:~~

~~(a) In accordance with the Rules of Practice of the Supreme Court of Ohio, an indigent defendant in a criminal action or proceeding files in the appropriate court of appeals a notice of appeal within thirty days from the date of the entry of the judgment or final order that is the subject of the appeal.~~

~~(b) The indigent defendant fails to file or offer for filing in the supreme court within thirty days from the date of the filing of the notice of appeal in the court of appeals, a copy of the notice of appeal supported by a memorandum in support of jurisdiction and other documentation and information as required by the Rules of Practice of the Supreme Court of Ohio.~~

~~(c) The prosecutor or a representative of the prosecutor associated with the criminal action or proceeding files a motion to docket and dismiss the appeal of the indigent defendant for lack of prosecution as authorized by the Rules of Practice of the Supreme Court of Ohio.~~

~~(d) The prosecutor states in the motion that the forty dollar filing fee does not accompany the motion because of the applicability of this division, and the clerk of the supreme court determines that this division applies. No filing fee or security deposit shall be charged to an indigent party upon determination of indigency by the supreme court pursuant to the Rules of Practice of the Supreme Court.~~

Sec. 2903.13. (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(B) No person shall recklessly cause serious physical harm to

another or to another's unborn. 26328

(C) Whoever violates this section is guilty of assault, and 26329
the court shall sentence the offender as provided in this division 26330
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section. 26331
Except as otherwise provided in division (C)(1), (2), (3), (4), or 26332
(5) of this section, assault is a misdemeanor of the first degree. 26333

(1) Except as otherwise provided in this division, if the 26334
offense is committed by a caretaker against a functionally 26335
impaired person under the caretaker's care, assault is a felony of 26336
the fourth degree. If the offense is committed by a caretaker 26337
against a functionally impaired person under the caretaker's care, 26338
if the offender previously has been convicted of or pleaded guilty 26339
to a violation of this section or section 2903.11 or 2903.16 of 26340
the Revised Code, and if in relation to the previous conviction 26341
the offender was a caretaker and the victim was a functionally 26342
impaired person under the offender's care, assault is a felony of 26343
the third degree. 26344

(2) If the offense is committed in any of the following 26345
circumstances, assault is a felony of the fifth degree: 26346

(a) The offense occurs in or on the grounds of a state 26347
correctional institution or an institution of the department of 26348
youth services, the victim of the offense is an employee of the 26349
department of rehabilitation and correction, the department of 26350
youth services, or a probation department or is on the premises of 26351
the particular institution for business purposes or as a visitor, 26352
and the offense is committed by a person incarcerated in the state 26353
correctional institution, by a person institutionalized in the 26354
department of youth services institution pursuant to a commitment 26355
to the department of youth services, by a parolee, by an offender 26356
under transitional control, under a community control sanction, or 26357
on an escorted visit, by a person under post-release control, or 26358
by an offender under any other type of supervision by a government 26359

agency. 26360

(b) The offense occurs in or on the grounds of a local 26361
correctional facility, the victim of the offense is an employee of 26362
the local correctional facility or a probation department or is on 26363
the premises of the facility for business purposes or as a 26364
visitor, and the offense is committed by a person who is under 26365
custody in the facility subsequent to the person's arrest for any 26366
crime or delinquent act, subsequent to the person's being charged 26367
with or convicted of any crime, or subsequent to the person's 26368
being alleged to be or adjudicated a delinquent child. 26369

(c) The offense occurs off the grounds of a state 26370
correctional institution and off the grounds of an institution of 26371
the department of youth services, the victim of the offense is an 26372
employee of the department of rehabilitation and correction, the 26373
department of youth services, or a probation department, the 26374
offense occurs during the employee's official work hours and while 26375
the employee is engaged in official work responsibilities, and the 26376
offense is committed by a person incarcerated in a state 26377
correctional institution or institutionalized in the department of 26378
youth services who temporarily is outside of the institution for 26379
any purpose, by a parolee, by an offender under transitional 26380
control, under a community control sanction, or on an escorted 26381
visit, by a person under post-release control, or by an offender 26382
under any other type of supervision by a government agency. 26383

(d) The offense occurs off the grounds of a local 26384
correctional facility, the victim of the offense is an employee of 26385
the local correctional facility or a probation department, the 26386
offense occurs during the employee's official work hours and while 26387
the employee is engaged in official work responsibilities, and the 26388
offense is committed by a person who is under custody in the 26389
facility subsequent to the person's arrest for any crime or 26390
delinquent act, subsequent to the person being charged with or 26391

convicted of any crime, or subsequent to the person being alleged 26392
to be or adjudicated a delinquent child and who temporarily is 26393
outside of the facility for any purpose or by a parolee, by an 26394
offender under transitional control, under a community control 26395
sanction, or on an escorted visit, by a person under post-release 26396
control, or by an offender under any other type of supervision by 26397
a government agency. 26398

(e) The victim of the offense is a school teacher or 26399
administrator or a school bus operator, and the offense occurs in 26400
a school, on school premises, in a school building, on a school 26401
bus, or while the victim is outside of school premises or a school 26402
bus and is engaged in duties or official responsibilities 26403
associated with the victim's employment or position as a school 26404
teacher or administrator or a school bus operator, including, but 26405
not limited to, driving, accompanying, or chaperoning students at 26406
or on class or field trips, athletic events, or other school 26407
extracurricular activities or functions outside of school 26408
premises. 26409

(3) If the victim of the offense is a peace officer or an 26410
investigator of the bureau of criminal identification and 26411
investigation, a firefighter, or a person performing emergency 26412
medical service, while in the performance of their official 26413
duties, assault is a felony of the fourth degree. 26414

(4) If the victim of the offense is a peace officer or an 26415
investigator of the bureau of criminal identification and 26416
investigation and if the victim suffered serious physical harm as 26417
a result of the commission of the offense, assault is a felony of 26418
the fourth degree, and the court, pursuant to division (F) of 26419
section 2929.13 of the Revised Code, shall impose as a mandatory 26420
prison term one of the prison terms prescribed for a felony of the 26421
fourth degree that is at least twelve months in duration. 26422

(5) If the victim of the offense is an officer or employee of 26423

a public children services agency ~~or~~, a private child placing
agency, or an adult protective services agency and the offense
relates to the officer's or employee's performance or anticipated
performance of official responsibilities or duties, assault is
either a felony of the fifth degree or, if the offender previously
has been convicted of or pleaded guilty to an offense of violence,
the victim of that prior offense was an officer or employee of a
public children services agency ~~or~~, a private child placing
agency, or an adult protective services agency, and that prior
offense related to the officer's or employee's performance or
anticipated performance of official responsibilities or duties, a
felony of the fourth degree.

(6) If an offender who is convicted of or pleads guilty to
assault when it is a misdemeanor also is convicted of or pleads
guilty to a specification as described in section 2941.1423 of the
Revised Code that was included in the indictment, count in the
indictment, or information charging the offense, the court shall
sentence the offender to a mandatory jail term as provided in
division (G) of section 2929.24 of the Revised Code.

If an offender who is convicted of or pleads guilty to
assault when it is a felony also is convicted of or pleads guilty
to a specification as described in section 2941.1423 of the
Revised Code that was included in the indictment, count in the
indictment, or information charging the offense, except as
otherwise provided in division (C)(4) of this section, the court
shall sentence the offender to a mandatory prison term as provided
in division (D)(8) of section 2929.14 of the Revised Code.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section
2935.01 of the Revised Code.

(2) "Firefighter" has the same meaning as in section 3937.41 26455
of the Revised Code. 26456

(3) "Emergency medical service" has the same meaning as in 26457
section 4765.01 of the Revised Code. 26458

(4) "Local correctional facility" means a county, 26459
multicounty, municipal, municipal-county, or multicounty-municipal 26460
jail or workhouse, a minimum security jail established under 26461
section 341.23 or 753.21 of the Revised Code, or another county, 26462
multicounty, municipal, municipal-county, or multicounty-municipal 26463
facility used for the custody of persons arrested for any crime or 26464
delinquent act, persons charged with or convicted of any crime, or 26465
persons alleged to be or adjudicated a delinquent child. 26466

(5) "Employee of a local correctional facility" means a 26467
person who is an employee of the political subdivision or of one 26468
or more of the affiliated political subdivisions that operates the 26469
local correctional facility and who operates or assists in the 26470
operation of the facility. 26471

(6) "School teacher or administrator" means either of the 26472
following: 26473

(a) A person who is employed in the public schools of the 26474
state under a contract described in section 3319.08 of the Revised 26475
Code in a position in which the person is required to have a 26476
certificate issued pursuant to sections 3319.22 to 3319.311 of the 26477
Revised Code. 26478

(b) A person who is employed by a nonpublic school for which 26479
the state board of education prescribes minimum standards under 26480
section 3301.07 of the Revised Code and who is certificated in 26481
accordance with section 3301.071 of the Revised Code. 26482

(7) "Community control sanction" has the same meaning as in 26483
section 2929.01 of the Revised Code. 26484

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code. 26485
26486

(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code. 26487
26488

(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code. 26489
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Sec. 2903.21. (A) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. 26492
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(B) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this division, aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency ~~or~~, a private child placing agency, or an adult protective services agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency ~~or~~, a private child placing agency, or an adult protective services agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree. 26496
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Sec. 2903.211. (A)(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause 26512
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mental distress to the other person. 26515

(2) No person, through the use of any electronic method of 26516
remotely transferring information, including, but not limited to, 26517
any computer, computer network, computer program, or computer 26518
system, shall post a message with purpose to urge or incite 26519
another to commit a violation of division (A)(1) of this section. 26520

(3) No person, with a sexual motivation, shall violate 26521
division (A)(1) or (2) of this section. 26522

(B) Whoever violates this section is guilty of menacing by 26523
stalking. 26524

(1) Except as otherwise provided in divisions (B)(2) and (3) 26525
of this section, menacing by stalking is a misdemeanor of the 26526
first degree. 26527

(2) Menacing by stalking is a felony of the fourth degree if 26528
any of the following applies: 26529

(a) The offender previously has been convicted of or pleaded 26530
guilty to a violation of this section or a violation of section 26531
2911.211 of the Revised Code. 26532

(b) In committing the offense under division (A)(1), (2), or 26533
(3) of this section, the offender made a threat of physical harm 26534
to or against the victim, or as a result of an offense committed 26535
under division (A)(2) or (3) of this section, a third person 26536
induced by the offender's posted message made a threat of physical 26537
harm to or against the victim. 26538

(c) In committing the offense under division (A)(1), (2), or 26539
(3) of this section, the offender trespassed on the land or 26540
premises where the victim lives, is employed, or attends school, 26541
or as a result of an offense committed under division (A)(2) or 26542
(3) of this section, a third person induced by the offender's 26543
posted message trespassed on the land or premises where the victim 26544

lives, is employed, or attends school. 26545

(d) The victim of the offense is a minor. 26546

(e) The offender has a history of violence toward the victim 26547
or any other person or a history of other violent acts toward the 26548
victim or any other person. 26549

(f) While committing the offense under division (A)(1) of 26550
this section or a violation of division (A)(3) of this section 26551
based on conduct in violation of division (A)(1) of this section, 26552
the offender had a deadly weapon on or about the offender's person 26553
or under the offender's control. Division (B)(2)(f) of this 26554
section does not apply in determining the penalty for a violation 26555
of division (A)(2) of this section or a violation of division 26556
(A)(3) of this section based on conduct in violation of division 26557
(A)(2) of this section. 26558

(g) At the time of the commission of the offense, the 26559
offender was the subject of a protection order issued under 26560
section 2903.213 or 2903.214 of the Revised Code, regardless of 26561
whether the person to be protected under the order is the victim 26562
of the offense or another person. 26563

(h) In committing the offense under division (A)(1), (2), or 26564
(3) of this section, the offender caused serious physical harm to 26565
the premises at which the victim resides, to the real property on 26566
which that premises is located, or to any personal property 26567
located on that premises, or, as a result of an offense committed 26568
under division (A)(2) of this section or an offense committed 26569
under division (A)(3) of this section based on a violation of 26570
division (A)(2) of this section, a third person induced by the 26571
offender's posted message caused serious physical harm to that 26572
premises, that real property, or any personal property on that 26573
premises. 26574

(i) Prior to committing the offense, the offender had been 26575

determined to represent a substantial risk of physical harm to 26576
others as manifested by evidence of then-recent homicidal or other 26577
violent behavior, evidence of then-recent threats that placed 26578
another in reasonable fear of violent behavior and serious 26579
physical harm, or other evidence of then-present dangerousness. 26580

(3) If the victim of the offense is an officer or employee of 26581
a public children services agency ~~or~~, a private child placing 26582
agency, or an adult protective services agency and the offense 26583
relates to the officer's or employee's performance or anticipated 26584
performance of official responsibilities or duties, menacing by 26585
stalking is either a felony of the fifth degree or, if the 26586
offender previously has been convicted of or pleaded guilty to an 26587
offense of violence, the victim of that prior offense was an 26588
officer or employee of a public children services agency ~~or~~, a 26589
private child placing agency, or an adult protective services 26590
agency, and that prior offense related to the officer's or 26591
employee's performance or anticipated performance of official 26592
responsibilities or duties, a felony of the fourth degree. 26593

(C) Section 2919.271 of the Revised Code applies in relation 26594
to a defendant charged with a violation of this section. 26595

(D) As used in this section: 26596

(1) "Pattern of conduct" means two or more actions or 26597
incidents closely related in time, whether or not there has been a 26598
prior conviction based on any of those actions or incidents. 26599
Actions or incidents that prevent, obstruct, or delay the 26600
performance by a public official, firefighter, rescuer, emergency 26601
medical services person, or emergency facility person of any 26602
authorized act within the public official's, firefighter's, 26603
rescuer's, emergency medical services person's, or emergency 26604
facility person's official capacity, or the posting of messages or 26605
receipt of information or data through the use of an electronic 26606
method of remotely transferring information, including, but not 26607

limited to, a computer, computer network, computer program, 26608
computer system, or telecommunications device, may constitute a 26609
"pattern of conduct." 26610

(2) "Mental distress" means any of the following: 26611

(a) Any mental illness or condition that involves some 26612
temporary substantial incapacity; 26613

(b) Any mental illness or condition that would normally 26614
require psychiatric treatment, psychological treatment, or other 26615
mental health services, whether or not any person requested or 26616
received psychiatric treatment, psychological treatment, or other 26617
mental health services. 26618

(3) "Emergency medical services person" is the singular of 26619
"emergency medical services personnel" as defined in section 26620
2133.21 of the Revised Code. 26621

(4) "Emergency facility person" is the singular of "emergency 26622
facility personnel" as defined in section 2909.04 of the Revised 26623
Code. 26624

(5) "Public official" has the same meaning as in section 26625
2921.01 of the Revised Code. 26626

(6) "Computer," "computer network," "computer program," 26627
"computer system," and "telecommunications device" have the same 26628
meanings as in section 2913.01 of the Revised Code. 26629

(7) "Post a message" means transferring, sending, posting, 26630
publishing, disseminating, or otherwise communicating, or 26631
attempting to transfer, send, post, publish, disseminate, or 26632
otherwise communicate, any message or information, whether 26633
truthful or untruthful, about an individual, and whether done 26634
under one's own name, under the name of another, or while 26635
impersonating another. 26636

(8) "Third person" means, in relation to conduct as described 26637

in division (A)(2) of this section, an individual who is neither 26638
the offender nor the victim of the conduct. 26639

(9) "Sexual motivation" has the same meaning as in section 26640
2971.01 of the Revised Code. 26641

(E) The state does not need to prove in a prosecution under 26642
this section that a person requested or received psychiatric 26643
treatment, psychological treatment, or other mental health 26644
services in order to show that the person was caused mental 26645
distress as described in division (D)(2)(b) of this section. 26646

(F)(1) This section does not apply to a person solely because 26647
the person provided access or connection to or from an electronic 26648
method of remotely transferring information not under that 26649
person's control, including having provided capabilities that are 26650
incidental to providing access or connection to or from the 26651
electronic method of remotely transferring the information, and 26652
that do not include the creation of the content of the material 26653
that is the subject of the access or connection. In addition, any 26654
person providing access or connection to or from an electronic 26655
method of remotely transferring information not under that 26656
person's control shall not be liable for any action voluntarily 26657
taken in good faith to block the receipt or transmission through 26658
its service of any information that it believes is, or will be 26659
sent, in violation of this section. 26660

(2) Division (F)(1) of this section does not create an 26661
affirmative duty for any person providing access or connection to 26662
or from an electronic method of remotely transferring information 26663
not under that person's control to block the receipt or 26664
transmission through its service of any information that it 26665
believes is, or will be sent, in violation of this section except 26666
as otherwise provided by law. 26667

(3) Division (F)(1) of this section does not apply to a 26668

person who conspires with a person actively involved in the 26669
creation or knowing distribution of material in violation of this 26670
section or who knowingly advertises the availability of material 26671
of that nature. 26672

Sec. 2903.22. (A) No person shall knowingly cause another to 26673
believe that the offender will cause physical harm to the person 26674
or property of the other person, the other person's unborn, or a 26675
member of the other person's immediate family. 26676

(B) Whoever violates this section is guilty of menacing. 26677
Except as otherwise provided in this division, menacing is a 26678
misdemeanor of the fourth degree. If the victim of the offense is 26679
an officer or employee of a public children services agency ~~or~~, a 26680
private child placing agency, or an adult protective services 26681
agency and the offense relates to the officer's or employee's 26682
performance or anticipated performance of official 26683
responsibilities or duties, menacing is a misdemeanor of the first 26684
degree or, if the offender previously has been convicted of or 26685
pleaded guilty to an offense of violence, the victim of that prior 26686
offense was an officer or employee of a public children services 26687
agency ~~or~~, a private child placing agency, or an adult protective 26688
services agency, and that prior offense related to the officer's 26689
or employee's performance or anticipated performance of official 26690
responsibilities or duties, a felony of the fourth degree. 26691

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 26692
Revised Code: 26693

(A) "Care facility" means any of the following: 26694

(1) Any "home" as defined in section 3721.10 or 5111.20 of 26695
the Revised Code; 26696

(2) Any "residential facility" as defined in section 5123.19 26697
of the Revised Code; 26698

(3) Any institution or facility operated or provided by the department of mental health or by the department of mental retardation and developmental disabilities pursuant to sections 5119.02 and 5123.03 of the Revised Code;

(4) Any "residential facility" as defined in section 5119.22 of the Revised Code;

(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;

(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others;

(7) Any "adult care facility" as defined in section 3722.01 of the Revised Code;

(8) Any adult foster home certified by the department of aging or its designee under section 173.36 of the Revised Code;

~~(9) Any "community alternative home" as defined in section 3724.01 of the Revised Code.~~

(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.

(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the person.

(2) "Neglect" means recklessly failing to provide a person

with any treatment, care, goods, or service that is necessary to 26729
maintain the health or safety of the person when the failure 26730
results in serious physical harm to the person. 26731

(D) "Inappropriate use of a physical or chemical restraint, 26732
medication, or isolation" means the use of physical or chemical 26733
restraint, medication, or isolation as punishment, for staff 26734
convenience, excessively, as a substitute for treatment, or in 26735
quantities that preclude habilitation and treatment. 26736

Sec. 2911.21. (A) No person, without privilege to do so, 26737
shall do any of the following: 26738

(1) Knowingly enter or remain on the land or premises of 26739
another; 26740

(2) Knowingly enter or remain on the land or premises of 26741
another, the use of which is lawfully restricted to certain 26742
persons, purposes, modes, or hours, when the offender knows the 26743
offender is in violation of any such restriction or is reckless in 26744
that regard; 26745

(3) Recklessly enter or remain on the land or premises of 26746
another, as to which notice against unauthorized access or 26747
presence is given by actual communication to the offender, or in a 26748
manner prescribed by law, or by posting in a manner reasonably 26749
calculated to come to the attention of potential intruders, or by 26750
fencing or other enclosure manifestly designed to restrict access; 26751

(4) Being on the land or premises of another, negligently 26752
fail or refuse to leave upon being notified by signage posted in a 26753
conspicuous place or otherwise being notified to do so by the 26754
owner or occupant, or the agent or servant of either. 26755

(B) It is no defense to a charge under this section that the 26756
land or premises involved was owned, controlled, or in custody of 26757
a public agency. 26758

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when such authorization was secured by deception.

(D)(1) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(2) Notwithstanding section 2929.28 of the Revised Code, if the person, in committing the violation of this section, used ~~an a~~ snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used ~~an a~~ snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, section 4519.47 of the Revised Code applies.

(E) Notwithstanding any provision of the Revised Code, if the offender, in committing the violation of this section, used an all-purpose vehicle, the clerk of the court shall pay the fine imposed pursuant to this section to the state recreational vehicle fund created by section 4519.11 of the Revised Code.

(F) As used in this section:

(1) "All-purpose vehicle," ~~has~~ "off-highway motorcycle," and "snowmobile" have the same meanings as in section 4519.01 of the Revised Code.

(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of

another, and any separate enclosure or room, or portion thereof. 26790

Sec. 2913.46. (A)(1) As used in this section: 26791

(a) "Electronically transferred benefit" means the transfer 26792
of ~~food stamp~~ supplemental nutrition assistance program benefits 26793
or WIC program benefits through the use of an access device. 26794

(b) "WIC program benefits" includes money, coupons, delivery 26795
verification receipts, other documents, food, or other property 26796
received directly or indirectly pursuant to section 17 of the 26797
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 26798
amended. 26799

(c) "Access device" means any card, plate, code, account 26800
number, or other means of access that can be used, alone or in 26801
conjunction with another access device, to obtain payments, 26802
allotments, benefits, money, goods, or other things of value or 26803
that can be used to initiate a transfer of funds pursuant to 26804
section 5101.33 of the Revised Code and the "~~Food Stamp and~~ 26805
Nutrition Act of 1977," ~~91 Stat. 958,~~ 2008 (7 U.S.C.A. 2011 et 26806
seq.), or any supplemental food program administered by any 26807
department of this state or any county or local agency pursuant to 26808
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 26809
U.S.C.A. 1786, as amended. An "access device" may include any 26810
electronic debit card or other means authorized by section 5101.33 26811
of the Revised Code. 26812

~~(e)~~(d) "Aggregate value of ~~the food stamp coupons~~ 26813
supplemental nutrition assistance program benefits, WIC program 26814
benefits, and electronically transferred benefits involved in the 26815
violation" means the total face value of any ~~food stamps~~ 26816
supplemental nutrition assistance program benefits, plus the total 26817
face value of WIC program coupons or delivery verification 26818
receipts, plus the total value of other WIC program benefits, plus 26819
the total value of any electronically transferred benefit or other 26820

access device, involved in the violation. 26821

~~(d)~~(e) "Total value of any electronically transferred benefit 26822
or other access device" means the total value of the payments, 26823
allotments, benefits, money, goods, or other things of value that 26824
may be obtained, or the total value of funds that may be 26825
transferred, by use of any electronically transferred benefit or 26826
other access device at the time of violation. 26827

(2) If ~~food stamp coupons~~ supplemental nutrition assistance 26828
program benefits, WIC program benefits, or electronically 26829
transferred benefits or other access devices of various values are 26830
used, transferred, bought, acquired, altered, purchased, 26831
possessed, presented for redemption, or transported in violation 26832
of this section over a period of twelve months, the course of 26833
conduct may be charged as one offense and the values of ~~food stamp~~ 26834
~~coupons~~ supplemental nutrition assistance program benefits, WIC 26835
program benefits, or any electronically transferred benefits or 26836
other access devices may be aggregated in determining the degree 26837
of the offense. 26838

(B) No individual shall knowingly possess, buy, sell, use, 26839
alter, accept, or transfer ~~food stamp coupons~~ supplemental 26840
nutrition assistance program benefits, WIC program benefits, or 26841
any electronically transferred benefit in any manner not 26842
authorized by the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat.~~ 26843
~~958, 2008~~ (7 U.S.C.A. 2011, ~~as amended,~~ et seq.) or section 17 of 26844
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, 26845
as amended. 26846

(C) No organization, as defined in division (D) of section 26847
2901.23 of the Revised Code, shall do either of the following: 26848

(1) Knowingly allow an employee or agent to sell, transfer, 26849
or trade items or services, the purchase of which is prohibited by 26850
the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat. 958, 2008~~ (7 26851

U.S.C.A. 2011, ~~as amended~~, et seq. or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended, in exchange for ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit;

(2) Negligently allow an employee or agent to sell, transfer, or exchange ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit for anything of value.

(D) Whoever violates this section is guilty of illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits. Except as otherwise provided in this division, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fifth degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is five hundred dollars or more and is less than five thousand dollars, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fourth degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is five thousand dollars or more and is less than one hundred thousand dollars, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the third degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is one hundred thousand dollars or more, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a

felony of the second degree. 26884

26885

Sec. 2921.13. (A) No person shall knowingly make a false 26886
statement, or knowingly swear or affirm the truth of a false 26887
statement previously made, when any of the following applies: 26888

(1) The statement is made in any official proceeding. 26889

(2) The statement is made with purpose to incriminate 26890
another. 26891

(3) The statement is made with purpose to mislead a public 26892
official in performing the public official's official function. 26893

(4) The statement is made with purpose to secure the payment 26894
of unemployment compensation; Ohio works first; prevention, 26895
retention, and contingency benefits and services; disability 26896
financial assistance; retirement benefits; economic development 26897
assistance, as defined in section 9.66 of the Revised Code; or 26898
other benefits administered by a governmental agency or paid out 26899
of a public treasury. 26900

(5) The statement is made with purpose to secure the issuance 26901
by a governmental agency of a license, permit, authorization, 26902
certificate, registration, release, or provider agreement. 26903

(6) The statement is sworn or affirmed before a notary public 26904
or another person empowered to administer oaths. 26905

(7) The statement is in writing on or in connection with a 26906
report or return that is required or authorized by law. 26907

(8) The statement is in writing and is made with purpose to 26908
induce another to extend credit to or employ the offender, to 26909
confer any degree, diploma, certificate of attainment, award of 26910
excellence, or honor on the offender, or to extend to or bestow 26911
upon the offender any other valuable benefit or distinction, when 26912
the person to whom the statement is directed relies upon it to 26913

that person's detriment. 26914

(9) The statement is made with purpose to commit or 26915
facilitate the commission of a theft offense. 26916

(10) The statement is knowingly made to a probate court in 26917
connection with any action, proceeding, or other matter within its 26918
jurisdiction, either orally or in a written document, including, 26919
but not limited to, an application, petition, complaint, or other 26920
pleading, or an inventory, account, or report. 26921

(11) The statement is made on an account, form, record, 26922
stamp, label, or other writing that is required by law. 26923

(12) The statement is made in connection with the purchase of 26924
a firearm, as defined in section 2923.11 of the Revised Code, and 26925
in conjunction with the furnishing to the seller of the firearm of 26926
a fictitious or altered driver's or commercial driver's license or 26927
permit, a fictitious or altered identification card, or any other 26928
document that contains false information about the purchaser's 26929
identity. 26930

(13) The statement is made in a document or instrument of 26931
writing that purports to be a judgment, lien, or claim of 26932
indebtedness and is filed or recorded with the secretary of state, 26933
a county recorder, or the clerk of a court of record. 26934

~~(14) The statement is made with purpose to obtain an Ohio's 26935
best Rx program enrollment card under section 173.773 of the 26936
Revised Code or a payment under section 173.801 of the Revised 26937
Code. 26938~~

~~(15) The statement is made in an application filed with a 26939
county sheriff pursuant to section 2923.125 of the Revised Code in 26940
order to obtain or renew a license to carry a concealed handgun or 26941
is made in an affidavit submitted to a county sheriff to obtain a 26942
temporary emergency license to carry a concealed handgun under 26943
section 2923.1213 of the Revised Code. 26944~~

~~(16)~~(15) The statement is required under section 5743.71 of 26945
the Revised Code in connection with the person's purchase of 26946
cigarettes or tobacco products in a delivery sale. 26947

(B) No person, in connection with the purchase of a firearm, 26948
as defined in section 2923.11 of the Revised Code, shall knowingly 26949
furnish to the seller of the firearm a fictitious or altered 26950
driver's or commercial driver's license or permit, a fictitious or 26951
altered identification card, or any other document that contains 26952
false information about the purchaser's identity. 26953

(C) No person, in an attempt to obtain a license to carry a 26954
concealed handgun under section 2923.125 of the Revised Code, 26955
shall knowingly present to a sheriff a fictitious or altered 26956
document that purports to be certification of the person's 26957
competence in handling a handgun as described in division (B)(3) 26958
of section 2923.125 of the Revised Code. 26959

(D) It is no defense to a charge under division (A)(6) of 26960
this section that the oath or affirmation was administered or 26961
taken in an irregular manner. 26962

(E) If contradictory statements relating to the same fact are 26963
made by the offender within the period of the statute of 26964
limitations for falsification, it is not necessary for the 26965
prosecution to prove which statement was false but only that one 26966
or the other was false. 26967

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 26968
(6), (7), (8), (10), (11), (13), ~~(14)~~, or ~~(16)~~(15) of this section 26969
is guilty of falsification, a misdemeanor of the first degree. 26970

(2) Whoever violates division (A)(9) of this section is 26971
guilty of falsification in a theft offense. Except as otherwise 26972
provided in this division, falsification in a theft offense is a 26973
misdemeanor of the first degree. If the value of the property or 26974
services stolen is five hundred dollars or more and is less than 26975

five thousand dollars, falsification in a theft offense is a 26976
felony of the fifth degree. If the value of the property or 26977
services stolen is five thousand dollars or more and is less than 26978
one hundred thousand dollars, falsification in a theft offense is 26979
a felony of the fourth degree. If the value of the property or 26980
services stolen is one hundred thousand dollars or more, 26981
falsification in a theft offense is a felony of the third degree. 26982

(3) Whoever violates division (A)(12) or (B) of this section 26983
is guilty of falsification to purchase a firearm, a felony of the 26984
fifth degree. 26985

(4) Whoever violates division (A)~~(15)~~(14) or (C) of this 26986
section is guilty of falsification to obtain a concealed handgun 26987
license, a felony of the fourth degree. 26988

(G) A person who violates this section is liable in a civil 26989
action to any person harmed by the violation for injury, death, or 26990
loss to person or property incurred as a result of the commission 26991
of the offense and for reasonable attorney's fees, court costs, 26992
and other expenses incurred as a result of prosecuting the civil 26993
action commenced under this division. A civil action under this 26994
division is not the exclusive remedy of a person who incurs 26995
injury, death, or loss to person or property as a result of a 26996
violation of this section. 26997

Sec. 2929.17. Except as provided in this section, the court 26998
imposing a sentence for a felony upon an offender who is not 26999
required to serve a mandatory prison term may impose any 27000
nonresidential sanction or combination of nonresidential sanctions 27001
authorized under this section. If the court imposes one or more 27002
nonresidential sanctions authorized under this section, the court 27003
shall impose as a condition of the sanction that, during the 27004
period of the nonresidential sanction, the offender shall abide by 27005
the law and shall not leave the state without the permission of 27006

the court or the offender's probation officer. 27007

The court imposing a sentence for a fourth degree felony OVI 27008
offense under division (G)(1) or (2) of section 2929.13 of the 27009
Revised Code or for a third degree felony OVI offense under 27010
division (G)(2) of that section may impose upon the offender, in 27011
addition to the mandatory term of local incarceration or mandatory 27012
prison term imposed under the applicable division, a 27013
nonresidential sanction or combination of nonresidential sanctions 27014
under this section, and the offender shall serve or satisfy the 27015
sanction or combination of sanctions after the offender has served 27016
the mandatory term of local incarceration or mandatory prison term 27017
required for the offense. The court shall not impose a term in a 27018
drug treatment program as described in division (D) of this 27019
section until after considering an assessment by a properly 27020
credentialed treatment professional, if available. Nonresidential 27021
sanctions include, but are not limited to, the following: 27022

(A) A term of day reporting; 27023

(B) A term of house arrest with electronic monitoring or 27024
continuous alcohol monitoring or both electronic monitoring and 27025
continuous alcohol monitoring, a term of electronic monitoring or 27026
continuous alcohol monitoring without house arrest, or a term of 27027
house arrest without electronic monitoring or continuous alcohol 27028
monitoring; 27029

(C) A term of community service of up to five hundred hours 27030
pursuant to division (B) of section 2951.02 of the Revised Code 27031
or, if the court determines that the offender is financially 27032
incapable of fulfilling a financial sanction described in section 27033
2929.18 of the Revised Code, a term of community service as an 27034
alternative to a financial sanction; 27035

(D) A term in a drug treatment program with a level of 27036
security for the offender as determined by the court; 27037

(E) A term of intensive probation supervision;	27038
(F) A term of basic probation supervision;	27039
(G) A term of monitored time;	27040
(H) A term of drug and alcohol use monitoring, including random drug testing;	27041 27042
(I) A curfew term;	27043
(J) A requirement that the offender obtain employment;	27044
(K) A requirement that the offender obtain education or training;	27045 27046
(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;	27047 27048 27049
(M) A license violation report;	27050
(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in requiring the offender to obtain counseling for any offense or in any circumstance not specified in this division.	27051 27052 27053 27054 27055 27056 27057 27058 27059 27060 27061
<u>(O) If the offense is a felony violation of division (A)(2)</u> <u>or (B) of section 2919.21 of the Revised Code, a requirement that</u> <u>the offender participate in and complete a community corrections</u> <u>program, as established under sections 5149.30 to 5149.37 of the</u> <u>Revised Code, unless the offender has previously participated in a</u> <u>community corrections program within the past three years, if</u>	27062 27063 27064 27065 27066 27067

available in the county in which the court imposing the sentence 27068
is located. 27069

Sec. 2937.22. (A) Bail is security for the appearance of an 27070
accused to appear and answer to a specific criminal or 27071
quasi-criminal charge in any court or before any magistrate at a 27072
specific time or at any time to which a case may be continued, and 27073
not depart without leave. It may take any of the following forms: 27074

~~(A)~~(1) The deposit of cash by the accused or by some other 27075
person for ~~him~~ the accused; 27076

~~(B)~~(2) The deposit by the accused or by some other person for 27077
~~him~~ the accused in form of bonds of the United States, this state, 27078
or any political subdivision thereof in a face amount equal to the 27079
sum set by the court or magistrate. In case of bonds not 27080
negotiable by delivery such bonds shall be properly endorsed for 27081
transfer. 27082

~~(C)~~(3) The written undertaking by one or more persons to 27083
forfeit the sum of money set by the court or magistrate, if the 27084
accused is in default for appearance, which shall be known as a 27085
recognizance. 27086

(B) Whenever a person is charged with any offense other than 27087
a traffic offense that is not a moving violation and posts bail, 27088
the person shall pay a surcharge of twenty-five dollars. The clerk 27089
of the court shall retain the twenty-five dollars until the person 27090
is convicted, pleads guilty, forfeits bail, is found not guilty, 27091
or has the charges dismissed. If the person is convicted, pleads 27092
guilty, or forfeits bail, the clerk shall transmit the twenty-five 27093
dollars on or before the twentieth day of the month following the 27094
month in which the person was convicted, pleaded guilty, or 27095
forfeited bail to the treasurer of state, and the treasurer of 27096
state shall deposit it into the indigent defense support fund 27097
created under section 120.08 of the Revised Code. If the person is 27098

found not guilty or the charges are dismissed, the clerk shall 27099
return the twenty-five dollars to the person. 27100

(C) All bail shall be received by the clerk of the court, 27101
deputy clerk of court, or by the magistrate, or by a special 27102
referee appointed by the supreme court pursuant to section 2937.46 27103
of the Revised Code, and, except in cases of recognizances, 27104
receipt shall be given therefor ~~by him.~~ 27105

(D) As used in this section, "moving violation" has the same 27106
meaning as in section 2743.70 of the Revised Code. 27107

Sec. 2949.091. (A)(1)(a) The court⁷ in which any person is 27108
convicted of or pleads guilty to any offense ~~other than a traffic~~ 27109
~~offense that is not a moving violation,~~ shall impose one of the 27110
~~sum of fifteen dollars~~ following sums as costs in the case in 27111
addition to any other court costs that the court is required by 27112
law to impose upon the offender: 27113

(i) Thirty dollars if the offense is a felony; 27114

(ii) Twenty dollars if the offense is a misdemeanor other 27115
than a traffic offense that is not a moving violation; 27116

(iii) Ten dollars if the offense is a traffic offense that is 27117
not a moving violation, excluding parking violations. All such 27118

(b) All moneys collected pursuant to division (A)(1)(a) of 27119
this section during a month shall be transmitted on or before the 27120
twentieth day of the following month by the clerk of the court to 27121
the treasurer of state and deposited by the treasurer of state 27122
~~into~~ to the credit of the general revenue indigent defense support 27123
fund established under section 120.08 of the Revised Code. The 27124
court shall not waive the payment of the additional ~~fifteen~~ 27125
~~dollars~~ thirty-, twenty-, or ten-dollar court costs, unless the 27126
court determines that the offender is indigent and waives the 27127
payment of all court costs imposed upon the indigent offender. 27128

(2)(a) The juvenile court, in which a child is found to be a delinquent child or a juvenile traffic offender for an act ~~which~~ that, if committed by an adult, would be an offense ~~other than a traffic offense that is not a moving violation~~, shall impose one of the ~~sum of fifteen dollars~~ following sums as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender:

(i) Thirty dollars if the offense is a felony;

(ii) Twenty dollars if the offense is a misdemeanor other than a traffic offense that is not a moving violation;

(iii) Ten dollars if the offense is a traffic offense that is not a moving violation, excluding parking violations. All such

(b) All moneys collected pursuant to division (A)(2)(a) of this section during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state ~~into to the credit of the general revenue~~ indigent defense support fund established under section 120.08 of the Revised Code. The ~~fifteen dollars thirty-, twenty-, or ten-dollar~~ court costs shall be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the ~~fifteen dollars thirty-, twenty-, or ten-dollar~~ court costs is waived.

(B) Whenever a person is charged with any offense ~~other than a traffic offense that is not a moving violation and posts bail described in division (A)(1) of this section~~, the court shall add to the amount of the bail the ~~fifteen~~ thirty, twenty, or ten dollars required to be paid by division (A)(1) of this section.

The ~~fifteen~~ thirty, twenty, or ten dollars shall be retained by 27160
the clerk of the court until the person is convicted, pleads 27161
guilty, forfeits bail, is found not guilty, or has the charges 27162
dismissed. If the person is convicted, pleads guilty, or forfeits 27163
bail, the clerk shall transmit the ~~fifteen~~ thirty, twenty, or ten 27164
dollars on or before the twentieth day of the month following the 27165
month in which the person was convicted, pleaded guilty, or 27166
forfeited bail to the treasurer of state, who shall deposit it 27167
~~into~~ to the credit of the general revenue indigent defense support 27168
fund established under section 120.08 of the Revised Code. If the 27169
person is found not guilty or the charges are dismissed, the clerk 27170
shall return the ~~fifteen~~ thirty, twenty, or ten dollars to the 27171
person. 27172

(C) No person shall be placed or held in a detention facility 27173
for failing to pay the additional ~~fifteen dollars~~ thirty-, 27174
twenty-, or ten-dollar court costs or bail that are required to be 27175
paid by this section. 27176

(D) As used in this section: 27177

(1) "Moving violation" and "bail" have the same meanings as 27178
in section 2743.70 of the Revised Code. 27179

(2) "Detention facility" has the same meaning as in section 27180
2921.01 of the Revised Code. 27181

Sec. 2949.111. (A) As used in this section: 27182

(1) "Court costs" means any assessment that the court 27183
requires an offender to pay to defray the costs of operating the 27184
court. 27185

(2) "State fines or costs" means any costs imposed or 27186
forfeited bail collected by the court under section 2743.70 of the 27187
Revised Code for deposit into the reparations fund or under 27188
section 2949.091 of the Revised Code for deposit into the ~~general~~ 27189

revenue indigent defense support fund established under section 27190
120.08 of the Revised Code and all fines, penalties, and forfeited 27191
bail collected by the court and paid to a law library association 27192
under sections 3375.50 to 3375.53 of the Revised Code. 27193

(3) "Reimbursement" means any reimbursement for the costs of 27194
confinement that the court orders an offender to pay pursuant to 27195
section 2929.28 of the Revised Code, any supervision fee, any fee 27196
for the costs of house arrest with electronic monitoring that an 27197
offender agrees to pay, any reimbursement for the costs of an 27198
investigation or prosecution that the court orders an offender to 27199
pay pursuant to section 2929.71 of the Revised Code, or any other 27200
costs that the court orders an offender to pay. 27201

(4) "Supervision fees" means any fees that a court, pursuant 27202
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 27203
requires an offender who is under a community control sanction to 27204
pay for supervision services. 27205

(5) "Community control sanction" has the same meaning as in 27206
section 2929.01 of the Revised Code. 27207

(B) Unless the court, in accordance with division (C) of this 27208
section, enters in the record of the case a different method of 27209
assigning payments, if a person who is charged with a misdemeanor 27210
is convicted of or pleads guilty to the offense, if the court 27211
orders the offender to pay any combination of court costs, state 27212
fines or costs, restitution, a conventional fine, or any 27213
reimbursement, and if the offender makes any payment of any of 27214
them to a clerk of court, the clerk shall assign the offender's 27215
payment in the following manner: 27216

(1) If the court ordered the offender to pay any court costs, 27217
the offender's payment shall be assigned toward the satisfaction 27218
of those court costs until they have been entirely paid. 27219

(2) If the court ordered the offender to pay any state fines 27220

or costs and if all of the court costs that the court ordered the
offender to pay have been paid, the remainder of the offender's
payment shall be assigned on a pro rata basis toward the
satisfaction of the state fines or costs until they have been
entirely paid.

(3) If the court ordered the offender to pay any restitution
and if all of the court costs and state fines or costs that the
court ordered the offender to pay have been paid, the remainder of
the offender's payment shall be assigned toward the satisfaction
of the restitution until it has been entirely paid.

(4) If the court ordered the offender to pay any fine and if
all of the court costs, state fines or costs, and restitution that
the court ordered the offender to pay have been paid, the
remainder of the offender's payment shall be assigned toward the
satisfaction of the fine until it has been entirely paid.

(5) If the court ordered the offender to pay any
reimbursement and if all of the court costs, state fines or costs,
restitution, and fines that the court ordered the offender to pay
have been paid, the remainder of the offender's payment shall be
assigned toward the satisfaction of the reimbursements until they
have been entirely paid.

(C) If a person who is charged with a misdemeanor is
convicted of or pleads guilty to the offense and if the court
orders the offender to pay any combination of court costs, state
fines or costs, restitution, fines, or reimbursements, the court,
at the time it orders the offender to make those payments, may
prescribe an order of payments that differs from the order set
forth in division (B) of this section by entering in the record of
the case the order so prescribed. If a different order is entered
in the record, on receipt of any payment, the clerk of the court
shall assign the payment in the manner prescribed by the court.

Sec. 2981.13. (A) Except as otherwise provided in this 27252
section, property ordered forfeited as contraband, proceeds, or an 27253
instrumentality pursuant to this chapter shall be disposed of, 27254
used, or sold pursuant to section 2981.12 of the Revised Code. If 27255
the property is to be sold under that section, the prosecutor 27256
shall cause notice of the proposed sale to be given in accordance 27257
with law. 27258

(B) If the contraband or instrumentality forfeited under this 27259
chapter is sold, any moneys acquired from a sale and any proceeds 27260
forfeited under this chapter shall be applied in the following 27261
order: 27262

(1) First, to pay costs incurred in the seizure, storage, 27263
maintenance, security, and sale of the property and in the 27264
forfeiture proceeding; 27265

(2) Second, in a criminal forfeiture case, to satisfy any 27266
restitution ordered to the victim of the offense or, in a civil 27267
forfeiture case, to satisfy any recovery ordered for the person 27268
harmed, unless paid from other assets; 27269

(3) Third, to pay the balance due on any security interest 27270
preserved under this chapter; 27271

(4) Fourth, apply the remaining amounts as follows: 27272

(a) If the forfeiture was ordered by a juvenile court, ten 27273
per cent to one or more certified alcohol and drug addiction 27274
treatment programs as provided in division (D) of section 2981.12 27275
of the Revised Code; 27276

(b) If the forfeiture was ordered in a juvenile court, ninety 27277
per cent, and if the forfeiture was ordered in a court other than 27278
a juvenile court, one hundred per cent to the law enforcement 27279
trust fund of the prosecutor and to the following fund supporting 27280
the law enforcement agency that substantially conducted the 27281

investigation: the law enforcement trust fund of the county 27282
sheriff, municipal corporation, township, or park district created 27283
under section 511.18 or 1545.01 of the Revised Code; the state 27284
highway patrol contraband, forfeiture, and other fund; the 27285
department of public safety investigative unit contraband, 27286
forfeiture, and other fund; the department of taxation enforcement 27287
fund; the board of pharmacy drug law enforcement fund created by 27288
division (B)(1) of section 4729.65 of the Revised Code; the 27289
medicaid fraud investigation and prosecution fund; or the 27290
treasurer of state for deposit into the peace officer training 27291
commission fund if any other state law enforcement agency 27292
substantially conducted the investigation. In the case of property 27293
forfeited for medicaid fraud, any remaining amount shall be used 27294
by the attorney general to investigate and prosecute medicaid 27295
fraud offenses. 27296

If the prosecutor declines to accept any of the remaining 27297
amounts, the amounts shall be applied to the fund of the agency 27298
that substantially conducted the investigation. 27299

(c) If more than one law enforcement agency is substantially 27300
involved in the seizure of property forfeited under this chapter, 27301
the court ordering the forfeiture shall equitably divide the 27302
amounts, after calculating any distribution to the law enforcement 27303
trust fund of the prosecutor pursuant to division (B)(4) of this 27304
section, among the entities that the court determines were 27305
substantially involved in the seizure. 27306

(C)(1) A law enforcement trust fund shall be established by 27307
the prosecutor of each county who intends to receive any remaining 27308
amounts pursuant to this section, by the sheriff of each county, 27309
by the legislative authority of each municipal corporation, by the 27310
board of township trustees of each township that has a township 27311
police department, township police district police force, or 27312
office of the constable, and by the board of park commissioners of 27313

each park district created pursuant to section 511.18 or 1545.01 27314
of the Revised Code that has a park district police force or law 27315
enforcement department, for the purposes of this section. 27316

There is hereby created in the state treasury the state 27317
highway patrol contraband, forfeiture, and other fund, the 27318
department of public safety investigative unit contraband, 27319
forfeiture, and other fund, the medicaid fraud investigation and 27320
prosecution fund, the department of taxation enforcement fund, and 27321
the peace officer training commission fund, for the purposes of 27322
this section. 27323

Amounts distributed to any municipal corporation, township, 27324
or park district law enforcement trust fund shall be allocated 27325
from the fund by the legislative authority only to the police 27326
department of the municipal corporation, by the board of township 27327
trustees only to the township police department, township police 27328
district police force, or office of the constable, and by the 27329
board of park commissioners only to the park district police force 27330
or law enforcement department. 27331

(2)(a) No amounts shall be allocated to a fund created under 27332
this section or used by an agency unless the agency has adopted a 27333
written internal control policy that addresses the use of moneys 27334
received from the appropriate fund. The appropriate fund shall be 27335
expended only in accordance with that policy and, subject to the 27336
requirements specified in this section, only for the following 27337
purposes: 27338

(i) To pay the costs of protracted or complex investigations 27339
or prosecutions; 27340

(ii) To provide reasonable technical training or expertise; 27341

(iii) To provide matching funds to obtain federal grants to 27342
aid law enforcement, in the support of DARE programs or other 27343
programs designed to educate adults or children with respect to 27344

the dangers associated with the use of drugs of abuse; 27345

(iv) To pay the costs of emergency action taken under section 27346
3745.13 of the Revised Code relative to the operation of an 27347
illegal methamphetamine laboratory if the forfeited property or 27348
money involved was that of a person responsible for the operation 27349
of the laboratory; 27350

(v) For other law enforcement purposes that the 27351
superintendent of the state highway patrol, department of public 27352
safety, prosecutor, county sheriff, legislative authority, 27353
department of taxation, board of township trustees, or board of 27354
park commissioners determines to be appropriate. 27355

(b) The board of pharmacy drug law enforcement fund shall be 27356
expended only in accordance with the written internal control 27357
policy so adopted by the board and only in accordance with section 27358
4729.65 of the Revised Code, except that it also may be expended 27359
to pay the costs of emergency action taken under section 3745.13 27360
of the Revised Code relative to the operation of an illegal 27361
methamphetamine laboratory if the forfeited property or money 27362
involved was that of a person responsible for the operation of the 27363
laboratory. 27364

(c) The state highway patrol contraband, forfeiture, and 27365
other fund, the department of public safety investigative unit 27366
contraband, forfeiture, and other fund, the department of taxation 27367
enforcement fund, the board of pharmacy drug law enforcement fund, 27368
and a law enforcement trust fund shall not be used to meet the 27369
operating costs of the state highway patrol, of the investigative 27370
unit of the department of public safety, of the state board of 27371
pharmacy, of any political subdivision, or of any office of a 27372
prosecutor or county sheriff that are unrelated to law 27373
enforcement. 27374

(d) Forfeited moneys that are paid into the state treasury to 27375

be deposited into the peace officer training commission fund shall 27376
be used by the commission only to pay the costs of peace officer 27377
training. 27378

(3) Any of the following offices or agencies that receive 27379
amounts under this section during any calendar year shall file a 27380
report with the specified entity, not later than the thirty-first 27381
day of January of the next calendar year, verifying that the 27382
moneys were expended only for the purposes authorized by this 27383
section or other relevant statute and specifying the amounts 27384
expended for each authorized purpose: 27385

(a) Any sheriff or prosecutor shall file the report with the 27386
county auditor. 27387

(b) Any municipal corporation police department shall file 27388
the report with the legislative authority of the municipal 27389
corporation. 27390

(c) Any township police department, township police district 27391
police force, or office of the constable shall file the report 27392
with the board of township trustees of the township. 27393

(d) Any park district police force or law enforcement 27394
department shall file the report with the board of park 27395
commissioners of the park district. 27396

(e) The superintendent of the state highway patrol and the 27397
tax commissioner shall file the report with the attorney general. 27398

(f) The executive director of the state board of pharmacy 27399
shall file the report with the attorney general, verifying that 27400
cash and forfeited proceeds paid into the board of pharmacy drug 27401
law enforcement fund were used only in accordance with section 27402
4729.65 of the Revised Code. 27403

(g) The peace officer training commission shall file a report 27404
with the attorney general, verifying that cash and forfeited 27405

proceeds paid into the peace officer training commission fund 27406
pursuant to this section during the prior calendar year were used 27407
by the commission during the prior calendar year only to pay the 27408
costs of peace officer training. 27409

(D) The written internal control policy of a county sheriff, 27410
prosecutor, municipal corporation police department, township 27411
police department, township police district police force, office 27412
of the constable, or park district police force or law enforcement 27413
department shall provide that at least ten per cent of the first 27414
one hundred thousand dollars of amounts deposited during each 27415
calendar year in the agency's law enforcement trust fund under 27416
this section, and at least twenty per cent of the amounts 27417
exceeding one hundred thousand dollars that are so deposited, 27418
shall be used in connection with community preventive education 27419
programs. The manner of use shall be determined by the sheriff, 27420
prosecutor, department, police force, or office of the constable 27421
after receiving and considering advice on appropriate community 27422
preventive education programs from the county's board of alcohol, 27423
drug addiction, and mental health services, from the county's 27424
alcohol and drug addiction services board, or through appropriate 27425
community dialogue. 27426

The financial records kept under the internal control policy 27427
shall specify the amount deposited during each calendar year in 27428
the portion of that amount that was used pursuant to this 27429
division, and the programs in connection with which the portion of 27430
that amount was so used. 27431

As used in this division, "community preventive education 27432
programs" include, but are not limited to, DARE programs and other 27433
programs designed to educate adults or children with respect to 27434
the dangers associated with using drugs of abuse. 27435

(E) Upon the sale, under this section or section 2981.12 of 27436
the Revised Code, of any property that is required by law to be 27437

titled or registered, the state shall issue an appropriate 27438
certificate of title or registration to the purchaser. If the 27439
state is vested with title and elects to retain property that is 27440
required to be titled or registered under law, the state shall 27441
issue an appropriate certificate of title or registration. 27442

(F) Any failure of a law enforcement officer or agency, 27443
prosecutor, court, or the attorney general to comply with this 27444
section in relation to any property seized does not affect the 27445
validity of the seizure and shall not be considered to be the 27446
basis for suppressing any evidence resulting from the seizure, 27447
provided the seizure itself was lawful. 27448

Sec. 3105.87. The court may order a public retirement program 27449
or the Ohio public employees deferred compensation program to 27450
provide information from a participant's personal history record 27451
necessary to determine the amounts described in division (D) of 27452
section 3105.82 of the Revised Code. 27453

Sec. 3119.01. (A) As used in the Revised Code, "child support 27454
enforcement agency" means a child support enforcement agency 27455
designated under former section 2301.35 of the Revised Code prior 27456
to October 1, 1997, or a private or government entity designated 27457
as a child support enforcement agency under section 307.981 of the 27458
Revised Code. 27459

(B) As used in this chapter and Chapters 3121., 3123., and 27460
3125. of the Revised Code: 27461

(1) "Administrative child support order" means any order 27462
issued by a child support enforcement agency for the support of a 27463
child pursuant to section 3109.19 or 3111.81 of the Revised Code 27464
or former section 3111.211 of the Revised Code, section 3111.21 of 27465
the Revised Code as that section existed prior to January 1, 1998, 27466
or section 3111.20 or 3111.22 of the Revised Code as those 27467

sections existed prior to March 22, 2001.	27468
(2) "Child support order" means either a court child support order or an administrative child support order.	27469 27470
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	27471 27472
(4) "Obligor" means the person who is required to pay support under a support order.	27473 27474
(5) "Support order" means either an administrative child support order or a court support order.	27475 27476
(C) As used in this chapter:	27477
(1) "Combined gross income" means the combined gross income of both parents.	27478 27479
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	27480 27481 27482 27483 27484 27485 27486
(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	27487 27488 27489 27490 27491
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	27492 27493 27494
(5) "Income" means either of the following:	27495
(a) For a parent who is employed to full capacity, the gross income of the parent;	27496 27497

(b) For a parent who is unemployed or underemployed, the sum 27498
of the gross income of the parent and any potential income of the 27499
parent. 27500

(6) "Insurer" means any person authorized under Title XXXIX 27501
of the Revised Code to engage in the business of insurance in this 27502
state, any health insuring corporation, and any legal entity that 27503
is self-insured and provides benefits to its employees or members. 27504

(7) "Gross income" means, except as excluded in division 27505
(C)(7) of this section, the total of all earned and unearned 27506
income from all sources during a calendar year, whether or not the 27507
income is taxable, and includes income from salaries, wages, 27508
overtime pay, and bonuses to the extent described in division (D) 27509
of section 3119.05 of the Revised Code; commissions; royalties; 27510
tips; rents; dividends; severance pay; pensions; interest; trust 27511
income; annuities; social security benefits, including retirement, 27512
disability, and survivor benefits that are not means-tested; 27513
workers' compensation benefits; unemployment insurance benefits; 27514
disability insurance benefits; benefits that are not means-tested 27515
and that are received by and in the possession of the veteran who 27516
is the beneficiary for any service-connected disability under a 27517
program or law administered by the United States department of 27518
veterans' affairs or veterans' administration; spousal support 27519
actually received; and all other sources of income. "Gross income" 27520
includes income of members of any branch of the United States 27521
armed services or national guard, including, amounts representing 27522
base pay, basic allowance for quarters, basic allowance for 27523
subsistence, supplemental subsistence allowance, cost of living 27524
adjustment, specialty pay, variable housing allowance, and pay for 27525
training or other types of required drills; self-generated income; 27526
and potential cash flow from any source. 27527

"Gross income" does not include any of the following: 27528

(a) Benefits received from means-tested government 27529

administered programs, including Ohio works first; prevention, 27530
retention, and contingency; means-tested veterans' benefits; 27531
supplemental security income; ~~food stamps~~ supplemental nutrition 27532
assistance program; disability financial assistance; or other 27533
assistance for which eligibility is determined on the basis of 27534
income or assets; 27535

(b) Benefits for any service-connected disability under a 27536
program or law administered by the United States department of 27537
veterans' affairs or veterans' administration that are not 27538
means-tested, that have not been distributed to the veteran who is 27539
the beneficiary of the benefits, and that are in the possession of 27540
the United States department of veterans' affairs or veterans' 27541
administration; 27542

(c) Child support received for children who were not born or 27543
adopted during the marriage at issue; 27544

(d) Amounts paid for mandatory deductions from wages such as 27545
union dues but not taxes, social security, or retirement in lieu 27546
of social security; 27547

(e) Nonrecurring or unsustainable income or cash flow items; 27548

(f) Adoption assistance and foster care maintenance payments 27549
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 27550
501, 42 U.S.C.A. 670 (1980), as amended. 27551

(8) "Nonrecurring or unsustainable income or cash flow item" 27552
means an income or cash flow item the parent receives in any year 27553
or for any number of years not to exceed three years that the 27554
parent does not expect to continue to receive on a regular basis. 27555
"Nonrecurring or unsustainable income or cash flow item" does not 27556
include a lottery prize award that is not paid in a lump sum or 27557
any other item of income or cash flow that the parent receives or 27558
expects to receive for each year for a period of more than three 27559
years or that the parent receives and invests or otherwise uses to 27560

produce income or cash flow for a period of more than three years. 27561

(9)(a) "Ordinary and necessary expenses incurred in 27562
generating gross receipts" means actual cash items expended by the 27563
parent or the parent's business and includes depreciation expenses 27564
of business equipment as shown on the books of a business entity. 27565

(b) Except as specifically included in "ordinary and 27566
necessary expenses incurred in generating gross receipts" by 27567
division (C)(9)(a) of this section, "ordinary and necessary 27568
expenses incurred in generating gross receipts" does not include 27569
depreciation expenses and other noncash items that are allowed as 27570
deductions on any federal tax return of the parent or the parent's 27571
business. 27572

(10) "Personal earnings" means compensation paid or payable 27573
for personal services, however denominated, and includes wages, 27574
salary, commissions, bonuses, draws against commissions, profit 27575
sharing, vacation pay, or any other compensation. 27576

(11) "Potential income" means both of the following for a 27577
parent who the court pursuant to a court support order, or a child 27578
support enforcement agency pursuant to an administrative child 27579
support order, determines is voluntarily unemployed or voluntarily 27580
underemployed: 27581

(a) Imputed income that the court or agency determines the 27582
parent would have earned if fully employed as determined from the 27583
following criteria: 27584

(i) The parent's prior employment experience; 27585

(ii) The parent's education; 27586

(iii) The parent's physical and mental disabilities, if any; 27587

(iv) The availability of employment in the geographic area in 27588
which the parent resides; 27589

(v) The prevailing wage and salary levels in the geographic 27590

area in which the parent resides;	27591
(vi) The parent's special skills and training;	27592
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	27593 27594
(viii) The age and special needs of the child for whom child support is being calculated under this section;	27595 27596
(ix) The parent's increased earning capacity because of experience;	27597 27598
(x) Any other relevant factor.	27599
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	27600 27601 27602 27603 27604
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	27605 27606
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	27607 27608 27609 27610 27611 27612 27613 27614 27615 27616
(14) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least	27617 27618 27619 27620

one of those children. 27621

(15) "Worksheet" means the applicable worksheet that is used 27622
to calculate a parent's child support obligation as set forth in 27623
sections 3119.022 and 3119.023 of the Revised Code. 27624

Sec. 3119.371. (A) As used in this section: 27625

(1) "Health insurance provider" means: 27626

(a) A person authorized to engage in the business of sickness 27627
and accident insurance under Title XXXIX of the Revised Code; 27628

(b) A person or government entity providing coverage for 27629
medical services or items to individuals on a self-insurance 27630
basis; 27631

(c) A health insuring corporation as defined in section 27632
1751.01 of the Revised Code; 27633

(d) A group health plan as defined in 29 U.S.C. 1167; 27634

(e) Any organization, business, or association described in 27635
42 U.S.C. 1396a(a)(25); or 27636

(f) A managed care organization. 27637

(2) "Information" means all of the following: 27638

(a) An individual's name, address, date of birth, and social 27639
security number; 27640

(b) The group or plan number or other identifier assigned by 27641
a health insurance provider to a policy held by an individual or a 27642
plan in which the individual participates and the nature of the 27643
coverage; and 27644

(c) Any other data specified by the director of job and 27645
family services in rules adopted under section 3119.51 of the 27646
Revised Code. 27647

(B) Upon request of the office of child support in the 27648

department of job and family services and for the purpose of 27649
establishing and enforcing orders to provide health insurance 27650
coverage, a health insurance provider shall provide the 27651
information described in division (A)(2) of this section to the 27652
office of child support. 27653

Sec. 3121.037. (A) A withholding notice sent under section 27654
3121.03 of the Revised Code shall contain all of the following: 27655

(1) Notice of the amount to be withheld from the obligor's 27656
income and a statement that, notwithstanding that amount, the 27657
payor may not withhold an amount for support and other purposes, 27658
including the fee described in division (A)~~(11)~~(12) of this 27659
section, that exceeds the maximum amounts permitted under section 27660
303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b); 27661

(2) A statement that the payor is required to send the amount 27662
withheld to the office of child support immediately, but not later 27663
than seven business days, after the obligor is paid and is 27664
required to report to the agency the date the amount was withheld; 27665

(3) A statement that the withholding shall be submitted to 27666
the state via electronic means if the employer employs more than 27667
fifty employees; 27668

(4) A statement that the withholding is binding on the payor 27669
until further notice from the court or agency; 27670

~~(4)~~(5) A statement that if the payor is an employer, the 27671
payor is subject to a fine to be determined under the law of this 27672
state for discharging the obligor from employment, refusing to 27673
employ the obligor, or taking any disciplinary action against the 27674
obligor because of the withholding requirement; 27675

~~(5)~~(6) A statement that, if the payor fails to withhold in 27676
accordance with the notice, the payor is liable for the 27677
accumulated amount the payor should have withheld from the 27678

obligor's income; 27679

~~(6)~~(7) A statement that, except for deductions from lump sum 27680
payments made in accordance with section 3121.0311 of the Revised 27681
Code, the withholding in accordance with the notice has priority 27682
over any other legal process under the law of this state against 27683
the same income; 27684

~~(7)~~(8) The date on which the notice was mailed and a 27685
statement that the payor is required to implement the withholding 27686
no later than fourteen business days following the date the notice 27687
was mailed or, if the payor is an employer, no later than the 27688
first pay period that occurs after fourteen business days 27689
following the date the notice was mailed, and is required to 27690
continue the withholding at the intervals specified in the notice. 27691

~~(8)~~(9) A requirement that the payor do the following: 27692

(a) Promptly notify the child support enforcement agency 27693
administering the support order, in writing, within ten business 27694
days after the date of any situation that occurs in which the 27695
payor ceases to pay income to the obligor in an amount sufficient 27696
to comply with the order, including termination of employment, 27697
layoff of the obligor from employment, any leave of absence of the 27698
obligor from employment without pay, termination of workers' 27699
compensation benefits, or termination of any pension, annuity, 27700
allowance, or retirement benefit; 27701

(b) Provide the agency with the obligor's last known address 27702
and, with respect to a court support order and if known, notify 27703
the agency of any new employer or income source and the name, 27704
address, and telephone number of the new employer or income 27705
source. 27706

~~(9)~~(10) A requirement that, if the payor is an employer, the 27707
payor do both of the following: 27708

(a) Identify in the notice given under division (A)~~(8)~~(9) of 27709

this section any types of benefits other than personal earnings 27710
the obligor is receiving or is eligible to receive as a benefit of 27711
employment or as a result of the obligor's termination of 27712
employment, including, but not limited to, unemployment 27713
compensation, workers' compensation benefits, severance pay, sick 27714
leave, lump sum payments of retirement benefits or contributions, 27715
and bonuses or profit-sharing payments or distributions, and the 27716
amount of the benefits; 27717

(b) Include in the notice the obligor's last known address 27718
and telephone number, date of birth, social security number, and 27719
case number and, if known, the name and business address of any 27720
new employer of the obligor. 27721

~~(10)~~(11) Subject to section 3121.0311 of the Revised Code, a 27722
requirement that, no later than the earlier of forty-five days 27723
before a lump sum payment is to be made or, if the obligor's right 27724
to the lump sum payment is determined less than forty-five days 27725
before it is to be made, the date on which that determination is 27726
made, the payor notify the child support enforcement agency 27727
administering the support order of any lump sum payment of any 27728
kind of one hundred fifty dollars or more that is to be paid to 27729
the obligor, hold each lump sum payment of one hundred fifty 27730
dollars or more for thirty days after the date on which it would 27731
otherwise be paid to the obligor and, on order of the court or 27732
agency that issued the support order, pay all or a specified 27733
amount of the lump sum payment to the office of child support; 27734

~~(11)~~(12) A statement that, in addition to the amount withheld 27735
for support, the payor may withhold a fee from the obligor's 27736
income as a charge for its services in complying with the notice 27737
and a specification of the amount that may be withheld. 27738

(B) A deduction notice sent under section 3121.03 of the 27739
Revised Code shall contain all of the following: 27740

(1) Notice of the amount to be deducted from the obligor's account;	27741 27742
(2) A statement that the financial institution is required to send the amount deducted to the office of child support immediately, but not later than seven business days, after the date the last deduction was made and to report to the child support enforcement agency the date on which the amount was deducted;	27743 27744 27745 27746 27747 27748
(3) A statement that the deduction is binding on the financial institution until further notice from the court or agency;	27749 27750 27751
(4) A statement that the deduction in accordance with the notice has priority over any other legal process under the law of this state against the same account;	27752 27753 27754
(5) The date on which the notice was mailed and a statement that the financial institution is required to implement the deduction no later than fourteen business days following that date and to continue the deduction at the intervals specified in the notice;	27755 27756 27757 27758 27759
(6) A requirement that the financial institution promptly notify the child support enforcement agency administering the support order, in writing, within ten days after the date of any termination of the account from which the deduction is being made and notify the agency, in writing, of the opening of a new account at that financial institution, the account number of the new account, the name of any other known financial institutions in which the obligor has any accounts, and the numbers of those accounts;	27760 27761 27762 27763 27764 27765 27766 27767 27768
(7) A requirement that the financial institution include in all notices the obligor's last known mailing address, last known residence address, and social security number;	27769 27770 27771

(8) A statement that, in addition to the amount deducted for support, the financial institution may deduct a fee from the obligor's account as a charge for its services in complying with the notice and a specification of the amount that may be deducted.

Sec. 3121.0311. (A) If a lump sum payment referred to in division (A)~~(10)~~(11) of section 3121.037 of the Revised Code consists of workers' compensation benefits and the obligor is represented by an attorney with respect to the obligor's workers' compensation claim, prior to issuing the notice to the child support enforcement agency required by that division, the administrator of workers' compensation, for claims involving state fund employers, or a self-insuring employer, for that employer's claims, shall notify the obligor and the obligor's attorney in writing that the obligor is subject to a support order and that the administrator or self-insuring employer, as appropriate, shall hold the lump sum payment for a period of thirty days after the administrator or self-insuring employer sends this written notice, pending receipt of the information referred to in division (B) of this section.

(B) The administrator or self-insuring employer, as appropriate, shall instruct the obligor's attorney in writing to file a copy of the fee agreement signed by the obligor, along with an affidavit signed by the attorney setting forth the amount of the attorney's fee with respect to the lump sum payment award to the obligor and the amount of all necessary expenses, along with documentation of those expenses, incurred by the attorney with respect to obtaining the lump sum award. The obligor's attorney shall file the fee agreement and attorney affidavit with the administrator or self-insuring employer, as appropriate, within thirty days after the date the administrator or self-insuring employer sends the notice required by division (A) of this section.

(C) Upon receipt of the fee agreement and attorney affidavit, 27804
the administrator or self-insuring employer, as appropriate, shall 27805
deduct from the lump sum payment the amount of the attorney's fee 27806
and necessary expenses and pay that amount directly to and solely 27807
in the name of the attorney within fourteen days after the fee 27808
agreement and attorney affidavit have been filed with the 27809
administrator or self-insuring employer. 27810

(D) After deducting any attorney's fee and necessary 27811
expenses, if the lump sum payment is one hundred fifty dollars or 27812
more, the administrator or self-insuring employer, as appropriate, 27813
shall hold the balance of the lump sum award in accordance with 27814
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code. 27815

Sec. 3121.19. (A) The entire amount withheld or deducted 27816
pursuant to a withholding or deduction notice described in section 27817
3121.03 of the Revised Code shall be forwarded to the office of 27818
child support in the department of job and family services 27819
immediately, but not later than seven business days, after the 27820
withholding or deduction, as directed in the withholding or 27821
deduction notice. 27822

(B) An employer who employs more than fifty employees shall 27823
submit the entire amount withheld pursuant to a withholding notice 27824
described in section 3121.03 of the Revised Code by electronic 27825
transfer to the office of child support in the department of job 27826
and family services immediately, but not later than seven business 27827
days, after the withholding, as directed in the withholding 27828
notice. 27829

Sec. 3121.20. (A) A payor or financial institution required 27830
to withhold or deduct a specified amount from the income or 27831
savings of more than one obligor under a withholding or deduction 27832
notice described in section 3121.03 of the Revised Code and to 27833

forward the amounts withheld or deducted to the office of child support may combine all of the amounts to be forwarded in one payment if the payment is accompanied by a list that clearly identifies ~~each~~ all of the following:

(1) Each obligor covered by the payment and the;

(2) Each child support case, numbered as provided on the withholding or deduction notice, that is covered by the payment;

(3) The portion of the payment attributable to each obligor and each case number.

(B) A payor who employs more than fifty employees and who is required to submit the withholding by electronic transfer pursuant to sections 3121.037 and 3121.19 of the Revised Code shall combine all of the amounts to be forwarded in one payment. The payment shall be accompanied by information that clearly identifies all of the following:

(1) Each obligor that is covered by the payment;

(2) Each child support case, numbered as provided on the withholding notice issued pursuant to section 3121.03 of the Revised Code, that is covered by the payment;

(3) The portion of the payment attributable to each obligor and each case number.

Sec. 3121.898. The department of job and family services shall use the new hire reports it receives for any of the following purposes set forth in 42 U.S.C. 653a, as amended, including:

(A) To locate individuals for the purposes of establishing paternity and for establishing, modifying, and enforcing child support orders.

(B) As used in this division, "state agency" means every

department, bureau, board, commission, office, or other organized 27863
body established by the constitution or laws of this state for the 27864
exercise of state government; every entity of county government 27865
that is subject to the rules of a state agency; and every 27866
contractual agent of a state agency. 27867

To make available to any state agency responsible for 27868
administering any of the following programs for purposes of 27869
verifying program eligibility: 27870

(1) Any Title IV-A program as defined in section 5101.80 of 27871
the Revised Code; 27872

(2) The medicaid program authorized by Chapter 5111. of the 27873
Revised Code; 27874

(3) The unemployment compensation program authorized by 27875
Chapter 4141. of the Revised Code; 27876

(4) The ~~food stamp~~ supplemental nutrition assistance program 27877
authorized by section 5101.54 of the Revised Code; 27878

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 27879
amended. 27880

(C) The administration of the employment security program 27881
under the director of job and family services. 27882

Sec. 3123.952. A child support enforcement agency may submit 27883
the name of a delinquent obligor to the office of child support 27884
for inclusion on a poster only if all of the following apply: 27885

(A) The obligor is subject to a support order and there has 27886
been an attempt to enforce the order through a public notice, a 27887
wage withholding order, a lien on property, a financial 27888
institution deduction order, or other court-ordered procedures. 27889

(B) The department of job and family services reviewed the 27890
obligor's records and confirms the child support enforcement 27891

agency's finding that the obligor's name and photograph may be 27892
submitted to be displayed on a poster. 27893

(C) The agency does not know or is unable to verify the 27894
obligor's whereabouts. 27895

(D) The obligor is not a participant in Ohio works first or 27896
the prevention, retention, and contingency program or a recipient 27897
of disability financial assistance, supplemental security income, 27898
or ~~food stamps~~ supplemental nutrition assistance program benefits. 27899

(E) The child support enforcement agency does not have 27900
evidence that the obligor has filed for protection under the 27901
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 27902

(F) The obligee gave written authorization to the agency to 27903
display the obligor on a poster. 27904

(G) A legal representative of the agency and a child support 27905
enforcement administrator reviewed the case. 27906

(H) The agency is able to submit to the department a 27907
description and photograph of the obligor, a statement of the 27908
possible locations of the obligor, and any other information 27909
required by the department. 27910

Sec. 3125.25. The director of job and family services shall 27911
adopt rules under Chapter 119. of the Revised Code governing the 27912
operation of support enforcement by child support enforcement 27913
agencies. The rules shall include, but shall not be limited to, 27914
~~provisions~~ the following: 27915

(A) Provisions relating to plans of cooperation between the 27916
agencies and boards of county commissioners entered into under 27917
section 3125.12 of the Revised Code, ~~requirements;~~ 27918

(B) Provisions for the compromise and waiver of child support 27919
arrears owed to the state and federal government, consistent 27920
with Title IV-D of the "Social Security Act," 88 Stat. 2351 27921

<u>(1975), 42 U.S.C. 651 et seq., as amended;</u>	27922
<u>(C) Requirements</u> for public hearings by the agencies, and	27923
provisions;	27924
<u>(D) Provisions</u> for appeals of agency decisions under	27925
procedures established by the director.	27926
Sec. 3301.07. The state board of education shall exercise	27927
under the acts of the general assembly general supervision of the	27928
system of public education in the state. In addition to the powers	27929
otherwise imposed on the state board under the provisions of law,	27930
the board shall have the following powers: <u>described in this</u>	27931
<u>section.</u>	27932
(A) Exercise <u>The state board shall exercise</u> policy forming,	27933
planning, and evaluative functions for the public schools of the	27934
state, and for adult education, except as otherwise provided by	27935
law.	27936
(B) Exercise <u>(1) The state board shall exercise</u> leadership in	27937
the improvement of public education in this state, and administer	27938
the educational policies of this state relating to public schools,	27939
and relating to instruction and instructional material, building	27940
and equipment, transportation of pupils, administrative	27941
responsibilities of school officials and personnel, and finance	27942
and organization of school districts, educational service centers,	27943
and territory. Consultative and advisory services in such matters	27944
shall be provided by the board to school districts and educational	27945
service centers of this state. The	27946
<u>(2) The state</u> board also shall develop a standard of	27947
financial reporting which shall be used by all <u>each</u> school	27948
districts and <u>district board of education,</u> educational service	27949
centers <u>center governing board, community school governing</u>	27950
<u>authority, and STEM school governing body</u> to make their <u>its</u>	27951

financial information and annual budgets for each school building 27952
under its control available to the public in a format 27953
understandable by the average citizen ~~and provide year to year~~ 27954
~~comparisons for at least five years.~~ The format shall show, among 27955
other things, at the district and educational service center level 27956
or at the school building level, as determined appropriate by the 27957
department of education, revenue by source; expenditures for 27958
salaries, wages, and benefits of employees, showing such amounts 27959
separately for classroom teachers, other employees required to 27960
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 27961
the Revised Code, and all other employees; expenditures other than 27962
for personnel, by category, including utilities, textbooks and 27963
other educational materials, equipment, permanent improvements, 27964
pupil transportation, extracurricular athletics, and other 27965
extracurricular activities; and per pupil expenditures. 27966

(C) ~~Administer~~ The state board shall administer and supervise 27967
the allocation and distribution of all state and federal funds for 27968
public school education under the provisions of law, and may 27969
prescribe such systems of accounting as are necessary and proper 27970
to this function. It may require county auditors and treasurers, 27971
boards of education, educational service center governing boards, 27972
treasurers of such boards, teachers, and other school officers and 27973
employees, or other public officers or employees, to file with it 27974
such reports as it may prescribe relating to such funds, or to the 27975
management and condition of such funds. 27976

(D) ~~Formulate~~ (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, 27977
XXXVII, XLVII, and LI of the Revised Code a reference is made to 27978
standards prescribed under this section or division (D) of this 27979
section, that reference shall be construed to refer to the 27980
standards prescribed under division (D)(2) of this section, unless 27981
the context specifically indicates a different meaning or intent. 27982

(2) The state board shall formulate and prescribe minimum 27983

standards to be applied to all elementary and secondary schools in 27984
this state for the purpose of requiring a general education of 27985
high quality. Such standards shall provide adequately for: the 27986
licensing of teachers, administrators, and other professional 27987
personnel and their assignment according to training and 27988
qualifications; efficient and effective instructional materials 27989
and equipment, including library facilities; the proper 27990
organization, administration, and supervision of each school, 27991
including regulations for preparing all necessary records and 27992
reports and the preparation of a statement of policies and 27993
objectives for each school; buildings, grounds, health and 27994
sanitary facilities and services; admission of pupils, and such 27995
requirements for their promotion from grade to grade as will 27996
assure that they are capable and prepared for the level of study 27997
to which they are certified; requirements for graduation; and such 27998
other factors as the board finds necessary. 27999

In the formulation and administration of such standards for 28000
nonpublic schools the board shall also consider the particular 28001
needs, methods and objectives of those schools, provided they do 28002
not conflict with the provision of a general education of a high 28003
quality and provided that regular procedures shall be followed for 28004
promotion from grade to grade of pupils who have met the 28005
educational requirements prescribed. 28006

~~(E) May~~ In the formulation and administration of such 28007
standards as they relate to instructional materials and equipment 28008
in public schools, including library materials, the board shall 28009
require that the material and equipment be aligned with and 28010
promote skills expected under the statewide academic standards 28011
adopted under section 3301.079 of the Revised Code. 28012

(3) In addition to the minimum standards required by division 28013
(D)(2) of this section, the state board shall formulate and 28014
prescribe the following additional minimum operating standards for 28015

school districts: 28016

(a) Standards for the effective and efficient organization, 28017
administration, and supervision of each school district so that it 28018
becomes a thinking and learning organization according to 28019
principles of systems design and collaborative professional 28020
learning communities research as defined by the superintendent of 28021
public instruction, including a focus on the personalized and 28022
individualized needs of each student; a shared responsibility 28023
among school boards, administrators, faculty, and staff to develop 28024
a common vision, mission, and set of guiding principles; a shared 28025
responsibility among school boards, administrators, faculty, and 28026
staff to engage in a process of collective inquiry, action 28027
orientation, and experimentation to ensure the academic success of 28028
all students; commitment to teaching and learning strategies that 28029
utilize technological tools and emphasize inter-disciplinary, real 28030
world, project-based, technology-oriented, and service learning 28031
experiences to meet the individual needs of every student; 28032
commitment to high expectations for every student and commitment 28033
to closing the achievement gap so that all students achieve core 28034
knowledge and twenty-first century skills in accordance with the 28035
statewide academic standards adopted under section 3301.079 of the 28036
Revised Code; commitment to the use of assessments to diagnose the 28037
needs of each student; effective connections and relationships 28038
with families and community organizations that support student 28039
success; and commitment to the use of positive behavior 28040
intervention supports throughout a district to ensure a safe and 28041
secure learning environment for all students. 28042

28043

(b) Standards for the establishment of a business advisory 28044
committee and a family and community engagement team in each 28045
school district, under sections 3313.82 and 3313.821 of the 28046
Revised Code, respectively. 28047

(c) Standards incorporating the classifications for the components of the adequacy amount under Chapter 3306. of the Revised Code into core academic strategy components and academic improvement components, as specified in rules adopted under section 3306.25 of the Revised Code; 28048
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(d) Standards for school district organizational units, as defined in sections 3306.02 and 3306.04 of the Revised Code, that require: 28053
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(i) The effective and efficient organization, administration, and supervision of each school district organizational unit so that it becomes a thinking and learning organization according to principles of systems design and collaborative professional learning communities research as defined by the state superintendent, including a focus on the personalized and individualized needs of each student; a shared responsibility among organizational unit administrators, faculty, and staff to develop a common vision, mission, and set of guiding principles; a shared responsibility among organizational unit administrators, faculty, and staff to engage in a process of collective inquiry, action orientation, and experimentation to ensure the academic success of all students; commitment to job embedded professional development and professional mentoring and coaching; established periods of time for teachers to pursue joint planning time for the development of lesson plans, professional development, and shared learning; commitment to effective management strategies that allow administrators unfettered access to classrooms for observation and professional development experiences; commitment to teaching and learning strategies that utilize technological tools and emphasize inter-disciplinary, real world, project-based, technology-oriented, and service learning experiences to meet the individual needs of every student; commitment to high expectations for every student and commitment to closing the achievement gap so 28056
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that all students achieve core knowledge and twenty-first century 28080
skills in accordance with the statewide academic standards adopted 28081
under section 3301.079 of the Revised Code; commitment to the use 28082
of assessments to diagnose the needs of each student; effective 28083
connections and relationships with families and community 28084
organizations that support student success; commitment to the use 28085
of positive behavior intervention supports throughout the 28086
organizational unit to ensure a safe and secure learning 28087
environment for all students; 28088

(ii) A school organizational unit leadership team to 28089
coordinate positive behavior intervention supports, family and 28090
community engagement services, learning environments, thinking and 28091
learning systems, collaborative planning, planning time, student 28092
academic interventions, student extended learning opportunities, 28093
and other activities identified by the team and approved by the 28094
district board of education. The team shall include the building 28095
principal, representatives from each collective bargaining unit, 28096
the building lead teacher, parents, business representatives, and 28097
community representatives. 28098

(E) The state board may require as part of the health 28099
curriculum information developed under section 2108.34 of the 28100
Revised Code promoting the donation of anatomical gifts pursuant 28101
to Chapter 2108. of the Revised Code and may provide the 28102
information to high schools, educational service centers, and 28103
joint vocational school district boards of education; 28104

(F) ~~Prepare~~ The state board shall ~~prepare~~ and submit annually 28105
to the governor and the general assembly a report on the status, 28106
needs, and major problems of the public schools of the state, with 28107
recommendations for necessary legislative action and a ten-year 28108
projection of the state's public and nonpublic school enrollment, 28109
by year and by grade level+. 28110

(G) ~~Prepare~~ The state board shall ~~prepare~~ and submit to the 28111

director of budget and management the biennial budgetary requests 28112
of the state board of education, for its agencies and for the 28113
public schools of the state+_. 28114

(H) ~~Cooperate~~ The state board shall cooperate with federal, 28115
state, and local agencies concerned with the health and welfare of 28116
children and youth of the state+_. 28117

(I) ~~Require~~ The state board shall require such reports from 28118
school districts and educational service centers, school officers, 28119
and employees as are necessary and desirable. The superintendents 28120
and treasurers of school districts and educational service centers 28121
shall certify as to the accuracy of all reports required by law or 28122
state board or state department of education rules to be submitted 28123
by the district or educational service center and which contain 28124
information necessary for calculation of state funding. Any 28125
superintendent who knowingly falsifies such report shall be 28126
subject to license revocation pursuant to section 3319.31 of the 28127
Revised Code. 28128

(J) In accordance with Chapter 119. of the Revised Code, the 28129
state board shall adopt procedures, standards, and guidelines for 28130
the education of children with disabilities pursuant to Chapter 28131
3323. of the Revised Code, including procedures, standards, and 28132
guidelines governing programs and services operated by county 28133
boards of mental retardation and developmental disabilities 28134
pursuant to section 3323.09 of the Revised Code+_. 28135

(K) For the purpose of encouraging the development of special 28136
programs of education for academically gifted children, the state 28137
board shall employ competent persons to analyze and publish data, 28138
promote research, advise and counsel with boards of education, and 28139
encourage the training of teachers in the special instruction of 28140
gifted children. The board may provide financial assistance out of 28141
any funds appropriated for this purpose to boards of education and 28142
educational service center governing boards for developing and 28143

conducting programs of education for academically gifted children. 28144
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(L) ~~Require~~ The state board shall require that all public 28146
schools emphasize and encourage, within existing units of study, 28147
the teaching of energy and resource conservation as recommended to 28148
each district board of education by leading business persons 28149
involved in energy production and conservation, beginning in the 28150
primary grades~~+~~. 28151

(M) ~~Formulate~~ The state board shall formulate and prescribe 28152
minimum standards requiring the use of phonics as a technique in 28153
the teaching of reading in grades kindergarten through three. In 28154
addition, the state board shall provide in-service training 28155
programs for teachers on the use of phonics as a technique in the 28156
teaching of reading in grades kindergarten through three. 28157

~~(N) Develop and modify as necessary a state plan for 28158
technology to encourage and promote the use of technological 28159
advancements in educational settings. 28160~~

The board may adopt rules necessary for carrying out any 28161
function imposed on it by law, and may provide rules as are 28162
necessary for its government and the government of its employees, 28163
and may delegate to the superintendent of public instruction the 28164
management and administration of any function imposed on it by 28165
law. It may provide for the appointment of board members to serve 28166
on temporary committees established by the board for such purposes 28167
as are necessary. Permanent or standing committees shall not be 28168
created. 28169

Compliance with the standards adopted under divisions (B)(2) 28170
and (D) of this section, as they relate to the operation of a 28171
school operated by a school district, may be waived by the state 28172
superintendent pursuant to section 3306.40 of the Revised Code. 28173

As used in this section, "community school" means a community 28174

school established under Chapter 3314. of the Revised Code, and 28175
"STEM school" means a STEM school established under Chapter 3326. 28176
of the Revised Code. 28177

Sec. 3301.073. ~~Upon~~ As required by section 3306.33 of the 28178
Revised Code, and otherwise upon the request of the board of 28179
education of any school district, the state board of education 28180
shall furnish technical assistance to the school district in the 28181
preparation of budgets, development of fiscal controls, 28182
preparation of financial statements and reports, revenue 28183
estimating, or in assisting the district in complying with any 28184
certification requirements relating to the district's revenue or 28185
expenditures. The assistance may be in the form of grants, 28186
consultants, or the temporary assignment of employees after 28187
determining in consultation with the district, its needs and the 28188
nature of assistance needed and what assistance the state board of 28189
education can provide within the amounts appropriated for this 28190
purpose. The state board may enter into contracts with the 28191
department of taxation ~~and,~~ the auditor of state, and any other 28192
governmental or private entity to perform its duties under this 28193
section. 28194

Sec. 3301.079. (A)(1) Not later than ~~December 31, 2001~~ June 28195
30, 2010, and at least once every five years thereafter, the state 28196
board of education shall adopt statewide academic standards with 28197
emphasis on coherence, focus, and rigor for each of grades 28198
kindergarten through twelve in ~~reading, writing, and mathematics.~~ 28199
~~Not later than December 31, 2002, the state board shall adopt~~ 28200
~~statewide academic standards for each of grades kindergarten~~ 28201
~~through twelve in science and social studies. The~~ English language 28202
arts, mathematics, science, and social studies. 28203

The standards shall specify the following: 28204

<u>(a) The core academic content and skills that students are</u>	28205
<u>expected to know and be able to do at each grade level-</u>	28206
<u>+2) that will allow each student to be prepared for</u>	28207
<u>postsecondary instruction and the workplace for success in the</u>	28208
<u>twenty-first century;</u>	28209
<u>(b) The development of skill sets as they relate to</u>	28210
<u>creativity and innovation, critical thinking and problem solving,</u>	28211
<u>and communication and collaboration;</u>	28212
<u>(c) The development of skill sets that promote information,</u>	28213
<u>media, and technological literacy;</u>	28214
<u>(d) The development of skill sets that promote flexibility</u>	28215
<u>and adaptability, initiative and self-direction, social and</u>	28216
<u>cross-cultural skills, productivity and accountability, and</u>	28217
<u>leadership and responsibility;</u>	28218
<u>(e) Interdisciplinary, project-based real world learning</u>	28219
<u>opportunities;</u>	28220
<u>(f) Opportunities for the inclusion of community service</u>	28221
<u>learning.</u>	28222
<u>(2) After completing the standards required by division</u>	28223
<u>(A)(1) of this section, the state board shall adopt standards and</u>	28224
<u>model curricula for instruction in computer literacy, wellness</u>	28225
<u>literacy, financial literacy and entrepreneurship, fine arts, and</u>	28226
<u>foreign language for grades kindergarten through twelve. The</u>	28227
<u>standards shall meet the same requirements prescribed in divisions</u>	28228
<u>(A)(1)(a) to (f) of this section.</u>	28229
<u>(3) The state board shall adopt the most recent standards</u>	28230
<u>developed by the national association for sport and physical</u>	28231
<u>education for physical education in grades kindergarten through</u>	28232
<u>twelve or shall adopt its own standards for physical education in</u>	28233
<u>those grades and revise and update them periodically.</u>	28234

The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 28235
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(4) When academic standards have been completed for any subject area required by this ~~division~~ section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. 28243
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(B) Not later than ~~eighteen months after the completion of academic standards for any subject area required by division (A) of this section~~ March 31, 2011, the state board shall adopt a model curriculum for instruction in ~~that~~ each subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through twelve that is sufficient to meet the needs of students in every community. The model curriculum shall be aligned with the standards, to ensure that the academic content and skills specified for each grade level are taught to students, and shall demonstrate vertical articulation and emphasize coherence, focus, and rigor. When any model curriculum has been completed, the state board shall inform all school districts, community schools, and STEM schools of the content of that model curriculum. 28251
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All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established 28265
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by the state board, together with other relevant resources, 28267
examples, or models to ensure that students have the opportunity 28268
to attain the academic standards. Upon request, the department of 28269
education shall provide technical assistance to any district, 28270
community school, or STEM school in implementing the model 28271
curriculum. 28272

Nothing in this section requires any school district to 28273
utilize all or any part of a model curriculum developed under this 28274
division. 28275

(C) The state board shall develop achievement ~~tests~~ 28276
assessments aligned with the academic standards and model 28277
curriculum for each of the subject areas and grade levels required 28278
by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised 28279
Code. 28280

When any achievement ~~test~~ assessment has been completed, the 28281
state board shall inform all school districts, community schools, 28282
STEM schools, and nonpublic schools required to administer the 28283
assessment of its completion, and the department of education 28284
shall make the achievement ~~test~~ assessment available to the 28285
districts and schools. ~~School districts shall administer the~~ 28286
~~achievement test beginning in the school year indicated in section~~ 28287
~~3301.0712 of the Revised Code.~~ 28288

(D)(1) The state board shall adopt a diagnostic assessment 28289
aligned with the academic standards and model curriculum for each 28290
of grades kindergarten through two in ~~reading, writing, English~~ 28291
language arts and mathematics and for grade three in ~~writing~~ 28292
English language arts. The diagnostic assessment shall be designed 28293
to measure student comprehension of academic content and mastery 28294
of related skills for the relevant subject area and grade level. 28295
Any diagnostic assessment shall not include components to identify 28296
gifted students. Blank copies of diagnostic tests shall be public 28297
records. 28298

(2) When each diagnostic assessment has been completed, the 28299
state board shall inform all school districts of its completion 28300
and the department of education shall make the diagnostic 28301
assessment available to the districts at no cost to the district. 28302
School districts shall administer the diagnostic assessment 28303
pursuant to section 3301.0715 of the Revised Code beginning the 28304
first school year following the development of the assessment. 28305

(E) The state board shall not adopt a diagnostic or 28306
achievement assessment for any grade level or subject area other 28307
than those specified in this section. 28308

(F) Whenever the state board or the department of education 28309
consults with persons for the purpose of drafting or reviewing any 28310
standards, diagnostic assessments, achievement ~~tests~~ assessments, 28311
or model curriculum required under this section, the state board 28312
or the department shall first consult with parents of students in 28313
kindergarten through twelfth grade and with active Ohio classroom 28314
teachers, other school personnel, and administrators with 28315
expertise in the appropriate subject area. Whenever practicable, 28316
the state board and department shall consult with teachers 28317
recognized as outstanding in their fields. 28318

If the department contracts with more than one outside entity 28319
for the development of the achievement ~~tests~~ assessments required 28320
by this section, the department shall ensure the 28321
interchangeability of those ~~tests~~ assessments. 28322

~~(F)~~(G) The fairness sensitivity review committee, established 28323
by rule of the state board of education, shall not allow any 28324
question on any achievement ~~test~~ or diagnostic assessment 28325
developed under this section or any proficiency test prescribed by 28326
former section 3301.0710 of the Revised Code, as it existed prior 28327
to September 11, 2001, to include, be written to promote, or 28328
inquire as to individual moral or social values or beliefs. The 28329
decision of the committee shall be final. This section does not 28330

create a private cause of action. 28331

(H) As used in this section: 28332

(1) "Coherence" means a reflection of the structure of the discipline being taught. 28333
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(2) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 28335
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(3) "Rigor" means more challenging and demanding when compared to international standards. 28337
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(4) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 28339
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Sec. 3301.0710. The state board of education shall adopt 28345
rules establishing a statewide program to ~~test~~ assess student 28346
achievement. The state board shall ensure that all ~~tests~~ 28347
assessments administered under the ~~testing~~ program are aligned 28348
with the academic standards and model curricula adopted by the 28349
state board and are created with input from Ohio parents, Ohio 28350
classroom teachers, Ohio school administrators, and other Ohio 28351
school personnel pursuant to section 3301.079 of the Revised Code. 28352

The ~~testing~~ assessment program shall be designed to ensure 28353
that students who receive a high school diploma demonstrate at 28354
least high school levels of achievement in ~~reading, writing~~ 28355
English language arts, mathematics, science, and social studies, 28356
and other skills necessary in the twenty-first century. 28357

(A)(1) The state board shall prescribe all of the following: 28358

(a) Two statewide achievement ~~tests~~ assessments, one each 28359
designed to measure the level of ~~reading~~ English language arts and 28360

mathematics skill expected at the end of third grade; 28361

(b) ~~Three~~ Two statewide achievement ~~tests~~ assessments, one 28362
each designed to measure the level of ~~reading, writing,~~ English 28363
language arts and mathematics skill expected at the end of fourth 28364
grade; 28365

(c) Four statewide achievement ~~tests~~ assessments, one each 28366
designed to measure the level of ~~reading~~ English language arts, 28367
mathematics, science, and social studies skill expected at the end 28368
of fifth grade; 28369

(d) Two statewide achievement ~~tests~~ assessments, one each 28370
designed to measure the level of ~~reading~~ English language arts and 28371
mathematics skill expected at the end of sixth grade; 28372

(e) ~~Three~~ Two statewide achievement ~~tests~~ assessments, one 28373
each designed to measure the level of ~~reading, writing,~~ English 28374
language arts and mathematics skill expected at the end of seventh 28375
grade; 28376

(f) Four statewide achievement ~~tests~~ assessments, one each 28377
designed to measure the level of ~~reading~~ English language arts, 28378
mathematics, science, and social studies skill expected at the end 28379
of eighth grade. 28380

(2) The state board shall determine and designate at least 28381
~~five~~ three ranges of scores on each of the achievement ~~tests~~ 28382
assessments described in divisions (A)(1) and (B)(~~1~~) of this 28383
section. Each range of scores shall be deemed to demonstrate a 28384
level of achievement so that any student attaining a score within 28385
such range has achieved one of the following: 28386

(a) An advanced level of skill; 28387

(b) ~~An accelerated level of skill;~~ 28388

~~(c)~~ A proficient level of skill; 28389

~~(d)~~ A basic level of skill; 28390

~~(e)(c)~~ A limited level of skill. 28391

(B)(1) The ~~tests~~ assessments prescribed under ~~this~~ division 28392
(B)(1) of this section shall collectively be known as the Ohio 28393
graduation tests. The state board shall prescribe five statewide 28394
high school achievement ~~tests~~ assessments, one each designed to 28395
measure the level of reading, writing, mathematics, science, and 28396
social studies skill expected at the end of tenth grade. The state 28397
board shall designate a score in at least the range designated 28398
under division (A)(2)~~(e)(b)~~ of this section on each such ~~test~~ 28399
assessment that shall be deemed to be a passing score on the ~~test~~ 28400
assessment as a condition toward granting high school diplomas 28401
under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the 28402
Revised Code until the assessment system prescribed by section 28403
3301.0712 of the Revised Code is implemented in accordance with 28404
rules adopted by the state board under division (E) of that 28405
section. 28406

(2) The state board shall prescribe an assessment system in 28407
accordance with section 3301.0712 of the Revised Code that shall 28408
replace the Ohio graduation tests in the manner prescribed by 28409
rules adopted by the state board under division (E) of that 28410
section. 28411

(3) The state board may enter into a reciprocal agreement 28412
with the appropriate body or agency of any other state that has 28413
similar statewide achievement ~~testing~~ assessment requirements for 28414
receiving high school diplomas, under which any student who has 28415
met an achievement ~~testing~~ assessment requirement of one state is 28416
recognized as having met the similar ~~achievement testing~~ 28417
requirement of the other state for purposes of receiving a high 28418
school diploma. For purposes of this section and sections 28419
3301.0711 and 3313.61 of the Revised Code, any student enrolled in 28420
any public high school in this state who has met an achievement 28421
~~testing~~ assessment requirement specified in a reciprocal agreement 28422

entered into under this division shall be deemed to have attained 28423
at least the applicable score designated under this division on 28424
each ~~test~~ assessment required by ~~this~~ division (B)(1) or (2) of 28425
this section that is specified in the agreement. 28426

~~(C) Except as provided in division (H) of this section, the 28427
state board shall annually designate as follows the dates on which 28428
the tests prescribed under this section shall be administered: 28429~~

~~(1) For the reading test prescribed under division (A)(1)(a) 28430
of this section, as follows: 28431~~

~~(a) One date prior to the thirty first day of December each 28432
school year; 28433~~

~~(b) At least one date of each school year that is not earlier 28434
than Monday of the week containing the twenty fourth day of April. 28435
28436~~

~~(2) For the mathematics test prescribed under division 28437
(A)(1)(a) of this section and the tests prescribed under divisions 28438
(A)(1)(b), (c), (d), (e), and (f) of this section, at least one 28439
date of each school year that is not earlier than Monday of the 28440
week containing the twenty fourth day of April; 28441~~

~~(3) For the tests prescribed under division (B) of this 28442
section, at least one date in each school year that is not earlier 28443
than Monday of the week containing the fifteenth day of March for 28444
all tenth grade students and at least one date prior to the 28445
thirty first day of December and at least one date subsequent to 28446
that date but prior to the thirty first day of March of each 28447
school year for eleventh and twelfth grade students. 28448~~

~~(D) In prescribing test dates pursuant to division (C)(3) of 28449
this section, the state board shall, to the greatest extent 28450
practicable, provide options to school districts in the case of 28451
tests administered under that division to eleventh and twelfth 28452
grade students and in the case of tests administered to students 28453~~

~~pursuant to division (C)(2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours.~~ 28454
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~~(E) In The superintendent of public instruction shall designate dates and times for the administration of the assessments prescribed by divisions (A) and (B) of this section.~~ 28458
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~~In prescribing ~~test~~ administration dates pursuant to this section division, the ~~state board of education~~ superintendent shall designate the dates in such a way as to allow a reasonable length of time between the administration of ~~tests~~ assessments prescribed under this section and any administration of the ~~National Assessment~~ national assessment of ~~Education Progress Test~~ educational progress given to students in the same grade level pursuant to section 3301.27 of the Revised Code or federal law.~~ 28461
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~~(F)(D)~~ The state board shall prescribe a practice version of each Ohio graduation test described in division (B)(~~1~~) of this section that is of comparable length to the actual test. 28470
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~~(G)(E)~~ Any committee established by the department of education for the purpose of making recommendations to the state board regarding the state board's designation of scores on the tests described by this section shall inform the state board of the probable percentage of students who would score in each of the ranges established under division (A)(2) of this section on the tests if the committee's recommendations are adopted by the state board. To the extent possible, these percentages shall be disaggregated by gender, major racial and ethnic groups, limited English proficient students, economically disadvantaged students, students with disabilities, and migrant students. 28473
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If the state board intends to make any change to the 28484

committee's recommendations, the state board shall explain the 28485
intended change to the Ohio accountability task force established 28486
by section 3302.021 of the Revised Code. The task force shall 28487
recommend whether the state board should proceed to adopt the 28488
intended change. Nothing in this division shall require the state 28489
board to designate test scores based upon the recommendations of 28490
the task force. 28491

~~(H)(1) The state board shall require any alternate assessment 28492
administered to a student under division (C)(1) of section 28493
3301.0711 of the Revised Code to be completed and submitted to the 28494
entity with which the department contracts for the scoring of the 28495
test not later than the first day of April of the school year in 28496
which the test is administered. 28497~~

~~(2) For any test prescribed by this section, the state board 28498
may designate a date one week earlier than the applicable date 28499
designated under division (C) of this section for the 28500
administration of the test to limited English proficient students. 28501~~

~~(3) In designating days for the administration of the tests 28502
prescribed by division (A) of this section, the state board shall 28503
require the tests for each grade level to be administered over a 28504
period of two weeks. 28505~~

Sec. 3301.0711. (A) The department of education shall: 28506

(1) Annually furnish to, grade, and score all ~~tests~~ 28507
assessments required by divisions (A)(1) and (B)(1) of section 28508
3301.0710 of the Revised Code to be administered by city, local, 28509
exempted village, and joint vocational school districts, except 28510
that each district shall score any test administered pursuant to 28511
division (B)(10) of this section. Each ~~test~~ assessment so 28512
furnished shall include the data verification code of the student 28513
to whom the test will be administered, as assigned pursuant to 28514
division (D)(2) of section 3301.0714 of the Revised Code. In 28515

furnishing the practice versions of Ohio graduation tests 28516
prescribed by division ~~(F)~~(D) of section 3301.0710 of the Revised 28517
Code, the department shall make the tests available on its web 28518
site for reproduction by districts. In awarding contracts for 28519
grading ~~tests~~ assessments, the department shall give preference to 28520
Ohio-based entities employing Ohio residents. 28521

(2) Adopt rules for the ethical use of ~~tests~~ assessments and 28522
prescribing the manner in which the ~~tests~~ assessments prescribed 28523
by section 3301.0710 of the Revised Code shall be administered to 28524
students. 28525

(B) Except as provided in divisions (C) and (J) of this 28526
section, the board of education of each city, local, and exempted 28527
village school district shall, in accordance with rules adopted 28528
under division (A) of this section: 28529

(1) Administer the ~~reading test~~ English language arts 28530
prescribed under division (A)(1)(a) of section 3301.0710 of the 28531
Revised Code twice annually to all students in the third grade who 28532
have not attained the score designated for that ~~test~~ assessment 28533
under division (A)(2)~~(e)~~(b) of section 3301.0710 of the Revised 28534
Code. 28535

(2) Administer the mathematics ~~test~~ assessment prescribed 28536
under division (A)(1)(a) of section 3301.0710 of the Revised Code 28537
at least once annually to all students in the third grade. 28538

(3) Administer the ~~tests~~ assessments prescribed under 28539
division (A)(1)(b) of section 3301.0710 of the Revised Code at 28540
least once annually to all students in the fourth grade. 28541

(4) Administer the ~~tests~~ assessments prescribed under 28542
division (A)(1)(c) of section 3301.0710 of the Revised Code at 28543
least once annually to all students in the fifth grade. 28544

(5) Administer the ~~tests~~ assessments prescribed under 28545
division (A)(1)(d) of section 3301.0710 of the Revised Code at 28546

least once annually to all students in the sixth grade. 28547

(6) Administer the ~~tests~~ assessments prescribed under 28548
division (A)(1)(e) of section 3301.0710 of the Revised Code at 28549
least once annually to all students in the seventh grade. 28550

(7) Administer the ~~tests~~ assessments prescribed under 28551
division (A)(1)(f) of section 3301.0710 of the Revised Code at 28552
least once annually to all students in the eighth grade. 28553

(8) Except as provided in division (B)(9) of this section, 28554
administer any ~~test~~ assessment prescribed under division (B)(1) of 28555
section 3301.0710 of the Revised Code as follows: 28556

(a) At least once annually to all tenth grade students and at 28557
least twice annually to all students in eleventh or twelfth grade 28558
who have not yet attained the score on that ~~test~~ assessment 28559
designated under that division; 28560

(b) To any person who has successfully completed the 28561
curriculum in any high school or the individualized education 28562
program developed for the person by any high school pursuant to 28563
section 3323.08 of the Revised Code but has not received a high 28564
school diploma and who requests to take such ~~test~~ assessment, at 28565
any time such test is administered in the district. 28566

(9) In lieu of the board of education of any city, local, or 28567
exempted village school district in which the student is also 28568
enrolled, the board of a joint vocational school district shall 28569
administer any ~~test~~ assessment prescribed under division (B)(1) of 28570
section 3301.0710 of the Revised Code at least twice annually to 28571
any student enrolled in the joint vocational school district who 28572
has not yet attained the score on that ~~test~~ assessment designated 28573
under that division. A board of a joint vocational school district 28574
may also administer such a ~~test~~ an assessment to any student 28575
described in division (B)(8)(b) of this section. 28576

(10) If the district has been declared to be under an 28577

academic watch or in a state of academic emergency pursuant to 28578
section 3302.03 of the Revised Code or has a three-year average 28579
graduation rate of not more than seventy-five per cent, administer 28580
each ~~test~~ assessment prescribed by division ~~(F)~~(D) of section 28581
3301.0710 of the Revised Code in September to all ninth grade 28582
students, beginning in the school year that starts July 1, 2005. 28583

Except as provided in section 3313.614 of the Revised Code 28584
for administration of an assessment to a person who has fulfilled 28585
the curriculum requirement for a high school diploma but has not 28586
passed one or more of the required assessments, the assessments 28587
prescribed under division (B)(1) of section 3301.0710 of the 28588
Revised Code and the practice assessments prescribed under 28589
division (D) of that section and required to be administered under 28590
divisions (B)(8), (9), and (10) of this section shall not be 28591
administered after the assessment system prescribed by division 28592
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 28593
Code is implemented under rule of the state board adopted under 28594
division (E)(1) of section 3301.0712 of the Revised Code. 28595

(11) Administer the assessments prescribed by division (B)(2) 28596
of section 3301.0710 and section 3301.0712 of the Revised Code in 28597
accordance with the timeline and plan for implementation of those 28598
assessments prescribed by rule of the state board adopted under 28599
division (E)(1) of section 3301.0712 of the Revised Code. 28600

(C)(1)(a) Any student receiving special education services 28601
under Chapter 3323. of the Revised Code may be excused from taking 28602
any particular ~~test~~ assessment required to be administered under 28603
this section if the individualized education program developed for 28604
the student pursuant to section 3323.08 of the Revised Code 28605
excuses the student from taking that ~~test~~ assessment and instead 28606
specifies an alternate assessment method approved by the 28607
department of education as conforming to requirements of federal 28608
law for receipt of federal funds for disadvantaged pupils. To the 28609

extent possible, the individualized education program shall not 28610
excuse the student from taking ~~a test~~ an assessment unless no 28611
reasonable accommodation can be made to enable the student to take 28612
the ~~test~~ assessment. 28613

(b) Any alternate assessment approved by the department for a 28614
student under this division shall produce measurable results 28615
comparable to those produced by the ~~tests which the alternate~~ 28616
~~assessments are replacing~~ assessment it replaces in order to allow 28617
for the student's ~~assessment~~ results to be included in the data 28618
compiled for a school district or building under section 3302.03 28619
of the Revised Code. 28620

(c) Any student enrolled in a chartered nonpublic school who 28621
has been identified, based on an evaluation conducted in 28622
accordance with section 3323.03 of the Revised Code or section 504 28623
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 28624
794, as amended, as a child with a disability shall be excused 28625
from taking any particular ~~test~~ assessment required to be 28626
administered under this section if a plan developed for the 28627
student pursuant to rules adopted by the state board excuses the 28628
student from taking that ~~test~~ assessment. In the case of any 28629
student so excused from taking ~~a test~~ an assessment, the chartered 28630
nonpublic school shall not prohibit the student from taking the 28631
~~test~~ assessment. 28632

(2) A district board may, for medical reasons or other good 28633
cause, excuse a student from taking ~~a test~~ an assessment 28634
administered under this section on the date scheduled, but ~~any~~ 28635
~~such test~~ that assessment shall be administered to ~~such~~ the 28636
excused student not later than nine days following the scheduled 28637
date. The district board shall annually report the number of 28638
students who have not taken one or more of the ~~tests~~ assessments 28639
required by this section to the state board of education not later 28640
than the thirtieth day of June. 28641

(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801. 28642
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No school district board shall excuse any limited English proficient student from taking any particular ~~test~~ assessment required to be administered under this section, except that any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any ~~such~~ reading ~~or~~, writing ~~test~~, or English language arts assessment. However, no board shall prohibit a limited English proficient student who is not required to take a ~~test~~ an assessment under this division from taking the ~~test~~ assessment. A board may permit any limited English proficient student to take ~~any test~~ an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department. 28644
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The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any ~~test~~ assessment administered under this section. However, no governing authority shall prohibit a limited English proficient student from taking the ~~test~~ assessment. 28660
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(D)(1) In the school year next succeeding the school year in which the ~~tests~~ assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's ~~test~~ performance, including any intensive intervention required under 28665
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section 3313.608 of the Revised Code, in any skill in which the 28674
student failed to demonstrate at least a score at the proficient 28675
level on the ~~test~~ assessment. 28676

(2) Following any administration of the ~~tests~~ assessments 28677
prescribed by division ~~(F)~~(D) of section 3301.0710 of the Revised 28678
Code to ninth grade students, each school district that has a 28679
three-year average graduation rate of not more than seventy-five 28680
per cent shall determine for each high school in the district 28681
whether the school shall be required to provide intervention 28682
services to any students who took the ~~tests~~ assessments. In 28683
determining which high schools shall provide intervention services 28684
based on the resources available, the district shall consider each 28685
school's graduation rate and scores on the practice ~~tests~~ 28686
assessments. The district also shall consider the scores received 28687
by ninth grade students on the ~~reading~~ English language arts and 28688
mathematics ~~tests~~ assessments prescribed under division (A)(1)(f) 28689
of section 3301.0710 of the Revised Code in the eighth grade in 28690
determining which high schools shall provide intervention 28691
services. 28692

Each high school selected to provide intervention services 28693
under this division shall provide intervention services to any 28694
student whose ~~test~~ results indicate that the student is failing to 28695
make satisfactory progress toward being able to attain scores at 28696
the proficient level on the Ohio graduation tests. Intervention 28697
services shall be provided in any skill in which a student 28698
demonstrates unsatisfactory progress and shall be commensurate 28699
with the student's ~~test~~ performance. Schools shall provide the 28700
intervention services prior to the end of the school year, during 28701
the summer following the ninth grade, in the next succeeding 28702
school year, or at any combination of those times. 28703

(E) Except as provided in section 3313.608 of the Revised 28704
Code and division (M) of this section, no school district board of 28705

education shall utilize any student's failure to attain a 28706
specified score on ~~any test~~ an assessment administered under this 28707
section as a factor in any decision to deny the student promotion 28708
to a higher grade level. However, a district board may choose not 28709
to promote to the next grade level any student who does not take 28710
~~any test~~ an assessment administered under this section or make up 28711
~~such test~~ an assessment as provided by division (C)(2) of this 28712
section and who is not exempt from the requirement to take the 28713
~~test~~ assessment under division (C)(3) of this section. 28714

(F) No person shall be charged a fee for taking any ~~test~~ 28715
assessment administered under this section. 28716

(G)(1) Each school district board shall designate one 28717
location for the collection of ~~tests~~ assessments administered in 28718
the spring under division (B)(1) of this section and ~~the tests~~ 28719
those administered under divisions (B)(2) to (7) of this section. 28720
Each district board shall submit the ~~tests~~ assessments to the 28721
entity with which the department contracts for the scoring of the 28722
~~tests~~ assessments as follows: 28723

(a) If the district's total enrollment in grades kindergarten 28724
through twelve during the first full school week of October was 28725
less than two thousand five hundred, not later than the Friday 28726
after all of the ~~tests~~ assessments have been administered; 28727

(b) If the district's total enrollment in grades kindergarten 28728
through twelve during the first full school week of October was 28729
two thousand five hundred or more, but less than seven thousand, 28730
not later than the Monday after all of the ~~tests~~ assessments have 28731
been administered; 28732

(c) If the district's total enrollment in grades kindergarten 28733
through twelve during the first full school week of October was 28734
seven thousand or more, not later than the Tuesday after all of 28735
the ~~tests~~ assessments have been administered. 28736

However, any ~~such test~~ assessment that a student takes during 28737
the make-up period described in division (C)(2) of this section 28738
shall be submitted not later than the Friday following the day the 28739
student takes the ~~test~~ assessment. 28740

(2) The department or an entity with which the department 28741
contracts for the scoring of the ~~test~~ assessment shall send to 28742
each school district board a list of the individual ~~test~~ scores of 28743
all persons taking ~~any test~~ an assessment prescribed by division 28744
(A)(1) or (B)(1) of section 3301.0710 of the Revised Code within 28745
sixty days after its administration, but in no case shall the 28746
scores be returned later than the fifteenth day of June following 28747
the administration. For ~~any tests~~ assessments administered under 28748
this section by a joint vocational school district, the department 28749
or entity shall also send to each city, local, or exempted village 28750
school district a list of the individual ~~test~~ scores of any 28751
students of such city, local, or exempted village school district 28752
who are attending school in the joint vocational school district. 28753

(H) Individual ~~test~~ scores on any ~~tests~~ assessments 28755
administered under this section shall be released by a district 28756
board only in accordance with section 3319.321 of the Revised Code 28757
and the rules adopted under division (A) of this section. No 28758
district board or its employees shall utilize individual or 28759
aggregate ~~test~~ results in any manner that conflicts with rules for 28760
the ethical use of ~~tests~~ assessments adopted pursuant to division 28761
(A) of this section. 28762

(I) Except as provided in division (G) of this section, the 28763
department or an entity with which the department contracts for 28764
the scoring of the ~~test~~ assessment shall not release any 28765
individual ~~test~~ scores on any ~~test~~ assessment administered under 28766
this section. The state board of education shall adopt rules to 28767
ensure the protection of student confidentiality at all times. The 28768

rules may require the use of the data verification codes assigned 28769
to students pursuant to division (D)(2) of section 3301.0714 of 28770
the Revised Code to protect the confidentiality of student ~~test~~ 28771
scores. 28772

(J) Notwithstanding division (D) of section 3311.52 of the 28773
Revised Code, this section does not apply to the board of 28774
education of any cooperative education school district except as 28775
provided under rules adopted pursuant to this division. 28776

(1) In accordance with rules that the state board of 28777
education shall adopt, the board of education of any city, 28778
exempted village, or local school district with territory in a 28779
cooperative education school district established pursuant to 28780
divisions (A) to (C) of section 3311.52 of the Revised Code may 28781
enter into an agreement with the board of education of the 28782
cooperative education school district for administering any ~~test~~ 28783
assessment prescribed under this section to students of the city, 28784
exempted village, or local school district who are attending 28785
school in the cooperative education school district. 28786

(2) In accordance with rules that the state board of 28787
education shall adopt, the board of education of any city, 28788
exempted village, or local school district with territory in a 28789
cooperative education school district established pursuant to 28790
section 3311.521 of the Revised Code shall enter into an agreement 28791
with the cooperative district that provides for the administration 28792
of any ~~test~~ assessment prescribed under this section to both of 28793
the following: 28794

(a) Students who are attending school in the cooperative 28795
district and who, if the cooperative district were not 28796
established, would be entitled to attend school in the city, 28797
local, or exempted village school district pursuant to section 28798
3313.64 or 3313.65 of the Revised Code; 28799

(b) Persons described in division (B)(8)(b) of this section. 28800

Any ~~testing~~ assessment of students pursuant to such an 28801
agreement shall be in lieu of any ~~testing~~ assessment of such 28802
students or persons pursuant to this section. 28803

(K)(1) As a condition of compliance with section 3313.612 of 28804
the Revised Code, each chartered nonpublic school that educates 28805
students in grades nine through twelve shall administer the 28806
assessments prescribed by divisions (B)(1) and (2) of section 28807
3301.0710 of the Revised Code. Any chartered nonpublic school may 28808
participate in the ~~testing~~ assessment program by administering any 28809
of the ~~tests~~ assessments prescribed by division (A) of section 28810
3301.0710 ~~or 3301.0712~~ of the Revised Code ~~if the~~. The chief 28811
administrator of the school ~~specifies~~ shall specify which ~~tests~~ 28812
assessments the school ~~wishes to~~ will administer. Such 28813
specification shall be made in writing to the superintendent of 28814
public instruction prior to the first day of August of any school 28815
year in which ~~tests~~ assessments are administered and shall include 28816
a pledge that the nonpublic school will administer the specified 28817
~~tests~~ assessments in the same manner as public schools are 28818
required to do under this section and rules adopted by the 28819
department. 28820

(2) The department of education shall furnish the ~~tests~~ 28821
assessments prescribed by section 3301.0710 or 3301.0712 of the 28822
Revised Code to ~~any~~ each chartered nonpublic school ~~electing to~~ 28823
~~participate~~ that participates under this division. 28824

(L)(1) The superintendent of the state school for the blind 28825
and the superintendent of the state school for the deaf shall 28826
administer the ~~tests~~ assessments described by ~~section~~ sections 28827
3301.0710 and 3301.0712 of the Revised Code. Each superintendent 28828
shall administer the ~~tests~~ assessments in the same manner as 28829
district boards are required to do under this section and rules 28830
adopted by the department of education and in conformity with 28831

division (C)(1)(a) of this section. 28832

(2) The department of education shall furnish the ~~tests~~ 28833
assessments described by ~~section sections~~ 3301.0710 and 3301.0712 28834
of the Revised Code to each superintendent. 28835

(M) Notwithstanding division (E) of this section, a school 28836
district may use a student's failure to attain a score in at least 28837
the ~~basic~~ proficient range on the mathematics ~~test~~ assessment 28838
described by division (A)(1)(a) of section 3301.0710 of the 28839
Revised Code or on ~~any of the tests~~ an assessment described by 28840
division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of 28841
the Revised Code as a factor in retaining that student in the 28842
current grade level. 28843

(N)(1) In the manner specified in divisions (N)(3) ~~to (5)~~ and 28844
(4) of this section, the ~~tests~~ assessments required by division 28845
(A)(1) of section 3301.0710 of the Revised Code shall become 28846
public records pursuant to section 149.43 of the Revised Code on 28847
the first day of July following the school year that the ~~test was~~ 28848
assessments were administered. 28849

(2) The department may field test proposed ~~test~~ questions 28850
with samples of students to determine the validity, reliability, 28851
or appropriateness of ~~test~~ questions for possible inclusion in a 28852
future year's ~~test~~ assessment. The department also may use anchor 28853
questions on ~~tests~~ assessments to ensure that different versions 28854
of the same test are of comparable difficulty. 28855

Field test questions and anchor questions shall not be 28856
considered in computing ~~test~~ scores for individual students. Field 28857
test questions and anchor questions may be included as part of the 28858
administration of any ~~test~~ assessment required by division (A)(1) 28859
or (B)(1) of section 3301.0710 of the Revised Code. 28860

(3) Any field test question or anchor question administered 28861
under division (N)(2) of this section shall not be a public 28862

record. Such field test questions and anchor questions shall be 28863
redacted from any ~~tests~~ assessments which are released as a public 28864
record pursuant to division (N)(1) of this section. 28865

(4) This division applies to the ~~tests~~ assessments prescribed 28866
by division (A) of section 3301.0710 of the Revised Code. 28867

(a) The first administration of each ~~test~~ assessment, as 28868
specified in former section 3301.0712 of the Revised Code, shall 28869
be a public record. 28870

(b) For subsequent administrations of each ~~test~~ assessment, 28871
not less than forty per cent of the questions on the ~~test~~ 28872
assessment that are used to compute a student's score shall be a 28873
public record. The department shall determine which questions will 28874
be needed for reuse on a future ~~test~~ assessment and those 28875
questions shall not be public records and shall be redacted from 28876
the ~~test~~ assessment prior to its release as a public record. 28877
However, for each redacted question, the department shall inform 28878
each city, local, and exempted village school district of the 28879
statewide academic standard adopted by the state board of 28880
education under section 3301.079 of the Revised Code and the 28881
corresponding benchmark to which the question relates. The 28882
preceding sentence does not apply to field test questions that are 28883
redacted under division (N)(3) of this section. 28884

(5) Each ~~test~~ assessment prescribed by division (B)(1) of 28885
section 3301.0710 of the Revised Code ~~that is administered in the~~ 28886
~~spring shall be a public record. Each test prescribed by that~~ 28887
~~division that is administered in the fall or summer~~ shall not be a 28888
public record. 28889

(0) As used in this section: 28890

(1) "Three-year average" means the average of the most recent 28891
consecutive three school years of data. 28892

(2) "Dropout" means a student who withdraws from school 28893

before completing course requirements for graduation and who is 28894
not enrolled in an education program approved by the state board 28895
of education or an education program outside the state. "Dropout" 28896
does not include a student who has departed the country. 28897

(3) "Graduation rate" means the ratio of students receiving a 28898
diploma to the number of students who entered ninth grade four 28899
years earlier. Students who transfer into the district are added 28900
to the calculation. Students who transfer out of the district for 28901
reasons other than dropout are subtracted from the calculation. If 28902
a student who was a dropout in any previous year returns to the 28903
same school district, that student shall be entered into the 28904
calculation as if the student had entered ninth grade four years 28905
before the graduation year of the graduating class that the 28906
student joins. 28907

Sec. 3301.0712. (A) The state board of education, the 28908
superintendent of public instruction, and the chancellor of the 28909
Ohio board of regents shall develop a system of assessments as 28910
described in divisions (B)(1) to (4) of this section to assess 28911
whether each student upon graduating from high school is college 28912
or career ready. The system shall replace the Ohio graduation 28913
tests prescribed in division (B)(1) of section 3301.0710 of the 28914
Revised Code as a measure of student academic performance and a 28915
prerequisite for eligibility for a high school diploma in the 28916
manner prescribed by rule of the state board adopted under 28917
division (E) of this section. 28918

(B) The assessment system shall consist of the following: 28919

(1) A nationally standardized assessment that measures 28920
competencies in science, mathematics, and English language arts 28921
selected jointly by the state superintendent and the chancellor. 28922

(2) A series of end-of-course examinations in the areas of 28923
science, mathematics, English language arts, and social studies 28924

selected jointly by the state superintendent and the chancellor in 28925
consultation with faculty in the appropriate subject areas at 28926
institutions of higher education of the university system of Ohio. 28927

(3) A community service learning project developed and 28928
completed by each student in accordance with section 3313.605 of 28929
the Revised Code. The purpose of the community service learning 28930
project is to assess the student's: 28931

(a) Awareness of the importance of civic responsibility and 28932
community service; 28933

(b) Leadership skills; 28934

(c) Collaboration skills; 28935

(d) Cultural awareness and global competence; and 28936

(e) Flexibility, adaptability, and self-direction. 28937

The community service learning project shall promote learning 28938
through active participation, provide structured time for the 28939
student to reflect, provide opportunities to use skills and 28940
knowledge in real-life situations, extend learning beyond the 28941
classroom, and foster a sense of caring for others. 28942

(4) A senior project completed by a student or a group of 28943
students. The purpose of the senior project is to assess the 28944
student's: 28945

(a) Mastery of core knowledge in a subject area chosen by the 28946
student; 28947

(b) Written and verbal communication skills; 28948

(c) Critical thinking and problem-solving skills; 28949

(d) Real world and interdisciplinary learning; 28950

(e) Creative and innovative thinking; 28951

(f) Acquired technology, information, and media skills; and 28952

(g) Personal management skills such as self-direction, time management, work ethic, enthusiasm, and the desire to produce a high quality product. 28953
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The state superintendent and the chancellor jointly shall develop standards for the senior project for students participating in dual enrollment programs. 28956
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(C)(1) The state superintendent and the chancellor jointly shall designate the scoring rubrics and the required overall composite score for the assessment system to assess whether each student is college or career ready. 28959
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(2) Each community service learning project and senior project shall be judged by the student's high school in accordance with rubrics designated by the state superintendent and the chancellor. 28963
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(D) Not later than thirty days after the state board adopts the model curricula required by division (B) of section 3301.079 of the Revised Code, the state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations and scoring rubrics prescribed by this section. 28967
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(E) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following: 28975
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted; 28978
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(2) The date after which a person entering ninth grade shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under sections 28981
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3313.61, 3313.612, or 3325.08 of the Revised Code; 28984

(3) The date after which a person shall attain at least the composite score for the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 28985
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(4) Whether and the extent to which a person may be excused from a social studies end-of-course examination under division (H) of section 3313.61 and division (B)(2) of section 3313.612 of the Revised Code; 28989
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(5) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 28993
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(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 29000
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No rule adopted under this division shall be effective earlier than one year after the date the rule is filed in final form pursuant to Chapter 119. of the Revised Code. 29004
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Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include: 29007
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(1) Standards identifying and defining the types of data in 29013

the system in accordance with divisions (B) and (C) of this section; 29014
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 29016
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(3) Procedures for annually compiling the data in accordance with division (G) of this section; 29019
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(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section. 29021
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(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 29023
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 29026
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional 29029
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services used in determining cost units pursuant to division	29045
(C)(3) of this section.	29046
(b) The numbers of students receiving support or	29047
extracurricular services for each of the support services or	29048
extracurricular programs offered by the school district, such as	29049
counseling services, health services, and extracurricular sports	29050
and fine arts programs. The categories of services required by the	29051
guidelines under this division shall be the same as the categories	29052
of services used in determining cost units pursuant to division	29053
(C)(4)(a) of this section.	29054
(c) Average student grades in each subject in grades nine	29055
through twelve;	29056
(d) Academic achievement levels as assessed by the testing of	29057
student achievement under sections 3301.0710 and , <u>3301.0711, and</u>	29058
<u>3301.0712</u> of the Revised Code;	29059
(e) The number of students designated as having a disabling	29060
condition pursuant to division (C)(1) of section 3301.0711 of the	29061
Revised Code;	29062
(f) The numbers of students reported to the state board	29063
pursuant to division (C)(2) of section 3301.0711 of the Revised	29064
Code;	29065
(g) Attendance rates and the average daily attendance for the	29066
year. For purposes of this division, a student shall be counted as	29067
present for any field trip that is approved by the school	29068
administration.	29069
(h) Expulsion rates;	29070
(i) Suspension rates;	29071
(j) The percentage of students receiving corporal punishment;	29072
(k) Dropout rates;	29073
(l) <u>(k)</u> Rates of retention in grade;	29074

~~(m)~~(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

~~(n)~~(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

~~(o)~~(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.

(o) Aggregate results of kindergarten and first grade hearing, vision, speech and communications, health and medical, and developmental screenings required under section 3313.673 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of ~~master~~ lead teachers employed by each school district and each school building, ~~once a definition of master teacher has been developed by the educator standards board pursuant to section 3319.61 of the Revised Code.~~

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, 29138
whether the student previously participated in a public preschool 29139
program, a private preschool program, or a head start program, and 29140
the number of years the student participated in each of these 29141
programs. 29142

(4) Any data required to be collected pursuant to federal 29143
law. 29144

(C) The education management information system shall include 29145
cost accounting data for each district as a whole and for each 29146
school building in each school district. The guidelines adopted 29147
under this section shall require the cost data for each school 29148
district to be maintained in a system of mutually exclusive cost 29149
units and shall require all of the costs of each school district 29150
to be divided among the cost units. The guidelines shall require 29151
the system of mutually exclusive cost units to include at least 29152
the following: 29153

(1) Administrative costs for the school district as a whole. 29154
The guidelines shall require the cost units under this division 29155
(C)(1) to be designed so that each of them may be compiled and 29156
reported in terms of average expenditure per pupil in formula ADM 29157
in the school district, as determined pursuant to section 3317.03 29158
of the Revised Code. 29159

(2) Administrative costs for each school building in the 29160
school district. The guidelines shall require the cost units under 29161
this division (C)(2) to be designed so that each of them may be 29162
compiled and reported in terms of average expenditure per 29163
full-time equivalent pupil receiving instructional or support 29164
services in each building. 29165

(3) Instructional services costs for each category of 29166
instructional service provided directly to students and required 29167
by guidelines adopted pursuant to division (B)(1)(a) of this 29168

section. The guidelines shall require the cost units under 29169
division (C)(3) of this section to be designed so that each of 29170
them may be compiled and reported in terms of average expenditure 29171
per pupil receiving the service in the school district as a whole 29172
and average expenditure per pupil receiving the service in each 29173
building in the school district and in terms of a total cost for 29174
each category of service and, as a breakdown of the total cost, a 29175
cost for each of the following components: 29176

(a) The cost of each instructional services category required 29177
by guidelines adopted under division (B)(1)(a) of this section 29178
that is provided directly to students by a classroom teacher; 29179

(b) The cost of the instructional support services, such as 29180
services provided by a speech-language pathologist, classroom 29181
aide, multimedia aide, or librarian, provided directly to students 29182
in conjunction with each instructional services category; 29183

(c) The cost of the administrative support services related 29184
to each instructional services category, such as the cost of 29185
personnel that develop the curriculum for the instructional 29186
services category and the cost of personnel supervising or 29187
coordinating the delivery of the instructional services category. 29188

(4) Support or extracurricular services costs for each 29189
category of service directly provided to students and required by 29190
guidelines adopted pursuant to division (B)(1)(b) of this section. 29191
The guidelines shall require the cost units under division (C)(4) 29192
of this section to be designed so that each of them may be 29193
compiled and reported in terms of average expenditure per pupil 29194
receiving the service in the school district as a whole and 29195
average expenditure per pupil receiving the service in each 29196
building in the school district and in terms of a total cost for 29197
each category of service and, as a breakdown of the total cost, a 29198
cost for each of the following components: 29199

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the

school district or the information technology center operated 29232
under section 3301.075 of the Revised Code and is authorized by 29233
the district or technology center to have access to such 29234
information or is employed by an entity with which the department 29235
contracts for the scoring of ~~tests~~ assessments administered under 29236
section 3301.0711 ~~or 3301.0712~~ of the Revised Code. The guidelines 29237
may require school districts to provide the social security 29238
numbers of individual staff members. 29239

(2) The guidelines shall provide for each school district or 29240
community school to assign a data verification code that is unique 29241
on a statewide basis over time to each student whose initial Ohio 29242
enrollment is in that district or school and to report all 29243
required individual student data for that student utilizing such 29244
code. The guidelines shall also provide for assigning data 29245
verification codes to all students enrolled in districts or 29246
community schools on the effective date of the guidelines 29247
established under this section. 29248

Individual student data shall be reported to the department 29249
through the information technology centers utilizing the code but, 29250
except as provided in sections 3310.11, 3310.42, 3313.978, and 29251
3317.20 of the Revised Code, at no time shall the state board or 29252
the department have access to information that would enable any 29253
data verification code to be matched to personally identifiable 29254
student data. 29255

Each school district shall ensure that the data verification 29256
code is included in the student's records reported to any 29257
subsequent school district or community school in which the 29258
student enrolls. Any such subsequent district or school shall 29259
utilize the same identifier in its reporting of data under this 29260
section. 29261

The director of health shall request and receive, pursuant to 29262
sections 3301.0723 and 3701.62 of the Revised Code, a data 29263

verification code for a child who is receiving services under 29264
division (A)(2) of section 3701.61 of the Revised Code. 29265

(E) The guidelines adopted under this section may require 29266
school districts to collect and report data, information, or 29267
reports other than that described in divisions (A), (B), and (C) 29268
of this section for the purpose of complying with other reporting 29269
requirements established in the Revised Code. The other data, 29270
information, or reports may be maintained in the education 29271
management information system but are not required to be compiled 29272
as part of the profile formats required under division (G) of this 29273
section or the annual statewide report required under division (H) 29274
of this section. 29275

(F) Beginning with the school year that begins July 1, 1991, 29276
the board of education of each school district shall annually 29277
collect and report to the state board, in accordance with the 29278
guidelines established by the board, the data required pursuant to 29279
this section. A school district may collect and report these data 29280
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 29281

(G) The state board shall, in accordance with the procedures 29282
it adopts, annually compile the data reported by each school 29283
district pursuant to division (D) of this section. The state board 29284
shall design formats for profiling each school district as a whole 29285
and each school building within each district and shall compile 29286
the data in accordance with these formats. These profile formats 29287
shall: 29288

(1) Include all of the data gathered under this section in a 29289
manner that facilitates comparison among school districts and 29290
among school buildings within each school district; 29291

(2) Present the data on academic achievement levels as 29292
assessed by the testing of student achievement maintained pursuant 29293
to division (B)(1)(d) of this section. 29294

(H)(1) The state board shall, in accordance with the 29295
procedures it adopts, annually prepare a statewide report for all 29296
school districts and the general public that includes the profile 29297
of each of the school districts developed pursuant to division (G) 29298
of this section. Copies of the report shall be sent to each school 29299
district. 29300

(2) The state board shall, in accordance with the procedures 29301
it adopts, annually prepare an individual report for each school 29302
district and the general public that includes the profiles of each 29303
of the school buildings in that school district developed pursuant 29304
to division (G) of this section. Copies of the report shall be 29305
sent to the superintendent of the district and to each member of 29306
the district board of education. 29307

(3) Copies of the reports received from the state board under 29308
divisions (H)(1) and (2) of this section shall be made available 29309
to the general public at each school district's offices. Each 29310
district board of education shall make copies of each report 29311
available to any person upon request and payment of a reasonable 29312
fee for the cost of reproducing the report. The board shall 29313
annually publish in a newspaper of general circulation in the 29314
school district, at least twice during the two weeks prior to the 29315
week in which the reports will first be available, a notice 29316
containing the address where the reports are available and the 29317
date on which the reports will be available. 29318

(I) Any data that is collected or maintained pursuant to this 29319
section and that identifies an individual pupil is not a public 29320
record for the purposes of section 149.43 of the Revised Code. 29321

(J) As used in this section: 29322

(1) "School district" means any city, local, exempted 29323
village, or joint vocational school district and, in accordance 29324
with section 3314.17 of the Revised Code, any community school. As 29325

used in division (L) of this section, "school district" also 29326
includes any educational service center or other educational 29327
entity required to submit data using the system established under 29328
this section. 29329

(2) "Cost" means any expenditure for operating expenses made 29330
by a school district excluding any expenditures for debt 29331
retirement except for payments made to any commercial lending 29332
institution for any loan approved pursuant to section 3313.483 of 29333
the Revised Code. 29334

(K) Any person who removes data from the information system 29335
established under this section for the purpose of releasing it to 29336
any person not entitled under law to have access to such 29337
information is subject to section 2913.42 of the Revised Code 29338
prohibiting tampering with data. 29339

(L)(1) In accordance with division (L)(2) of this section and 29340
the rules adopted under division (L)(10) of this section, the 29341
department of education may sanction any school district that 29342
reports incomplete or inaccurate data, reports data that does not 29343
conform to data requirements and descriptions published by the 29344
department, fails to report data in a timely manner, or otherwise 29345
does not make a good faith effort to report data as required by 29346
this section. 29347

(2) If the department decides to sanction a school district 29348
under this division, the department shall take the following 29349
sequential actions: 29350

(a) Notify the district in writing that the department has 29351
determined that data has not been reported as required under this 29352
section and require the district to review its data submission and 29353
submit corrected data by a deadline established by the department. 29354
The department also may require the district to develop a 29355
corrective action plan, which shall include provisions for the 29356

district to provide mandatory staff training on data reporting 29357
procedures. 29358

(b) Withhold up to ten per cent of the total amount of state 29359
funds due to the district for the current fiscal year and, if not 29360
previously required under division (L)(2)(a) of this section, 29361
require the district to develop a corrective action plan in 29362
accordance with that division; 29363

(c) Withhold an additional amount of up to twenty per cent of 29364
the total amount of state funds due to the district for the 29365
current fiscal year; 29366

(d) Direct department staff or an outside entity to 29367
investigate the district's data reporting practices and make 29368
recommendations for subsequent actions. The recommendations may 29369
include one or more of the following actions: 29370

(i) Arrange for an audit of the district's data reporting 29371
practices by department staff or an outside entity; 29372

(ii) Conduct a site visit and evaluation of the district; 29373

(iii) Withhold an additional amount of up to thirty per cent 29374
of the total amount of state funds due to the district for the 29375
current fiscal year; 29376

(iv) Continue monitoring the district's data reporting; 29377

(v) Assign department staff to supervise the district's data 29378
management system; 29379

(vi) Conduct an investigation to determine whether to suspend 29380
or revoke the license of any district employee in accordance with 29381
division (N) of this section; 29382

(vii) If the district is issued a report card under section 29383
3302.03 of the Revised Code, indicate on the report card that the 29384
district has been sanctioned for failing to report data as 29385
required by this section; 29386

(viii) If the district is issued a report card under section 29387
3302.03 of the Revised Code and incomplete or inaccurate data 29388
submitted by the district likely caused the district to receive a 29389
higher performance rating than it deserved under that section, 29390
issue a revised report card for the district; 29391

(ix) Any other action designed to correct the district's data 29392
reporting problems. 29393

(3) Any time the department takes an action against a school 29394
district under division (L)(2) of this section, the department 29395
shall make a report of the circumstances that prompted the action. 29396
The department shall send a copy of the report to the district 29397
superintendent or chief administrator and maintain a copy of the 29398
report in its files. 29399

(4) If any action taken under division (L)(2) of this section 29400
resolves a school district's data reporting problems to the 29401
department's satisfaction, the department shall not take any 29402
further actions described by that division. If the department 29403
withheld funds from the district under that division, the 29404
department may release those funds to the district, except that if 29405
the department withheld funding under division (L)(2)(c) of this 29406
section, the department shall not release the funds withheld under 29407
division (L)(2)(b) of this section and, if the department withheld 29408
funding under division (L)(2)(d) of this section, the department 29409
shall not release the funds withheld under division (L)(2)(b) or 29410
(c) of this section. 29411

(5) Notwithstanding anything in this section to the contrary, 29412
the department may use its own staff or an outside entity to 29413
conduct an audit of a school district's data reporting practices 29414
any time the department has reason to believe the district has not 29415
made a good faith effort to report data as required by this 29416
section. If any audit conducted by an outside entity under 29417
division (L)(2)(d)(i) or (5) of this section confirms that a 29418

district has not made a good faith effort to report data as 29419
required by this section, the district shall reimburse the 29420
department for the full cost of the audit. The department may 29421
withhold state funds due to the district for this purpose. 29422

(6) Prior to issuing a revised report card for a school 29423
district under division (L)(2)(d)(viii) of this section, the 29424
department may hold a hearing to provide the district with an 29425
opportunity to demonstrate that it made a good faith effort to 29426
report data as required by this section. The hearing shall be 29427
conducted by a referee appointed by the department. Based on the 29428
information provided in the hearing, the referee shall recommend 29429
whether the department should issue a revised report card for the 29430
district. If the referee affirms the department's contention that 29431
the district did not make a good faith effort to report data as 29432
required by this section, the district shall bear the full cost of 29433
conducting the hearing and of issuing any revised report card. 29434

(7) If the department determines that any inaccurate data 29435
reported under this section caused a school district to receive 29436
excess state funds in any fiscal year, the district shall 29437
reimburse the department an amount equal to the excess funds, in 29438
accordance with a payment schedule determined by the department. 29439
The department may withhold state funds due to the district for 29440
this purpose. 29441

(8) Any school district that has funds withheld under 29442
division (L)(2) of this section may appeal the withholding in 29443
accordance with Chapter 119. of the Revised Code. 29444

(9) In all cases of a disagreement between the department and 29445
a school district regarding the appropriateness of an action taken 29446
under division (L)(2) of this section, the burden of proof shall 29447
be on the district to demonstrate that it made a good faith effort 29448
to report data as required by this section. 29449

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)~~(e)~~(n) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.0715. (A) Except as provided in division (E) of this section, the board of education of each city, local, and exempted village school district shall administer each applicable

diagnostic assessment developed and provided to the district in 29480
accordance with section 3301.079 of the Revised Code to the 29481
following: 29482

(1) Each student enrolled in a building that has failed to 29483
make adequate yearly progress for two or more consecutive school 29484
years; 29485

(2) Any student who transfers into the district or to a 29486
different school within the district if each applicable diagnostic 29487
assessment was not administered by the district or school the 29488
student previously attended in the current school year, within 29489
thirty days after the date of transfer. If the district or school 29490
into which the student transfers cannot determine whether the 29491
student has taken any applicable diagnostic assessment in the 29492
current school year, the district or school may administer the 29493
diagnostic assessment to the student. 29494

(3) Each kindergarten student, not earlier than four weeks 29495
prior to the first day of school and not later than the first day 29496
of October. For the purpose of division (A)(3) of this section, 29497
the district shall administer the kindergarten readiness 29498
assessment provided by the department of education. In no case 29499
shall the results of the readiness assessment be used to prohibit 29500
a student from enrolling in kindergarten. 29501

(4) Each student enrolled in first or second grade. 29502

(B) Each district board shall administer each diagnostic 29503
assessment as the board deems appropriate. However, the board 29504
shall administer any diagnostic assessment at least once annually 29505
to all students in the appropriate grade level. A district board 29506
may administer any diagnostic assessment in the fall and spring of 29507
a school year to measure the amount of academic growth 29508
attributable to the instruction received by students during that 29509
school year. 29510

(C) Each district board shall utilize and score any 29511
diagnostic assessment administered under division (A) of this 29512
section in accordance with rules established by the department. 29513
Except as required by division (B)(1)~~(e)~~(n) of section 3301.0714 29514
of the Revised Code, neither the state board of education nor the 29515
department shall require school districts to report the results of 29516
diagnostic assessments for any students to the department or to 29517
make any such results available in any form to the public. After 29518
the administration of any diagnostic assessment, each district 29519
shall provide a student's completed diagnostic assessment, the 29520
results of such assessment, and any other accompanying documents 29521
used during the administration of the assessment to the parent of 29522
that student upon the parent's request. 29523

(D) Each district board shall provide intervention services 29524
to students whose diagnostic assessments show that they are 29525
failing to make satisfactory progress toward attaining the 29526
academic standards for their grade level. 29527

(E) Any district that made adequate yearly progress in the 29528
immediately preceding school year may assess student progress in 29529
grades one through three using a diagnostic assessment other than 29530
the diagnostic assessment required by division (A) of this 29531
section. 29532

(F) A district board may administer the third grade ~~writing~~ 29533
English language arts diagnostic assessment provided to the 29534
district in accordance with section 3301.079 of the Revised Code 29535
to any student enrolled in a building that is not subject to 29536
division (A)(1) of this section. Any district electing to 29537
administer the diagnostic assessment to students under this 29538
division shall provide intervention services to any such student 29539
whose diagnostic assessment shows unsatisfactory progress toward 29540
attaining the academic standards for the student's grade level. 29541

(G) As used in this section, "adequate yearly progress" has 29542

the same meaning as in section 3302.01 of the Revised Code. 29543

Sec. 3301.0716. Notwithstanding division (D) of section 29544
3301.0714 of the Revised Code, the department of education may 29545
have access to personally identifiable information about any 29546
student under the following circumstances: 29547

(A) An entity with which the department contracts for the 29548
scoring of ~~tests~~ assessments administered under section 3301.0711 29549
or 3301.0712 of the Revised Code has notified the department that 29550
the student's written response to a question on ~~such a test~~ an 29551
assessment included threats or descriptions of harm to another 29552
person or the student's self and the information is necessary to 29553
enable the department to identify the student for purposes of 29554
notifying the school district or school in which the student is 29555
enrolled of the potential for harm. 29556

(B) The department requests the information to respond to an 29557
appeal from a school district or school for verification of the 29558
accuracy of the student's score on ~~a test~~ an assessment 29559
administered under section 3301.0711 or 3301.0712 of the Revised 29560
Code. 29561

(C) The department requests the information to determine 29562
whether the student satisfies the alternative conditions for a 29563
high school diploma prescribed in section 3313.615 of the Revised 29564
Code. 29565

Sec. 3301.12. (A) The superintendent of public instruction in 29566
addition to the authority otherwise imposed on the superintendent, 29567
shall perform the following duties: 29568

(1) The superintendent shall provide technical and 29569
professional assistance and advice to all school districts in 29570
reference to all aspects of education, including finance, 29571
buildings and equipment, administration, organization of school 29572

districts, curriculum and instruction, transportation of pupils, 29573
personnel problems, and the interpretation of school laws and 29574
state regulations. 29575

(2) The superintendent shall prescribe and require the 29576
preparation and filing of such financial and other reports from 29577
school districts, officers, and employees as are necessary or 29578
proper. The superintendent shall prescribe and require the 29579
installation by school districts of such standardized reporting 29580
forms and accounting procedures as are essential to the 29581
businesslike operations of the public schools of the state. 29582

(3) The superintendent shall conduct such studies and 29583
research projects as are necessary or desirable for the 29584
improvement of public school education in Ohio, and such as may be 29585
assigned to the superintendent by the state board of education. 29586
Such studies and projects may include analysis of data contained 29587
in the education management information system established under 29588
section 3301.0714 of the Revised Code. For any study or project 29589
that requires the analysis of individual student data, the 29590
department of education or any entity with which the 29591
superintendent or department contracts to conduct the study or 29592
project shall maintain the confidentiality of student data at all 29593
times. For this purpose, the department or contracting entity 29594
shall use the data verification code assigned pursuant to division 29595
(D)(2) of section 3301.0714 of the Revised Code for each student 29596
whose data is analyzed. Except as otherwise provided in division 29597
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 29598
the superintendent, the department, the state board of education, 29599
or any entity conducting a study or research project on the 29600
superintendent's behalf have access to a student's name, address, 29601
or social security number while analyzing individual student data. 29602

(4) The superintendent shall prepare and submit annually to 29603
the state board of education a report of the activities of the 29604

department of education and the status, problems, and needs of 29605
education in the state of Ohio. 29606

(5) The superintendent shall supervise all agencies over 29607
which the board exercises administrative control, including 29608
schools for education of persons with disabilities. 29609

(6) In accordance with section 3333.048 of the Revised Code, 29610
the superintendent, jointly with the chancellor of the Ohio board 29611
of regents, shall establish metrics and courses of study for 29612
institutions of higher education that prepare educators and other 29613
school personnel and shall provide for inspection of those 29614
institutions. 29615

(B) The superintendent of public instruction may annually 29616
inspect and analyze the expenditures of each school district and 29617
make a determination as to the efficiency of each district's 29618
costs, relative to other school districts in the state, for 29619
instructional, administrative, and student support services. The 29620
superintendent shall notify each school district as to the nature 29621
of, and reasons for, the determination. The state board of 29622
education shall adopt rules in accordance with Chapter 119. of the 29623
Revised Code setting forth the procedures and standards for the 29624
performance of the inspection and analysis. 29625

Sec. 3301.122. Not later than December 1, 2009, the 29626
superintendent of public instruction, in consultation with the 29627
chancellor of the Ohio board of regents, shall develop a ten-year 29628
strategic plan aligned with the strategic plan for higher 29629
education developed by the chancellor under division (D) of 29630
Section 375.30.25 of Am. Sub. H.B. 119 of the 127th general 29631
assembly. The superintendent shall submit the plan to the general 29632
assembly, in accordance with section 101.68 of the Revised Code, 29633
and to the governor. The plan shall include recommendations for: 29634

(A) A framework for collaborative, professional, innovative, 29635

does not comply with section 3313.612 of the Revised Code ~~or, on~~ 29666
~~or after July 1, 1995, does not participate in the testing program~~ 29667
~~prescribed by division (B) of section 3301.0710 of the Revised~~ 29668
~~Code.~~ 29669

In the issuance and revocation of school district or school 29670
charters, the state board shall be governed by the provisions of 29671
Chapter 119. of the Revised Code. 29672

No school district, or individual school operated by a school 29673
district, shall operate without a charter issued by the state 29674
board under this section. 29675

In case a school district charter is revoked pursuant to this 29676
section, the state board may dissolve the school district and 29677
transfer its territory to one or more adjacent districts. An 29678
equitable division of the funds, property, and indebtedness of the 29679
school district shall be made by the state board among the 29680
receiving districts. The board of education of a receiving 29681
district shall accept such territory pursuant to the order of the 29682
state board. Prior to dissolving the school district, the state 29683
board shall notify the appropriate educational service center 29684
governing board and all adjacent school district boards of 29685
education of its intention to do so. Boards so notified may make 29686
recommendations to the state board regarding the proposed 29687
dissolution and subsequent transfer of territory. Except as 29688
provided in section 3301.161 of the Revised Code, the transfer 29689
ordered by the state board shall become effective on the date 29690
specified by the state board, but the date shall be at least 29691
thirty days following the date of issuance of the order. 29692

A high school is one of higher grade than an elementary 29693
school, in which instruction and training are given in accordance 29694
with sections 3301.07 and 3313.60 of the Revised Code and which 29695
also offers other subjects of study more advanced than those 29696
taught in the elementary schools and such other subjects as may be 29697

approved by the state board of education. 29698

An elementary school is one in which instruction and training 29699
are given in accordance with sections 3301.07 and 3313.60 of the 29700
Revised Code and which offers such other subjects as may be 29701
approved by the state board of education. In districts wherein a 29702
junior high school is maintained, the elementary schools in that 29703
district may be considered to include only the work of the first 29704
six school years inclusive, plus the kindergarten year. 29705

A high school or an elementary school may consist of less 29706
than one or more than one organizational unit, as defined in 29707
sections 3306.02 and 3306.04 of the Revised Code. 29708

Sec. 3301.42. The partnership for continued learning shall 29709
promote systemic approaches to education by supporting regional 29710
efforts to foster collaboration among providers of preschool 29711
through postsecondary education, identifying the workforce needs 29712
of private sector employers in the state, and making 29713
recommendations for facilitating collaboration among providers of 29714
preschool through postsecondary education and for maintaining a 29715
high-quality workforce in the state. Copies of the recommendations 29716
shall be provided to the governor, the president and minority 29717
leader of the senate, the speaker and minority leader of the house 29718
of representatives, the chairpersons and ranking minority members 29719
of the standing committees of the senate and the house of 29720
representatives that consider education legislation, the 29721
~~chairperson~~ chancellor of the Ohio board of regents, and the 29722
president of the state board of education. The recommendations 29723
shall address at least the following issues: 29724

(A) Expansion of access to preschool and other learning 29725
opportunities for children under five years old; 29726

(B) Increasing opportunities for students to earn credit 29727
toward a degree from an institution of higher education while 29728

enrolled in high school, including expanded opportunities for 29729
students to earn that credit on their high school campuses; a 29730
definition of "in good standing" for purposes of section 3313.6013 29731
of the Revised Code; and legislative changes that the partnership, 29732
in consultation with the Ohio board of regents and the state board 29733
of education, determines would improve the operation of the 29734
post-secondary enrollment options program established under 29735
Chapter 3365. of the Revised Code and other dual enrollment 29736
programs. The recommendations for legislative changes required by 29737
this division shall be issued not later than May 31, 2007. 29738

(C) Expansion of access to workforce development programs 29739
administered by school districts, institutions of higher 29740
education, and other providers of career-technical education; 29741

(D) Alignment of the statewide academic standards for grades 29742
nine through twelve adopted under section 3301.079 of the Revised 29743
Code, the Ohio graduation tests prescribed by division (B)(1) of 29744
section 3301.0710 of the Revised Code and the assessment system 29745
prescribed by division (B)(2) of that section, and the curriculum 29746
requirements for a high school diploma prescribed by section 29747
3313.603 of the Revised Code with the expectations of employers 29748
and institutions of higher education regarding the knowledge and 29749
skills that high school graduates should attain prior to entering 29750
the workforce or enrolling in an institution of higher education; 29751

(E) Improving the science and mathematics skills of students 29752
and employees to meet the needs of a knowledge-intensive economy; 29753

(F) Reducing the number of students who need academic 29754
remediation after enrollment in an institution of higher 29755
education; 29756

(G) Expansion of school counseling career and educational 29757
programs, access programs, and other strategies to overcome 29758
financial, cultural, and organizational barriers that interfere 29759

with students' planning for postsecondary education and that 29760
prevent students from obtaining a postsecondary education; 29761

(H) Alignment of teacher preparation programs approved by the 29762
~~state board of education~~ chancellor of the Ohio board of regents 29763
pursuant to section ~~3319.23~~ 3333.048 of the Revised Code with the 29764
instructional needs and expectations of school districts; 29765

(I) Strategies for retaining more graduates of Ohio 29766
institutions of higher education in the state and for attracting 29767
talented individuals from outside Ohio to work in the state; 29768

(J) Strategies for promoting lifelong continuing education as 29769
a component of maintaining a strong workforce and economy; 29770

(K) Appropriate measures of the impact of statewide efforts 29771
to promote collaboration among providers of preschool through 29772
postsecondary education and to develop a high-quality workforce 29773
and strategies for collecting and sharing data relevant to such 29774
measures; 29775

(L) Strategies for developing and improving opportunities and 29776
for removing barriers to achievement for children identified as 29777
gifted under Chapter 3324. of the Revised Code; 29778

(M) Legislative changes to establish criteria by which state 29779
universities may waive the general requirement, under division (B) 29780
of section 3345.06 of the Revised Code, that a student complete 29781
the Ohio core curriculum to be admitted as an undergraduate. The 29782
partnership at least shall consider criteria for waiving the 29783
requirement for students who have served in the military and 29784
students who entered ninth grade on or after July 1, 2010, in 29785
another state and moved to Ohio prior to high school graduation. 29786
The recommendations for legislative changes under this division 29787
shall be developed in consultation with the Ohio board of regents 29788
and shall be issued not later than July 1, 2007. 29789

Sec. 3301.55. (A) A school district, county MR/DD board, or 29790
eligible nonpublic school operating a preschool program shall 29791
house the program in buildings that meet the following 29792
requirements: 29793

(1) The building is operated by the district, county MR/DD 29794
board, or eligible nonpublic school and has been approved by the 29795
division of ~~industrial compliance~~ labor in the department of 29796
commerce or a certified municipal, township, or county building 29797
department for the purpose of operating a program for preschool 29798
children. Any such structure shall be constructed, equipped, 29799
repaired, altered, and maintained in accordance with applicable 29800
provisions of Chapters 3781. and 3791. and with rules adopted by 29801
the board of building standards under Chapter 3781. of the Revised 29802
Code for the safety and sanitation of structures erected for this 29803
purpose. 29804

(2) The building is in compliance with fire and safety laws 29805
and regulations as evidenced by reports of annual school fire and 29806
safety inspections as conducted by appropriate local authorities. 29807

(3) The school is in compliance with rules established by the 29808
state board of education regarding school food services. 29809

(4) The facility includes not less than thirty-five square 29810
feet of indoor space for each child in the program. Safe play 29811
space, including both indoor and outdoor play space, totaling not 29812
less than sixty square feet for each child using the space at any 29813
one time, shall be regularly available and scheduled for use. 29814

(5) First aid facilities and space for temporary placement or 29815
isolation of injured or ill children are provided. 29816

(B) Each school district, county MR/DD board, or eligible 29817
nonpublic school that operates, or proposes to operate, a 29818
preschool program shall submit a building plan including all 29819

information specified by the state board of education to the board 29820
not later than the first day of September of the school year in 29821
which the program is to be initiated. The board shall determine 29822
whether the buildings meet the requirements of this section and 29823
section 3301.53 of the Revised Code, and notify the superintendent 29824
of its determination. If the board determines, on the basis of the 29825
building plan or any other information, that the buildings do not 29826
meet those requirements, it shall cause the buildings to be 29827
inspected by the department of education. The department shall 29828
make a report to the superintendent specifying any aspects of the 29829
building that are not in compliance with the requirements of this 29830
section and section 3301.53 of the Revised Code and the time 29831
period that will be allowed the district, county MR/DD board, or 29832
school to meet the requirements. 29833

Sec. 3301.68. There is hereby ~~created~~ re-established the 29834
legislative committee on education oversight as a subcommittee of 29835
the legislative service commission. The committee shall consist of 29836
five members of the house of representatives appointed by the 29837
speaker of the house of representatives and five members of the 29838
senate appointed by the president of the senate. Not more than 29839
three of the members appointed from each house shall be members of 29840
the same political party. Members shall serve during the term of 29841
office to which they were elected. 29842

The committee, subject to the oversight and direction of the 29843
legislative service commission, shall direct the work of the 29844
legislative office of education oversight, which is hereby 29845
~~established~~ re-established. The committee may employ a staff 29846
director and such other staff as are necessary for the operation 29847
of the office, who shall be in the unclassified service of the 29848
state, and may contract for the services of whatever technical 29849
advisors are necessary for the committee and the office to carry 29850
out their duties. 29851

The chairperson and vice-chairperson of the legislative service commission shall fix the compensation of the director. The director, with the approval of the director of the legislative service commission, shall fix the compensation of other staff of the office in accordance with a salary schedule established by the director of the legislative service commission. Contracts for the services of necessary technical advisors shall be approved by the director of the legislative service commission.

All expenses incurred by the committee or office shall be paid upon vouchers approved by the chairperson of the committee. The committee shall adopt rules for the conduct of its business and the election of officers, except that the office of chairperson of the committee shall alternate each general assembly between a member of the house of representatives selected by the speaker and a member of the senate selected by the president.

The committee shall select, for the office to review and evaluate, education and school-related programs that receive state financial assistance in any form. The reviews and evaluations may include any of the following:

(A) Assessment of the uses school districts and institutions of higher education make of state money they receive and determination of the extent to which such money improves school district or institutional performance in the areas for which the money was intended to be used;

(B) Determination of whether an education program meets its intended goals, has adequate operating or administrative procedures and fiscal controls, encompasses only authorized activities, has any undesirable or unintended effects, and is efficiently managed;

(C) Examination of various pilot programs developed and initiated in school districts and at state-assisted colleges and

universities to determine whether such programs suggest 29883
innovative, effective ways to deal with problems that may exist in 29884
other school districts or state-assisted colleges or universities, 29885
and to assess the fiscal costs and likely impact of adopting such 29886
programs throughout the state or in other state-assisted colleges 29887
and universities. 29888

The committee shall report the results of each program review 29889
the office conducts to the general assembly. 29890

If the general assembly directs the legislative office of 29891
education oversight to submit a study to the general assembly by a 29892
particular date, the committee, upon a majority vote of its 29893
members, may modify the scope and due date of the study to 29894
accommodate the availability of data and resources. 29895

Sec. 3301.80. The office of school resource management is 29896
hereby established within the department of education. The office 29897
shall assist school districts, community schools established under 29898
Chapter 3314. of the Revised Code, and STEM schools established 29899
under Chapter 3326. of the Revised Code in improving the 29900
efficiency of their educational and operational systems by using 29901
data and best practices to redirect resources to classroom 29902
practices that research has shown to contribute to student 29903
academic success. 29904

The office shall do all of the following: 29905

(A) In consultation with the auditor of state and the 29906
director of budget and management, determine the fiscal data to be 29907
included on the funding and expenditure accountability reports 29908
required under division (C) of section 3302.031 of the Revised 29909
Code. The office may consult with fiscal officers of school 29910
districts and public schools and may use data collected from the 29911
department's work with school districts on resource allocation, 29912
conducted pursuant to Section 269.10.60 of Am. Sub. H.B. 119 of 29913

the 127th general assembly, in making its determination. 29914

(B) Collaborate with the auditor of state to establish the metrics for the performance reviews conducted under section 3306.32 of the Revised Code and to periodically publish best practices for improved operational efficiency, as identified in the performance reviews; 29915
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(C) Ensure that school districts, community schools, and STEM schools act in a timely manner to develop plans for implementation of the recommendations made in the performance reviews conducted under section 3306.32 of the Revised Code; 29920
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(D) Provide staff assistance to the Ohio school funding research advisory council; 29924
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(E) Conduct assessments and evaluations as directed by the superintendent of public instruction. 29926
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Sec. 3301.81. The office of urban and rural student success is hereby created within the department of education. The office shall do all of the following: 29928
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(A) Develop system redesign and improvement strategies for urban and rural school districts; 29931
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(B) Provide school districts with recommendations and strategies to improve the academic success of students from economically disadvantaged areas; 29933
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(C) Provide school districts with recommendations and strategies to address nonacademic barriers, including social, emotional, physical, and psychological barriers, facing students from economically disadvantaged areas; 29936
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(D) Work with the university system of Ohio institutions, private institutions of higher education, and national and international experts when implementing its duties under divisions (A) to (C) of this section; 29940
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(E) Provide other assistance and support to meet the unique needs of urban and rural school districts, as directed by the superintendent of public instruction. 29944
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Sec. 3301.82. (A) The center for creativity and innovation is hereby created in the department of education. The center shall assist schools in city, exempted village, local, and joint vocational school districts, educational service centers, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code in any of the following: 29947
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(1) The design and implementation of strategies and systems that enable schools to become professional learning communities, including the following: 29954
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(a) Mentoring and coaching teachers and support staff; 29957

(b) Enabling school principals to focus on supporting instruction and engaging teachers and support staff as part of the instructional leadership team so that teachers and staff may share the responsibility for making and implementing school decisions; 29958
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(c) Adopting new models for restructuring the learning day or year, such as including teacher planning and collaboration time as part of the school day; 29962
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29964

(d) Creating smaller schools or smaller units within larger schools to facilitate teacher collaboration to improve and advance the professional practice of teaching and to enhance instruction that yields enhanced student achievement. 29965
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(2) The use of strategies in collaboration with the teach Ohio program to promote, recruit, and enhance the teaching profession, including: 29969
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(a) The design and implementation of "grow your own" recruitment and retention strategies that are designed to support 29972
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<u>individuals in becoming licensed teachers, to retain highly</u>	29974
<u>qualified teachers, to assist experienced teachers in obtaining</u>	29975
<u>licensure in subject areas for which there is need, to assist</u>	29976
<u>teachers in obtaining senior professional educator and lead</u>	29977
<u>professional educator licenses, and to assist teachers to grow and</u>	29978
<u>develop in the profession;</u>	29979
<u>(b) Enhanced conditions for new teachers;</u>	29980
<u>(c) Incentives to attract qualified mathematics, science, or</u>	29981
<u>special education teachers;</u>	29982
<u>(d) The development and implementation of a partnership with</u>	29983
<u>teacher preparation programs at colleges and universities to help</u>	29984
<u>attract teachers qualified to teach in shortage areas;</u>	29985
<u>(e) The implementation of a program to increase the cultural</u>	29986
<u>competency of both new and veteran teachers.</u>	29987
<u>(3) Identifying statutes, rules, and regulations that impede</u>	29988
<u>the adoption of innovative practices and make recommendations to</u>	29989
<u>the superintendent of public instruction for the repeal,</u>	29990
<u>rescission, revision, or waiver of those provisions;</u>	29991
<u>(4) Identifying promising programs and practices based on</u>	29992
<u>high quality education research and developing models for their</u>	29993
<u>early adoption, including research and practices in arts education</u>	29994
<u>and creativity;</u>	29995
<u>(5) Other duties as assigned by the superintendent of public</u>	29996
<u>instruction.</u>	29997
<u>(B) The center shall provide staff assistance to the Ohio</u>	29998
<u>school funding research advisory council.</u>	29999
<u>(C) The center shall promote collaboration between school</u>	30000
<u>districts and community schools established under Chapter 3314. of</u>	30001
<u>the Revised Code to enhance the academic programs of both and to</u>	30002
<u>broaden the application of successful and innovative academic</u>	30003

practices developed by community schools. In doing so, the center shall work with the office of community schools to do the following: 30004
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(1) Study, gather information concerning, and serve as a clearinghouse of best practices and innovative programming developed and utilized by community schools that could be adopted by school districts; 30007
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(2) Identify circumstances in which students could benefit from collaboration between the complementary programs of school districts and community schools. 30011
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(D) The department may accept, receive, and expend gifts, devises, or bequests of money, lands, or other properties for the center for creativity and innovation. The state board of education may adopt rules for the purpose of enabling the center to carry out the conditions and limitations upon which a bequest, gift, or endowment is made. 30014
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Sec. 3301.83. (A) The department of education shall conduct an on-site visit of each school operated by a school district at least every five years to evaluate the school's operations. During each visit, the department shall do all of the following: 30020
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(1) Determine if the school has complied with the operating standards prescribed by the state board of education under division (D)(3) of section 3301.07 of the Revised Code; 30024
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(2) Determine if the school has complied with all laws regarding academic and fiscal accountability and with all other applicable laws and administrative rules; 30027
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(3) Review the school's progress in implementing a continuous improvement plan developed under division (B) of section 3302.04 of the Revised Code, if applicable. 30030
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(B) Each on-site visit conducted under this section shall 30033

include school tours, classroom observations, and interviews with 30034
administrators, teachers, other school staff, parents, community 30035
members, or students. 30036

(C) Each school shall provide any data, documents, or other 30037
materials the department considers necessary to enable it to 30038
conduct a thorough on-site visit. 30039

(D) Upon completion of each on-site visit, the department 30040
shall issue a written report summarizing its findings. The 30041
department shall provide a copy of the report to the district 30042
board of education. The district board may submit factual 30043
corrections to the department by a deadline established by the 30044
department. Upon receipt of any factual corrections, the 30045
department shall revise the report and issue a final version. The 30046
department shall post the final version of the report on its web 30047
site. The district board also shall post the final version on the 30048
district's web site, if the district maintains a web site. 30049

(E) Any on-site visit required by this section may be 30050
conducted in conjunction with a site evaluation required under 30051
division (D) of section 3302.04 of the Revised Code. 30052

(F) The state board of education shall adopt rules to 30053
implement this section. 30054

Sec. 3301.90. The governor shall create the early childhood 30055
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 30056
shall appoint one of its members to serve as chairperson of the 30057
council. The council shall serve as the state advisory council on 30058
early childhood education and care, as described in 42 U.S.C. 30059
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 30060
9837b(b)(1), the council shall advise the state regarding the 30061
creation and duties of the center for early childhood development. 30062
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Sec. 3302.01. As used in this chapter:	30064
(A) "Performance index score" means the average of the totals derived from calculations for each subject area of reading, writing <u>English language arts</u> , mathematics, science, and social studies of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the tests <u>assessments</u> prescribed by divisions (A) and (B)(1) of that section. The department of education shall assign weights such that students who do not take a test <u>an assessment</u> receive a weight of zero and students who take a test <u>an assessment</u> receive progressively larger weights dependent upon the level of skill attained on the test <u>assessment</u> . The department shall also determine the performance index score a school district or building needs to achieve for the purpose of the performance ratings assigned pursuant to section 3302.03 of the Revised Code.	30065 30066 30067 30068 30069 30070 30071 30072 30073 30074 30075 30076 30077 30078 30079
Students shall be included in the "performance index score" in accordance with division (D)(2) of section 3302.03 of the Revised Code.	30080 30081 30082
(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:	30083 30084 30085
(1) Major racial and ethnic groups;	30086
(2) Students with disabilities;	30087
(3) Economically disadvantaged students;	30088
(4) Limited English proficient students.	30089
(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding	30090 30091 30092 30093

implementation of that act issued by the United States department 30094
of education. 30095

(D) "Adequate yearly progress" means a measure of annual 30096
academic performance as calculated in accordance with the "No 30097
Child Left Behind Act of 2001." 30098

(E) "Supplemental educational services" means additional 30099
academic assistance, such as tutoring, remediation, or other 30100
educational enrichment activities, that is conducted outside of 30101
the regular school day by a provider approved by the department in 30102
accordance with the "No Child Left Behind Act of 2001." 30103

(F) "Value-added progress dimension" means a measure of 30104
academic gain for a student or group of students over a specific 30105
period of time that is calculated by applying a statistical 30106
methodology to individual student achievement data derived from 30107
the achievement ~~tests~~ assessments prescribed by section 3301.0710 30108
of the Revised Code. 30109

Sec. 3302.02. The Not later than one year after the adoption 30110
of rules under division (E) of section 3301.0712 of the Revised 30111
Code and at least every sixth year thereafter, upon 30112
recommendations of the superintendent of public instruction, the 30113
state board of education ~~annually through 2007, and every six~~ 30114
~~years thereafter,~~ shall establish ~~at least seventeen~~ performance 30115
indicators for the report cards required by division (C) of 30116
section 3302.03 of the Revised Code. In establishing these 30117
indicators, the ~~state board~~ superintendent shall consider 30118
inclusion of student performance on ~~any tests given~~ assessments 30119
prescribed under section 3301.0710 or 3301.0712 of the Revised 30120
Code, rates of student improvement on such tests, student 30121
attendance, the breadth of coursework available within the 30122
district, and other indicators of student success. The ~~state board~~ 30123
superintendent shall inform the Ohio accountability task force 30124

established under section 3302.021 of the Revised Code of the 30125
performance indicators ~~it~~ the superintendent establishes under 30126
this section and the rationale for choosing each indicator and for 30127
determining how a school district or building meets that 30128
indicator. 30129

The ~~state board~~ superintendent shall not establish any 30130
performance indicator for passage of the third or fourth grade 30131
~~reading test~~ English language arts assessment that is solely based 30132
on the ~~test~~ assessment given in the fall for the purpose of 30133
determining whether students have met the reading guarantee 30134
provisions of section 3313.608 of the Revised Code. 30135

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 30136
later than July 1, 2007, the department of education shall 30137
implement a value-added progress dimension for school districts 30138
and buildings and shall incorporate the value-added progress 30139
dimension into the report cards and performance ratings issued for 30140
districts and buildings under section 3302.03 of the Revised Code. 30141

The state board of education shall adopt rules, pursuant to 30142
Chapter 119. of the Revised Code, for the implementation of the 30143
value-added progress dimension. In adopting rules, the state board 30144
shall consult with the Ohio accountability task force established 30145
under division ~~(D)~~(E) of this section. The rules adopted under 30146
this division shall specify both of the following: 30147

(1) A scale for describing the levels of academic progress in 30148
reading and mathematics relative to a standard year of academic 30149
growth in those subjects for each of grades three through eight; 30150

(2) That the department shall maintain the confidentiality of 30151
individual student test scores and individual student reports in 30152
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 30153
Revised Code and federal law. The department may require school 30154
districts to use a unique identifier for each student for this 30155

purpose. Individual student test scores and individual student 30156
reports shall be made available only to a student's classroom 30157
teacher and other appropriate educational personnel and to the 30158
student's parent or guardian. 30159

(B) The department shall use a system designed for collecting 30160
necessary data, calculating the value-added progress dimension, 30161
analyzing data, and generating reports, which system has been used 30162
previously by a non-profit organization led by the Ohio business 30163
community for at least one year in the operation of a pilot 30164
program in cooperation with school districts to collect and report 30165
student achievement data via electronic means and to provide 30166
information to the districts regarding the academic performance of 30167
individual students, grade levels, school buildings, and the 30168
districts as a whole. 30169

(C) The department shall not pay more than two dollars per 30170
student for data analysis and reporting to implement the 30171
value-added progress dimension in the same manner and with the 30172
same services as under the pilot program described by division (B) 30173
of this section. However, nothing in this section shall preclude 30174
the department or any school district from entering into a 30175
contract for the provision of more services at a higher fee per 30176
student. Any data analysis conducted under this section by an 30177
entity under contract with the department shall be completed in 30178
accordance with timelines established by the superintendent of 30179
public instruction. 30180

(D) The department shall share any aggregate student data and 30181
any calculation, analysis, or report utilizing aggregate student 30182
data that is generated under this section with the chancellor of 30183
the Ohio board of regents. The department shall not share 30184
individual student test scores and individual student reports with 30185
the chancellor. 30186

(E)(1) There is hereby established the Ohio accountability 30187

task force. The task force shall consist of the following thirteen 30188
members: 30189

(a) The chairpersons and ranking minority members of the 30190
house of representatives and senate standing committees primarily 30191
responsible for education legislation, who shall be nonvoting 30192
members; 30193

(b) One representative of the governor's office, appointed by 30194
the governor; 30195

(c) The superintendent of public instruction, or the 30196
superintendent's designee; 30197

(d) One representative of teacher employee organizations 30198
formed pursuant to Chapter 4117. of the Revised Code, appointed by 30199
the speaker of the house of representatives; 30200

(e) One representative of school district boards of 30201
education, appointed by the president of the senate; 30202

(f) One school district superintendent, appointed by the 30203
speaker of the house of representatives; 30204

(g) One representative of business, appointed by the 30205
president of the senate; 30206

(h) One representative of a non-profit organization led by 30207
the Ohio business community, appointed by the governor; 30208

(i) One school building principal, appointed by the president 30209
of the senate; 30210

(j) A member of the state board of education, appointed by 30211
the speaker of the house of representatives. 30212

Initial appointed members of the task force shall serve until 30213
January 1, 2005. Thereafter, terms of office for appointed members 30214
shall be for two years, each term ending on the same day of the 30215
same month as did the term that it succeeds. Each appointed member 30216
shall hold office from the date of appointment until the end of 30217

the term for which the member was appointed. Members may be 30218
reappointed. Vacancies shall be filled in the same manner as the 30219
original appointment. Any member appointed to fill a vacancy 30220
occurring prior to the expiration of the term for which the 30221
member's predecessor was appointed shall hold office for the 30222
remainder of that term. 30223

The task force shall select from among its members a 30224
chairperson. The task force shall meet at least six times each 30225
calendar year and at other times upon the call of the chairperson 30226
to conduct its business. Members of the task force shall serve 30227
without compensation. 30228

(2) The task force shall do all of the following: 30229

(a) Examine the implementation of the value-added progress 30230
dimension by the department, including the system described in 30231
division (B) of this section, the reporting of performance data to 30232
school districts and buildings, and the provision of professional 30233
development on the interpretation of the data to classroom 30234
teachers and administrators; 30235

(b) Periodically review any fees for data analysis and 30236
reporting paid by the department pursuant to division (C) of this 30237
section and determine if the fees are appropriate based upon the 30238
level of services provided; 30239

(c) Periodically report to the department and the state board 30240
on all issues related to the school district and building 30241
accountability system established under this chapter; 30242

(d) Not later than seven years after its initial meeting, 30243
make recommendations to improve the school district and building 30244
accountability system established under this chapter. The task 30245
force shall adopt recommendations by a majority vote of its 30246
members. Copies of the recommendations shall be provided to the 30247
state board, the governor, the speaker of the house of 30248

representatives, and the president of the senate. 30249

(e) Determine starting dates for the implementation of the 30250
value-added progress dimension and its incorporation into school 30251
district and building report cards and performance ratings. 30252

Sec. 3302.03. (A) Annually the department of education shall 30253
report for each school district and each school building in a 30254
district all of the following: 30255

(1) The extent to which the school district or building meets 30256
each of the applicable performance indicators created by the state 30257
board of education under section 3302.02 of the Revised Code and 30258
the number of applicable performance indicators that have been 30259
achieved; 30260

(2) The performance index score of the school district or 30261
building; 30262

(3) Whether the school district or building has made adequate 30263
yearly progress; 30264

(4) Whether the school district or building is excellent, 30265
effective, needs continuous improvement, is under an academic 30266
watch, or is in a state of academic emergency. 30267

(B) Except as otherwise provided in divisions (B)(6) and (7) 30268
of this section: 30269

(1) A school district or building shall be declared excellent 30270
if it fulfills one of the following requirements: 30271

(a) It makes adequate yearly progress and either meets at 30272
least ninety-four per cent of the applicable state performance 30273
indicators or has a performance index score established by the 30274
department. 30275

(b) It has failed to make adequate yearly progress for not 30276
more than two consecutive years and either meets at least 30277

ninety-four per cent of the applicable state performance 30278
indicators or has a performance index score established by the 30279
department. 30280

(2) A school district or building shall be declared effective 30281
if it fulfills one of the following requirements: 30282

(a) It makes adequate yearly progress and either meets at 30283
least seventy-five per cent but less than ninety-four per cent of 30284
the applicable state performance indicators or has a performance 30285
index score established by the department. 30286

(b) It does not make adequate yearly progress and either 30287
meets at least seventy-five per cent of the applicable state 30288
performance indicators or has a performance index score 30289
established by the department, except that if it does not make 30290
adequate yearly progress for three consecutive years, it shall be 30291
declared in need of continuous improvement. 30292

(3) A school district or building shall be declared to be in 30293
need of continuous improvement if it fulfills one of the following 30294
requirements: 30295

(a) It makes adequate yearly progress, meets less than 30296
seventy-five per cent of the applicable state performance 30297
indicators, and has a performance index score established by the 30298
department. 30299

(b) It does not make adequate yearly progress and either 30300
meets at least fifty per cent but less than seventy-five per cent 30301
of the applicable state performance indicators or has a 30302
performance index score established by the department. 30303

(4) A school district or building shall be declared to be 30304
under an academic watch if it does not make adequate yearly 30305
progress and either meets at least thirty-one per cent but less 30306
than fifty per cent of the applicable state performance indicators 30307
or has a performance index score established by the department. 30308

(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department.

(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.

(7) Division (B)(7) of this section does not apply to any community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program.

A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement ~~tests~~ assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement ~~tests~~ assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic emergency if more than twenty per cent of the enrolled students do not take all achievement ~~tests~~ assessments prescribed

for their grade level under division (A)(1) or (B)(1) of section 30341
3301.0710 of the Revised Code from which they are not excused 30342
pursuant to division (C)(1) or (3) of section 3301.0711 of the 30343
Revised Code. 30344

(C)(1) The department shall issue annual report cards for 30345
each school district, each building within each district, and for 30346
the state as a whole reflecting performance on the indicators 30347
created by the state board under section 3302.02 of the Revised 30348
Code, the performance index score, and adequate yearly progress. 30349

(2) The department shall include on the report card for each 30350
district information pertaining to any change from the previous 30351
year made by the school district or school buildings within the 30352
district on any performance indicator. 30353

(3) When reporting data on student performance, the 30354
department shall disaggregate that data according to the following 30355
categories: 30356

(a) Performance of students by age group; 30357

(b) Performance of students by race and ethnic group; 30358

(c) Performance of students by gender; 30359

(d) Performance of students grouped by those who have been 30360
enrolled in a district or school for three or more years; 30361

(e) Performance of students grouped by those who have been 30362
enrolled in a district or school for more than one year and less 30363
than three years; 30364

(f) Performance of students grouped by those who have been 30365
enrolled in a district or school for one year or less; 30366

(g) Performance of students grouped by those who are 30367
economically disadvantaged; 30368

(h) Performance of students grouped by those who are enrolled 30369
in a conversion community school established under Chapter 3314. 30370

of the Revised Code;	30371
(i) Performance of students grouped by those who are classified as limited English proficient;	30372 30373
(j) Performance of students grouped by those who have disabilities;	30374 30375
(k) Performance of students grouped by those who are classified as migrants;	30376 30377
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	30378 30379 30380
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	30381 30382 30383 30384 30385 30386
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.	30387 30388 30389 30390 30391 30392 30393
(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.	30394 30395 30396
(5) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall	30397 30398 30399 30400

include student mobility data disaggregated by race and 30401
socioeconomic status, college enrollment data, and the reports 30402
prepared under section 3302.031 of the Revised Code. 30403

The department shall maintain a site on the world wide web. 30404
The report card shall include the address of the site and shall 30405
specify that such additional information is available to the 30406
public at that site. The department shall also provide a copy of 30407
each item on the list to the superintendent of each school 30408
district. The district superintendent shall provide a copy of any 30409
item on the list to anyone who requests it. 30410

(6)(a) This division does not apply to conversion community 30411
schools that primarily enroll students between sixteen and 30412
twenty-two years of age who dropped out of high school or are at 30413
risk of dropping out of high school due to poor attendance, 30414
disciplinary problems, or suspensions. 30415

For any district that sponsors a conversion community school 30416
under Chapter 3314. of the Revised Code, the department shall 30417
combine data regarding the academic performance of students 30418
enrolled in the community school with comparable data from the 30419
schools of the district for the purpose of calculating the 30420
performance of the district as a whole on the report card issued 30421
for the district. 30422

(b) Any district that leases a building to a community school 30423
located in the district or that enters into an agreement with a 30424
community school located in the district whereby the district and 30425
the school endorse each other's programs may elect to have data 30426
regarding the academic performance of students enrolled in the 30427
community school combined with comparable data from the schools of 30428
the district for the purpose of calculating the performance of the 30429
district as a whole on the district report card. Any district that 30430
so elects shall annually file a copy of the lease or agreement 30431
with the department. 30432

(7) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the "No Child Left Behind Act of 2001," and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(8) The department shall include on the report card the number of ~~master~~ lead teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the Revised Code.

(D)(1) In calculating ~~reading, writing English language arts,~~ mathematics, social studies, or science ~~proficiency or achievement test~~ assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking ~~a test~~ an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any ~~test~~ assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring

administrations of the third grade reading achievement test; 30464

(c) Except as required by the "No Child Left Behind Act of 30465
2001" for the calculation of adequate yearly progress, exclude for 30466
each district or building any limited English proficient student 30467
who has been enrolled in United States schools for less than one 30468
full school year. 30469

Sec. 3302.031. (A) As used in this section: 30470

(1) "Community school" means a community school established 30471
under Chapter 3314. of the Revised Code. 30472

(2) "STEM school" means a science, technology, engineering, 30473
and mathematics school established under Chapter 3326. of the 30474
Revised Code. 30475

(B) In addition to the report cards required under section 30476
3302.03 of the Revised Code, the department of education shall 30477
annually prepare the ~~following reports for each school district~~ 30478
~~and~~ described in this section. The department shall make a copy of 30479
each report available to the public on the department's web site 30480
and shall provide a hard copy of each report to the applicable 30481
school district superintendent of each district. 30482

~~(A) A, community school chief administrator, or STEM school 30483
chief administrative officer.~~ 30484

(C) The department shall prepare a funding and expenditure 30485
accountability report ~~which shall consist of~~ for each school 30486
district, community school, and STEM school. The report shall 30487
specify the amount of state aid payments for the fiscal year the 30488
school district, community school, or STEM school will receive 30489
during the fiscal year under Chapter Chapters 3306. and 3317. of 30490
the Revised Code and. The report shall include any other fiscal 30491
data the department office of school resource management 30492
established under section 3301.80 of the Revised Code determines 30493

is necessary to inform the public about the financial status of the district+ 30494
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~~(B)~~ or school. 30496

(D) The department shall prepare the following reports for each school district: 30497
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(1) A school safety and discipline report which shall consist of statistical information regarding student safety and discipline in each school building, including the number of suspensions and expulsions disaggregated according to race and gender; 30499
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~~(C)~~(2) A student equity report which shall consist of at least a description of the status of teacher qualifications, library and media resources, textbooks, classroom materials and supplies, and technology resources for each district. To the extent possible, the information included in the report required under this division shall be disaggregated according to grade level, race, gender, disability, and scores attained on ~~tests~~ assessments required under section 3301.0710 of the Revised Code. 30503
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~~(D)~~(3) A school enrollment report which shall consist of information about the composition of classes within each district by grade and subject disaggregated according to race, gender, and scores attained on ~~tests~~ assessments required under section 3301.0710 of the Revised Code; 30511
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~~(E)~~(4) A student retention report which shall consist of the number of students retained in their respective grade levels in the district disaggregated by grade level, subject area, race, gender, and disability; 30516
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~~(F)~~(5) A school district performance report which shall describe for the district and each building within the district the extent to which the district or building meets each of the applicable performance indicators established under section 3302.02 of the Revised Code, the number of performance indicators 30520
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that have been achieved, and the performance index score. In 30525
calculating the rates of achievement on the performance indicators 30526
and the performance index scores for each report, the department 30527
shall exclude all students with disabilities. 30528

Sec. 3302.05. The state board of education shall adopt rules 30529
freeing school districts declared to be excellent under division 30530
(B)(1) or effective under division (B)(2) of section 3302.03 of 30531
the Revised Code from specified state mandates. Any mandates 30532
included in the rules shall be only those statutes or rules 30533
pertaining to state education requirements. The rules shall not 30534
exempt districts from any standard or requirement of Chapter 3306. 30535
or from any operating standard adopted under division (D)(3) of 30536
section 3301.07 of the Revised Code. 30537

Sec. 3302.07. (A) The board of education of any school 30538
district, the governing board of any educational service center, 30539
or the administrative authority of any chartered nonpublic school 30540
may submit to the state board of education an application 30541
proposing an innovative education pilot program the implementation 30542
of which requires exemptions from specific statutory provisions or 30543
rules. If a district or service center board employs teachers 30544
under a collective bargaining agreement adopted pursuant to 30545
Chapter 4117. of the Revised Code, any application submitted under 30546
this division shall include the written consent of the teachers' 30547
employee representative designated under division (B) of section 30548
4117.04 of the Revised Code. The exemptions requested in the 30549
application shall be limited to any requirement of Title XXXIII of 30550
the Revised Code or of any rule of the state board adopted 30551
pursuant to that title except that the application may not propose 30552
an exemption from any requirement of or rule adopted pursuant to 30553
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 30554
3323. of the Revised Code. Furthermore, an exemption from any 30555

standard or requirement of Chapter 3306. or from any operating 30556
standard adopted under division (D)(3) of section 3301.07 of the 30557
Revised Code shall be granted only pursuant to a waiver granted by 30558
the superintendent of public instruction under section 3306.40 of 30559
the Revised Code. 30560

(B) The state board of education shall accept any application 30561
submitted in accordance with division (A) of this section. The 30562
superintendent of public instruction shall approve or disapprove 30563
the application in accordance with standards for approval, which 30564
shall be adopted by the state board. 30565

(C) The superintendent of public instruction shall exempt 30566
each district or service center board or chartered nonpublic 30567
school administrative authority with an application approved under 30568
division (B) of this section for a specified period from the 30569
statutory provisions or rules specified in the approved 30570
application. The period of exemption shall not exceed the period 30571
during which the pilot program proposed in the application is 30572
being implemented and a reasonable period to allow for evaluation 30573
of the effectiveness of the program. 30574

Sec. 3304.231. There is hereby created a brain injury 30575
advisory committee, which shall advise the administrator of the 30576
rehabilitation services commission and the brain injury program 30577
with regard to unmet needs of survivors of brain injury, 30578
development of programs for survivors and their families, 30579
establishment of training programs for health care professionals, 30580
and any other matter within the province of the brain injury 30581
program. The committee shall consist of not ~~less~~ fewer than 30582
~~eighteen~~ twenty and not more than ~~twenty-one~~ twenty-two members as 30583
follows: 30584

(A) Not ~~less~~ fewer than ten and not more than twelve members 30585
appointed by the administrator of the rehabilitation services 30586

commission, including all of the following: a survivor of brain 30587
injury, a relative of a survivor of brain injury, a licensed 30588
physician recommended by the Ohio chapter of the American college 30589
of emergency physicians, a licensed physician recommended by the 30590
Ohio state medical association, one other health care 30591
professional, a rehabilitation professional, an individual who 30592
represents the brain injury association of Ohio, and not ~~less~~ 30593
fewer than three nor more than five individuals who shall 30594
represent the public; 30595

(B) The directors of the departments of health, alcohol and 30596
drug addiction services, mental retardation and developmental 30597
disabilities, mental health, job and family services, aging, and 30598
~~highway~~ public safety; the administrator of workers' compensation; 30599
the superintendent of public instruction; and the administrator of 30600
the rehabilitation services commission. Any of the officials 30601
specified in this division may designate an individual to serve in 30602
the official's place as a member of the committee. 30603

~~The director of health shall make initial appointments to the 30604
committee by November 1, 1990. Appointments made after July 26, 30605
1991, shall be made by the administrator of the rehabilitation 30606
services commission. Terms of office of the appointed members 30607
shall be two years. Members may be reappointed. Vacancies shall be 30608
filled in the manner provided for original appointments. Any 30609
member appointed to fill a vacancy occurring prior to the 30610
expiration date of the term for which the member's predecessor was 30611
appointed shall hold office as a member for the remainder of that 30612
term. 30613~~

Members of the committee shall serve without compensation, 30614
but shall be reimbursed for actual and necessary expenses incurred 30615
in the performance of their duties. 30616

Sec. 3306.01. This chapter shall be administered by the state 30617

board of education. The superintendent of public instruction shall 30618
calculate the amounts payable to each school district and shall 30619
certify the amounts payable to each eligible district to the 30620
treasurer of the district as determined under this chapter. As 30621
soon as possible after such amounts are calculated, the 30622
superintendent shall certify to the treasurer of each school 30623
district the district's adjusted charge-off increase, as defined 30624
in section 5705.211 of the Revised Code. No moneys shall be 30625
distributed pursuant to this chapter without the approval of the 30626
controlling board. 30627

The state board of education shall, in accordance with 30628
appropriations made by the general assembly, meet the financial 30629
obligations of this chapter. 30630

Annually, the department of education shall calculate and 30631
report to each school district the district's adequacy amount 30632
utilizing the calculations in sections 3306.03 and 3306.13 of the 30633
Revised Code. The department shall calculate and report separately 30634
for each school district the district's total state and local 30635
funds for its students with disabilities, utilizing the 30636
calculations in sections 3306.05, 3306.11, and 3306.13 of the 30637
Revised Code. The department shall calculate and report separately 30638
for each school district the amount of funding calculated for each 30639
factor of the district's adequacy amount. 30640

Not later than the thirty-first day of August of each fiscal 30641
year, the department of education shall provide to each school 30642
district a preliminary estimate of the amount of funding that the 30643
department calculates the district will receive under section 30644
3306.13 of the Revised Code. Not later than the first day of 30645
December of each fiscal year, the department shall update that 30646
preliminary estimate. 30647

Moneys distributed pursuant to this chapter shall be 30648

calculated and paid on a fiscal year basis, beginning with the 30649
first day of July and extending through the thirtieth day of June. 30650
Unless otherwise provided, the moneys appropriated for each fiscal 30651
year shall be distributed at least monthly to each school 30652
district. The state board shall submit a yearly distribution plan 30653
to the controlling board at its first meeting in July. The state 30654
board shall submit any proposed midyear revision of the plan to 30655
the controlling board in January. Any year-end revision of the 30656
plan shall be submitted to the controlling board in June. If 30657
moneys appropriated for each fiscal year are distributed other 30658
than monthly, such distribution shall be on the same basis for 30659
each school district. 30660

The total amounts paid each month shall constitute, as nearly 30661
as possible, one-twelfth of the total amount payable for the 30662
entire year. 30663

Payments shall be calculated to reflect the reporting of 30664
formula ADM. Annualized periodic payments for each school district 30665
shall be based on the district's final student counts verified by 30666
the superintendent of public instruction based on reports under 30667
section 3317.03 of the Revised Code, as adjusted, if so ordered, 30668
under division (K) of that section. 30669

(A) Except as otherwise provided, payments under this chapter 30670
shall be made only to those school districts that comply with 30671
divisions (A)(1) to (3) of this section. 30672

(1) Each city, exempted village, and local school district 30673
shall levy for current operating expenses at least twenty mills. 30674
Levies for joint vocational or cooperative education school 30675
districts or county school financing districts, limited to or to 30676
the extent apportioned to current expenses, shall be included in 30677
this qualification requirement. School district income tax levies 30678
under Chapter 5748. of the Revised Code, limited to or to the 30679
extent apportioned to current operating expenses, shall be 30680

included in this qualification requirement to the extent 30681
determined by the tax commissioner under division (D) of section 30682
3317.021 of the Revised Code. 30683

(2) Each city, exempted village, local, and joint vocational 30684
school district, during the school learning year next preceding 30685
the fiscal year for which payments are calculated under this 30686
chapter, shall meet the requirement of section 3313.48 or 3313.481 30687
of the Revised Code, with regard to the minimum number of days or 30688
hours school must be open for instruction with pupils in 30689
attendance, for individualized parent-teacher conference and 30690
reporting periods, and for professional meetings of teachers. The 30691
superintendent of public instruction shall waive a number of days 30692
on which it had been necessary for a school to be closed because 30693
of disease epidemic, hazardous weather conditions, inoperability 30694
of school buses or other equipment necessary to the school's 30695
operation, damage to a school building, or other temporary 30696
circumstances due to utility failure rendering the school building 30697
unfit for school use, as follows: 30698

(a) In determining eligibility for payments under this 30699
chapter for fiscal year 2010, up to five days for the 2008-2009 30700
learning year; 30701

(b) In determining eligibility for payments under this 30702
chapter for fiscal year 2011, up to three days for the 2009-2010 30703
learning year; 30704

(c) In determining eligibility for payments under this 30705
chapter for fiscal year 2012 and thereafter, up to one day for the 30706
preceding learning year. 30707

The state board shall adopt standards for the superintendent 30708
to apply in determining the waiver of days or hours for schools 30709
operating under section 3313.481 of the Revised Code. 30710

A school district shall not be considered to have failed to 30711

comply with this division or section 3313.481 of the Revised Code 30712
because schools were open for instruction but either twelfth grade 30713
students were excused from attendance for up to three days or only 30714
a portion of the kindergarten students were in attendance for up 30715
to three days in order to allow for the gradual orientation to 30716
school of such students. 30717

The superintendent of public instruction shall waive the 30718
requirements of this section with reference to the minimum number 30719
of days or hours a school must be open for instruction with pupils 30720
in attendance for the learning year succeeding the learning year 30721
in which a board of education initiates a plan of operation 30722
pursuant to section 3313.481 of the Revised Code. The minimum 30723
requirements of this section shall again be applicable to the 30724
district beginning with the learning year commencing the second 30725
July succeeding the initiation of the plan, and for each learning 30726
year thereafter. 30727

A school district shall not be considered to have failed to 30728
comply with this division or section 3313.48 or 3313.481 of the 30729
Revised Code because schools were open for instruction but the 30730
length of the regularly scheduled learning day, for any number of 30731
days during the learning year, was reduced by not more than two 30732
hours due to hazardous weather conditions. 30733

(3) Each city, exempted village, local, and joint vocational 30734
school district shall have on file, and shall pay in accordance 30735
with, a teachers' salary schedule which complies with section 30736
3317.13 of the Revised Code. 30737

(B) A school district board of education or educational 30738
service center governing board that has not conformed with other 30739
law, and the rules pursuant thereto, shall not participate in the 30740
distribution of funds authorized by this chapter, except for good 30741
and sufficient reason established to the satisfaction of the state 30742
board of education and the state controlling board. 30743

(C) All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only. 30744
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(D) On or before the third Wednesday of each month, the department of education shall certify to the director of budget and management for payment, for each county: 30747
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(1)(a) That portion of the allocation of money under section 3306.13 of the Revised Code that is required to be paid in that month to each school district located wholly within the county subsequent to the deductions described in division (D)(1)(b) of this section; 30750
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(b) The amounts deducted from such allocation under sections 3307.31 and 3309.51 of the Revised Code for payment directly to the school employees and state teachers retirement systems under such sections. 30755
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(2) If the district is located in more than one county, an apportionment of the amounts that would otherwise be certified under division (D)(1) of this section. The amounts apportioned to the county shall equal the amounts certified under division (D)(1) of this section times the percentage of the district's resident pupils who reside both in the district and in the county. 30759
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Sec. 3306.011. Beginning with fiscal year 2010, the payments prescribed by this chapter supersede and replace the payments described under sections 3317.012, 3317.013, 3317.014, 3317.022, 3317.029, 3317.0216, 3317.0217, and 3317.16 of the Revised Code, except as otherwise provided in section 3317.018 of the Revised Code. 30765
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Sec. 3306.012. The form developed by the department of education to calculate funding to a school district formerly known as the form "SF-3," on and after the effective date of this 30771
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section shall be known as the "PASS form." As used in this section 30774
and any section referring to the PASS form, "PASS" is an acronym 30775
for "Pathway to Student Success." The form shall be revised as 30776
necessary to reflect payments made under this chapter and Chapter 30777
3317. of the Revised Code and shall be available to the public in 30778
a format understandable to the average citizen. 30779

Sec. 3306.02. As used in this chapter: 30780

(A) "Adequacy amount" means the amount described in section 30781
3306.03 of the Revised Code. 30782

(B) "Career-technical education teacher" means an education 30783
professional who provides specialized instruction in career and 30784
technical courses. 30785

(C)(1) "Category one special education ADM" means a school 30786
district's formula ADM of children whose primary or only 30787
identified disability is a speech and language disability, as this 30788
term is defined pursuant to Chapter 3323. of the Revised Code. 30789
Beginning in fiscal year 2010, for any school district for which 30790
formula ADM means the number verified in the previous fiscal year, 30791
the category one special education ADM also shall be as verified 30792
from the previous year. 30793

(2) "Category two special education ADM" means a school 30794
district's formula ADM of children identified as specific learning 30795
disabled or developmentally disabled, as these terms are defined 30796
pursuant to Chapter 3323. of the Revised Code, or as having an 30797
other health impairment-minor, as defined in this section. 30798
Beginning in fiscal year 2010, for any school district for which 30799
formula ADM means the number verified in the previous fiscal year, 30800
the category two special education ADM also shall be as verified 30801
from the previous year. 30802

(3) "Category three special education ADM" means a school 30803

district's formula ADM of children identified as hearing disabled 30804
or severe behavior disabled, as these terms are defined pursuant 30805
to Chapter 3323. of the Revised Code. Beginning in fiscal year 30806
2010, for any school district for which formula ADM means the 30807
number verified in the previous fiscal year, the category three 30808
special education ADM also shall be as verified from the previous 30809
year. 30810

(4) "Category four special education ADM" means a school 30811
district's formula ADM of children identified as vision impaired, 30812
as this term is defined pursuant to Chapter 3323. of the Revised 30813
Code, or as having an other health impairment-major, as defined in 30814
this section. Beginning in fiscal year 2010, for any school 30815
district for which formula ADM means the number verified in the 30816
previous fiscal year, the category four special education ADM also 30817
shall be as verified from the previous year. 30818

(5) "Category five special education ADM" means a school 30819
district's formula ADM of children identified as orthopedically 30820
disabled or as having multiple disabilities, as these terms are 30821
defined pursuant to Chapter 3323. of the Revised Code. Beginning 30822
in fiscal year 2010, for any school district for which formula ADM 30823
means the number verified in the previous fiscal year, the 30824
category five special education ADM also shall be as verified from 30825
the previous year. 30826

(6) "Category six special education ADM" means a school 30827
district's formula ADM of children identified as autistic, having 30828
traumatic brain injuries, or as both visually and hearing 30829
impaired, as these terms are defined pursuant to Chapter 3323. of 30830
the Revised Code. Beginning in fiscal year 2010, for any school 30831
district for which formula ADM means the number verified in the 30832
previous fiscal year, the category six special education ADM also 30833
shall be as verified from the previous year. 30834

(D) "Class one effective operating tax rate" of a school 30835

district means the quotient obtained by dividing the district's 30836
class one taxes charged and payable for current expenses, 30837
excluding taxes levied under sections 5705.194 to 5705.197, 30838
5705.199, 5705.213, and 5705.219 of the Revised Code, by the 30839
district's class one taxable value. 30840

(E) "Core teacher" means an education professional who 30841
provides instruction in English-language arts, mathematics, 30842
science, social studies, or foreign languages. 30843

(F) "Counselor" means a person with a valid educator license 30844
issued pursuant to section 3319.22 of the Revised Code who 30845
provides pre-college and career counseling, general academic 30846
counseling, course planning, and other counseling services that 30847
are not related to a student's individualized education plan, as 30848
defined in section 3323.01 of the Revised Code. 30849

(G)(1) "Formula ADM" means, for a city, local, or exempted 30850
village school district, the average daily membership described in 30851
division (A) of section 3317.03 of the Revised Code, as verified 30852
by the superintendent of public instruction and adjusted if so 30853
ordered under division (K) of that section, further adjusted by 30854
the department of education, as follows: 30855

(a) Count only twenty per cent of the number of joint 30856
vocational school district students counted under division (A)(3) 30857
of section 3317.03 of the Revised Code; 30858

(b) Add twenty per cent of the number of students who are 30859
entitled to attend school in the district under section 3313.64 or 30860
3313.65 of the Revised Code and are enrolled in another school 30861
district under a career-technical educational compact. 30862

(2) In making calculations under this chapter that utilize 30863
formula ADM, the department shall use the formula ADM derived from 30864
the final, verified, and adjusted average daily membership 30865
described under division (A) of section 3317.03 of the Revised 30866

Code for the prior fiscal year, unless such average daily membership for the current fiscal year exceeds that number by two per cent or more. In that case, the department shall derive the formula ADM from such average daily membership for the current fiscal year. 30867
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(3) For fiscal year 2010, the department shall calculate formula ADM on the basis of the final, verified, and adjusted average daily membership, described in division (A) of the version of section 3317.03 of the Revised Code in effect on and after the effective date of this amendment, for October 2008 unless such average daily membership for October 2009 exceeds that number by two per cent or more. In that case, the department shall derive the formula ADM from such average daily membership for October 2009. 30872
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(H) "Gifted coordinator" means a person who holds a valid educator license issued under section 3319.22 of the Revised Code, meets the qualifications for a gifted coordinator specified in the operating standards for identifying and serving gifted students prescribed in rules adopted by the state board of education, and provides coordination services for gifted students in accordance with those standards. 30881
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(I) "Gifted intervention specialist" means a person who holds a valid gifted intervention specialist license or endorsement issued under section 3319.22 of the Revised Code and serves gifted students in accordance with the operating standards for identifying and serving gifted students prescribed in rules adopted by the state board of education. 30888
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(J) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 30894
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(K) "Lead teacher" means a teacher who provides mentoring and coaching for new teachers. A lead teacher also assists in 30896
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coordinating professional development activities, in the 30898
development of professional learning communities, and in common 30899
planning time, and assists teachers in developing project-based, 30900
real-world learning activities for their students. The lead 30901
teacher position shall be a rotating position in which an 30902
individual shall serve no more than three years. After lead 30903
teacher licenses become available under section 3319.22 of the 30904
Revised Code, only teachers who hold that license shall be 30905
appointed as lead teachers. Until that time, each school district 30906
shall designate qualifications for the lead teacher position that 30907
are comparable to the licensing requirements, and shall give 30908
preference for appointment to the position to teachers who are 30909
certified by the national board for professional teaching 30910
standards or who meet the qualifications for a "master teacher" 30911
established by the educator standards board under the former 30912
version of section 3319.61 of the Revised Code. 30913

(L) "Limited English proficiency teacher" means a person who 30914
provides instruction in English as a second language. 30915

(M) "Medically fragile child" means a child to whom all of 30916
the following apply: 30917

(1) The child requires the services of a doctor of medicine 30918
or osteopathic medicine at least once a week due to the 30919
instability of the child's medical condition. 30920

(2) The child requires the services of a registered nurse on 30921
a daily basis. 30922

(3) The child is at risk of institutionalization in a 30923
hospital, skilled nursing facility, or intermediate care facility 30924
for the mentally retarded. 30925

(N) "Ohio educational challenge factor" means an index to 30926
adjust the funding amount for each school district to account for 30927
student and community socioeconomic factors affecting teacher 30928

recruitment and retention, professional development, and other 30929
factors related to quality instruction. The Ohio educational 30930
challenge factor for each school district includes the district's 30931
college attainment rate of population, wealth per pupil, and 30932
concentration of poverty, and is listed in section 3306.051 of the 30933
Revised Code. 30934

(O) "Organizational unit" means, for the purpose of 30935
calculating a school district's adequacy amount under this 30936
chapter, a unit used to index a school district's formula ADM in 30937
certain grade levels. Calculating the number of organizational 30938
units in a school district functions to allocate the state's 30939
resources in a manner that achieves a thorough, efficient, and 30940
adequate educational system that provides the appropriate services 30941
to students enrolled in that district. In recognition of the fact 30942
that students have different educational needs at each 30943
developmental stage, organizational units group the grade levels 30944
into elementary school units, middle school units, and high school 30945
units. Except as provided in division (C) of section 3306.04 of 30946
the Revised Code, a school district's "organizational units" is 30947
the sum of its elementary school units, middle school units, and 30948
high school units. 30949

(P) A child may be identified as having an "other health 30950
impairment-major" if the child's condition meets the definition of 30951
"other health impaired" established in rules adopted by the state 30952
board of education prior to July 1, 2001, and if either of the 30953
following apply: 30954

(1) The child is identified as having a medical condition 30955
that is among those listed by the superintendent of public 30956
instruction as conditions where a substantial majority of cases 30957
fall within the definition of "medically fragile child." 30958

(2) The child is determined by the superintendent of public 30959
instruction to be a medically fragile child. A school district may 30960

petition the superintendent of public instruction for a 30961
determination that a child is a medically fragile child. 30962

(O) A child may be identified as having an "other health 30963
impairment-minor" if the child's condition meets the definition of 30964
"other health impaired" established in rules adopted by the state 30965
board of education prior to July 1, 2001, but the child's 30966
condition does not meet either of the conditions specified in 30967
division (P)(1) or (2) of this section. 30968

(R) "Principal" means a person who provides management 30969
oversight of building operations, academic leadership for the 30970
teaching professionals, and other administrative duties. 30971

(S) "Property exemption value" means the amount certified for 30972
a school district under divisions (A)(6) and (7) of section 30973
3317.021 of the Revised Code. 30974

(T) "Recognized valuation" means the amount calculated for a 30975
school district pursuant to section 3317.015 of the Revised Code. 30976

(U) "School nurse wellness coordinator" means a person who 30977
has fulfilled the requirements for the issuance of a school nurse 30978
wellness coordinator license under section 3319.221 of the Revised 30979
Code. 30980

(V) "Small school district" means a city, local, or exempted 30981
village school district that has a formula ADM of less than four 30982
hundred eighteen students in grades kindergarten through twelve. 30983

(W) "Special education" has the same meaning as in section 30984
3323.01 of the Revised Code. 30985

(X) "Special education teacher" means a teacher who holds the 30986
necessary license issued pursuant to section 3319.22 of the 30987
Revised Code to meet the unique needs of children with 30988
disabilities. 30989

(Y) "Special education teacher's aide" means a person 30990

providing support for special education teachers and other 30991
associated duties. 30992

(Z) "Specialist teacher" means a person holding a valid 30993
educator's license, issued pursuant to section 3319.22 of the 30994
Revised Code, who provides instruction in dance, drama and 30995
theater, music, visual art, or physical education. 30996

(AA) "State share percentage" means the quotient of a school 30997
district's state share of the adequacy amount determined under 30998
section 3306.13 of the Revised Code divided by the total adequacy 30999
amount for the district as described in section 3306.03 of the 31000
Revised Code. If the quotient is a negative number, the district's 31001
state share percentage is zero. 31002

(BB) "Family and community liaisons" means individuals who 31003
provide assistance to students and their families, individuals who 31004
are linkage coordinators as described in section 3306.31 of the 31005
Revised Code, and may include individuals who hold valid licenses 31006
as family liaisons, social workers, and student advocates. 31007

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(CC) "Supplemental teacher" means a person holding a valid 31009
educator license issued pursuant to section 3319.22 of the Revised 31010
Code, or qualified to secure such a license and approved by the 31011
school district to provide remedial services, intensive 31012
subject-based instruction, homework help, or other forms of 31013
supplemental instruction. 31014

(DD) "Targeted poverty indicator" means the percentage of a 31015
school district's students who are economically disadvantaged, as 31016
determined for purposes of the report card issued under section 31017
3302.03 of the Revised Code. 31018

(EE) "Total taxable value" means the sum of the amounts 31019
certified for a school district under divisions (A)(1) and (2) of 31020
section 3317.021 of the Revised Code. 31021

<u>Sec. 3306.03. (A) The adequacy amount for each city, local,</u>	31022
<u>and exempted village school district is the sum of the following:</u>	31023
<u>(1) Instructional services support calculated under section</u>	31024
<u>3306.05 of the Revised Code;</u>	31025
<u>(2) Additional services support calculated under section</u>	31026
<u>3306.06 of the Revised Code;</u>	31027
<u>(3) Administrative services support calculated under section</u>	31028
<u>3306.07 of the Revised Code;</u>	31029
<u>(4) Operations and maintenance support calculated under</u>	31030
<u>section 3306.08 of the Revised Code;</u>	31031
<u>(5) Gifted education and enrichment support calculated under</u>	31032
<u>sections 3306.09 and 3306.091, respectively, of the Revised Code;</u>	31033
<u>(6) Technology resources support calculated under section</u>	31034
<u>3306.10 of the Revised Code;</u>	31035
<u>(7) The professional development factor, calculated by</u>	31036
<u>multiplying the sum of the school district's core teacher,</u>	31037
<u>specialist teacher, lead teacher, and special education teacher</u>	31038
<u>positions, all as calculated under sections 3306.05 and 3306.11 of</u>	31039
<u>the Revised Code, by \$1,833 in fiscal years 2010 and 2011;</u>	31040
<u>(8) The instructional materials factor, calculated by</u>	31041
<u>multiplying the school district's formula ADM by \$165. The</u>	31042
<u>instructional materials factor for each city, local, and exempted</u>	31043
<u>village school district shall be adjusted by multiplying this</u>	31044
<u>calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal</u>	31045
<u>year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in</u>	31046
<u>fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and</u>	31047
<u>2017.</u>	31048
<u>(B) The state share of the adequacy amount paid to each</u>	31049
<u>school district shall be determined under section 3306.13 of the</u>	31050
<u>Revised Code.</u>	31051

(C) Funding for career-technical education teachers and 31052
career-technical education program operations shall be calculated 31053
under section 3306.052 of the Revised Code. Transportation support 31054
shall be calculated under section 3306.12 of the Revised Code. 31055
Both are in addition to the state share of the adequacy amount. 31056
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Sec. 3306.031. Each city, local, and exempted village school 31058
district, community school established under Chapter 3314. of the 31059
Revised Code, and STEM school established under Chapter 3326. of 31060
the Revised Code for which funds are calculated for the 31061
professional development factor of the adequacy amount under 31062
section 3306.03, 3306.16, or 3306.17 of the Revised Code shall use 31063
those funds to provide teacher professional development that is 31064
aligned with the standards for professional development adopted by 31065
the state board of education under section 3319.61 of the Revised 31066
Code. The department of education shall provide guidance to 31067
districts and schools in aligning professional development 31068
opportunities with the standards. 31069

Sec. 3306.04. (A) For purposes of calculating the adequacy 31070
amount for each city, local, and exempted village school district, 31071
the department of education shall calculate the number of the 31072
district's organizational units. 31073

(B) Except for a small school district, each school 31074
district's "organizational units" is the sum of its elementary 31075
school units, middle school units, and high school units, as 31076
follows: 31077

(1) The number of the district's elementary school 31078
organizational units is calculated by dividing its formula ADM for 31079
grades kindergarten to five by four hundred eighteen. 31080

(2) The number of the district's middle school organizational 31081

units is calculated by dividing its formula ADM for grades six to 31082
eight by five hundred fifty-seven. 31083

(3) The number of the district's high school organizational 31084
units is calculated by dividing its formula ADM for grades nine to 31085
twelve by seven hundred thirty-three. 31086

(C) For each small school district, the number of 31087
organizational units is one organizational unit. 31088

(D) Each school district, regardless of its formula ADM, 31089
shall have at least one organizational unit. 31090

Sec. 3306.05. (A) The instructional services support 31091
component of the adequacy amount for each city, local, and 31092
exempted village school district is the sum of the following: 31093

(1) The core teacher factor; 31094

(2) The specialist teacher factor; 31095

(3) The lead teacher factor; 31096

(4) The special education teacher factor; 31097

(5) The special education teacher's aide factor; 31098

(6) The limited English proficiency teacher factor; 31099

(7) The supplemental teacher factor. 31100

(B) Each factor listed in division (A) of this section shall 31101
be calculated by multiplying the Ohio educational challenge 31102
factor, specified for the district in section 3306.051 of the 31103
Revised Code, times the statewide base teacher salary of \$56,902 31104
in fiscal year 2010 and \$57,812 in fiscal year 2011, times the 31105
number of positions funded, as follows: 31106

(1) The number of core teacher positions funded shall be 31107
calculated by dividing the district's formula ADM in grades four 31108
to twelve by twenty-five, and then adding that number to the 31109

<u>quotient of the district's formula ADM in grades kindergarten to</u>	31110
<u>three divided by the following:</u>	31111
<u>(a) In fiscal years 2010 and 2011, nineteen;</u>	31112
<u>(b) In fiscal years 2012 and 2013, seventeen;</u>	31113
<u>(c) In fiscal year 2014 and in each fiscal year thereafter,</u>	31114
<u>fifteen.</u>	31115
<u>(2) The number of specialist teacher positions funded shall</u>	31116
<u>be calculated by multiplying the number of core teacher positions</u>	31117
<u>determined under division (B)(1) of this section for grades</u>	31118
<u>kindergarten to eight by one-fifth, and by multiplying the number</u>	31119
<u>of core teacher positions determined for grades nine to twelve by</u>	31120
<u>one-fourth.</u>	31121
<u>(3) The number of lead teacher positions funded shall equal</u>	31122
<u>the number of the district's organizational units.</u>	31123
<u>(4) The number of special education teacher positions and</u>	31124
<u>special education teacher's aide positions funded shall be</u>	31125
<u>calculated as provided in section 3306.11 of the Revised Code.</u>	31126
<u>(5) The number of limited English proficiency teacher</u>	31127
<u>positions funded shall be calculated by multiplying the district's</u>	31128
<u>formula ADM times the district's percentage of limited English</u>	31129
<u>proficient students, as defined in 20 U.S.C. 7801, and then</u>	31130
<u>dividing that product by one hundred;</u>	31131
<u>(6) The number of supplemental teacher positions funded shall</u>	31132
<u>be calculated by multiplying the district's formula ADM times its</u>	31133
<u>targeted poverty indicator, and then dividing that product by one</u>	31134
<u>hundred.</u>	31135
<u>(C) Each school district shall account separately for</u>	31136
<u>expenditures of the amounts received for instructional services</u>	31137
<u>support under this section and report that information to the</u>	31138
<u>department of education.</u>	31139

Sec. 3306.051. (A) The Ohio educational challenge factor is 31140
based on the following characteristics: 31141

(1) The college attainment rate of the school district's 31142
population; 31143

(2) The district's wealth per pupil, based on property 31144
valuation and federal adjusted gross income; 31145

(3) The district's concentration of poverty, based on its 31146
targeted poverty indicator. 31147

(B) The Ohio educational challenge factor for each city, 31148
local, and exempted village school district for fiscal years 2010 31149
and 2011 shall equal the following: 31150

<u>School</u>		<u>Educational</u>	
<u>District</u>	<u>County</u>	<u>Challenge</u>	
		<u>Factor</u>	
<u>Ada Ex Vill SD</u>	<u>Hardin</u>	<u>1.276507</u>	31151
<u>Adena Local SD</u>	<u>Ross</u>	<u>1.464992</u>	31152
<u>Akron City SD</u>	<u>Summit</u>	<u>1.406389</u>	31153
<u>Alexander Local SD</u>	<u>Athens</u>	<u>1.313935</u>	31154
<u>Allen East Local SD</u>	<u>Allen</u>	<u>1.424432</u>	31155
<u>Alliance City SD</u>	<u>Stark</u>	<u>1.412775</u>	31156
<u>Amanda-Clearcreek Local SD</u>	<u>Fairfield</u>	<u>1.475639</u>	31157
<u>Amherst Ex Vill SD</u>	<u>Lorain</u>	<u>1.075260</u>	31158
<u>Anna Local SD</u>	<u>Shelby</u>	<u>1.145758</u>	31159
<u>Ansonia Local SD</u>	<u>Darke</u>	<u>1.491442</u>	31160
<u>Anthony Wayne Local SD</u>	<u>Lucas</u>	<u>0.967172</u>	31161
<u>Antwerp Local SD</u>	<u>Paulding</u>	<u>1.388847</u>	31162
<u>Arcadia Local SD</u>	<u>Hancock</u>	<u>1.099092</u>	31163
<u>Arcanum Butler Local SD</u>	<u>Darke</u>	<u>1.232531</u>	31164
<u>Archbold-Area Local SD</u>	<u>Fulton</u>	<u>1.061622</u>	31165
<u>Arlington Local SD</u>	<u>Hancock</u>	<u>1.209353</u>	31166
<u>Ashland City SD</u>	<u>Ashland</u>	<u>1.165340</u>	31167

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

<u>Ashtabula Area City SD</u>	<u>Ashtabula</u>	<u>1.382239</u>	31171
<u>Athens City SD</u>	<u>Athens</u>	<u>1.111632</u>	31172
<u>Aurora City SD</u>	<u>Portage</u>	<u>0.926606</u>	31173
<u>Austintown Local SD</u>	<u>Mahoning</u>	<u>1.199890</u>	31174
<u>Avon Lake City SD</u>	<u>Lorain</u>	<u>0.907126</u>	31175
<u>Avon Local SD</u>	<u>Lorain</u>	<u>0.956278</u>	31176
<u>Ayersville Local SD</u>	<u>Defiance</u>	<u>1.083115</u>	31177
<u>Barberton City SD</u>	<u>Summit</u>	<u>1.378977</u>	31178
<u>Barnesville Ex Vill SD</u>	<u>Belmont</u>	<u>1.336210</u>	31179
<u>Batavia Local SD</u>	<u>Clermont</u>	<u>1.237613</u>	31180
<u>Bath Local SD</u>	<u>Allen</u>	<u>1.162598</u>	31181
<u>Bay Village City SD</u>	<u>Cuyahoga</u>	<u>0.872927</u>	31182
<u>Beachwood City SD</u>	<u>Cuyahoga</u>	<u>0.788347</u>	31183
<u>Beaver Local SD</u>	<u>Columbiana</u>	<u>1.326577</u>	31184
<u>Beavercreek City SD</u>	<u>Greene</u>	<u>0.922944</u>	31185
<u>Bedford City SD</u>	<u>Cuyahoga</u>	<u>1.146404</u>	31186
<u>Bellaire Local SD</u>	<u>Belmont</u>	<u>1.553266</u>	31187
<u>Bellefontaine City SD</u>	<u>Logan</u>	<u>1.316875</u>	31188
<u>Bellevue City SD</u>	<u>Huron</u>	<u>1.224385</u>	31189
<u>Belpre City SD</u>	<u>Washington</u>	<u>1.189101</u>	31190
<u>Benjamin Logan Local SD</u>	<u>Logan</u>	<u>1.092906</u>	31191
<u>Benton Carroll Salem Local SD</u>	<u>Ottawa</u>	<u>1.064360</u>	31192
<u>Berea City SD</u>	<u>Cuyahoga</u>	<u>1.076406</u>	31193
<u>Berkshire Local SD</u>	<u>Geauga</u>	<u>1.031217</u>	31194
<u>Berlin-Milan Local SD</u>	<u>Erie</u>	<u>1.080029</u>	31195
<u>Berne Union Local SD</u>	<u>Fairfield</u>	<u>1.212285</u>	31196
<u>Bethel Local SD</u>	<u>Miami</u>	<u>1.042841</u>	31197
<u>Bethel-Tate Local SD</u>	<u>Clermont</u>	<u>1.467173</u>	31198
<u>Bettsville Local SD</u>	<u>Seneca</u>	<u>1.266982</u>	31199
<u>Bexley City SD</u>	<u>Franklin</u>	<u>0.811340</u>	31200
<u>Big Walnut Local SD</u>	<u>Delaware</u>	<u>0.967045</u>	31201
<u>Black River Local SD</u>	<u>Medina</u>	<u>1.235165</u>	31202
<u>Blanchester Local SD</u>	<u>Clinton</u>	<u>1.464462</u>	31203

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<u>Bloom Carroll Local SD</u>	<u>Fairfield</u>	<u>1.019268</u>	31204
<u>Bloomfield-Mespo Local SD</u>	<u>Trumbull</u>	<u>1.242742</u>	31205
<u>Bloom-Vernon Local SD</u>	<u>Scioto</u>	<u>1.550611</u>	31206
<u>Bluffton Ex Vill SD</u>	<u>Allen</u>	<u>1.110535</u>	31207
<u>Boardman Local SD</u>	<u>Mahoning</u>	<u>1.059697</u>	31208
<u>Botkins Local SD</u>	<u>Shelby</u>	<u>1.160687</u>	31209
<u>Bowling Green City SD</u>	<u>Wood</u>	<u>0.994699</u>	31210
<u>Bradford Ex Vill SD</u>	<u>Miami</u>	<u>1.501180</u>	31211
<u>Brecksville-Broadview Hts City SD</u>	<u>Cuyahoga</u>	<u>0.907332</u>	31212
<u>Bridgeport Ex Vill SD</u>	<u>Belmont</u>	<u>1.400416</u>	31213
<u>Bright Local SD</u>	<u>Highland</u>	<u>1.514786</u>	31214
<u>Bristol Local SD</u>	<u>Trumbull</u>	<u>1.311147</u>	31215
<u>Brookfield Local SD</u>	<u>Trumbull</u>	<u>1.254722</u>	31216
<u>Brooklyn City SD</u>	<u>Cuyahoga</u>	<u>1.095906</u>	31217
<u>Brookville Local SD</u>	<u>Montgomery</u>	<u>1.117308</u>	31218
<u>Brown Local SD</u>	<u>Carroll</u>	<u>1.200260</u>	31219
<u>Brunswick City SD</u>	<u>Medina</u>	<u>1.070900</u>	31220
<u>Bryan City SD</u>	<u>Williams</u>	<u>1.147033</u>	31221
<u>Buckeye Central Local SD</u>	<u>Crawford</u>	<u>1.318612</u>	31222
<u>Buckeye Local SD</u>	<u>Ashtabula</u>	<u>1.205162</u>	31223
<u>Buckeye Local SD</u>	<u>Jefferson</u>	<u>1.289405</u>	31224
<u>Buckeye Local SD</u>	<u>Medina</u>	<u>1.045651</u>	31225
<u>Buckeye Valley Local SD</u>	<u>Delaware</u>	<u>1.000444</u>	31226
<u>Bucyrus City SD</u>	<u>Crawford</u>	<u>1.523808</u>	31227
<u>Caldwell Ex Vill SD</u>	<u>Noble</u>	<u>1.326424</u>	31228
<u>Cambridge City SD</u>	<u>Guernsey</u>	<u>1.499755</u>	31229
<u>Campbell City SD</u>	<u>Mahoning</u>	<u>1.595858</u>	31230
<u>Canal Winchester Local SD</u>	<u>Franklin</u>	<u>1.106260</u>	31231
<u>Canfield Local SD</u>	<u>Mahoning</u>	<u>0.947954</u>	31232
<u>Canton City SD</u>	<u>Stark</u>	<u>1.585014</u>	31233
<u>Canton Local SD</u>	<u>Stark</u>	<u>1.232137</u>	31234
<u>Cardinal Local SD</u>	<u>Geauga</u>	<u>1.108513</u>	31235
<u>Cardington-Lincoln Local SD</u>	<u>Morrow</u>	<u>1.470847</u>	31236

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<u>Carey Ex Vill SD</u>	<u>Wyandot</u>	<u>1.236865</u>	31237
<u>Carlisle Local SD</u>	<u>Warren</u>	<u>1.238244</u>	31238
<u>Carrollton Ex Vill SD</u>	<u>Carroll</u>	<u>1.267127</u>	31239
<u>Cedar Cliff Local SD</u>	<u>Greene</u>	<u>1.196668</u>	31240
<u>Celina City SD</u>	<u>Mercer</u>	<u>1.175680</u>	31241
<u>Centerburg Local SD</u>	<u>Knox</u>	<u>1.226160</u>	31242
<u>Centerville City SD</u>	<u>Montgomery</u>	<u>0.874900</u>	31243
<u>Central Local SD</u>	<u>Defiance</u>	<u>1.471967</u>	31244
<u>Chagrin Falls Ex Vill SD</u>	<u>Cuyahoga</u>	<u>0.773955</u>	31245
<u>Champion Local SD</u>	<u>Trumbull</u>	<u>1.138977</u>	31246
<u>Chardon Local SD</u>	<u>Geauga</u>	<u>0.970334</u>	31247
<u>Chesapeake Union Ex Vill SD</u>	<u>Lawrence</u>	<u>1.588621</u>	31248
<u>Chillicothe City SD</u>	<u>Ross</u>	<u>1.213102</u>	31249
<u>Chippewa Local SD</u>	<u>Wayne</u>	<u>1.085963</u>	31250
<u>Cincinnati City SD</u>	<u>Hamilton</u>	<u>1.160152</u>	31251
<u>Circleville City SD</u>	<u>Pickaway</u>	<u>1.242114</u>	31252
<u>Clark-Shawnee Local SD</u>	<u>Clark</u>	<u>1.060460</u>	31253
<u>Clay Local SD</u>	<u>Scioto</u>	<u>1.438160</u>	31254
<u>Claymont City SD</u>	<u>Tuscarawas</u>	<u>1.549650</u>	31255
<u>Clear Fork Valley Local SD</u>	<u>Richland</u>	<u>1.313111</u>	31256
<u>Clearview Local SD</u>	<u>Lorain</u>	<u>1.541988</u>	31257
<u>Clermont-Northeastern Local SD</u>	<u>Clermont</u>	<u>1.156191</u>	31258
<u>Cleveland Hts-Univ Hts City SD</u>	<u>Cuyahoga</u>	<u>1.034050</u>	31259
<u>Cleveland Municipal SD</u>	<u>Cuyahoga</u>	<u>1.591903</u>	31260
<u>Clinton-Massie Local SD</u>	<u>Clinton</u>	<u>1.133361</u>	31261
<u>Cloverleaf Local SD</u>	<u>Medina</u>	<u>1.075321</u>	31262
<u>Clyde-Green Springs Ex Vill SD</u>	<u>Sandusky</u>	<u>1.316544</u>	31263
<u>Coldwater Ex Vill SD</u>	<u>Mercer</u>	<u>1.379071</u>	31264
<u>College Corner Local SD</u>	<u>Preble</u>	<u>1.316130</u>	31265
<u>Colonel Crawford Local SD</u>	<u>Crawford</u>	<u>1.091023</u>	31266
<u>Columbia Local SD</u>	<u>Lorain</u>	<u>1.030821</u>	31267
<u>Columbiana Ex Vill SD</u>	<u>Columbiana</u>	<u>1.137881</u>	31268
<u>Columbus City SD</u>	<u>Franklin</u>	<u>1.266133</u>	31269

<u>Columbus Grove Local SD</u>	<u>Putnam</u>	<u>1.244911</u>	31270
<u>Conneaut Area City SD</u>	<u>Ashtabula</u>	<u>1.525711</u>	31271
<u>Conotton Valley Union Local SD</u>	<u>Harrison</u>	<u>1.345678</u>	31272
<u>Continental Local SD</u>	<u>Putnam</u>	<u>1.396089</u>	31273
<u>Copley-Fairlawn City SD</u>	<u>Summit</u>	<u>0.909191</u>	31274
<u>Cory-Rawson Local SD</u>	<u>Hancock</u>	<u>1.146248</u>	31275
<u>Coshocton City SD</u>	<u>Coshocton</u>	<u>1.385980</u>	31276
<u>Coventry Local SD</u>	<u>Summit</u>	<u>1.095527</u>	31277
<u>Covington Ex Vill SD</u>	<u>Miami</u>	<u>1.157932</u>	31278
<u>Crestline Ex Vill SD</u>	<u>Crawford</u>	<u>1.374339</u>	31279
<u>Crestview Local SD</u>	<u>Columbiana</u>	<u>1.310088</u>	31280
<u>Crestview Local SD</u>	<u>Richland</u>	<u>1.481045</u>	31281
<u>Crestview Local SD</u>	<u>Van Wert</u>	<u>1.373754</u>	31282
<u>Crestwood Local SD</u>	<u>Portage</u>	<u>1.129538</u>	31283
<u>Crooksville Ex Vill SD</u>	<u>Perry</u>	<u>1.573427</u>	31284
<u>Cuyahoga Falls City SD</u>	<u>Summit</u>	<u>1.094856</u>	31285
<u>Cuyahoga Heights Local SD</u>	<u>Cuyahoga</u>	<u>0.898436</u>	31286
<u>Dalton Local SD</u>	<u>Wayne</u>	<u>1.092859</u>	31287
<u>Danbury Local SD</u>	<u>Ottawa</u>	<u>0.971857</u>	31288
<u>Danville Local SD</u>	<u>Knox</u>	<u>1.494103</u>	31289
<u>Dawson-Bryant Local SD</u>	<u>Lawrence</u>	<u>1.648169</u>	31290
<u>Dayton City SD</u>	<u>Montgomery</u>	<u>1.448163</u>	31291
<u>Deer Park Community City SD</u>	<u>Hamilton</u>	<u>1.020600</u>	31292
<u>Defiance City SD</u>	<u>Defiance</u>	<u>1.325040</u>	31293
<u>Delaware City SD</u>	<u>Delaware</u>	<u>1.113757</u>	31294
<u>Delphos City SD</u>	<u>Allen</u>	<u>1.157538</u>	31295
<u>Dover City SD</u>	<u>Tuscarawas</u>	<u>1.140054</u>	31296
<u>Dublin City SD</u>	<u>Franklin</u>	<u>0.867517</u>	31297
<u>East Cleveland City SD</u>	<u>Cuyahoga</u>	<u>1.581708</u>	31298
<u>East Clinton Local SD</u>	<u>Clinton</u>	<u>1.462780</u>	31299
<u>East Guernsey Local SD</u>	<u>Guernsey</u>	<u>1.515285</u>	31300
<u>East Holmes Local SD</u>	<u>Holmes</u>	<u>1.139627</u>	31301
<u>East Knox Local SD</u>	<u>Knox</u>	<u>1.155805</u>	31302

<u>East Liverpool City SD</u>	<u>Columbiana</u>	<u>1.590185</u>	31303
<u>East Muskingum Local SD</u>	<u>Muskingum</u>	<u>1.207660</u>	31304
<u>East Palestine City SD</u>	<u>Columbiana</u>	<u>1.344973</u>	31305
<u>Eastern Local SD</u>	<u>Brown</u>	<u>1.331577</u>	31306
<u>Eastern Local SD</u>	<u>Meigs</u>	<u>1.512415</u>	31307
<u>Eastern Local SD</u>	<u>Pike</u>	<u>1.581268</u>	31308
<u>Eastwood Local SD</u>	<u>Wood</u>	<u>1.126743</u>	31309
<u>Eaton Community Schools City SD</u>	<u>Preble</u>	<u>1.136722</u>	31310
<u>Edgerton Local SD</u>	<u>Williams</u>	<u>1.306016</u>	31311
<u>Edgewood City SD</u>	<u>Butler</u>	<u>1.233147</u>	31312
<u>Edison Local SD</u>	<u>Jefferson</u>	<u>1.199355</u>	31313
<u>Edon-Northwest Local SD</u>	<u>Williams</u>	<u>1.318268</u>	31314
<u>Elgin Local SD</u>	<u>Marion</u>	<u>1.333351</u>	31315
<u>Elida Local SD</u>	<u>Allen</u>	<u>1.174016</u>	31316
<u>Elmwood Local SD</u>	<u>Wood</u>	<u>1.457047</u>	31317
<u>Elyria City SD</u>	<u>Lorain</u>	<u>1.284154</u>	31318
<u>Euclid City SD</u>	<u>Cuyahoga</u>	<u>1.257378</u>	31319
<u>Evergreen Local SD</u>	<u>Fulton</u>	<u>1.132215</u>	31320
<u>Fairbanks Local SD</u>	<u>Union</u>	<u>1.029919</u>	31321
<u>Fairborn City SD</u>	<u>Greene</u>	<u>1.169324</u>	31322
<u>Fairfield City SD</u>	<u>Butler</u>	<u>1.120999</u>	31323
<u>Fairfield Local SD</u>	<u>Highland</u>	<u>1.476728</u>	31324
<u>Fairfield Union Local SD</u>	<u>Fairfield</u>	<u>1.305113</u>	31325
<u>Fairland Local SD</u>	<u>Lawrence</u>	<u>1.298842</u>	31326
<u>Fairlawn Local SD</u>	<u>Shelby</u>	<u>1.450135</u>	31327
<u>Fairless Local SD</u>	<u>Stark</u>	<u>1.342312</u>	31328
<u>Fairport Harbor Ex Vill SD</u>	<u>Lake</u>	<u>1.074627</u>	31329
<u>Fairview Park City SD</u>	<u>Cuyahoga</u>	<u>0.917044</u>	31330
<u>Fayetteville-Perry Local SD</u>	<u>Brown</u>	<u>1.232747</u>	31331
<u>Federal Hocking Local SD</u>	<u>Athens</u>	<u>1.504926</u>	31332
<u>Felicity-Franklin Local SD</u>	<u>Clermont</u>	<u>1.545885</u>	31333
<u>Field Local SD</u>	<u>Portage</u>	<u>1.063508</u>	31334
<u>Findlay City SD</u>	<u>Hancock</u>	<u>1.134799</u>	31335

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<u>Finneytown Local SD</u>	<u>Hamilton</u>	<u>1.067569</u>	31336
<u>Firelands Local SD</u>	<u>Lorain</u>	<u>1.084064</u>	31337
<u>Forest Hills Local SD</u>	<u>Hamilton</u>	<u>0.918825</u>	31338
<u>Fort Frye Local SD</u>	<u>Washington</u>	<u>1.247229</u>	31339
<u>Fort Loramie Local SD</u>	<u>Shelby</u>	<u>1.228727</u>	31340
<u>Fort Recovery Local SD</u>	<u>Mercer</u>	<u>1.390459</u>	31341
<u>Fostoria City SD</u>	<u>Seneca</u>	<u>1.398532</u>	31342
<u>Franklin City SD</u>	<u>Warren</u>	<u>1.181691</u>	31343
<u>Franklin Local SD</u>	<u>Muskingum</u>	<u>1.516304</u>	31344
<u>Franklin-Monroe Local SD</u>	<u>Darke</u>	<u>1.155467</u>	31345
<u>Fredericktown Local SD</u>	<u>Knox</u>	<u>1.206674</u>	31346
<u>Fremont City SD</u>	<u>Sandusky</u>	<u>1.222520</u>	31347
<u>Frontier Local SD</u>	<u>Washington</u>	<u>1.548391</u>	31348
<u>Gahanna-Jefferson City SD</u>	<u>Franklin</u>	<u>0.937449</u>	31349
<u>Galion City SD</u>	<u>Crawford</u>	<u>1.340599</u>	31350
<u>Gallia County Local SD</u>	<u>Gallia</u>	<u>1.180183</u>	31351
<u>Gallipolis City SD</u>	<u>Gallia</u>	<u>1.309992</u>	31352
<u>Garaway Local SD</u>	<u>Tuscarawas</u>	<u>1.168729</u>	31353
<u>Garfield Heights City SD</u>	<u>Cuyahoga</u>	<u>1.275039</u>	31354
<u>Geneva Area City SD</u>	<u>Ashtabula</u>	<u>1.241353</u>	31355
<u>Genoa Area Local SD</u>	<u>Ottawa</u>	<u>1.144052</u>	31356
<u>Georgetown Ex Vill SD</u>	<u>Brown</u>	<u>1.330521</u>	31357
<u>Gibsonburg Ex Vill SD</u>	<u>Sandusky</u>	<u>1.447493</u>	31358
<u>Girard City SD</u>	<u>Trumbull</u>	<u>1.331051</u>	31359
<u>Gorham Fayette Local SD</u>	<u>Fulton</u>	<u>1.474052</u>	31360
<u>Goshen Local SD</u>	<u>Clermont</u>	<u>1.330935</u>	31361
<u>Graham Local SD</u>	<u>Champaign</u>	<u>1.232041</u>	31362
<u>Grand Valley Local SD</u>	<u>Ashtabula</u>	<u>1.254268</u>	31363
<u>Grandview Heights City SD</u>	<u>Franklin</u>	<u>0.884845</u>	31364
<u>Granville Ex Vill SD</u>	<u>Licking</u>	<u>0.945199</u>	31365
<u>Green Local SD</u>	<u>Scioto</u>	<u>1.368399</u>	31366
<u>Green Local SD</u>	<u>Summit</u>	<u>1.028315</u>	31367
<u>Green Local SD</u>	<u>Wayne</u>	<u>1.206381</u>	31368

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<u>Greeneview Local SD</u>	<u>Greene</u>	<u>1.148655</u>	31369
<u>Greenfield Ex Vill SD</u>	<u>Highland</u>	<u>1.511212</u>	31370
<u>Greenon Local SD</u>	<u>Clark</u>	<u>1.063320</u>	31371
<u>Greenville City SD</u>	<u>Darke</u>	<u>1.182750</u>	31372
<u>Groveport Madison Local SD</u>	<u>Franklin</u>	<u>1.237531</u>	31373
<u>Hamilton City SD</u>	<u>Butler</u>	<u>1.370018</u>	31374
<u>Hamilton Local SD</u>	<u>Franklin</u>	<u>1.517435</u>	31375
<u>Hardin Northern Local SD</u>	<u>Hardin</u>	<u>1.241016</u>	31376
<u>Hardin-Houston Local SD</u>	<u>Shelby</u>	<u>1.235363</u>	31377
<u>Harrison Hills City SD</u>	<u>Harrison</u>	<u>1.285541</u>	31378
<u>Heath City SD</u>	<u>Licking</u>	<u>1.159649</u>	31379
<u>Hicksville Ex Vill SD</u>	<u>Defiance</u>	<u>1.451150</u>	31380
<u>Highland Local SD</u>	<u>Medina</u>	<u>0.966108</u>	31381
<u>Highland Local SD</u>	<u>Morrow</u>	<u>1.319540</u>	31382
<u>Hilliard City SD</u>	<u>Franklin</u>	<u>0.985085</u>	31383
<u>Hillsboro City SD</u>	<u>Highland</u>	<u>1.326287</u>	31384
<u>Hillsdale Local SD</u>	<u>Ashland</u>	<u>1.192263</u>	31385
<u>Holgate Local SD</u>	<u>Henry</u>	<u>1.480580</u>	31386
<u>Hopewell-Loudon Local SD</u>	<u>Seneca</u>	<u>1.094095</u>	31387
<u>Howland Local SD</u>	<u>Trumbull</u>	<u>0.997232</u>	31388
<u>Hubbard Ex Vill SD</u>	<u>Trumbull</u>	<u>1.217366</u>	31389
<u>Huber Heights City SD</u>	<u>Montgomery</u>	<u>1.189895</u>	31390
<u>Hudson Local SD</u>	<u>Summit</u>	<u>0.867982</u>	31391
<u>Huntington Local SD</u>	<u>Ross</u>	<u>1.563988</u>	31392
<u>Huron City SD</u>	<u>Erie</u>	<u>0.953062</u>	31393
<u>Independence Local SD</u>	<u>Cuyahoga</u>	<u>0.877361</u>	31394
<u>Indian Creek Local SD</u>	<u>Jefferson</u>	<u>1.194894</u>	31395
<u>Indian Hill Ex Vill SD</u>	<u>Hamilton</u>	<u>0.769421</u>	31396
<u>Indian Lake Local SD</u>	<u>Logan</u>	<u>1.177268</u>	31397
<u>Indian Valley Local SD</u>	<u>Tuscarawas</u>	<u>1.490431</u>	31398
<u>Ironton City SD</u>	<u>Lawrence</u>	<u>1.372550</u>	31399
<u>Jackson Center Local SD</u>	<u>Shelby</u>	<u>1.222754</u>	31400
<u>Jackson City SD</u>	<u>Jackson</u>	<u>1.339235</u>	31401

<u>Jackson Local SD</u>	<u>Stark</u>	<u>0.936952</u>	31402
<u>Jackson-Milton Local SD</u>	<u>Mahoning</u>	<u>1.120098</u>	31403
<u>James A Garfield Local SD</u>	<u>Portage</u>	<u>1.221108</u>	31404
<u>Jefferson Area Local SD</u>	<u>Ashtabula</u>	<u>1.231486</u>	31405
<u>Jefferson Local SD</u>	<u>Madison</u>	<u>1.217465</u>	31406
<u>Jefferson Township Local SD</u>	<u>Montgomery</u>	<u>1.349631</u>	31407
<u>Jennings Local SD</u>	<u>Putnam</u>	<u>1.233214</u>	31408
<u>Johnstown-Monroe Local SD</u>	<u>Licking</u>	<u>1.068628</u>	31409
<u>Jonathan Alder Local SD</u>	<u>Madison</u>	<u>1.087918</u>	31410
<u>Joseph Badger Local SD</u>	<u>Trumbull</u>	<u>1.217508</u>	31411
<u>Kalida Local SD</u>	<u>Putnam</u>	<u>1.134357</u>	31412
<u>Kelleys Island Local SD</u>	<u>Erie</u>	<u>0.897093</u>	31413
<u>Kenston Local SD</u>	<u>Geauga</u>	<u>0.888370</u>	31414
<u>Kent City SD</u>	<u>Portage</u>	<u>1.292091</u>	31415
<u>Kenton City SD</u>	<u>Hardin</u>	<u>1.341240</u>	31416
<u>Kettering City SD</u>	<u>Montgomery</u>	<u>1.039020</u>	31417
<u>Keystone Local SD</u>	<u>Lorain</u>	<u>1.095731</u>	31418
<u>Kings Local SD</u>	<u>Warren</u>	<u>0.944617</u>	31419
<u>Kirtland Local SD</u>	<u>Lake</u>	<u>0.869122</u>	31420
<u>La Brae Local SD</u>	<u>Trumbull</u>	<u>1.509648</u>	31421
<u>Lake Local SD</u>	<u>Stark</u>	<u>1.105350</u>	31422
<u>Lake Local SD</u>	<u>Wood</u>	<u>1.092732</u>	31423
<u>Lakeview Local SD</u>	<u>Trumbull</u>	<u>1.050113</u>	31424
<u>Lakewood City SD</u>	<u>Cuyahoga</u>	<u>1.082658</u>	31425
<u>Lakewood Local SD</u>	<u>Licking</u>	<u>1.161169</u>	31426
<u>Lakota Local SD</u>	<u>Butler</u>	<u>0.991612</u>	31427
<u>Lakota Local SD</u>	<u>Sandusky</u>	<u>1.334058</u>	31428
<u>Lancaster City SD</u>	<u>Fairfield</u>	<u>1.181921</u>	31429
<u>Lebanon City SD</u>	<u>Warren</u>	<u>1.057278</u>	31430
<u>Ledgemont Local SD</u>	<u>Geauga</u>	<u>1.089874</u>	31431
<u>Leetonia Ex Vill SD</u>	<u>Columbiana</u>	<u>1.492636</u>	31432
<u>Leipsic Local SD</u>	<u>Putnam</u>	<u>1.358612</u>	31433
<u>Lexington Local SD</u>	<u>Richland</u>	<u>1.055083</u>	31434

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<u>Liberty Benton Local SD</u>	<u>Hancock</u>	<u>1.100796</u>	31435
<u>Liberty Center Local SD</u>	<u>Henry</u>	<u>1.243394</u>	31436
<u>Liberty Local SD</u>	<u>Trumbull</u>	<u>1.143199</u>	31437
<u>Liberty Union-Thurston Local SD</u>	<u>Fairfield</u>	<u>1.153214</u>	31438
<u>Licking Heights Local SD</u>	<u>Licking</u>	<u>1.099699</u>	31439
<u>Licking Valley Local SD</u>	<u>Licking</u>	<u>1.315180</u>	31440
<u>Lima City SD</u>	<u>Allen</u>	<u>1.609824</u>	31441
<u>Lincolnview Local SD</u>	<u>Van Wert</u>	<u>1.304841</u>	31442
<u>Lisbon Ex Vill SD</u>	<u>Columbiana</u>	<u>1.485931</u>	31443
<u>Little Miami Local SD</u>	<u>Warren</u>	<u>1.000131</u>	31444
<u>Lockland City SD</u>	<u>Hamilton</u>	<u>1.263116</u>	31445
<u>Logan Elm Local SD</u>	<u>Pickaway</u>	<u>1.144691</u>	31446
<u>Logan-Hocking Local SD</u>	<u>Hocking</u>	<u>1.351308</u>	31447
<u>London City SD</u>	<u>Madison</u>	<u>1.168705</u>	31448
<u>Lorain City SD</u>	<u>Lorain</u>	<u>1.606260</u>	31449
<u>Lordstown Local SD</u>	<u>Trumbull</u>	<u>1.028907</u>	31450
<u>Loudonville-Perrysville Ex Vill SD</u>	<u>Ashland</u>	<u>1.239646</u>	31451
<u>Louisville City SD</u>	<u>Stark</u>	<u>1.145913</u>	31452
<u>Loveland City SD</u>	<u>Hamilton</u>	<u>0.952906</u>	31453
<u>Lowellville Local SD</u>	<u>Mahoning</u>	<u>1.444465</u>	31454
<u>Lucas Local SD</u>	<u>Richland</u>	<u>1.148773</u>	31455
<u>Lynchburg-Clay Local SD</u>	<u>Highland</u>	<u>1.487133</u>	31456
<u>Mad River Local SD</u>	<u>Montgomery</u>	<u>1.516797</u>	31457
<u>Madeira City SD</u>	<u>Hamilton</u>	<u>0.902798</u>	31458
<u>Madison Local SD</u>	<u>Butler</u>	<u>1.149365</u>	31459
<u>Madison Local SD</u>	<u>Lake</u>	<u>1.210499</u>	31460
<u>Madison Local SD</u>	<u>Richland</u>	<u>1.260875</u>	31461
<u>Madison-Plains Local SD</u>	<u>Madison</u>	<u>1.111244</u>	31462
<u>Manchester Local SD</u>	<u>Summit</u>	<u>1.072196</u>	31463
<u>Manchester Local SD</u>	<u>Adams</u>	<u>1.093117</u>	31464
<u>Mansfield City SD</u>	<u>Richland</u>	<u>1.413073</u>	31465
<u>Maple Heights City SD</u>	<u>Cuyahoga</u>	<u>1.369670</u>	31466

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<u>Mapleton Local SD</u>	<u>Ashland</u>	<u>1.244822</u>	31467
<u>Maplewood Local SD</u>	<u>Trumbull</u>	<u>1.306471</u>	31468
<u>Margaretta Local SD</u>	<u>Erie</u>	<u>1.101795</u>	31469
<u>Mariemont City SD</u>	<u>Hamilton</u>	<u>0.888848</u>	31470
<u>Marietta City SD</u>	<u>Washington</u>	<u>1.142004</u>	31471
<u>Marion City SD</u>	<u>Marion</u>	<u>1.561608</u>	31472
<u>Marion Local SD</u>	<u>Mercer</u>	<u>1.395959</u>	31473
<u>Marlington Local SD</u>	<u>Stark</u>	<u>1.198789</u>	31474
<u>Martins Ferry City SD</u>	<u>Belmont</u>	<u>1.598533</u>	31475
<u>Marysville Ex Vill SD</u>	<u>Union</u>	<u>1.084320</u>	31476
<u>Mason City SD</u>	<u>Warren</u>	<u>0.992155</u>	31477
<u>Massillon City SD</u>	<u>Stark</u>	<u>1.355745</u>	31478
<u>Mathews Local SD</u>	<u>Trumbull</u>	<u>1.030473</u>	31479
<u>Maumee City SD</u>	<u>Lucas</u>	<u>0.996440</u>	31480
<u>Mayfield City SD</u>	<u>Cuyahoga</u>	<u>0.851001</u>	31481
<u>Maysville Local SD</u>	<u>Muskingum</u>	<u>1.517598</u>	31482
<u>McComb Local SD</u>	<u>Hancock</u>	<u>1.301153</u>	31483
<u>McDonald Local SD</u>	<u>Trumbull</u>	<u>1.429212</u>	31484
<u>Mechanicsburg Ex Vill SD</u>	<u>Champaign</u>	<u>1.243229</u>	31485
<u>Medina City SD</u>	<u>Medina</u>	<u>1.005089</u>	31486
<u>Meigs Local SD</u>	<u>Meigs</u>	<u>1.584300</u>	31487
<u>Mentor Ex Vill SD</u>	<u>Lake</u>	<u>0.964461</u>	31488
<u>Miami East Local SD</u>	<u>Miami</u>	<u>1.121995</u>	31489
<u>Miami Trace Local SD</u>	<u>Fayette</u>	<u>1.228492</u>	31490
<u>Miamisburg City SD</u>	<u>Montgomery</u>	<u>1.114930</u>	31491
<u>Middletown City SD</u>	<u>Butler</u>	<u>1.257163</u>	31492
<u>Midview Local SD</u>	<u>Lorain</u>	<u>1.092786</u>	31493
<u>Milford Ex Vill SD</u>	<u>Clermont</u>	<u>1.018109</u>	31494
<u>Millcreek-West Unity Local SD</u>	<u>Williams</u>	<u>1.351879</u>	31495
<u>Miller City-New Cleveland Local SD</u>	<u>Putnam</u>	<u>1.379562</u>	31496
<u>Milton-Union Ex Vill SD</u>	<u>Miami</u>	<u>1.221554</u>	31497
<u>Minerva Local SD</u>	<u>Stark</u>	<u>1.326538</u>	31498

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<u>Minford Local SD</u>	<u>Scioto</u>	<u>1.509434</u>	31499
<u>Minster Local SD</u>	<u>Auglaize</u>	<u>1.068103</u>	31500
<u>Mississinawa Valley Local SD</u>	<u>Darke</u>	<u>1.517760</u>	31501
<u>Mogadore Local SD</u>	<u>Summit</u>	<u>1.115527</u>	31502
<u>Mohawk Local SD</u>	<u>Wyandot</u>	<u>1.149449</u>	31503
<u>Monroe Local SD</u>	<u>Butler</u>	<u>0.988156</u>	31504
<u>Monroeville Local SD</u>	<u>Huron</u>	<u>1.105963</u>	31505
<u>Montpelier Ex Vill SD</u>	<u>Williams</u>	<u>1.484169</u>	31506
<u>Morgan Local SD</u>	<u>Morgan</u>	<u>1.515632</u>	31507
<u>Mount Gilead Ex Vill SD</u>	<u>Morrow</u>	<u>1.303456</u>	31508
<u>Mount Healthy City SD</u>	<u>Hamilton</u>	<u>1.385527</u>	31509
<u>Mount Vernon City SD</u>	<u>Knox</u>	<u>1.222667</u>	31510
<u>Napoleon City SD</u>	<u>Henry</u>	<u>1.219862</u>	31511
<u>National Trail Local SD</u>	<u>Preble</u>	<u>1.337309</u>	31512
<u>Nelsonville-York City SD</u>	<u>Athens</u>	<u>1.554619</u>	31513
<u>New Albany-Plain Local SD</u>	<u>Franklin</u>	<u>0.863212</u>	31514
<u>New Boston Local SD</u>	<u>Scioto</u>	<u>1.589690</u>	31515
<u>New Bremen Local SD</u>	<u>Auglaize</u>	<u>1.127253</u>	31516
<u>New Knoxville Local SD</u>	<u>Auglaize</u>	<u>1.217764</u>	31517
<u>New Lebanon Local SD</u>	<u>Montgomery</u>	<u>1.462491</u>	31518
<u>New Lexington City SD</u>	<u>Perry</u>	<u>1.545076</u>	31519
<u>New London Local SD</u>	<u>Huron</u>	<u>1.474130</u>	31520
<u>New Miami Local SD</u>	<u>Butler</u>	<u>1.573547</u>	31521
<u>New Philadelphia City SD</u>	<u>Tuscarawas</u>	<u>1.184127</u>	31522
<u>New Richmond Ex Vill SD</u>	<u>Clermont</u>	<u>1.121137</u>	31523
<u>New Riegel Local SD</u>	<u>Seneca</u>	<u>1.393211</u>	31524
<u>Newark City SD</u>	<u>Licking</u>	<u>1.252280</u>	31525
<u>Newbury Local SD</u>	<u>Geauga</u>	<u>0.944732</u>	31526
<u>Newcomerstown Ex Vill SD</u>	<u>Tuscarawas</u>	<u>1.529126</u>	31527
<u>Newton Falls Ex Vill SD</u>	<u>Trumbull</u>	<u>1.313730</u>	31528
<u>Newton Local SD</u>	<u>Miami</u>	<u>1.224466</u>	31529
<u>Niles City SD</u>	<u>Trumbull</u>	<u>1.334003</u>	31530
<u>Noble Local SD</u>	<u>Noble</u>	<u>1.480889</u>	31531

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<u>Nordonia Hills City SD</u>	<u>Summit</u>	<u>0.934080</u>	31532
<u>North Baltimore Local SD</u>	<u>Wood</u>	<u>1.308125</u>	31533
<u>North Canton City SD</u>	<u>Stark</u>	<u>1.003775</u>	31534
<u>North Central Local SD</u>	<u>Wayne</u>	<u>1.223714</u>	31535
<u>North Central Local SD</u>	<u>Williams</u>	<u>1.324444</u>	31536
<u>North College Hill City SD</u>	<u>Hamilton</u>	<u>1.379521</u>	31537
<u>North Fork Local SD</u>	<u>Licking</u>	<u>1.226601</u>	31538
<u>North Olmsted City SD</u>	<u>Cuyahoga</u>	<u>1.055678</u>	31539
<u>North Ridgeville City SD</u>	<u>Lorain</u>	<u>1.035395</u>	31540
<u>North Royalton City SD</u>	<u>Cuyahoga</u>	<u>0.943948</u>	31541
<u>North Union Local SD</u>	<u>Union</u>	<u>1.325953</u>	31542
<u>Northeastern Local SD</u>	<u>Clark</u>	<u>1.119356</u>	31543
<u>Northeastern Local SD</u>	<u>Defiance</u>	<u>1.078723</u>	31544
<u>Northern Local SD</u>	<u>Perry</u>	<u>1.254464</u>	31545
<u>Northmont City SD</u>	<u>Montgomery</u>	<u>1.099334</u>	31546
<u>Northmor Local SD</u>	<u>Morrow</u>	<u>1.234469</u>	31547
<u>Northridge Local SD</u>	<u>Licking</u>	<u>1.112137</u>	31548
<u>Northridge Local SD</u>	<u>Montgomery</u>	<u>1.313654</u>	31549
<u>Northwest Local SD</u>	<u>Hamilton</u>	<u>1.097477</u>	31550
<u>Northwest Local SD</u>	<u>Scioto</u>	<u>1.585245</u>	31551
<u>Northwest Local SD</u>	<u>Stark</u>	<u>1.188706</u>	31552
<u>Northwestern Local SD</u>	<u>Clark</u>	<u>1.124065</u>	31553
<u>Northwestern Local SD</u>	<u>Wayne</u>	<u>1.480021</u>	31554
<u>Northwood Local SD</u>	<u>Wood</u>	<u>1.172657</u>	31555
<u>Norton City SD</u>	<u>Summit</u>	<u>1.077363</u>	31556
<u>Norwalk City SD</u>	<u>Huron</u>	<u>1.238518</u>	31557
<u>Norwood City SD</u>	<u>Hamilton</u>	<u>1.203977</u>	31558
<u>Oak Hill Union Local SD</u>	<u>Jackson</u>	<u>1.517445</u>	31559
<u>Oak Hills Local SD</u>	<u>Hamilton</u>	<u>1.009889</u>	31560
<u>Oakwood City SD</u>	<u>Montgomery</u>	<u>0.888026</u>	31561
<u>Oberlin City SD</u>	<u>Lorain</u>	<u>1.151305</u>	31562
<u>Ohio Valley Local SD</u>	<u>Adams</u>	<u>1.546394</u>	31563
<u>Old Fort Local SD</u>	<u>Seneca</u>	<u>1.154292</u>	31564

<u>Olentangy Local SD</u>	<u>Delaware</u>	<u>0.873909</u>	31565
<u>Olmsted Falls City SD</u>	<u>Cuyahoga</u>	<u>1.034716</u>	31566
<u>Ontario Local SD</u>	<u>Richland</u>	<u>1.017660</u>	31567
<u>Orange City SD</u>	<u>Cuyahoga</u>	<u>0.767949</u>	31568
<u>Oregon City SD</u>	<u>Lucas</u>	<u>1.149614</u>	31569
<u>Orrville City SD</u>	<u>Wayne</u>	<u>1.220908</u>	31570
<u>Osnaburg Local SD</u>	<u>Stark</u>	<u>1.161056</u>	31571
<u>Otsego Local SD</u>	<u>Wood</u>	<u>1.085754</u>	31572
<u>Ottawa Hills Local SD</u>	<u>Lucas</u>	<u>0.807704</u>	31573
<u>Ottawa-Glandorf Local SD</u>	<u>Putnam</u>	<u>1.129901</u>	31574
<u>Ottoville Local SD</u>	<u>Putnam</u>	<u>1.155937</u>	31575
<u>Painsville City Local SD</u>	<u>Lake</u>	<u>1.576006</u>	31576
<u>Painsville Township Local SD</u>	<u>Lake</u>	<u>0.979713</u>	31577
<u>Paint Valley Local SD</u>	<u>Ross</u>	<u>1.511112</u>	31578
<u>Pandora-Gilboa Local SD</u>	<u>Putnam</u>	<u>1.207508</u>	31579
<u>Parkway Local SD</u>	<u>Mercer</u>	<u>1.451914</u>	31580
<u>Parma City SD</u>	<u>Cuyahoga</u>	<u>1.096590</u>	31581
<u>Patrick Henry Local SD</u>	<u>Henry</u>	<u>1.314110</u>	31582
<u>Paulding Ex Vill SD</u>	<u>Paulding</u>	<u>1.316904</u>	31583
<u>Perkins Local SD</u>	<u>Erie</u>	<u>1.006525</u>	31584
<u>Perry Local SD</u>	<u>Allen</u>	<u>1.252464</u>	31585
<u>Perry Local SD</u>	<u>Lake</u>	<u>1.014880</u>	31586
<u>Perry Local SD</u>	<u>Stark</u>	<u>1.155570</u>	31587
<u>Perrysburg Ex Vill SD</u>	<u>Wood</u>	<u>0.941179</u>	31588
<u>Pettisville Local SD</u>	<u>Fulton</u>	<u>1.215972</u>	31589
<u>Pickerington Local SD</u>	<u>Fairfield</u>	<u>1.078034</u>	31590
<u>Pike-Delta-York Local SD</u>	<u>Fulton</u>	<u>1.225338</u>	31591
<u>Piqua City SD</u>	<u>Miami</u>	<u>1.252751</u>	31592
<u>Plain Local SD</u>	<u>Stark</u>	<u>1.101022</u>	31593
<u>Pleasant Local SD</u>	<u>Marion</u>	<u>1.066006</u>	31594
<u>Plymouth-Shiloh Local SD</u>	<u>Richland</u>	<u>1.539933</u>	31595
<u>Poland Local SD</u>	<u>Mahoning</u>	<u>0.976878</u>	31596
<u>Port Clinton City SD</u>	<u>Ottawa</u>	<u>1.045171</u>	31597

<u>Portsmouth City SD</u>	<u>Scioto</u>	<u>1.560445</u>	31598
<u>Preble-Shawnee Local SD</u>	<u>Preble</u>	<u>1.253492</u>	31599
<u>Princeton City SD</u>	<u>Hamilton</u>	<u>0.989700</u>	31600
<u>Put-In-Bay Local SD</u>	<u>Ottawa</u>	<u>0.870887</u>	31601
<u>Pymatuning Valley Local SD</u>	<u>Ashtabula</u>	<u>1.357539</u>	31602
<u>Ravenna City SD</u>	<u>Portage</u>	<u>1.258270</u>	31603
<u>Reading Community City SD</u>	<u>Hamilton</u>	<u>1.138957</u>	31604
<u>Revere Local SD</u>	<u>Summit</u>	<u>0.811916</u>	31605
<u>Reynoldsburg City SD</u>	<u>Franklin</u>	<u>1.185729</u>	31606
<u>Richmond Heights Local SD</u>	<u>Cuyahoga</u>	<u>0.988219</u>	31607
<u>Ridgedale Local SD</u>	<u>Marion</u>	<u>1.232091</u>	31608
<u>Ridgemont Local SD</u>	<u>Hardin</u>	<u>1.315320</u>	31609
<u>Ridgewood Local SD</u>	<u>Coshocton</u>	<u>1.499377</u>	31610
<u>Ripley-Union-Lewis Local SD</u>	<u>Brown</u>	<u>1.518737</u>	31611
<u>Rittman Ex Vill SD</u>	<u>Wayne</u>	<u>1.341158</u>	31612
<u>River Valley Local SD</u>	<u>Marion</u>	<u>1.144948</u>	31613
<u>River View Local SD</u>	<u>Coshocton</u>	<u>1.255718</u>	31614
<u>Riverdale Local SD</u>	<u>Hardin</u>	<u>1.463411</u>	31615
<u>Riverside Local SD</u>	<u>Logan</u>	<u>1.477936</u>	31616
<u>Rock Hill Local SD</u>	<u>Lawrence</u>	<u>1.590768</u>	31617
<u>Rocky River City SD</u>	<u>Cuyahoga</u>	<u>0.840017</u>	31618
<u>Rolling Hills Local SD</u>	<u>Guernsey</u>	<u>1.513489</u>	31619
<u>Rootstown Local SD</u>	<u>Portage</u>	<u>1.084884</u>	31620
<u>Ross Local SD</u>	<u>Butler</u>	<u>1.128779</u>	31621
<u>Rossford Ex Vill SD</u>	<u>Wood</u>	<u>1.080899</u>	31622
<u>Russia Local SD</u>	<u>Shelby</u>	<u>1.374251</u>	31623
<u>Salem City SD</u>	<u>Columbiana</u>	<u>1.180687</u>	31624
<u>Sandusky City SD</u>	<u>Erie</u>	<u>1.300930</u>	31625
<u>Sandy Valley Local SD</u>	<u>Stark</u>	<u>1.331965</u>	31626
<u>Scioto Valley Local SD</u>	<u>Pike</u>	<u>1.526714</u>	31627
<u>Sebring Local SD</u>	<u>Mahoning</u>	<u>1.501056</u>	31628
<u>Seneca East Local SD</u>	<u>Seneca</u>	<u>1.233540</u>	31629
<u>Shadyside Local SD</u>	<u>Belmont</u>	<u>1.206383</u>	31630

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<u>Shaker Heights City SD</u>	<u>Cuyahoga</u>	<u>0.930871</u>	31631
<u>Shawnee Local SD</u>	<u>Allen</u>	<u>1.008274</u>	31632
<u>Sheffield-Sheffield Lake City SD</u>	<u>Lorain</u>	<u>1.122898</u>	31633
<u>Shelby City SD</u>	<u>Richland</u>	<u>1.248437</u>	31634
<u>Sidney City SD</u>	<u>Shelby</u>	<u>1.240389</u>	31635
<u>Solon City SD</u>	<u>Cuyahoga</u>	<u>0.895529</u>	31636
<u>South Central Local SD</u>	<u>Huron</u>	<u>1.497606</u>	31637
<u>South Euclid-Lyndhurst City SD</u>	<u>Cuyahoga</u>	<u>1.002369</u>	31638
<u>South Point Local SD</u>	<u>Lawrence</u>	<u>1.517360</u>	31639
<u>South Range Local SD</u>	<u>Mahoning</u>	<u>1.076772</u>	31640
<u>Southeast Local SD</u>	<u>Portage</u>	<u>1.237090</u>	31641
<u>Southeast Local SD</u>	<u>Wayne</u>	<u>1.180842</u>	31642
<u>Southeastern Local SD</u>	<u>Clark</u>	<u>1.160870</u>	31643
<u>Southeastern Local SD</u>	<u>Ross</u>	<u>1.513790</u>	31644
<u>Southern Local SD</u>	<u>Columbiana</u>	<u>1.537098</u>	31645
<u>Southern Local SD</u>	<u>Meigs</u>	<u>1.547346</u>	31646
<u>Southern Local SD</u>	<u>Perry</u>	<u>1.600707</u>	31647
<u>Southington Local SD</u>	<u>Trumbull</u>	<u>1.160291</u>	31648
<u>Southwest Licking Local SD</u>	<u>Licking</u>	<u>1.065949</u>	31649
<u>Southwest Local SD</u>	<u>Hamilton</u>	<u>1.093489</u>	31650
<u>South-Western City SD</u>	<u>Franklin</u>	<u>1.265187</u>	31651
<u>Spencerville Local SD</u>	<u>Allen</u>	<u>1.301749</u>	31652
<u>Springboro Community City SD</u>	<u>Warren</u>	<u>0.960788</u>	31653
<u>Springfield City SD</u>	<u>Clark</u>	<u>1.552526</u>	31654
<u>Springfield Local SD</u>	<u>Lucas</u>	<u>1.056764</u>	31655
<u>Springfield Local SD</u>	<u>Mahoning</u>	<u>1.192990</u>	31656
<u>Springfield Local SD</u>	<u>Summit</u>	<u>1.196328</u>	31657
<u>St Bernard-Elmwood Place City SD</u>	<u>Hamilton</u>	<u>1.248092</u>	31658
<u>St Clairsville-Richland City SD</u>	<u>Belmont</u>	<u>1.150841</u>	31659
<u>St Henry Consolidated Local SD</u>	<u>Mercer</u>	<u>1.382949</u>	31660
<u>St Marys City SD</u>	<u>Auglaize</u>	<u>1.150444</u>	31661
<u>Steubenville City SD</u>	<u>Jefferson</u>	<u>1.365647</u>	31662
<u>Stow-Munroe Falls City SD</u>	<u>Summit</u>	<u>0.974464</u>	31663

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<u>Strasburg-Franklin Local SD</u>	<u>Tuscarawas</u>	<u>1.147256</u>	31664
<u>Streetsboro City SD</u>	<u>Portage</u>	<u>1.023340</u>	31665
<u>Strongsville City SD</u>	<u>Cuyahoga</u>	<u>0.942379</u>	31666
<u>Struthers City SD</u>	<u>Mahoning</u>	<u>1.530919</u>	31667
<u>Stryker Local SD</u>	<u>Williams</u>	<u>1.237584</u>	31668
<u>Sugarcreek Local SD</u>	<u>Greene</u>	<u>0.946787</u>	31669
<u>Swanton Local SD</u>	<u>Fulton</u>	<u>1.077057</u>	31670
<u>Switzerland Of Ohio Local SD</u>	<u>Monroe</u>	<u>1.363501</u>	31671
<u>Sycamore Community City SD</u>	<u>Hamilton</u>	<u>0.805157</u>	31672
<u>Sylvania City SD</u>	<u>Lucas</u>	<u>0.919772</u>	31673
<u>Symmes Valley Local SD</u>	<u>Lawrence</u>	<u>1.554601</u>	31674
<u>Talawanda City SD</u>	<u>Butler</u>	<u>1.090290</u>	31675
<u>Tallmadge City SD</u>	<u>Summit</u>	<u>1.039240</u>	31676
<u>Teays Valley Local SD</u>	<u>Pickaway</u>	<u>1.231537</u>	31677
<u>Tecumseh Local SD</u>	<u>Clark</u>	<u>1.318724</u>	31678
<u>Three Rivers Local SD</u>	<u>Hamilton</u>	<u>0.992195</u>	31679
<u>Tiffin City SD</u>	<u>Seneca</u>	<u>1.200469</u>	31680
<u>Tipp City Ex Vill SD</u>	<u>Miami</u>	<u>1.056646</u>	31681
<u>Toledo City SD</u>	<u>Lucas</u>	<u>1.362225</u>	31682
<u>Toronto City SD</u>	<u>Jefferson</u>	<u>1.279649</u>	31683
<u>Triad Local SD</u>	<u>Champaign</u>	<u>1.247663</u>	31684
<u>Tri-County North Local SD</u>	<u>Preble</u>	<u>1.220510</u>	31685
<u>Trimble Local SD</u>	<u>Athens</u>	<u>1.608740</u>	31686
<u>Tri-Valley Local SD</u>	<u>Muskingum</u>	<u>1.302648</u>	31687
<u>Tri-Village Local SD</u>	<u>Darke</u>	<u>1.253812</u>	31688
<u>Triway Local SD</u>	<u>Wayne</u>	<u>1.201400</u>	31689
<u>Trotwood-Madison City SD</u>	<u>Montgomery</u>	<u>1.536714</u>	31690
<u>Troy City SD</u>	<u>Miami</u>	<u>1.128451</u>	31691
<u>Tuscarawas Valley Local SD</u>	<u>Tuscarawas</u>	<u>1.133251</u>	31692
<u>Tuslaw Local SD</u>	<u>Stark</u>	<u>1.149109</u>	31693
<u>Twin Valley Community Local SD</u>	<u>Preble</u>	<u>1.226702</u>	31694
<u>Twinsburg City SD</u>	<u>Summit</u>	<u>0.954737</u>	31695
<u>Union Local SD</u>	<u>Belmont</u>	<u>1.472803</u>	31696

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<u>Union Scioto Local SD</u>	<u>Ross</u>	<u>1.459022</u>	31697
<u>United Local SD</u>	<u>Columbiana</u>	<u>1.456646</u>	31698
<u>Upper Arlington City SD</u>	<u>Franklin</u>	<u>0.763445</u>	31699
<u>Upper Sandusky Ex Vill SD</u>	<u>Wyandot</u>	<u>1.211886</u>	31700
<u>Upper Scioto Valley Local SD</u>	<u>Hardin</u>	<u>1.481493</u>	31701
<u>Urbana City SD</u>	<u>Champaign</u>	<u>1.245402</u>	31702
<u>Valley Local SD</u>	<u>Scioto</u>	<u>1.556395</u>	31703
<u>Valley View Local SD</u>	<u>Montgomery</u>	<u>1.134885</u>	31704
<u>Van Buren Local SD</u>	<u>Hancock</u>	<u>0.986475</u>	31705
<u>Van Wert City SD</u>	<u>Van Wert</u>	<u>1.302853</u>	31706
<u>Vandalia-Butler City SD</u>	<u>Montgomery</u>	<u>0.982917</u>	31707
<u>Vanlue Local SD</u>	<u>Hancock</u>	<u>1.225490</u>	31708
<u>Vermilion Local SD</u>	<u>Erie</u>	<u>1.101326</u>	31709
<u>Versailles Ex Vill SD</u>	<u>Darke</u>	<u>1.234253</u>	31710
<u>Vinton County Local SD</u>	<u>Vinton</u>	<u>1.581898</u>	31711
<u>Wadsworth City SD</u>	<u>Medina</u>	<u>1.221864</u>	31712
<u>Walnut Township Local SD</u>	<u>Fairfield</u>	<u>1.169550</u>	31713
<u>Wapakoneta City SD</u>	<u>Auglaize</u>	<u>1.218209</u>	31714
<u>Warren City SD</u>	<u>Trumbull</u>	<u>1.557959</u>	31715
<u>Warren Local SD</u>	<u>Washington</u>	<u>1.298018</u>	31716
<u>Warrensville Heights City SD</u>	<u>Cuyahoga</u>	<u>1.261012</u>	31717
<u>Washington Court House City SD</u>	<u>Fayette</u>	<u>1.333465</u>	31718
<u>Washington Local SD</u>	<u>Lucas</u>	<u>1.172637</u>	31719
<u>Washington-Nile Local SD</u>	<u>Scioto</u>	<u>1.547444</u>	31720
<u>Waterloo Local SD</u>	<u>Portage</u>	<u>1.150614</u>	31721
<u>Wauseon Ex Vill SD</u>	<u>Fulton</u>	<u>1.299620</u>	31722
<u>Waverly City SD</u>	<u>Pike</u>	<u>1.469624</u>	31723
<u>Wayne Local SD</u>	<u>Warren</u>	<u>1.056943</u>	31724
<u>Wayne Trace Local SD</u>	<u>Paulding</u>	<u>1.323577</u>	31725
<u>Waynesfield-Goshen Local SD</u>	<u>Auglaize</u>	<u>1.402136</u>	31726
<u>Weathersfield Local SD</u>	<u>Trumbull</u>	<u>1.207306</u>	31727
<u>Wellington Ex Vill SD</u>	<u>Lorain</u>	<u>1.219534</u>	31728
<u>Wellston City SD</u>	<u>Jackson</u>	<u>1.550848</u>	31729

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<u>Wellsville Local SD</u>	<u>Columbiana</u>	<u>1.568998</u>	31730
<u>West Branch Local SD</u>	<u>Mahoning</u>	<u>1.297805</u>	31731
<u>West Carrollton City SD</u>	<u>Montgomery</u>	<u>1.220862</u>	31732
<u>West Clermont Local SD</u>	<u>Clermont</u>	<u>1.059095</u>	31733
<u>West Geauga Local SD</u>	<u>Gauga</u>	<u>0.858500</u>	31734
<u>West Holmes Local SD</u>	<u>Holmes</u>	<u>1.243758</u>	31735
<u>West Liberty-Salem Local SD</u>	<u>Champaign</u>	<u>1.221358</u>	31736
<u>West Muskingum Local SD</u>	<u>Muskingum</u>	<u>1.138872</u>	31737
<u>Western Brown Local SD</u>	<u>Brown</u>	<u>1.508565</u>	31738
<u>Western Local SD</u>	<u>Pike</u>	<u>1.616394</u>	31739
<u>Western Reserve Local SD</u>	<u>Huron</u>	<u>1.309909</u>	31740
<u>Western Reserve Local SD</u>	<u>Mahoning</u>	<u>1.091041</u>	31741
<u>Westerville City SD</u>	<u>Franklin</u>	<u>0.963748</u>	31742
<u>Westfall Local SD</u>	<u>Pickaway</u>	<u>1.311966</u>	31743
<u>Westlake City SD</u>	<u>Cuyahoga</u>	<u>0.820277</u>	31744
<u>Wheelersburg Local SD</u>	<u>Scioto</u>	<u>1.305562</u>	31745
<u>Whitehall City SD</u>	<u>Franklin</u>	<u>1.402068</u>	31746
<u>Wickliffe City SD</u>	<u>Lake</u>	<u>0.994269</u>	31747
<u>Willard City SD</u>	<u>Huron</u>	<u>1.358778</u>	31748
<u>Williamsburg Local SD</u>	<u>Clermont</u>	<u>1.225041</u>	31749
<u>Willoughby-Eastlake City SD</u>	<u>Lake</u>	<u>1.069333</u>	31750
<u>Wilmington City SD</u>	<u>Clinton</u>	<u>1.169459</u>	31751
<u>Windham Ex Vill SD</u>	<u>Portage</u>	<u>1.584385</u>	31752
<u>Winton Woods City SD</u>	<u>Hamilton</u>	<u>1.120204</u>	31753
<u>Wolf Creek Local SD</u>	<u>Washington</u>	<u>1.158506</u>	31754
<u>Woodmore Local SD</u>	<u>Sandusky</u>	<u>1.082991</u>	31755
<u>Woodridge Local SD</u>	<u>Summit</u>	<u>0.956249</u>	31756
<u>Wooster City SD</u>	<u>Wayne</u>	<u>1.128544</u>	31757
<u>Worthington City SD</u>	<u>Franklin</u>	<u>0.896897</u>	31758
<u>Wynford Local SD</u>	<u>Crawford</u>	<u>1.300946</u>	31759
<u>Wyoming City SD</u>	<u>Hamilton</u>	<u>0.871194</u>	31760
<u>Xenia Community City SD</u>	<u>Greene</u>	<u>1.223093</u>	31761
<u>Yellow Springs Ex Vill SD</u>	<u>Greene</u>	<u>0.955678</u>	31762

<u>Youngstown City SD</u>	<u>Mahoning</u>	<u>1.634946</u>	31763
<u>Zane Trace Local SD</u>	<u>Ross</u>	<u>1.222296</u>	31764
<u>Zanesville City SD</u>	<u>Muskingum</u>	<u>1.389095</u>	31765

Sec. 3306.052. Each city, local, and exempted village school district shall receive funding for career-technical education teachers and career-technical education program operations for fiscal years 2010 and 2011 as follows:

(A) For fiscal year 2010, each district shall receive an amount equal to the amount the district received for fiscal year 2009 under division (E) of section 3317.022 of the Revised Code, as that section existed for that fiscal year, less any amounts attributable to community school students and net of any additions or deductions attributable to open enrollment students, times 1.019.

(B) For fiscal year 2011, each district shall receive an amount equal to the amount the district received for fiscal year 2010 under division (A) of this section times 1.019.

Sec. 3306.06. (A) The additional services support component of the adequacy amount for each city, local, and exempted village school district is the sum of the following:

- (1) The family and community liaison factor;
- (2) The counselor factor;
- (3) The summer remediation factor;
- (4) The school nurse wellness coordinator factor;
- (5) The district health professional factor.

(B)(1) The family and community liaison factor shall be calculated by multiplying the school district's formula ADM times its targeted poverty indicator and dividing the product by seventy-five, and then multiplying the quotient by the product of

the applicable Ohio educational challenge factor times \$38,633, in 31793
fiscal year 2010, and times \$39,381, in fiscal year 2011. 31794

(2) The counselor factor shall be calculated by dividing the 31795
district's formula ADM for grades six to twelve by two hundred 31796
fifty, and then multiplying the quotient by a dollar amount for 31797
each fiscal year established by law. No counselor factor shall be 31798
calculated and paid for fiscal years 2010 and 2011. 31799

(3) The summer remediation program factor shall be calculated 31800
by multiplying the district's formula ADM times its targeted 31801
poverty indicator times fifty per cent, which represents the 31802
anticipated participation rate, dividing that product by thirty, 31803
which is the assumed student-to-teacher ratio for summer 31804
remediation, and multiplying that quotient by the product of 31805
\$3,000 times the applicable Ohio educational challenge factor. 31806

(4) The school nurse wellness coordinator factor shall be 31807
calculated by multiplying the number of the district's 31808
organizational units times a dollar amount for each fiscal year 31809
established by law, except that in a small school district, the 31810
school nurse wellness coordinator factor shall be zero. No school 31811
nurse wellness coordinator factor shall be calculated and paid for 31812
fiscal years 2010 and 2011. 31813

(5) The district health professional factor for each district 31814
equals a dollar amount specified by law for each fiscal year. No 31815
district health professional factor shall be calculated and paid 31816
for fiscal years 2010 and 2011. 31817

(C) In adopting expenditure and reporting standards under 31818
section 3306.25 of the Revised Code, the superintendent of public 31819
instruction shall include standards that encourage school 31820
districts to give preference to employing or obtaining the 31821
services of licensed school nurses with funds received for the 31822
school nurse wellness coordinator factor and the district health 31823

professional factor. 31824

(D) Each school district shall account separately for 31825
expenditures of the amounts received for additional services 31826
support under this section and report that information to the 31827
department of education. 31828

Sec. 3306.07. (A) The administrative services support 31829
component of the adequacy amount for each city, local, and 31830
exempted village school district is the sum of the following: 31831

(1) The district administration factor; 31832

(2) The principal factor; 31833

(3) The administrative support personnel factor; 31834

(B)(1) The district administration factor equals \$187,176 in 31835
fiscal year 2010 and \$190,801 in fiscal year 2011. 31836

(2) The principal factor shall be calculated by multiplying 31837
the number of the district's organizational units times \$89,563 in 31838
fiscal year 2010 and \$91,297 in fiscal year 2011. However, each 31839
type 1 or type 2 school district shall receive for a principal 31840
factor an amount not less than the applicable dollar amount 31841
specified in this paragraph times the number of school buildings 31842
in the district for which the department of education issued a 31843
report card under section 3302.03 of the Revised Code for the 31844
prior school year. As used in this division, "type 1 school 31845
district" means a school district characterized as a type 1 31846
(rural/agricultural, high poverty, low median income) district, 31847
and "type 2 school district" means a school district characterized 31848
as a type 2 (rural/agricultural, small student population, low 31849
poverty, low to moderate median income), in the typology of 31850
districts published by the department in July 2007. 31851

(3) The administrative support personnel factor is funding 31852
determined for building managers, secretaries, and 31853

noninstructional aides. 31854

(a) The funding for building managers shall be calculated by multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 2011 times the number of the district's organizational units. 31855
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(b) The funding for secretaries shall be calculated by multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 2011 times the number of the district's organizational units, where two additional secretaries shall be funded for each high school organizational unit. 31858
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(c) The funding for noninstructional aides shall be a dollar amount set by law for each fiscal year times the number of the district's organizational units, where the organizational units are multiplied by two in the case of elementary school and middle school organizational units and by three in case of high school organizational units. 31863
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However, each small school district shall receive funding for one building manager, one secretary, and one noninstructional aide. Every other city, local, and exempted village school district shall receive funding for at least one building manager, one secretary, and one noninstructional aide. 31869
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No funding shall be calculated and paid for noninstructional aides for fiscal years 2010 and 2011. 31874
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(C) Each school district shall account separately for the amounts received for administrative services support under this section and report that information to the department of education. 31876
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Sec. 3306.08. (A) The operations and maintenance support component of the adequacy amount for each city, local, and exempted village school district shall be calculated by multiplying the district's formula ADM times \$884. 31880
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(B) The operations and maintenance support for each city, local, and exempted village school district shall be adjusted by multiplying the calculated amount by 0.45 in fiscal years 2010 and 2011, and by 0.75 in fiscal years 2012 and 2013.

(C) Each school district shall account separately for expenditures of the amounts received for operations and maintenance support under this section and report that information to the department of education.

Sec. 3306.09. (A) The gifted education support component of the adequacy amount for each city, local, and exempted village school district is the sum of the following:

(1) The gifted identification factor;

(2) The gifted coordinator factor;

(3) The gifted intervention specialist factor;

(4) The gifted intervention specialist professional development factor.

(B)(1) The gifted identification factor shall be calculated by multiplying the district's formula ADM times \$5.

(2) The gifted coordinator factor shall be calculated by multiplying \$66,375 in fiscal year 2010 and \$67,660 in fiscal year 2011 times the quotient of the district's formula ADM divided by two thousand five hundred.

(3) The gifted intervention specialist factor shall be calculated by multiplying the number of the district's organizational units times the Ohio educational challenge factor specified for the district in section 3306.051 of the Revised Code times the statewide base teacher salary specified in section 3306.05 of the Revised Code.

(4) The gifted intervention specialist professional

development factor shall be calculated by multiplying the number 31913
of the district's organizational units times the 31914
per-teaching-position dollar amount specified for the professional 31915
development factor in division (A)(7) of section 3306.03 of the 31916
Revised Code. 31917

(C) The gifted intervention specialist factor and the gifted 31918
intervention specialist professional development factor for each 31919
city, local, and exempted village school district, shall be 31920
adjusted by multiplying the calculated amount by 0.20 in fiscal 31921
year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 31922
2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 31923
in fiscal years 2016 and 2017. 31924

(D) A school district that does not submit an annual report 31925
under section 3324.05 of the Revised Code, or that reports zero 31926
students identified as gifted, shall receive zero funding for the 31927
gifted coordinator factor, the gifted intervention specialist 31928
factor, and the gifted intervention specialist professional 31929
development factor. 31930

(E) Each school district shall expend the funds calculated 31931
under the gifted education support component in accordance with 31932
rules adopted under section 3306.25 of the Revised Code. Those 31933
rules shall require that such funds be spent only for the 31934
employment of staff to serve students identified as gifted, in 31935
accordance with Chapter 3324. of the Revised Code, or for other 31936
services to such students. The rules shall be aligned with the 31937
operating standards for identifying and serving gifted students 31938
prescribed in rules adopted by the state board of education. 31939
Notwithstanding anything to the contrary in section 3306.25 of the 31940
Revised Code, the rules regarding the expenditure and reporting of 31941
funds for the gifted education support component adopted under 31942
that section shall take effect July 1, 2011. 31943

Subject to approval by the department of education, a school 31944

district may use up to fifteen per cent of the portion of the 31945
gifted intervention specialist factor attributable to the grade 31946
six through twelve formula ADM to support access to services 31947
provided by the district that are not services described in 31948
Chapter 3324. of the Revised Code but are specified in gifted 31949
students' written education plans prepared in accordance with the 31950
state board's operating standards for identifying and serving 31951
gifted students. 31952

(F) Each school district shall account separately for 31953
expenditures of the amounts received for gifted identification, 31954
gifted coordinators, gifted intervention specialists, and gifted 31955
intervention specialist professional development under this 31956
section and report that information to the department of 31957
education. 31958

(G) Each city, local, and exempted village school district 31959
that received for fiscal year 2009 unit funding for gifted student 31960
services under division (L) of section 3317.024 and division (E) 31961
of section 3317.05 of the Revised Code, as those sections existed 31962
for that fiscal year, shall spend in each fiscal year thereafter 31963
for services to identified gifted students from the funds received 31964
under this chapter an amount not less than the aggregate amount 31965
received for such gifted unit funding for fiscal year 2009. No 31966
district to which this division applies shall apply for or receive 31967
a waiver under section 3306.40 of the Revised Code from the 31968
spending requirements prescribed in this division or under 31969
division (E) of this section. 31970

(H) A District that did not receive for fiscal year 2009 unit 31971
funding for gifted student services under division (L) of section 31972
3317.024 and division (E) of section 3317.05 of the Revised Code, 31973
as those sections existed for that fiscal year, may apply for a 31974
waiver under section 3306.40 of the Revised Code from any 31975
expenditure requirements prescribed under division (E) of this 31976

section. Notwithstanding anything to the contrary in section 31977
3306.40 of the Revised Code, the first waiver granted to a 31978
district pursuant to this division shall not be effective for 31979
longer than two years, and any subsequent renewal of that waiver 31980
shall not be effective for longer than one year. 31981

Sec. 3306.091. (A) The enrichment support component of the 31982
adequacy amount for each city, local, and exempted village school 31983
district shall be calculated by multiplying the district's formula 31984
ADM times \$100 times the Ohio educational challenge factor. 31985

(B) The enrichment support for each city, local, and exempted 31986
village school district shall be adjusted by multiplying the 31987
calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal 31988
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 31989
fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 31990
2017. 31991

(C) The enrichment support component shall be used for 31992
purposes other than the employment of staff to serve students 31993
identified as gifted, in accordance with Chapter 3324. of the 31994
Revised Code, or other services to such students. A district may 31995
spend the enrichment support component to pay for enrichment 31996
activities that may encourage the intellectual and creative 31997
pursuits of all students, including the fine arts. 31998

(D) Each school district shall account separately for 31999
expenditures of the amounts received for enrichment support under 32000
this section and report that information to the department of 32001
education. 32002

Sec. 3306.10. (A) The technology resources support component 32003
of the adequacy amount for each city, local, and exempted village 32004
school district is the sum of the following: 32005

(1) The licensed librarian and media specialist factor; 32006

<u>(2) The technical equipment factor.</u>	32007
<u>(B)(1) The licensed librarian and media specialist factor shall be calculated by multiplying the number of the district's organizational units times \$60,000.</u>	32008 32009 32010
<u>(2) The technical equipment factor shall be calculated by multiplying the district's formula ADM times \$250.</u>	32011 32012
<u>(C) The licensed librarian and media specialist factor and the technical equipment factor for each city, local, and exempted village school district shall be adjusted by multiplying the calculated amounts by 0.20 in fiscal year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 2017.</u>	32013 32014 32015 32016 32017 32018 32019
<u>(D) Each school district shall account separately for the amounts received for technology resources support under this section and report that information to the department of education.</u>	32020 32021 32022 32023
<u>Sec. 3306.11. (A) For the purpose of calculating a school district's instructional services support under section 3306.05 of the Revised Code, the number of special education teacher positions used in calculating the special education teacher factor, and the number of special education teacher's aide positions used in calculating the special education teacher's aide factor shall be calculated as set forth in this section.</u>	32024 32025 32026 32027 32028 32029 32030
<u>(B)(1) The number of special education teacher positions shall be calculated by multiplying the sum of the weighted number of children with disabilities calculated under division (C) of this section times nine-tenths, and then dividing that product by twenty.</u>	32031 32032 32033 32034 32035
<u>(2) The number of special education teacher's aide positions</u>	32036

shall be calculated by dividing the number of special education 32037
teacher positions calculated under division (B)(1) of this section 32038
by two, and multiplying that quotient by 0.50 in fiscal years 2010 32039
and 2011. 32040

(C) The weighted number of children with disabilities for a 32041
school district is the sum of: 32042

(1) 0.2906 times the district's category one special 32043
education ADM; 32044

(2) 0.7374 times the district's category two special 32045
education ADM; 32046

(3) 1.7716 times the district's category three special 32047
education ADM; 32048

(4) 2.3643 times the district's category four special 32049
education ADM; 32050

(5) 3.2022 times the district's category five special 32051
education ADM; 32052

(6) 4.7205 times the district's category six special 32053
education ADM. 32054

(D) Each school district shall account separately for 32055
expenditures of the amounts received for resources for children 32056
with disabilities under this section and section 3306.05 of the 32057
Revised Code and report that information to the department of 32058
education. Those amounts may be used to pay for providers of 32059
related services, as defined in section 3323.01 of the Revised 32060
Code, for children with disabilities. 32061

Sec. 3306.12. (A) As used in this section: 32062

(1) "Assigned bus" means a school bus used to transport 32063
qualifying riders. 32064

(2) "Nontraditional ridership" means the average number of 32065

qualifying riders who are enrolled in a community school 32066
established under Chapter 3314. of the Revised Code, in a STEM 32067
school established under Chapter 3326. of the Revised Code, or in 32068
a nonpublic school and are provided school bus service by a school 32069
district during the first full week of October. 32070

(3) "Qualifying riders" means resident students enrolled in 32071
regular education in grades kindergarten to twelve who are 32072
provided school bus service by a school district and who live more 32073
than one mile from the school they attend, including students with 32074
dual enrollment in a joint vocational school district or a 32075
cooperative education school district, and students enrolled in a 32076
community school, STEM school, or nonpublic school. 32077

(4) "Qualifying ridership" means the average number of 32078
qualifying riders who are provided school bus service by a school 32079
district during the first full week of October. 32080

(5) "Rider density" means the number of qualifying riders per 32081
square mile of a school district. 32082

(6) "School bus service" means a school district's 32083
transportation of qualifying riders in any of the following types 32084
of vehicles: 32085

(a) School buses owned or leased by the district; 32086

(b) School buses operated by a private contractor hired by 32087
the district; 32088

(c) School buses operated by another school district or 32089
entity with which the district has contracted, either as part of a 32090
consortium for the provision of transportation or otherwise. 32091

(B) Not later than the fifteenth day of October each year, 32092
each city, local, and exempted village school district shall 32093
report to the department of education its qualifying ridership, 32094
nontraditional ridership, number of qualifying riders per assigned 32095

bus, and any other information requested by the department. 32096

Subsequent adjustments to the reported numbers shall be made only 32097

in accordance with rules adopted by the department. 32098

(C) The department shall calculate the statewide 32099

transportation cost per student as follows: 32100

(1) Determine each city, local, and exempted village school 32101

district's transportation cost per student by dividing the 32102

district's total costs for school bus service in the previous 32103

fiscal year by its qualifying ridership in the previous fiscal 32104

year. 32105

(2) After excluding districts that do not provide school bus 32106

service and the ten districts with the highest transportation 32107

costs per student and the ten districts with the lowest 32108

transportation costs per student, divide the aggregate cost for 32109

school bus service for the remaining districts in the previous 32110

fiscal year by the aggregate qualifying ridership of those 32111

districts in the previous fiscal year. 32112

(D) The department shall calculate the statewide 32113

transportation cost per mile as follows: 32114

(1) Determine each city, local, and exempted village school 32115

district's transportation cost per mile by dividing the district's 32116

total costs for school bus service in the previous fiscal year by 32117

its total number of miles driven for school bus service in the 32118

previous fiscal year. 32119

(2) After excluding districts that do not provide school bus 32120

service and the ten districts with the highest transportation 32121

costs per mile and the ten districts with the lowest 32122

transportation costs per mile, divide the aggregate cost for 32123

school bus service for the remaining districts in the previous 32124

fiscal year by the aggregate miles driven for school bus service 32125

in those districts in the previous fiscal year. 32126

(E) The department shall calculate each city, local, and 32127
exempted village school district's transportation base payment as 32128
follows: 32129

(1) Multiply the statewide transportation cost per student by 32130
the district's qualifying ridership for the current fiscal year. 32131

(2) Multiply the statewide transportation cost per mile by 32132
the district's total number of miles driven for school bus service 32133
in the current fiscal year. 32134

(3) Multiply the greater of the amounts calculated under 32135
divisions (E)(1) and (2) of this section by the greater of sixty 32136
per cent or the district's state share percentage. 32137

(F) The department shall calculate each city, local, and 32138
exempted village school district's nontraditional ridership 32139
adjustment according to the following formula: 32140

(nontraditional ridership for the current fiscal year / 32141
qualifying ridership for the current fiscal year) X 0.1 X 32142
transportation base payment 32143

(G) If a city, local, and exempted village school district 32144
offers school bus service to all resident students who are 32145
enrolled in regular education in district schools in grades nine 32146
to twelve and who live more than one mile from the school they 32147
attend, the department shall calculate the district's high school 32148
ridership adjustment according to the following formula: 32149

0.025 X transportation base payment 32150

(H) If a city, local, and exempted village school district 32151
offers school bus service to students enrolled in grades 32152
kindergarten to eight who live more than one mile, but two miles 32153
or less, from the school they attend, the department shall 32154
calculate an additional adjustment according to the following 32155
formula: 32156

0.025 X transportation base payment 32157

(I)(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of qualifying riders per assigned bus as adjusted to reflect the district's rider density in comparison to the rider density of all other districts. The department shall post on the department's web site each district's target number of qualifying riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's median number of qualifying riders per assigned bus by its target number of qualifying riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment shall be calculated according to the following formula:

$0.1 \times \text{transportation base payment}$

(b) If the district's efficiency index is less than 1.5 but equal to or greater than 1.0, the efficiency adjustment shall be calculated according to the following formula:

$[(\text{efficiency index} - 1) / 5] \times \text{transportation base payment}$

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment shall be zero.

(J) The department shall pay each city, local, and exempted village school district the lesser of the following:

(1) The sum of the amounts calculated under divisions (E) to

(H) and (I)(3) of this section; 32189

(2) The district's total costs for school bus service for the prior fiscal year. 32190
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(K) In addition to funds paid under division (J) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 32192
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(L)(1) In fiscal years 2010 and 2011, the department shall pay each district a pro rata portion of the amounts calculated under division (J) of this section and described in division (K) of this section, based on state appropriations. 32200
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(2) In addition to the prorated payment under division (L)(1) of this section, in fiscal years 2010 and 2011, the department shall pay each school district that meets the conditions prescribed in division (L)(3) of this section an additional amount equal to the following product: 32204
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(a) The difference of (i) the amounts calculated under division (J) of this section and prescribed in division (K) of this section minus (ii) that prorated payment; times 32209
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(b) 0.30 in fiscal year 2010 and 0.70 in fiscal year 2011. 32212

(3) Division (L)(2) of this section applies to each school district that meets all of the following conditions: 32213
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(a) The district qualifies for the calculation of a payment under division (J) of this section because it transports students on board-owned or contractor-owned school buses. 32215
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(b) The district's local wealth per pupil, calculated as 32218

prescribed in section 3317.0217 of the Revised Code, is at or 32219
below the median local wealth per pupil of all districts that 32220
qualify for calculation of a payment under division (J) of this 32221
section. 32222

(c) The district's rider density is at or below the median 32223
rider density of all districts that qualify for calculation of a 32224
payment under division (J) of this section. 32225

Sec. 3306.13. (A) The department of education shall compute 32226
and distribute to each city, local, and exempted village school 32227
district the state share of the adequacy amount for the fiscal 32228
year by subtracting the district's charge-off amount calculated 32229
under division (B) of this section from its adequacy amount 32230
calculated under section 3306.03 of the Revised Code. 32231

(B)(1) For districts with a class one effective operating tax 32232
rate that is less than twenty and one-tenth effective mills as of 32233
the first day of July of the current fiscal year, the charge-off 32234
amount equals the applicable charge-off rate, prescribed in 32235
division (C) of this section, times the sum of the district's 32236
total taxable value plus its property exemption value. 32237

(2) For districts with a class one effective operating tax 32238
rate that is greater than or equal to twenty and one-tenth class 32239
one effective mills as of the first day of July of the current 32240
fiscal year, the charge-off amount equals the applicable 32241
charge-off rate, prescribed in division (C) of this section, times 32242
the sum of the district's recognized valuation plus its property 32243
exemption value. 32244

If the difference obtained from the calculation is a negative 32245
number, the state share shall be zero. 32246

(C) The charge-off rate shall be as follows: 32247

(1) In fiscal years 2010 and 2011, 0.022; 32248

<u>(2) In fiscal years 2012 and 2013, 0.021;</u>	32249
<u>(3) In fiscal year 2014 and in each fiscal year thereafter,</u>	32250
<u>0.020.</u>	32251
<u>(D) The department shall use the information obtained under</u>	32252
<u>section 3317.021 of the Revised Code during the calendar year in</u>	32253
<u>which the fiscal year begins to calculate the district state</u>	32254
<u>shares under this section.</u>	32255
<u>Sec. 3306.14. (A) The partnership for continued learning</u>	32256
<u>shall establish a joint vocational school district funding</u>	32257
<u>committee. The committee shall study the extent to which current</u>	32258
<u>joint vocational school district programming and funding are</u>	32259
<u>responsive to state, regional, and local business and industry</u>	32260
<u>needs. The committee also shall study the funding of lead</u>	32261
<u>districts, as defined in section 3317.023 of the Revised Code. In</u>	32262
<u>addition to members of the partnership for continued learning, the</u>	32263
<u>committee shall include business leaders and representatives of</u>	32264
<u>joint vocational school districts, including at least one</u>	32265
<u>superintendent and at least one treasurer of a joint vocational</u>	32266
<u>school district, selected by the superintendent of public</u>	32267
<u>instruction and the chancellor of the Ohio board of regents and</u>	32268
<u>approved by the partnership for continued learning, and one member</u>	32269
<u>of a school district board of education selected by the governor.</u>	32270
<u>The committee shall operate under the direction of the</u>	32271
<u>superintendent and the chancellor.</u>	32272
<u>(B) Not later than September 1, 2010, the committee shall</u>	32273
<u>issue a report to the partnership for continued learning and the</u>	32274
<u>general assembly containing its findings and recommendations for</u>	32275
<u>revisions to joint vocational school district programming and</u>	32276
<u>funding and lead district funding. After the committee issues the</u>	32277
<u>report, the committee shall cease to exist.</u>	32278
<u>(C) The general assembly shall enact laws implementing</u>	32279

revisions to joint vocational school district programming and 32280
funding and lead district funding not later than July 1, 2011. 32281

(D) The department of education shall continue to evaluate 32282
the efficacy of the joint vocational school district system and 32283
its programmatic offerings. 32284

Sec. 3306.15. (A) In fiscal years 2010 and 2011, each 32285
educational service center shall undergo a performance review 32286
under sections 3306.32 and 3306.321 of the Revised Code. 32287

(B) The educational service center study committee is hereby 32288
established. The committee shall study the extent to which the 32289
current educational service center system supports school 32290
districts in academic achievement, teacher quality, shared 32291
educational services, and the purchasing of services and 32292
commodities. The committee shall consist of the following members: 32293

(1) The superintendent of public instruction, the chancellor 32294
of the Ohio board of regents, the auditor of state or a designee 32295
of the auditor of state, and the director of budget and management 32296
or a designee of the director; 32297

(2) The following members appointed by the governor: 32298

(a) A representative of educational service centers; 32299

(b) A superintendent of a city school district; 32300

(c) A representative of parents or community representatives; 32301

(d) A representative of the business community; 32302

(e) A representative of county boards of mental retardation 32303
and developmental disabilities; 32304

(f) A member of a school district board of education. 32305

(3) The following members appointed by the speaker of the 32306
house of representatives: 32307

<u>(a) A representative of educational service centers;</u>	32308
<u>(b) A superintendent of an exempted village school district;</u>	32309
<u>(c) A representative of school district treasurers or business managers;</u>	32310 32311
<u>(d) A representative of higher education institutions.</u>	32312
<u>(4) The following members appointed by the president of the senate:</u>	32313 32314
<u>(a) A representative of educational service centers;</u>	32315
<u>(b) A superintendent of a local school district;</u>	32316
<u>(c) A representative of higher education institutions;</u>	32317
<u>(d) A representative of the special education community.</u>	32318
<u>The committee shall be co-chaired by the superintendent of public instruction and the chancellor of the Ohio board of regents. The governor, speaker of the house of representatives, and president of the senate shall appoint members no later than September 1, 2009, and the committee shall hold its first meeting no later than October 15, 2009.</u>	32319 32320 32321 32322 32323 32324
<u>(C) Based on the performance reviews conducted under this section, the committee shall make recommendations regarding the following:</u>	32325 32326 32327
<u>(1) A new regional service delivery system;</u>	32328
<u>(2) Educational service system governance structure;</u>	32329
<u>(3) Accountability metrics for educational service centers.</u>	32330
<u>Not later than July 1, 2010, the committee shall issue to the governor a status report of its progress. The committee shall issue a final report containing its findings and recommendations to the governor not later than October 1, 2010, at which time the committee shall cease to exist.</u>	32331 32332 32333 32334 32335

(D) The department of education and the office of budget and management shall provide the committee with any information and assistance required by the committee to carry out its duties. 32336
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Sec. 3306.16. (A)(1) Except as provided in division (C) of this section, the department of education shall calculate and pay the adequacy amount for each community school established under Chapter 3314. of the Revised Code, other than internet- or computer-based community schools, in the manner set forth in sections 3306.02 to 3306.11 of the Revised Code, with the following exceptions: 32339
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(a) The base teacher salary shall be \$51,407 in fiscal year 2010 and \$52,230 in fiscal year 2011. 32346
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(b) The number of organizational units attributed to each community school shall be calculated by dividing the community school's ADM by two hundred ninety-one, but no school shall be attributed less than one-half of one organizational unit. 32348
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(c) The calculation of instructional services support, the family and community liaison factor, the summer remediation factor, and enrichment support shall not utilize the Ohio educational challenge factor, unless division (C) of this section applies. 32352
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(d) The number of lead teacher positions shall equal one. 32357

(e) The counselor factor shall equal a dollar amount for each fiscal year established by law. No counselor factor shall be calculated and paid for fiscal years 2010 and 2011. 32358
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(f) The school nurse wellness coordinator factor and the district health professional factor shall be calculated as follows: 32361
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(i) Each community school with ADM of less than four hundred eighteen shall receive only the school nurse wellness coordinator 32364
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<u>factor;</u>	32366
<u>(ii) Each community school with ADM of four hundred eighteen or more shall receive only the district health professional factor.</u>	32367 32368 32369
<u>(g) No school nurse wellness coordinator factor or district health professional factor shall be calculated and paid for fiscal years 2010 and 2011. Administrative services support shall include only the following:</u>	32370 32371 32372 32373
<u>(i) The principal factor;</u>	32374
<u>(ii) The administrative services support personnel factor, except that a community school shall receive funding for at least one-half of one building manager, one-half of one secretary, and one-half of one noninstructional aide. No funding shall be calculated and paid for noninstructional aides for fiscal years 2010 and 2011.</u>	32375 32376 32377 32378 32379 32380
<u>(h) The district administration factor shall equal zero.</u>	32381
<u>(2) In addition to the adequacy amount, the department shall calculate and pay to each community school that is not an internet- or computer-based community school an amount for career-technical education, as follows:</u>	32382 32383 32384 32385
<u>(a) For fiscal year 2010, 1.019 times the amount paid to the school for fiscal year 2009 under former division (D)(4) of section 3314.08 of the Revised Code;</u>	32386 32387 32388
<u>(b) For fiscal year 2011, 1.019 times the amount paid to the school for fiscal year 2010 under division (A)(2)(a) of this section.</u>	32389 32390 32391
<u>(B) The department of education shall calculate and pay the adequacy amount for each internet- or computer-based community school in the manner set forth in sections 3306.02 to 3306.11 of the Revised Code, with the following exceptions:</u>	32392 32393 32394 32395

- (1) The base teacher salary shall be \$51,407 in fiscal year 2010 and \$52,230 in fiscal year 2011. 32396
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- (2) The number of organizational units attributed to each internet- or computer-based community school shall be calculated by dividing the community school's ADM by two hundred ninety-one. There shall be no minimum number of organizational units that must be attributed to an internet- or computer-based community school, and no internet- or computer-based community school shall be attributed more than one organizational unit, regardless of the number of students enrolled in the school. 32398
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- (3) The calculation of instructional services support shall not utilize the Ohio educational challenge factor unless division (C) of this section applies. 32406
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- (4) The number of core teacher positions shall equal the school's ADM divided by one hundred twenty-five. 32409
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- (5) The number of specialist teacher positions shall equal zero. 32411
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- (6) The number of lead teacher positions shall equal zero. 32413
- (7) The number of supplemental teacher positions shall equal zero. 32414
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- (8) The family and community liaison factor shall equal zero. 32416
- (9) The counselor factor shall equal a dollar amount for each fiscal year established by law. No counselor factor shall be calculated and paid for fiscal years 2010 and 2011. 32417
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- (10) The summer remediation factor shall equal zero. 32420
- (11) The school nurse wellness coordinator factor and district health professional factor each shall equal zero. 32421
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- (12) Administrative services support shall equal zero. 32423
- (13) Operations and maintenance support shall equal zero. 32424

<u>(14) Gifted education support and enrichment support each shall equal zero.</u>	32425
	32426
<u>(15) Technology resources support shall equal the school's ADM multiplied by \$1,037.</u>	32427
	32428
<u>(16) The professional development factor shall equal zero.</u>	32429
<u>(C) In calculating the adequacy amount under divisions (A) and (B) of this section, the department shall not apply the exception specified in division (A)(1)(c) or (B)(3) of this section, and shall utilize the educational challenge factor in calculating the school's instructional services support, family and community liaison factor, summer remediation factor, and enrichment support, as provided in division (D) of this section, if both of the following apply:</u>	32430
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<u>(1) The community school is either:</u>	32438
<u>(a) A new start-up community school, as defined in section 3314.02 of the Revised Code;</u>	32439
	32440
<u>(b) A conversion community school that was open for instruction as a community school prior to July 1, 2009.</u>	32441
	32442
<u>(2) The community school satisfies the conditions of division (C)(2)(a) or (b) of this section:</u>	32443
	32444
<u>(a) The community school is sponsored by a city, local, or exempted village school district and at least fifty per cent of the students who were enrolled for the entire previous school year or, if the current fiscal year is the community school's first year of operation, at least fifty per cent of the students attending during the first full school week of October, were entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in the school district that is the community school's sponsor.</u>	32445
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<u>(b) The community school was rated for the previous school</u>	32454

year under section 3302.03 of the Revised Code as continuous 32455
improvement or higher. 32456

(D) The educational challenge factor utilized for a community 32457
school under division (C) of this section shall be: 32458

(1) If the community school qualifies under division 32459
(C)(2)(a) of this section, the educational challenge factor 32460
prescribed in section 3306.051 of the Revised Code for the school 32461
district that sponsors the school; 32462

(2) If the community school qualifies under division 32463
(C)(2)(b) of this section, the unweighted mean of all of the 32464
educational challenge factors prescribed in section 3306.051 of 32465
the Revised Code; 32466

(3) If the community school qualifies under both divisions 32467
(C)(2)(a) and (b) of this section, the greater of the educational 32468
challenge factors described in divisions (D)(1) and (2) of this 32469
section. 32470

(E) If two or more community schools, which are not internet- 32471
or computer-based community schools, are located in the same 32472
building, have at least one common member on their respective 32473
governing authorities, and have the same chief administrative 32474
officer, the department shall compute aggregate funding for all of 32475
those schools according to the provisions of division (A) of this 32476
section as if they were one school, and then shall pay each school 32477
a share of that aggregate amount on a per pupil basis. 32478

(F)(1) The aggregate amount calculated and paid pursuant to 32479
divisions (A)(1) and (C) of this section for fiscal year 2010 to 32480
each community school that is not an internet- or computer-based 32481
community school shall not exceed 1.019 times the product of: 32482

(a) The quotient of the aggregate amount paid to the 32483
community school under former divisions (D)(1), (2), and (5) to 32484
(10) of section 3314.08 of the Revised Code and former section 32485

3314.13 of the Revised Code, plus any gifted education units paid 32486
to the school, for fiscal year 2009, divided by the community 32487
school ADM for fiscal year 2009, as adjusted and verified by the 32488
department; times 32489

(b) The community school ADM for fiscal year 2010, as 32490
adjusted and verified by the department. 32491

(2) The aggregate amount calculated and paid pursuant to 32492
divisions (A)(1) and (C) of this section for fiscal year 2011 to 32493
each community school that is not an internet- or computer-based 32494
community school shall not exceed 1.019 times the product of: 32495

(a) The quotient of the aggregate amount paid to the 32496
community school under divisions (A)(1) and (C) of this section 32497
for fiscal year 2010, divided by the community school ADM for 32498
fiscal year 2010, as adjusted and verified by the department; 32499
times 32500

(b) The community school ADM for fiscal year 2011, as 32501
adjusted and verified by the department. 32502

(3) The aggregate amount calculated and paid pursuant to 32503
divisions (B) and (C) of this section for fiscal year 2010 to each 32504
internet- or computer-based community school shall not exceed 32505
1.019 times the product of: 32506

(a) The quotient of the aggregate amount paid to the school 32507
under former divisions (D)(1) and (2) of section 3314.08 of the 32508
Revised Code, plus any gifted education units paid to the school, 32509
for fiscal year 2009, divided by the community school ADM for 32510
fiscal year 2009, as adjusted and verified by the department; 32511
times 32512

(b) The community school ADM for fiscal year 2010, as 32513
adjusted and verified by the department. 32514

(4) The aggregate amount calculated and paid pursuant to 32515

divisions (B) and (C) of this section for fiscal year 2011 to each 32516
internet- or computer-based community school shall not exceed 32517
1.019 times the product of: 32518

(a) The quotient of the aggregate amount paid to the school 32519
under divisions (B) and (C) of this section for fiscal year 2010, 32520
divided by the community school ADM for fiscal year 2010, as 32521
adjusted and verified by the department; times 32522

(b) The community school ADM for fiscal year 2011, as 32523
adjusted and verified by the department. 32524

(G) Each community school shall track its expenditure of the 32525
amount received under this section and report that information to 32526
the department of education. 32527

Sec. 3306.17. For each STEM school established under Chapter 32528
3326. of the Revised Code, the governing body of which is not a 32529
city, local, or exempted village school district board of 32530
education pursuant to section 3326.51 of the Revised Code, the 32531
department of education shall calculate and pay the adequacy 32532
amount in the manner set forth in sections 3306.02 to 3306.11 of 32533
the Revised Code, with the following exceptions: 32534

(A) The adequacy amount shall be calculated as if the STEM 32535
school were a small school district, regardless of the number of 32536
students enrolled in the school. 32537

(B) The calculation of instructional services support, the 32538
family and community liaison factor, the summer remediation 32539
factor, and enrichment support shall not utilize the Ohio 32540
educational challenge factor. 32541

Sec. 3306.18. On or before the fifteenth day of July of each 32542
year, the superintendent of public instruction shall certify to 32543
the state board of education the amount each city, local, and 32544
exempted village school district expended in the previous fiscal 32545

year on each factor of the district's adequacy amount. 32546

Sec. 3306.19. (A) The department of education shall calculate 32547
and pay transitional aid in fiscal years 2010 and 2011 to each 32548
city, local, and exempted village school district that receives 32549
less from the combination of its state share of the adequacy 32550
amount calculated under section 3306.13 of the Revised Code plus 32551
the amount calculated for career-technical education under section 32552
3306.052 of the Revised Code plus the prorated transportation 32553
funding calculated under division (L)(1) of section 3306.12 of the 32554
Revised Code than its transitional aid guarantee base for the 32555
fiscal year. The amount of the transitional aid payment shall 32556
equal the difference of the district's transitional aid guarantee 32557
base for the current fiscal year minus the sum of its calculated 32558
state share of the adequacy amount plus its career-technical 32559
education funding plus its prorated transportation funding for the 32560
current fiscal year. 32561

(1) The transitional aid guarantee base for each city, local, 32562
and exempted village school district for fiscal year 2010 equals 32563
the sum of the following computed for fiscal year 2009, as 32564
reconciled by the department, less any amounts attributable to 32565
community school students included in the calculations and net of 32566
any additions or deductions attributable to open enrollment 32567
students and less any general revenue fund spending reductions 32568
ordered by the governor under section 126.05 of the Revised Code: 32569

(a) Base-cost funding under division (A) of section 3317.022 32570
of the Revised Code; 32571

(b) Special education and related services additional 32572
weighted funding under division (C)(1) of section 3317.022 of the 32573
Revised Code; 32574

(c) Speech services funding under division (C)(4) of section 32575

<u>3317.022 of the Revised Code;</u>	32576
<u>(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;</u>	32577
<u>(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;</u>	32578
<u>(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;</u>	32579
<u>(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;</u>	32580
<u>(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;</u>	32581
<u>(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;</u>	32582
<u>(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;</u>	32583
<u>(g) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;</u>	32584
<u>(g) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;</u>	32585
<u>(h) Transportation under Section 269.20.80 of Am. Sub. H.B. 119 of the 127th general assembly;</u>	32586
<u>(h) Transportation under Section 269.20.80 of Am. Sub. H.B. 119 of the 127th general assembly;</u>	32587
<u>(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;</u>	32588
<u>(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;</u>	32589
<u>(j) The charge-off supplement under section 3317.0216 of the Revised Code;</u>	32590
<u>(j) The charge-off supplement under section 3317.0216 of the Revised Code;</u>	32591
<u>(k) Transitional aid under Section 269.30.80 of Am. Sub. H.B. 119 of the 127th general assembly.</u>	32592
<u>(k) Transitional aid under Section 269.30.80 of Am. Sub. H.B. 119 of the 127th general assembly.</u>	32593
<u>(2) The transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2011 equals ninety-eight per cent of the following difference:</u>	32594
<u>(2) The transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2011 equals ninety-eight per cent of the following difference:</u>	32595
<u>(2) The transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2011 equals ninety-eight per cent of the following difference:</u>	32596
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010;</u>	32597
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010;</u>	32598
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010;</u>	32599
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010;</u>	32600
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010;</u>	32601
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010;</u>	32602
<u>(a) The sum of the district's state share of the adequacy amount calculated under section 3306.13 of the Revised Code plus the district's career-technical education funding calculated under division (L)(1) of section 3306.052 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus the district's prorated transportation funding calculated under division (L)(1) of section 3306.12 of the Revised Code plus any transitional aid payment under this section for fiscal year 2010;</u>	32603
<u>minus</u>	32604
<u>(b) Any general revenue fund spending reductions ordered by</u>	32605

the governor for fiscal year 2010 under section 126.05 of the Revised Code. 32606
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(B) Notwithstanding any provision of this chapter to the contrary: 32608
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(1) The combination of the state share of the adequacy amount plus the prorated transportation funding under division (L)(1) of section 3306.12 of the Revised Code for any city, local, or exempted village school district for fiscal year 2010 shall not exceed 1.019 times the difference of its transitional aid guarantee base for fiscal year 2010 minus the amount described in division (A)(1)(d) of this section. 32610
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(2) The combination of the state share of the adequacy amount plus the prorated transportation funding under division (L)(1) of section 3306.12 of the Revised Code for any city, local, or exempted village school district for fiscal year 2011 shall not exceed 1.019 times the difference of its transitional aid guarantee base for fiscal year 2011 minus the amount paid to the district under division (A) of section 3306.052 of the Revised Code. 32617
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Sec. 3306.191. The department of education shall calculate and pay additional transitional aid in fiscal year 2011 to a city, local, and exempted village school district equal to the following: 32625
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(0.98 X the district's state education aid for fiscal year 2010) - the district's state education aid for fiscal year 2011 32629
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If the result is a negative number, no payment shall be paid under this section. 32631
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As used in this section, "state education aid" has the same meaning as in section 5751.20 of the Revised Code. 32633
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Sec. 3306.21. Nothing in this chapter shall be construed to 32635

affect or limit the authority of a school district, community school, or STEM school to contract with an educational service center, under sections 3313.843, 3313.844, 3313.845, 3314.022, and 3326.45 of the Revised Code, for the provision of any services for which funds are calculated and paid under this chapter.

Sec. 3306.25. (A) The superintendent of public instruction shall adopt rules, in accordance with Chapter 119. of the Revised Code, prescribing standards for the expenditure of funds calculated under this chapter and for the reporting of expenditures of those funds for particular funded components, as determined by the superintendent, so that those funds are directed toward the purposes for which they were calculated.

The superintendent shall classify the components into the following categories:

(1) Core academic strategy components, which shall be considered those components that are fundamental to successful education practices in the twenty-first century for all students;

(2) Academic improvement components, which shall be considered those components that have been demonstrated to make the greatest improvement in the academic achievement of underperforming students;

(3) Other components.

The superintendent shall determine the funded components included in each category.

(B) The rules adopted for core academic strategy components under division (A)(1) of this section shall prescribe standards for expenditure and reporting and shall apply to all school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. However, the rules shall afford districts,

community schools, and STEM schools rated as effective or 32666
excellent, under section 3302.03 of the Revised Code, flexibility 32667
in determining how to spend funds calculated for the components 32668
included in that category. 32669

(C) The rules adopted for academic improvement components 32670
under division (A)(2) of this section shall prescribe standards 32671
for expenditure and reporting and shall apply only to school 32672
districts, community schools, and STEM schools that have been 32673
declared to be in academic emergency or academic watch, under 32674
section 3302.03 of the Revised Code, for two or more consecutive 32675
years, beginning with the ratings of districts and schools issued 32676
under that section in the fiscal year that begins two years prior 32677
to the effective date of rules adopted under division (A)(2) of 32678
this section. 32679

(D) The rules adopted under division (A)(3) of this section 32680
shall prescribe only reporting standards and shall not prescribe 32681
spending requirements or standards. The rules shall apply to all 32682
school districts, community schools, and STEM schools. 32683

(E) The rules shall take effect pursuant to a schedule 32684
determined by the superintendent. However, no rule adopted under 32685
division (A)(1) or (3) of this section shall take effect earlier 32686
than July 1, 2010, and no rule adopted under division (A)(2) of 32687
this section shall take effect earlier than July 1, 2011. 32688

(F) Each school district, community school, and STEM school 32689
shall comply with each applicable rule adopted under this section 32690
beginning on the effective date of that rule. 32691

Sec. 3306.29. (A) The Ohio school funding research advisory 32692
council is hereby established. The council shall consist of the 32693
following members: 32694

(1) The superintendent of public instruction, or the 32695

<u>superintendent's designee;</u>	32696
<u>(2) The chancellor of the Ohio board of regents, or the</u>	32697
<u>chancellor's designee;</u>	32698
<u>(3) Two school district teachers, appointed by the governor;</u>	32699
<u>(4) Two nonteaching, nonadministrative school district</u>	32700
<u>employees, appointed by the governor;</u>	32701
<u>(5) One school district principal, appointed by the governor;</u>	32702
<u>(6) One school district superintendent, appointed by the</u>	32703
<u>governor;</u>	32704
<u>(7) One school district treasurer, appointed by the governor;</u>	32705
<u>(8) One member of the board of education of a city, local, or</u>	32706
<u>exempted village school district, appointed by the governor;</u>	32707
<u>(9) One representative of a college of education operated by</u>	32708
<u>a member institution of the university system of Ohio, appointed</u>	32709
<u>by the governor;</u>	32710
<u>(10) One member representing the business community,</u>	32711
<u>appointed by the governor;</u>	32712
<u>(11) One member representing philanthropic organizations,</u>	32713
<u>appointed by the governor;</u>	32714
<u>(12) A representative of the Ohio academy of science,</u>	32715
<u>appointed by the governor;</u>	32716
<u>(13) One member representing the general public, appointed by</u>	32717
<u>the governor;</u>	32718
<u>(14) One member representing educational service centers,</u>	32719
<u>appointed by the governor;</u>	32720
<u>(15) One parent of a student attending a school operated by a</u>	32721
<u>school district, appointed by the governor;</u>	32722
<u>(16) One member representing sponsors of community schools</u>	32723

<u>established under Chapter 3314. of the Revised Code, appointed by</u>	32724
<u>the governor;</u>	32725
<u>(17) One member representing nonprofit operators of community</u>	32726
<u>schools, appointed by the governor;</u>	32727
<u>(18) One community school fiscal officer, appointed by the</u>	32728
<u>governor;</u>	32729
<u>(19) One parent of a student attending a community school,</u>	32730
<u>appointed by the governor;</u>	32731
<u>(20) One member representing early childhood education</u>	32732
<u>providers, appointed by the governor;</u>	32733
<u>(21) Two members of the house of representatives appointed by</u>	32734
<u>the speaker of the house of representatives, one of whom shall be</u>	32735
<u>from the minority party and recommended by the minority leader of</u>	32736
<u>the house of representatives;</u>	32737
<u>(22) Two members of the senate appointed by the president of</u>	32738
<u>the senate, one of whom shall be from the minority party and</u>	32739
<u>recommended by the minority leader of the senate.</u>	32740
<u>The council shall reflect the diversity of this state in</u>	32741
<u>terms of gender, race, ethnic background, and geographic</u>	32742
<u>distribution. In making appointments to the council, the governor</u>	32743
<u>shall consider recommendations of stakeholder associations or</u>	32744
<u>groups representing the professions or individuals to be</u>	32745
<u>represented on the council.</u>	32746
<u>The members shall serve without compensation.</u>	32747
<u>(B) The superintendent of public instruction, or the</u>	32748
<u>superintendent's designee to the council, shall be the chairperson</u>	32749
<u>of the council.</u>	32750
<u>The office of school resource management and the center for</u>	32751
<u>creativity and innovation in the department of education shall</u>	32752
<u>provide staffing assistance to the council.</u>	32753

The council shall meet at least quarterly, beginning in August 2009. 32754
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(C) Not later than the first day of December of each even-numbered year, the council shall present to the governor, the state board of education, the general assembly, in accordance with section 101.68 of the Revised Code, and the public recommendations for revisions to the educational adequacy components of the research-based school funding model established under this chapter. 32756
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(1) The recommendations shall be based on current, high quality research, information provided by school districts, and best practices in operational efficiencies identified in the performance reviews required by section 3306.32 of the Revised Code. 32763
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(2) In preparing its recommendations due December 1, 2010, the council's analyses shall include, but shall not be limited to, the adequacy of the model's financing for gifted education services, career-technical education, arts education, services for limited English proficient students, and early college high schools. This analysis shall consider, for each area, current educational need, current educational practices, and best practices. 32768
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(3) In preparing its recommendations due December 1, 2010, and in subsequent biennia, the council's analyses may address, but need not be limited to, any of the following: 32776
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(a) Strategies and incentives to promote school cost-saving measures and efficiencies; 32779
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(b) Options for adding learning time to the learning year, such as moving professional development for educators to summer, adding learning time for children with greater educational needs, accounting for learning time by hours instead of days, and 32781
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appropriate compensation to school districts and staff for 32785
providing additional learning time; 32786

(c) The adequacy of the model's accounting for and financing 32787
of operational costs, including district-level administration and 32788
administrative and transportation challenges experienced by 32789
low-density and low-wealth school districts, and the effect of 32790
those costs on student academic achievement; 32791

(d) The accuracy of the calculation of each component of the 32792
funding model, and of the model as a whole, in light of current 32793
educational needs, current educational practices, and best 32794
practices. 32795

Sec. 3306.291. (A) A subcommittee of the Ohio school funding 32796
research advisory council is hereby established to study and make 32797
recommendations to foster collaboration between school districts 32798
and community schools established under Chapter 3314. of the 32799
Revised Code. The subcommittee shall recommend fiscal strategies, 32800
including changes to the funding model established under this 32801
chapter, that will provide incentives and compensation for Ohio 32802
school districts and community schools to enter into collaborative 32803
agreements that result in creative and innovative academic 32804
programming for students and academic and fiscal efficiency. The 32805
subcommittee shall report its findings and recommendations to the 32806
council, the governor, and, in accordance with section 101.68 of 32807
the Revised Code, the general assembly not later than September 1, 32808
2010, and periodically thereafter at the direction of the 32809
superintendent of public instruction. 32810

(B) The subcommittee shall consist of the following members 32811
of the council: 32812

(1) The school district superintendent; 32813

(2) The school district treasurer; 32814

<u>(3) One of the school district teachers, selected by the</u>	32815
<u>superintendent of public instruction;</u>	32816
<u>(4) The member representing a college of education operated</u>	32817
<u>by a member institution of the university system of Ohio;</u>	32818
<u>(5) The member representing sponsors of community schools;</u>	32819
<u>(6) The member representing nonprofit operators of community</u>	32820
<u>schools;</u>	32821
<u>(7) The community school fiscal officer;</u>	32822
<u>(8) The parent of a student attending a community school;</u>	32823
<u>(9) The parent of a student attending a school operated by a</u>	32824
<u>school district.</u>	32825
<u>The members of the subcommittee shall serve without</u>	32826
<u>compensation.</u>	32827
<u>Sec. 3306.292.</u> <u>The Ohio school funding research advisory</u>	32828
<u>council may establish subcommittees in addition to the</u>	32829
<u>subcommittee established under section 3306.291 of the Revised</u>	32830
<u>Code. The council shall determine the membership and duties of the</u>	32831
<u>additional subcommittees. Up to one-half of the members of each</u>	32832
<u>additional subcommittee may be individuals who are not members of</u>	32833
<u>the council.</u>	32834
<u>Sec. 3306.30.</u> <u>(A) The board of education of each city, local,</u>	32835
<u>and exempted village school district, the governing authority of</u>	32836
<u>each community school established under Chapter 3314. of the</u>	32837
<u>Revised Code, and the governing body of each STEM school</u>	32838
<u>established under Chapter 3326. of the Revised Code annually shall</u>	32839
<u>submit to the department of education, by the date and in the</u>	32840
<u>manner prescribed by the superintendent of public instruction, a</u>	32841
<u>plan describing how the district or school will deploy the funds</u>	32842
<u>received under this chapter. The plan shall deploy the funds</u>	32843

received for each component of the adequacy amount, shall comply 32844
with any applicable expenditure or reporting standard prescribed 32845
by rule adopted under section 3306.25 of the Revised Code, and in 32846
the case of school districts, shall comply with the operating 32847
standards adopted under division (D)(3) of section 3301.07 of the 32848
Revised Code and any directive of the superintendent of public 32849
instruction, unless a waiver has been granted under section 32850
3306.40 of the Revised Code. 32851

(B) The department annually shall reconcile each spending 32852
plan submitted under this section with the actual spending of the 32853
district, community school, or STEM school. If the department 32854
finds that a district, community school, or STEM school has not 32855
complied any applicable expenditure or reporting standard 32856
prescribed by rule adopted under section 3306.25 of the Revised 32857
Code, the department shall proceed to take action under section 32858
3306.33 of the Revised Code. 32859

(C) If a school district, community school, or STEM school 32860
fails to submit a spending plan as required by this section or, as 32861
applicable, section 3306.31 of the Revised Code, the department 32862
shall proceed to take action under section 3306.33 of the Revised 32863
Code. 32864

Sec. 3306.31. (A) This section applies to any city, local, or 32865
exempted village school district that has a three-year average 32866
graduation rate, as defined in section 3301.0711 of the Revised 32867
Code, of eighty per cent or less. 32868

(B) The board of education of each school district to which 32869
this section applies shall implement actions prescribed by the 32870
governor's closing the achievement gap initiative in each of the 32871
following: 32872

(1) Each high school; 32873

(2) Each elementary or middle school in which less than fifty per cent of the students have attained a proficient score on the fourth or seventh grade achievement assessments in English language arts or mathematics required under section 3301.0710 of the Revised Code. 32874
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(C) The board of education of each school district to which this section applies shall work with the department of education and the governor's closing the achievement gap initiative in developing its annual spending plan prior to submitting the plan under section 3306.30 of the Revised Code. 32879
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(D) The board of each district to which this section applies shall create and staff, in each organizational unit, at least one position funded under division (A)(1) of section 3306.06 of the Revised Code. Each such position shall function as a linkage coordinator for closing the achievement gap and increasing the graduation rate. A linkage coordinator is a person, meeting guidelines established by the governor's closing the achievement gap initiative, who shall work with and who is the primary mentor, coach, and motivator for students identified as at risk of not graduating, as defined by the governor's closing the achievement gap initiative, and who coordinates those students' participation in academic programs, social service programs, out-of-school cultural and work-related experiences, and in-school and out-of-school mentoring programs, based on the students' needs. The linkage coordinator shall coordinate remedial disciplinary plans as needed and work with school personnel to gather student academic information and to engage parents of targeted students. The linkage coordinator shall serve as a liaison between the school and the governor's closing the achievement gap initiative and shall participate in all professional development activities as directed by the closing the achievement gap initiative. The linkage coordinator shall establish and coordinate the work of 32884
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academic promotion teams, which shall address the academic and social needs of the identified students. The membership of teams in different schools may vary and may include the linkage coordinator, parents, teachers, principals, school nurses, school counselors, probation officers, or other school personnel or members of the community. 32906
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(E) The governor's closing the achievement gap initiative shall work with each organizational unit of a school district to which this section applies to assess the progress in implementing prescribed activities, as required under division (B) of this section, and shall assist linkage coordinators, administrators, and other school staff in ensuring compliance with the district's spending plan required under section 3306.30 of the Revised Code. 32912
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(F) The spending plan submitted under section 3306.30 of the Revised Code by a school district to which this section applies is subject to the approval of the superintendent of public instruction and the governor's closing the achievement gap initiative. If they disapprove a plan, the state superintendent shall do one of the following: 32919
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(1) Modify the plan as the state superintendent considers appropriate and notify the district board of the modifications. The district board shall comply with the plan as modified by the state superintendent. 32925
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(2) Return the spending plan and require the district board to modify the plan according to the state superintendent's instructions or recommendations. The district board shall modify the plan according to the state superintendent's instructions or recommendations and return the modified plan by a date specified by the state superintendent. 32929
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(G) The department shall work with the governor's closing the achievement gap initiative in reconciling, under division (B) of 32935
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section 3306.30 of the Revised Code, the spending plan submitted 32937
by a district to which this section applies with the district's 32938
actual spending. 32939

Sec. 3306.32. (A) Each city, local, exempted village, and 32940
joint vocational school district, each educational service center 32941
each community school established under Chapter 3314. of the 32942
Revised Code, and each STEM school established under Chapter 3326. 32943
of the Revised Code shall undergo a performance review under this 32944
section at least once every five fiscal years under the direction 32945
of the department of education. If a school district board of 32946
education governs and controls a STEM school as described in 32947
section 3326.51 of the Revised Code, the performance review of 32948
that STEM school under this section shall be conducted at the time 32949
of and as part of the school district's performance review. 32950

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(B) The office of school resource management of the 32952
department shall determine the order in which performance reviews 32953
shall be conducted under this section. After receiving 32954
recommendations from the office of school resource management, the 32955
state board of education and the auditor of state jointly shall 32956
adopt rules in accordance with Chapter 119. of the Revised Code 32957
prescribing the scope of the performance reviews. 32958

(C) The department may contract with the auditor of state, 32959
any other governmental entity, or any private entity to conduct 32960
performance reviews under this section. 32961

(D) Upon the conclusion of a performance review under this 32962
section, the contractor conducting the performance review shall 32963
submit a final review report to the state board, the office of 32964
school resource management, and the board, governing authority, or 32965
governing body of the district, service center, community school, 32966
or STEM school. 32967

(E) Not later than ninety days after the date of the final review report, the board, governing authority, or governing body of the district, community school, or STEM school shall submit to the office of school resource management a response to the report. The response shall address the findings and recommendations specified in the final review report and shall specify a timeline for implementing recommendations listed in the report. This division does not apply to any educational service center. 32968
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(F) At the end of the timeline specified in the response, the board, governing authority, or governing body shall submit a report to the office of school resource management. The report shall explain the progress made in implementing each recommendation of the review report, specify the steps taken to implement each recommendation, and indicate for each recommendation whether and to what extent the recommendation has been implemented. This division does not apply to any educational service center. 32977
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(G) If a district, community school, or STEM school fails to cooperate with a performance review under this section, or fails timely to submit a response or report under division (E) or (F) of this section that the office of school resource management finds satisfactory, the department shall proceed to take action under section 3306.33 of the Revised Code. This division does not apply to any educational service center. 32986
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(H) The department shall pay the cost of each performance review under this section. 32993
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Sec. 3306.321. (A) A performance review of an educational service center under section 3306.32 of the Revised Code shall examine the service center's delivery of services to local school districts and client districts as required by law and any 32995
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contracts it has with those districts and whether that delivery of 32999
services comports with the requirements and specifications for 33000
those services, including the quality standards recommended by the 33001
state regional alliance advisory board under section 3312.12 of 33002
the Revised Code. 33003

(B) The department of education shall review the final report 33004
of the performance review of each educational service center and, 33005
if the findings indicate that the service center's services do not 33006
comport with the requirements and specifications for those 33007
services prescribed by law or contract, shall provide technical 33008
assistance to the service center in aligning its services with 33009
those requirements and specifications. 33010

(C) As used in this section, "client district" has the same 33011
meaning as in section 3317.11 of the Revised Code. 33012

Sec. 3306.33. (A) Not earlier than July 1, 2010, the 33013
department of education shall take action under this section with 33014
respect to a school district, community school established under 33015
Chapter 3314. of the Revised Code, or STEM school established 33016
under Chapter 3326. of the Revised Code in any of the following 33017
circumstances: 33018

(1) The department determines, based on its reconciliation 33019
under section 3306.30 of the Revised Code of a spending plan with 33020
actual spending, a site visit under section 3301.83 or 3314.39 of 33021
the Revised Code, or a determination under section 117.54 of the 33022
Revised Code, that the school district, community school, or STEM 33023
school has failed to comply with any applicable expenditure or 33024
reporting standard prescribed by rule adopted under section 33025
3306.25 of the Revised Code. 33026

(2) The district, community school, or STEM school fails to 33027
submit a spending plan under section 3306.30 and, if applicable, 33028

section 3306.31 of the Revised Code. 33029

(3) The district, community school, or STEM school fails to cooperate with a performance review under section 3306.31 of the Revised Code, fails timely to submit a response or report under division (E) or (F) of that section that the office of school resource management finds satisfactory, or fails to implement a recommendation set forth in a performance review report. 33030
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(B) When a circumstance described in division (A) of this section applies, the department shall provide the school district, community school, or STEM school with technical assistance to bring the district or school into compliance with the expenditure and reporting standards adopted under section 3306.25 of the Revised Code and the requirements of this chapter, as applicable to the circumstance triggering action under this section. In addition, the board of the district, the governing authority of the community school, or the governing body of the STEM school shall take all of the following actions: 33036
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(1) Develop and submit to the department a three-year operations improvement plan containing all of the following: 33046
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(a) An analysis of the reasons for the failure to meet the applicable expenditure or reporting standards or requirements of this chapter; 33048
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(b) Specific strategies the board, governing authority, or governing body will use to address the problems in meeting the standards or requirements; 33051
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(c) Identification of the resources the board, governing authority, or governing body will use to meet the standards or requirements; 33054
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(d) A description of how the board, governing authority, or governing body will measure its progress in meeting the standards or requirements. 33057
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If the district or school is required to have a continuous improvement plan under section 3302.04 of the Revised Code, the three-year operations improvement plan required by this section shall be aligned with the continuous improvement plan. 33060
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(2) Notify the parent or guardian of each student served by the district, community school, or STEM school, either in writing or by electronic means, of the standards or requirements that were not met, the actions being taken to meet the standards or requirements, and any progress achieved in the immediately preceding school year toward meeting the standards or requirements. 33064
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(3) Present the plan, and take public testimony with respect to it, in a public hearing before the board, governing authority, or governing body. 33071
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(C) When a circumstance described in division (A) of this section applies to a school district, community school, or STEM school for a second consecutive year, whether it is the same or a different circumstance, the department shall provide the district, community school, or STEM school with technical assistance to bring the district or school into compliance with the expenditure or reporting standards adopted under section 3306.25 of the Revised Code and the requirements of this chapter, as applicable to the circumstance triggering action under this section. In addition, both of the following apply: 33074
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(1) The board, governing authority of the community school, or the governing body of the STEM school shall take all of the actions prescribed in divisions (B)(1) to (3) of this section; 33084
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(2) The department shall establish a state intervention team to evaluate all aspects of the district's or school's operations, including, but not limited to, management, instructional methods, resource allocation, and scheduling. The intervention team shall 33087
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include teachers and administrators recognized as outstanding in 33091
their fields. The team shall make recommendations regarding 33092
methods for bringing the district or school into compliance with 33093
the applicable standards adopted under section 3306.25 of the 33094
Revised Code and requirements of this chapter. The superintendent 33095
of public instruction shall establish guidelines for the 33096
intervention teams. The district or school shall pay the costs of 33097
the intervention team. 33098

(D) When a circumstance described in division (A) of this 33099
section applies to a school district, community school, or STEM 33100
school for a third consecutive year, whether it is the same or a 33101
different circumstance as in the preceding years, the 33102
superintendent of public instruction shall either: 33103

(1) Establish an accountability compliance commission under 33104
section 3306.34 of the Revised Code; 33105

(2) Appoint a trustee who shall govern the district, 33106
community school, or STEM school in place of the board of 33107
education of the school district, the governing authority of the 33108
community school, or the governing body of the STEM school until 33109
the beginning of the first year that none of the circumstances 33110
described in division (A) of this section apply to the district, 33111
community school, or STEM school. 33112

(E) When a circumstance described in division (A) of this 33113
section applies to a school district, community school, or STEM 33114
school for a fourth consecutive year, whether it is the same or a 33115
different circumstance as in the preceding years: 33116

(1) With respect to a school district, the state board of 33117
education shall proceed under section 3301.16 of the Revised Code 33118
to revoke the district's charter. 33119

(2) With respect to a community school or a STEM school, the 33120
department of education shall order the school to close, and the 33121

governing authority or the governing body shall permanently close 33122
the school. 33123

(F)(1) At any time, the state board may proceed under section 33124
3301.16 of the Revised Code to revoke the charter of a school 33125
district that fails to meet the operating standards established 33126
under division (D)(3) of section 3301.07 of the Revised Code or 33127
fails to comply with this section. 33128

(2) At any time, the department may order a community school 33129
or a STEM school to close if the school fails to comply with this 33130
section. In that case, the governing authority or the governing 33131
body shall permanently close the school. 33132

Sec. 3306.34. (A) Each accountability compliance commission 33133
appointed under division (D) of section 3306.33 of the Revised 33134
Code is a body both corporate and politic, constituting an agency 33135
and instrumentality of the state and performing essential 33136
governmental functions of the state. A commission shall be known 33137
as the "accountability compliance commission for 33138
(name of school district, community school, or STEM school)," and, 33139
in that name, may exercise all authority vested in such a 33140
commission by this section. A separate commission shall be 33141
established for each school district, community school, or STEM 33142
school for which the superintendent of public instruction opts to 33143
establish a commission under division (D) of section 3306.33 of 33144
the Revised Code. 33145

(B) Each accountability commission shall consist of three 33146
members, one of whom shall be appointed by the governor, one of 33147
whom shall be appointed by the superintendent of public 33148
instruction, and one of whom shall be appointed by the auditor of 33149
state. 33150

All members shall serve at the pleasure of the appointing 33151
authority during the life of the commission. In the event of the 33152

death, resignation, incapacity, removal, or ineligibility to serve 33153
of a member, the appointing authority shall appoint a successor 33154
within fifteen days after the vacancy occurs. Members shall serve 33155
without compensation, but shall be paid by the commission their 33156
necessary and actual expenses incurred while engaged in the 33157
business of the commission. 33158

(C) Immediately after appointment of the initial members of 33159
an accountability compliance commission, the state superintendent 33160
shall call the first meeting of the commission and shall cause 33161
written notice of the time, date, and place of that meeting to be 33162
given to each member of the commission at least forty-eight hours 33163
in advance of the meeting. The first meeting shall include an 33164
overview of the commission's roles and responsibilities, the 33165
requirements of section 2921.42 and Chapter 102. of the Revised 33166
Code as they pertain to commission members, the requirements of 33167
section 121.22 of the Revised Code, and the provisions of division 33168
(F) of this section. At its first meeting, the commission shall 33169
adopt temporary bylaws in accordance with division (D) of this 33170
section to govern its operations until the adoption of permanent 33171
bylaws. 33172

The state superintendent shall designate a chairperson for 33173
the commission from among the members. The chairperson shall call 33174
and conduct meetings, set meeting agendas, and serve as a liaison 33175
between the commission and the district board of education, the 33176
community school governing authority, or STEM school governing 33177
body. The chairperson also shall appoint a secretary, who shall 33178
not be a member of the commission. 33179

The department of education shall provide administrative 33180
support for the commission, provide data requested by the 33181
commission, and inform the commission of available state resources 33182
that could assist the commission in its work. 33183

(D) Each accountability compliance commission may adopt and 33184

alter bylaws and rules, which shall not be subject to section 33185
111.15 or Chapter 119. of the Revised Code, for the conduct of its 33186
affairs and for the manner, subject to this section, in which its 33187
powers and functions shall be exercised and embodied. 33188

(E) Two members of an accountability compliance commission 33189
constitute a quorum of the commission. The affirmative vote of two 33190
members of the commission is necessary for any action taken by 33191
vote of the commission. No vacancy in the membership of the 33192
commission shall impair the rights of a quorum by such vote to 33193
exercise all the rights and perform all the duties of the 33194
commission. Members of the commission are not disqualified from 33195
voting by reason of the functions of any other office they hold 33196
and are not disqualified from exercising the functions of the 33197
other office with respect to the school district or community 33198
school or STEM school, its officers, or the commission. 33199

(F) The members of an accountability compliance commission, 33200
the state superintendent, and any person authorized to act on 33201
behalf of or assist them shall not be personally liable or subject 33202
to any suit, judgment, or claim for damages resulting from the 33203
exercise of or failure to exercise the powers, duties, and 33204
functions granted to them in regard to their functioning under 33205
this section, but the commission, state superintendent, and such 33206
other persons shall be subject to mandamus proceedings to compel 33207
performance of their duties under this section. 33208

(G) Each member of an accountability compliance commission 33209
shall file the statement described in section 102.02 of the 33210
Revised Code with the Ohio ethics commission. The statement shall 33211
be confidential, subject to review, as described in division (B) 33212
of that section. 33213

(H) Meetings of each accountability compliance commission 33214
shall be subject to section 121.22 of the Revised Code. 33215

(I) Each accountability compliance commission shall seek 33216
input from the district board of education, community school 33217
governing authority, or STEM school governing body regarding ways 33218
to improve the district's or school's operations and compliance 33219
with the requirements of this chapter and the expenditure and 33220
reporting standards prescribed by rule adopted under section 33221
3306.25 of the Revised Code, but any decision of the commission 33222
related to any authority granted to the commission under this 33223
section shall be final. 33224

The commission may do any of the following: 33225

(1) Prepare and submit the school district's, community 33226
school's, or STEM school's spending plan required under section 33227
3306.30 and, if applicable, section 3306.31 of the Revised Code; 33228

(2) Appoint school building administrators and reassign 33229
administrative personnel; 33230

(3) Terminate the contracts of administrators or 33231
administrative personnel. The commission shall not be required to 33232
comply with section 3319.16 of the Revised Code with respect to 33233
any contract terminated under this division. 33234

(4) Contract with a private entity to perform school or 33235
district management functions; 33236

(5) Establish a budget for the district or school and approve 33237
district or school appropriations and expenditures, unless, in the 33238
case of a school district, a financial planning and supervision 33239
commission has been established for the district pursuant to 33240
section 3316.05 of the Revised Code; 33241

(6) Exercise the powers, duties, and functions with respect 33242
to the district, community school, or STEM school as are granted 33243
to a financial planning and supervision commission with respect to 33244
a school district under divisions (A)(1) to (4) of section 3316.07 33245
of the Revised Code, unless a financial planning and supervision 33246

commission has been established for the district. 33247

(J) If the board of education of a school district, governing authority of a community school, or governing body of a STEM school for which an accountability compliance commission has been established renews any collective bargaining agreement under Chapter 4117. of the Revised Code during the existence of the commission, the board, governing authority, or governing body shall not enter into any agreement that would render any decision of the commission unenforceable. 33248
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(K) An accountability compliance commission shall cease to exist at the beginning of the first year that none of the circumstances described in division (A) of section 3306.33 of the Revised Code apply to the district, community school, or STEM school. 33256
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Sec. 3306.35. The department of education shall develop a form, which shall be known as the "Formula ACcountability and Transparency" form or "FACT" form. The department annually shall issue and publish on its web site a FACT form for each city, local, and exempted village school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code. The form shall compare the payments to the district or school under each component prescribed by this chapter with the district's or school's deployment of those payments as indicated in its spending plan submitted under section 3306.30 and, if applicable, 3306.31 of the Revised Code. The form shall not be the basis of any actions under section 3306.33 of the Revised Code but shall be a public document to inform parents, students, and taxpayers about the district's or school's spending. 33261
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Sec. 3306.40. The board of education of a school district, 33276

the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a STEM school established under Chapter 3326. of the Revised Code may apply to the superintendent of public instruction for a waiver of any standard or requirement of this chapter, including any applicable expenditure or reporting standard prescribed by rule adopted under section 3306.25 of the Revised Code. The board of education of any school district also may apply to the state superintendent for a waiver of any operating standard adopted under division (D)(3) of section 3301.07 of the Revised Code.

The state board of education shall adopt standards for the approval or disapproval of waivers under this section. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district, community school, or STEM school may apply to renew a waiver.

Sec. 3306.50. (A) The Harmon commission is hereby created.

(1) The commission shall consist of twenty-one members, each of whom must be one of the following:

(a) A classroom teacher;

(b) A school administrator;

(c) An instructor at a teacher preparation program under section 3333.048 of the Revised Code.

(2) The members shall be appointed as follows:

(a) Eleven persons, who are not also members of the general assembly, appointed jointly by the speaker of the house of

representatives and the president of the senate, upon consultation 33306
with the minority leader of the house of representatives and the 33307
minority leader of the senate; 33308

(b) Ten persons appointed by the governor. 33309

In making their respective appointments under this section, 33310
the appointing authorities shall consult with each other so that 33311
of the twenty-one members appointed to the commission, there are 33312
at least five members from each of the categories prescribed in 33313
divisions (A)(1)(a) to (c) of this section. 33314

The members appointed under division (A)(2)(a) of this 33315
section shall serve for the duration of the general assembly in 33316
which they were appointed. 33317

The members appointed under division (A)(2)(b) of this 33318
section shall serve for the duration of the term of the governor 33319
in which they were appointed. 33320

Vacancies on the commission shall be filled in the manner of 33321
the initial appointments. 33322

(B) The chairperson of the commission shall be selected by 33323
the governor from among the members of the commission. 33324

(C) The members of the commission shall serve without 33325
compensation but shall be paid by the department of education 33326
their necessary and actual expenses incurred while engaged in the 33327
business of the committee. 33328

Sec. 3306.51. The Harmon commission shall review and approve 33329
or disapprove applications from city, exempted village, and local 33330
school districts and community schools established under Chapter 33331
3314. of the Revised Code for individual classrooms to be 33332
designated as creative learning environments. To be eligible for 33333
designation of one or more of its classrooms as a creative 33334
learning environment, a community school shall enter into a 33335

memorandum of understanding, approved by the center for creativity 33336
and innovation in the department of education, with one or more 33337
school districts that specifies a collaborative agreement to share 33338
programming and resources to promote successful academic 33339
achievement for students and academic and fiscal efficiencies. 33340

The commission shall designate a classroom as a creative 33341
learning environment if the commission determines that the 33342
classroom supports and emphasizes innovation in instruction 33343
methods and lesson plans and operates in accordance with the 33344
guidelines adopted by the state board of education under section 33345
3306.52 of the Revised Code. Beginning July 1, 2010, a district or 33346
community school that has a classroom that is designated a 33347
creative learning environment may qualify for the pilot subsidy 33348
prescribed by section 3306.57 of the Revised Code. 33349

Sec. 3306.52. The state board of education shall do both of 33350
the following: 33351

(A) Adopt guidelines for the Harmon commission to use in 33352
reviewing applications for creative learning environments. 33353

(B) Direct the department of education, through the center 33354
for creativity and innovation, to provide staff to assist the 33355
commission in carrying out the commission's duties under sections 33356
3306.50 to 3306.56 of the Revised Code. 33357

Sec. 3306.53. From January 1, 2010, through April 14, 2010, a 33358
city, exempted village, or local school district and a community 33359
school may submit to the Harmon commission an unlimited number of 33360
applications for first-time designation of individual classrooms 33361
as creative learning environments. No applications may be 33362
submitted between April 15, 2010, and July 1, 2010. After July 1, 33363
2011, each city, exempted village, or local school district and 33364
each eligible community school may submit only one application per 33365

fiscal year for first-time designation of one classroom as a 33366
creative learning environment. 33367

Sec. 3306.54. Not later than the first day of May each year, 33368
the Harmon commission shall begin meeting to review pending 33369
applications for first-time designations submitted under section 33370
3306.53 of the Revised Code. The commission shall approve or 33371
disapprove all pending applications by the first day of July. The 33372
decision of the commission is final. 33373

Sec. 3306.55. (A) The Harmon commission's first-time 33374
designation of a classroom as a creative learning environment is 33375
valid for one fiscal year. A school district or community school 33376
may apply to have the designation renewed. The commission shall 33377
renew the designation for the next two fiscal years if the school 33378
district or community school applies for the renewal and the 33379
commission finds that the classroom continues to meet the 33380
guidelines adopted under section 3306.52 of the Revised Code. The 33381
commission shall not renew the designation if the school district 33382
or community school does not apply for renewal or if the 33383
commission determines that the classroom no longer meets those 33384
guidelines. 33385

(B) At the end of a two-year renewal granted under division 33386
(A) of this section, and every two fiscal years thereafter, the 33387
designation of a classroom as a creative learning environment is 33388
automatically renewed, without need for application, for the next 33389
two fiscal years, unless the designation is revoked under division 33390
(C) of this section. 33391

(C) If the department of education at any time finds that the 33392
classroom is no longer operating in accordance with the standards 33393
adopted under section 3306.52 of the Revised Code, the department 33394
shall appeal the designation to the commission not later than the 33395

fifteenth day of February. The commission shall review the 33396
operation of the classroom and either continue the designation or 33397
revoke the designation. A revocation shall take effect on the 33398
first day of July following the department's appeal. 33399

(D) The decision of the commission under divisions (A) to (C) 33400
of this section is final. 33401

(E) If the commission does not renew a designation of a 33402
classroom under division (A) of this section or revokes that 33403
designation under division (C) of this section, the district or 33404
community school may reapply for designation of the classroom 33405
under section 3306.53 of the Revised Code. That application shall 33406
be treated as a new application for first-time designation. 33407

Sec. 3306.56. The city, exempted village, or local school 33408
district or community school that operates a classroom designated 33409
by the Harmon commission as a creative learning environment shall 33410
submit periodic progress reports on the operation and performance 33411
of the classroom to the department of education in the manner and 33412
by the deadlines prescribed by the department. 33413

Sec. 3306.57. (A) To facilitate the pilot subsidy prescribed 33414
by this section, the department of education annually shall rank 33415
each city, exempted village, or local school district according to 33416
income factor, as defined in section 3317.02 of the Revised Code, 33417
from lowest to highest income factor. 33418

(B) Any school district that has one or more classrooms 33419
designated by the Harmon commission as a creative learning 33420
environment may apply for the pilot subsidy under this section if 33421
it is ranked in the lowest quintile according to income factor 33422
under division (A) of this section. Any community school 33423
established under Chapter 3314. of the Revised Code that has one 33424
or more classrooms designated by the Harmon commission as a 33425

creative learning environment may apply for the pilot subsidy. 33426
Each district and community school electing to apply shall do so 33427
in the manner and by the deadline established by the department. 33428
If more eligible districts and community schools apply for the 33429
subsidy than can be supported by the amount appropriated for the 33430
subsidy, the department shall select districts and community 33431
schools to receive the subsidy on a first-come, first served 33432
basis. 33433

(C) Each school district or community school selected by the 33434
department for the pilot subsidy shall receive for fiscal year 33435
2011 an amount equal to one hundred dollars for each student 33436
enrolled in a classroom operated by the district or community 33437
school that is designated as a creative learning environment. 33438

(D) The department shall require each school district and 33439
community school that applies for a subsidy under this section to 33440
provide to the department, in the manner prescribed by the 33441
department, any data the department determines is necessary to 33442
process the district's or community school's application or 33443
subsidy payment. 33444

Sec. 3307.15. (A) The members of the state teachers 33445
retirement board shall be the trustees of the funds created by 33446
section 3307.14 of the Revised Code. The board shall have full 33447
power to invest the funds. The board and other fiduciaries shall 33448
discharge their duties with respect to the funds solely in the 33449
interest of the participants and beneficiaries; for the exclusive 33450
purpose of providing benefits to participants and their 33451
beneficiaries and defraying reasonable expenses of administering 33452
the system; with care, skill, prudence, and diligence under the 33453
circumstances then prevailing that a prudent person acting in a 33454
like capacity and familiar with these matters would use in the 33455
conduct of an enterprise of a like character and with like aims; 33456

and by diversifying the investments of the system so as to 33457
minimize the risk of large losses, unless under the circumstances 33458
it is clearly prudent not to do so. 33459

To facilitate investment of the funds, the board may 33460
establish a partnership, trust, limited liability company, 33461
corporation, including a corporation exempt from taxation under 33462
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 33463
amended, or any other legal entity authorized to transact business 33464
in this state. 33465

(B) In exercising its fiduciary responsibility with respect 33466
to the investment of the funds, it shall be the intent of the 33467
board to give consideration to investments that enhance the 33468
general welfare of the state and its citizens where the 33469
investments offer quality, return, and safety comparable to other 33470
investments currently available to the board. In fulfilling this 33471
intent, equal consideration shall also be given to investments 33472
otherwise qualifying under this section that involve minority 33473
owned and controlled firms and firms owned and controlled by 33474
women, either alone or in joint venture with other firms. 33475

The board shall adopt, in regular meeting, policies, 33476
objectives, or criteria for the operation of the investment 33477
program that include asset allocation targets and ranges, risk 33478
factors, asset class benchmarks, time horizons, total return 33479
objectives, and performance evaluation guidelines. In adopting 33480
policies and criteria for the selection of agents and investment 33481
managers with whom the board may contract for the administration 33482
of the funds, the board shall comply with sections 3307.152 and 33483
3307.154 of the Revised Code and ~~shall may~~ also ~~give equal~~ 33484
~~consideration to~~ set aside approximately fifteen per cent of the 33485
contracts for minority owned and controlled firms, firms owned and 33486
controlled by women, and ventures involving minority owned and 33487
controlled firms and firms owned and controlled by women that 33488

otherwise meet the policies and criteria established by the board. 33489
Amendments and additions to the policies and criteria shall be 33490
adopted in regular meeting. The board shall publish its policies, 33491
objectives, and criteria under this provision no less often than 33492
annually and shall make copies available to interested parties. 33493

When reporting on the performance of investments, the board 33494
shall comply with the performance presentation standards 33495
established by the association for investment management and 33496
research. 33497

(C) All bonds, notes, certificates, stocks, or other 33498
evidences of investments purchased by the board shall be delivered 33499
to the treasurer of state, who is hereby designated as custodian 33500
thereof, or to the treasurer of state's authorized agent, and the 33501
treasurer of state or the agent shall collect the principal, 33502
interest, dividends, and distributions that become due and payable 33503
and place them when so collected into the custodial funds. 33504
Evidences of title of the investments may be deposited by the 33505
treasurer of state for safekeeping with an authorized agent, 33506
selected by the treasurer of state, who is a qualified trustee 33507
under section 135.18 of the Revised Code. The treasurer of state 33508
shall pay for the investments purchased by the board on receipt of 33509
written or electronic instructions from the board or the board's 33510
designated agent authorizing the purchase and pending receipt of 33511
the evidence of title of the investment by the treasurer of state 33512
or the treasurer of state's authorized agent. The board may sell 33513
investments held by the board, and the treasurer of state or the 33514
treasurer of state's authorized agent shall accept payment from 33515
the purchaser and deliver evidence of title of the investment to 33516
the purchaser on receipt of written or electronic instructions 33517
from the board or the board's designated agent authorizing the 33518
sale, and pending receipt of the moneys for the investments. The 33519
amount received shall be placed into the custodial funds. The 33520

board and the treasurer of state may enter into agreements to 33521
establish procedures for the purchase and sale of investments 33522
under this division and the custody of the investments. 33523

(D) No purchase or sale of any investment shall be made under 33524
this section except as authorized by the board. 33525

(E) Any statement of financial position distributed by the 33526
board shall include the fair value, as of the statement date, of 33527
all investments held by the board under this section. 33528

Sec. 3307.155. (A) As used in this section: 33529

(1) "Minority business enterprise" has the meaning defined in 33530
section 122.71 of the Revised Code. 33531

(2) "Ohio-qualified investment manager" means an investment 33532
manager who has been designated as such by the state teachers 33533
retirement board under division (A) of section 3307.154 of the 33534
Revised Code. 33535

(3) "Women's business enterprise" means a business, or a 33536
partnership, corporation, limited liability company, or joint 33537
venture of any kind, that is owned and controlled by women who are 33538
United States citizens and residents of this state. 33539

(B) The state teachers retirement board shall submit annually 33540
to the governor, to the general assembly (under section 101.68 of 33541
the Revised Code), and to the Ohio retirement study council a 33542
report containing the following information: 33543

(1) The name of each Ohio-qualified investment manager that 33544
is a minority business enterprise or a women's business enterprise 33545
with which the board contracts; 33546

(2) The amount of assets managed by Ohio-qualified investment 33547
managers that are minority business enterprises or women's 33548
business enterprises, expressed as a percentage of assets managed 33549
by Ohio-qualified investment managers with which the board has 33550

contracted; 33551

(3) Efforts by the board to increase utilization of 33552
Ohio-qualified investment managers that are minority business 33553
enterprises or women's business enterprises. 33554

Sec. 3307.31. (A) Payments by boards of education and 33555
governing authorities of community schools to the state teachers 33556
retirement system, as provided in sections 3307.29 and 3307.291 of 33557
the Revised Code, shall be made from the amount allocated under 33558
section 3314.08, Chapter 3306., or Chapter 3317. of the Revised 33559
Code prior to its distribution to the individual school districts 33560
or community schools. The amount due from each school district or 33561
community school shall be certified by the secretary of the system 33562
to the superintendent of public instruction monthly, or at such 33563
times as may be determined by the state teachers retirement board. 33564
33565

The superintendent shall deduct, from the amount allocated to 33566
each district or community school under section 3314.08, Chapter 33567
3306., or Chapter 3317. of the Revised Code, the entire amounts 33568
due to the system from such district or school upon the 33569
certification to the superintendent by the secretary thereof. 33570

The superintendent shall certify to the director of budget 33571
and management the amounts thus due the system for payment. 33572

(B) Payments to the state teachers retirement system by a 33573
science, technology, engineering, and mathematics school shall be 33574
deducted from the amount allocated under section 3326.33 of the 33575
Revised Code and shall be made in the same manner as payments by 33576
boards of education under this section. 33577

Sec. 3307.64. A disability benefit recipient, notwithstanding 33578
section 3319.13 of the Revised Code, shall retain membership in 33579
the state teachers retirement system and shall be considered on 33580

leave of absence during the first five years following the 33581
effective date of a disability benefit. 33582

The state teachers retirement board shall require any 33583
disability benefit recipient to submit to an annual medical 33584
examination by a physician selected by the board, except that the 33585
board may waive the medical examination if the board's physician 33586
certifies that the recipient's disability is ongoing. If a 33587
disability benefit recipient refuses to submit to a medical 33588
examination, the recipient's disability benefit shall be suspended 33589
until the recipient withdraws the refusal. If the refusal 33590
continues for one year, all the recipient's rights under and to 33591
the disability benefit shall be terminated as of the effective 33592
date of the original suspension. 33593

After the examination, the examiner shall report and certify 33594
to the board whether the disability benefit recipient is no longer 33595
physically and mentally incapable of resuming the service from 33596
which the recipient was found disabled. If the board concurs in a 33597
report by the examining physician that the disability benefit 33598
recipient is no longer incapable, the payment of a disability 33599
benefit shall be terminated not later than the following 33600
thirty-first day of August or upon employment as a teacher prior 33601
thereto. If the leave of absence has not expired, the board shall 33602
so certify to the disability benefit recipient's last employer 33603
before being found disabled that the recipient is no longer 33604
physically and mentally incapable of resuming service that is the 33605
same or similar to that from which the recipient was found 33606
disabled. If the recipient was under contract at the time the 33607
recipient was found disabled, the employer by the first day of the 33608
next succeeding year shall restore the recipient to the 33609
recipient's previous position and salary or to a position and 33610
salary similar thereto, unless the recipient was dismissed or 33611
resigned in lieu of dismissal for dishonesty, misfeasance, 33612

malfeasance, or conviction of a felony. 33613

A disability benefit shall terminate if the disability 33614
benefit recipient becomes employed as a teacher in any public or 33615
private school or institution in this state or elsewhere. An 33616
individual receiving a disability benefit from the system shall be 33617
ineligible for any employment as a teacher and it shall be 33618
unlawful for any employer to employ the individual as a teacher. 33619
If any employer should employ or reemploy the individual prior to 33620
the termination of a disability benefit, the employer shall file 33621
notice of employment with the board designating the date of the 33622
employment. If the individual should be paid both a disability 33623
benefit and also compensation for teaching service for all or any 33624
part of the same month, the secretary of the board shall certify 33625
to the employer or to the superintendent of public instruction the 33626
amount of the disability benefit received by the individual during 33627
the employment, which amount shall be deducted from any amount due 33628
the employing district under ~~Chapter~~ Chapters 3306. and 3317. of 33629
the Revised Code or shall be paid by the employer to the annuity 33630
and pension reserve fund. 33631

Each disability benefit recipient shall file with the board 33632
an annual statement of earnings, current medical information on 33633
the recipient's condition, and any other information required in 33634
rules adopted by the board. The board may waive the requirement 33635
that a disability benefit recipient file an annual statement of 33636
earnings or current medical information if the board's physician 33637
certifies that the recipient's disability is ongoing. 33638

The board shall annually examine the information submitted by 33639
the recipient. If a disability benefit recipient refuses to file 33640
the statement or information, the disability benefit shall be 33641
suspended until the statement and information are filed. If the 33642
refusal continues for one year, the recipient's right to the 33643
disability benefit shall be terminated as of the effective date of 33644

the original suspension. 33645

A disability benefit also may be terminated by the board at 33646
the request of the disability benefit recipient. 33647

If disability retirement under section 3307.63 of the Revised 33648
Code is terminated for any reason, the annuity and pension 33649
reserves at that time in the annuity and pension reserve fund 33650
shall be transferred to the teachers' savings fund and the 33651
employers' trust fund, respectively. If the total disability 33652
benefit paid was less than the amount of the accumulated 33653
contributions of the member transferred to the annuity and pension 33654
reserve fund at the time of the member's disability retirement, 33655
then the difference shall be transferred from the annuity and 33656
pension reserve fund to another fund as required. In determining 33657
the amount of a member's account following the termination of 33658
disability retirement for any reason, the total amount paid shall 33659
be charged against the member's refundable account. 33660

If a disability allowance paid under section 3307.631 of the 33661
Revised Code is terminated for any reason, the reserve on the 33662
allowance at that time in the annuity and pension reserve fund 33663
shall be transferred from that fund to the employers' trust fund. 33664

If a former disability benefit recipient again becomes a 33665
contributor, other than as an other system retirant under section 33666
3307.35 of the Revised Code, to this retirement system, the school 33667
employees retirement system, or the public employees retirement 33668
system, and completes at least two additional years of service 33669
credit, the former disability benefit recipient shall receive 33670
credit for the period as a disability benefit recipient. 33671

Sec. 3309.15. (A) The members of the school employees 33672
retirement board shall be the trustees of the funds created by 33673
section 3309.60 of the Revised Code. The board shall have full 33674
power to invest the funds. The board and other fiduciaries shall 33675

discharge their duties with respect to the funds solely in the 33676
interest of the participants and beneficiaries; for the exclusive 33677
purpose of providing benefits to participants and their 33678
beneficiaries and defraying reasonable expenses of administering 33679
the school employees retirement system; with care, skill, 33680
prudence, and diligence under the circumstances then prevailing 33681
that a prudent person acting in a like capacity and familiar with 33682
such matters would use in the conduct of an enterprise of a like 33683
character and with like aims; and by diversifying the investments 33684
of the system so as to minimize the risk of large losses, unless 33685
under the circumstances it is clearly prudent not to do so. 33686

The board may establish a partnership, trust, limited 33687
liability company, corporation, including a corporation exempt 33688
from taxation under the Internal Revenue Code, 100 Stat. 2085, 26 33689
U.S.C.A. 1, as amended, or any other legal entity authorized to 33690
transact business in this state. 33691

(B) In exercising its fiduciary responsibility with respect 33692
to the investment of the funds, it shall be the intent of the 33693
board to give consideration to investments that enhance the 33694
general welfare of the state and its citizens where the 33695
investments offer quality, return, and safety comparable to other 33696
investments currently available to the board. In fulfilling this 33697
intent, equal consideration shall also be given to investments 33698
otherwise qualifying under this section that involve minority 33699
owned and controlled firms and firms owned and controlled by 33700
women, either alone or in joint venture with other firms. 33701

The board shall adopt, in regular meeting, policies, 33702
objectives, or criteria for the operation of the investment 33703
program that include asset allocation targets and ranges, risk 33704
factors, asset class benchmarks, time horizons, total return 33705
objectives, and performance evaluation guidelines. In adopting 33706
policies and criteria for the selection of agents and investment 33707

managers with whom the board may contract for the administration 33708
of the funds, the board shall comply with sections 3309.157 and 33709
3309.159 of the Revised Code and ~~shall~~ may also ~~give equal~~ 33710
~~consideration to~~ set aside approximately fifteen per cent of the 33711
contracts for minority owned and controlled firms, firms owned and 33712
controlled by women, and ventures involving minority owned and 33713
controlled firms and firms owned and controlled by women that 33714
otherwise meet the policies and criteria established by the board. 33715
Amendments and additions to the policies and criteria shall be 33716
adopted in regular meeting. The board shall publish its policies, 33717
objectives, and criteria under this provision no less often than 33718
annually and shall make copies available to interested parties. 33719

When reporting on the performance of investments, the board 33720
shall comply with the performance presentation standards 33721
established by the association for investment management and 33722
research. 33723

(C) All evidences of title of investments purchased by the 33724
board under this section shall be delivered to the treasurer of 33725
state, who is hereby designated as custodian thereof, or to the 33726
treasurer of state's authorized agent, and the treasurer of state 33727
or the agent shall collect principal, interest, dividends, and 33728
distributions that become due and payable and place the same when 33729
so collected into the custodial funds. Evidences of title of the 33730
investments may be deposited by the treasurer of state for 33731
safekeeping with an authorized agent, selected by the treasurer of 33732
state, who is a qualified trustee under section 135.18 of the 33733
Revised Code. The treasurer of state shall pay for the investments 33734
purchased by the board pending receipt of the evidence of title of 33735
the investments by the treasurer of state or to the treasurer of 33736
state's authorized agent, and on receipt of written or electronic 33737
instructions from the board or the board's designated agent 33738
authorizing the purchase. The board may sell any investments held 33739

by the board, and the treasurer of state or the treasurer of 33740
state's authorized agent shall accept payment from the purchaser 33741
and deliver evidence of title of the investment to the purchaser 33742
on receipt of written or electronic instructions from the board or 33743
the board's designated agent authorizing the sale, and pending 33744
receipt of the moneys for the investments. The amount received 33745
shall be placed into the custodial funds. The board and the 33746
treasurer of state may enter into agreements to establish 33747
procedures for the purchase and sale of investments under this 33748
division and the custody of the investment. 33749

(D) No purchase or sale of any investment shall be made under 33750
this section except as authorized by the school employees 33751
retirement board. 33752

(E) Any statement of financial position distributed by the 33753
board shall include the fair value, as of the statement date, of 33754
all investments held by the board under this section. 33755

Sec. 3309.1510. (A) As used in this section: 33756

(1) "Minority business enterprise" has the meaning defined in 33757
section 122.71 of the Revised Code. 33758

(2) "Ohio-qualified investment manager" means an investment 33759
manager who has been designated as such by the school employees 33760
retirement board under division (A) of section 3309.159 of the 33761
Revised Code. 33762

(3) "Women's business enterprise" means a business, or a 33763
partnership, corporation, limited liability company, or joint 33764
venture of any kind, that is owned and controlled by women who are 33765
United States citizens and residents of this state. 33766

(B) The school employees retirement board shall submit 33767
annually to the governor, to the general assembly (under section 33768
101.68 of the Revised Code), and to the Ohio retirement study 33769

<u>council a report containing the following information:</u>	33770
<u>(1) The name of each Ohio-qualified investment manager that</u>	33771
<u>is a minority business enterprise or a women's business enterprise</u>	33772
<u>with which the board contracts;</u>	33773
<u>(2) The amount of assets managed by Ohio-qualified investment</u>	33774
<u>managers that are minority business enterprises or women's</u>	33775
<u>business enterprises, expressed as a percentage of assets managed</u>	33776
<u>by Ohio-qualified investment managers with which the board has</u>	33777
<u>contracted;</u>	33778
<u>(3) Efforts by the board to increase utilization of</u>	33779
<u>Ohio-qualified investment managers that are minority business</u>	33780
<u>enterprises or women's business enterprises.</u>	33781
Sec. 3309.41. (A) A disability benefit recipient shall retain	33782
membership status and shall be considered on leave of absence from	33783
employment during the first five years following the effective	33784
date of a disability benefit, notwithstanding any contrary	33785
provisions in Chapter 124. or 3319. of the Revised Code.	33786
(B) The school employees retirement board shall require a	33787
disability benefit recipient to undergo an annual medical	33788
examination, except that the board may waive the medical	33789
examination if the board's physician or physicians certify that	33790
the recipient's disability is ongoing. Should any disability	33791
benefit recipient refuse to submit to a medical examination, the	33792
recipient's disability benefit shall be suspended until withdrawal	33793
of the refusal. Should the refusal continue for one year, all the	33794
recipient's rights in and to the disability benefit shall be	33795
terminated as of the effective date of the original suspension.	33796
(C) On completion of the examination by an examining	33797
physician or physicians selected by the board, the physician or	33798
physicians shall report and certify to the board whether the	33799

disability benefit recipient is no longer physically and mentally 33800
incapable of resuming the service from which the recipient was 33801
found disabled. If the board concurs in the report that the 33802
disability benefit recipient is no longer incapable, the payment 33803
of the disability benefit shall be terminated not later than three 33804
months after the date of the board's concurrence or upon 33805
employment as an employee. If the leave of absence has not 33806
expired, the retirement board shall certify to the disability 33807
benefit recipient's last employer before being found disabled that 33808
the recipient is no longer physically and mentally incapable of 33809
resuming service that is the same or similar to that from which 33810
the recipient was found disabled. The employer shall restore the 33811
recipient to the recipient's previous position and salary or to a 33812
position and salary similar thereto not later than the first day 33813
of the first month following termination of the disability 33814
benefit, unless the recipient was dismissed or resigned in lieu of 33815
dismissal for dishonesty, misfeasance, malfeasance, or conviction 33816
of a felony. 33817

(D) Each disability benefit recipient shall file with the 33818
board an annual statement of earnings, current medical information 33819
on the recipient's condition, and any other information required 33820
in rules adopted by the board. The board may waive the requirement 33821
that a disability benefit recipient file an annual statement of 33822
earnings or current medical information on the recipient's 33823
condition if the board's physician or physicians certify that the 33824
recipient's disability is ongoing. 33825

The board shall annually examine the information submitted by 33826
the recipient. If a disability benefit recipient refuses to file 33827
the statement or information, the disability benefit shall be 33828
suspended until the statement and information are filed. If the 33829
refusal continues for one year, the recipient's right to the 33830
disability benefit shall be terminated as of the effective date of 33831

the original suspension. 33832

(E) If a disability benefit recipient is employed by an 33833
employer covered by this chapter, the recipient's disability 33834
benefit shall cease. 33835

(F) If disability retirement under section 3309.40 of the 33836
Revised Code is terminated for any reason, the annuity and pension 33837
reserves at that time in the annuity and pension reserve fund 33838
shall be transferred to the employees' savings fund and the 33839
employers' trust fund, respectively. If the total disability 33840
benefit paid is less than the amount of the accumulated 33841
contributions of the member transferred into the annuity and 33842
pension reserve fund at the time of the member's disability 33843
retirement, the difference shall be transferred from the annuity 33844
and pension reserve fund to another fund as may be required. In 33845
determining the amount of a member's account following the 33846
termination of disability retirement for any reason, the amount 33847
paid shall be charged against the member's refundable account. 33848

If a disability allowance paid under section 3309.401 of the 33849
Revised Code is terminated for any reason, the reserve on the 33850
allowance at that time in the annuity and pension reserve fund 33851
shall be transferred from that fund to the employers' trust fund. 33852

The board may terminate a disability benefit at the request 33853
of the recipient. 33854

(G) If a disability benefit is terminated and a former 33855
disability benefit recipient again becomes a contributor, other 33856
than as an other system retirant as defined in section 3309.341 of 33857
the Revised Code, to this system, the public employees retirement 33858
system, or the state teachers retirement system, and completes an 33859
additional two years of service credit after the termination of 33860
the disability benefit, the former disability benefit recipient 33861
shall be entitled to full service credit for the period as a 33862

disability benefit recipient. 33863

(H) If any employer employs any member who is receiving a 33864
disability benefit, the employer shall file notice of employment 33865
with the retirement board, designating the date of employment. In 33866
case the notice is not filed, the total amount of the benefit paid 33867
during the period of employment prior to notice shall be paid from 33868
amounts allocated under ~~Chapter~~ Chapters 3306. and 3317. of the 33869
Revised Code prior to its distribution to the school district in 33870
which the disability benefit recipient was so employed. 33871

Sec. 3309.48. Any employee who left the service of an 33872
employer after attaining age sixty-five or over and such employer 33873
had failed or refused to deduct and transmit to the school 33874
employees retirement system the employee contributions as required 33875
by section 3309.47 of the Revised Code during any year for which 33876
membership was compulsory as determined by the school employees 33877
retirement board, shall be granted service credit without cost, 33878
which shall be considered as total service credit for the purposes 33879
of meeting the qualifications for service retirement provided by 33880
the law in effect on and retroactive to the first eligible 33881
retirement date following the date such employment terminated, but 33882
shall not be paid until formal application for such allowance on a 33883
form provided by the retirement board is received in the office of 33884
the retirement system. The total service credit granted under this 33885
section shall not exceed ten years for any such employee. 33886

The liability incurred by the retirement board because of the 33887
service credit granted under this section shall be determined by 33888
the retirement board, the cost of which shall be equal to an 33889
amount that is determined by applying the combined employee and 33890
employer rates of contribution against the compensation of such 33891
employee at the rates of contribution and maximum salary 33892
provisions in effect during such employment for each year for 33893

which credit is granted, together with interest at the rate to be 33894
credited accumulated contributions at retirement, compounded 33895
annually from the first day of the month payment was due the 33896
retirement system to and including the month of deposit, the total 33897
amount of which shall be collected from the employer. Such amounts 33898
shall be certified by the retirement board to the superintendent 33899
of public instruction, who shall deduct the amount due the system 33900
from any funds due the affected school district under ~~Chapter~~ 33901
Chapters 3306. and 3317. of the Revised Code. The superintendent 33902
shall certify to the director of budget and management the amount 33903
due the system for payment. The total amount paid shall be 33904
deposited into the employers' trust fund, and shall not be 33905
considered as accumulated contributions of the employee in the 33906
event of ~~his~~ the employee's death or withdrawal of funds. 33907

Sec. 3309.51. (A) Each employer shall pay annually into the 33908
employers' trust fund, in such monthly or less frequent 33909
installments as the school employees retirement board requires, an 33910
amount certified by the school employees retirement board, which 33911
shall be as required by Chapter 3309. of the Revised Code. 33912

Payments by school district boards of education to the 33913
employers' trust fund of the school employees retirement system 33914
may be made from the amounts allocated under ~~Chapter~~ Chapters 33915
3306. and 3317. of the Revised Code prior to their distribution to 33916
the individual school districts. The amount due from each school 33917
district may be certified by the secretary of the system to the 33918
superintendent of public instruction monthly, or at such times as 33919
is determined by the school employees retirement board. 33920

Payments by governing authorities of community schools to the 33921
employers' trust fund of the school employees retirement system 33922
shall be made from the amounts allocated under ~~section~~ sections 33923
3306.16 and 3314.08 of the Revised Code prior to their 33924

distribution to the individual community schools. The amount due 33925
from each community school shall be certified by the secretary of 33926
the system to the superintendent of public instruction monthly, or 33927
at such times as determined by the school employees retirement 33928
board. 33929

Payments by a science, technology, engineering, and 33930
mathematics school, other than one governed as provided in section 33931
3326.51 of the Revised Code, to the employers' trust fund of the 33932
school employees retirement system shall be made from the amounts 33933
allocated under ~~section~~ sections 3306.17, 3326.33, and 3326.34 of 33934
the Revised Code prior to their distribution to the school. The 33935
amount due from a science, technology, engineering, and 33936
mathematics school shall be certified by the secretary of the 33937
school employees retirement system to the superintendent of public 33938
instruction monthly, or at such times as determined by the school 33939
employees retirement board. 33940

(B) The superintendent shall deduct from the amount allocated 33941
to each community school under ~~section~~ sections 3306.16 and 33942
3314.08 of the Revised Code, to each school district under ~~Chapter~~ 33943
Chapters 3306. and 3317. of the Revised Code, or to each science, 33944
technology, engineering, and mathematics school under ~~section~~ 33945
sections 3306.17, 3326.33, and 3326.34 of the Revised Code the 33946
entire amounts due to the school employees retirement system from 33947
such school or school district upon the certification to the 33948
superintendent by the secretary thereof. 33949

(C) Where an employer fails or has failed or refuses to make 33950
payments to the employers' trust fund, as provided for under 33951
Chapter 3309. of the Revised Code, the secretary of the school 33952
employees retirement system may certify to the state 33953
superintendent of public instruction, monthly or at such times as 33954
is determined by the school employees retirement board, the amount 33955
due from such employer, and the superintendent shall deduct from 33956

the amount allocated to the employer under section 3314.08 ~~or~~,
3326.33, or 3326.34 or Chapter 3306. or 3317. of the Revised Code,
as applicable, the entire amounts due to the system from the
employer upon the certification to the superintendent by the
secretary of the school employees retirement system.

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(D) The superintendent shall certify to the director of
budget and management the amounts thus due the system for payment.

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Sec. 3310.03. (A) A student is an "eligible student" for
purposes of the educational choice scholarship pilot program if
the student's resident district is not a school district in which
the pilot project scholarship program is operating under sections
3313.974 to 3313.979 of the Revised Code; the student is not
enrolled, for any portion of the school year in which the student
submits an application for the scholarship, in a nonpublic school;
and the student satisfies one of the following conditions:

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(1) The student is enrolled in a school building that is
operated by the student's resident district and to which both of
the following apply:

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(a) The building was declared, in at least two of the three
most recent ratings of school buildings published prior to the
first day of July of the school year for which a scholarship is
sought, to be in a state of academic emergency or academic watch
under section 3302.03 of the Revised Code;

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(b) The building was not declared to be excellent or
effective under that section in the most recent rating published
prior to the first day of July of the school year for which a
scholarship is sought.

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(2) The student is eligible to enroll in kindergarten in the
school year for which a scholarship is sought and otherwise would

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be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;

(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(B) A student who receives a scholarship under the

educational choice scholarship pilot program remains an eligible 34018
student and may continue to receive scholarships in subsequent 34019
school years until the student completes grade twelve, so long as 34020
all of the following apply: 34021

(1) The student's resident district remains the same, or the 34022
student transfers to a new resident district and otherwise would 34023
be assigned in the new resident district to a school building 34024
described in division (A)(1) of this section; 34025

(2) The student takes each ~~state test~~ assessment prescribed 34026
for the student's grade level under section 3301.0710 or 3301.0712 34027
of the Revised Code while enrolled in a chartered nonpublic 34028
school; 34029

(3) In each school year that the student is enrolled in a 34030
chartered nonpublic school, the student is absent from school for 34031
not more than twenty days that the school is open for instruction, 34032
not including excused absences. 34033

(C) The department shall cease awarding first-time 34034
scholarships pursuant to divisions (A)(1) to (4) of this section 34035
with respect to a school building that, in the most recent ratings 34036
of school buildings published under section 3302.03 of the Revised 34037
Code prior to the first day of July of the school year, ceases to 34038
meet the criteria in division (A)(1) of this section. The 34039
department shall cease awarding first-time scholarships pursuant 34040
to division (A)(5) of this section with respect to a school 34041
district that, in the most recent ratings of school districts 34042
published under section 3302.03 of the Revised Code prior to the 34043
first day of July of the school year, ceases to meet the criteria 34044
in division (A)(5) of this section. However, students who have 34045
received scholarships in the prior school year remain eligible 34046
students pursuant to division (B) of this section. 34047

(D) The state board of education shall adopt rules defining 34048

excused absences for purposes of division (B)(3) of this section. 34049

Sec. 3310.08. (A) The amount paid for an eligible student 34050
under the educational choice scholarship pilot program shall be 34051
the lesser of the tuition of the chartered nonpublic school in 34052
which the student is enrolled or the maximum amount prescribed in 34053
section 3310.09 of the Revised Code. 34054

(B)(1) The department shall pay to the parent of each 34055
eligible student for whom a scholarship is awarded under the 34056
program, or to the student if at least eighteen years of age, 34057
periodic partial payments of the scholarship. 34058

(2) The department shall proportionately reduce or terminate 34059
the payments for any student who withdraws from a chartered 34060
nonpublic school prior to the end of the school year. 34061

(C)(1) The department shall deduct five thousand two hundred 34062
dollars from the payments made to each school district under 34063
~~Chapter Chapters~~ Chapters 3306. and 3317. and, if necessary, sections 34064
321.24 and 323.156 of the Revised Code ~~one of the following~~ 34065
~~amounts, as applicable,~~ for each eligible student awarded a 34066
scholarship under the educational choice scholarship pilot program 34067
who is entitled under section 3313.64 or 3313.65 of the Revised 34068
Code to attend school in the district. 34069

~~(a) For each scholarship student enrolled in kindergarten,~~ 34070
~~two thousand seven hundred dollars;~~ 34071

~~(b) For each scholarship student enrolled in grades one to~~ 34072
~~twelve, five thousand two hundred dollars.~~ 34073

The amount deducted under division (C)(1) of this section 34074
funds scholarships for students under both the educational choice 34075
scholarship pilot program and the pilot project scholarship 34076
program under sections 3313.974 to 3313.979 of the Revised Code. 34077

(2) If the department reduces or terminates payments to a 34078

parent or a student, as prescribed in division (B)(2) of this 34079
section, and the student enrolls in the schools of the student's 34080
resident district ~~or in a community school, established under~~ 34081
~~Chapter 3314. of the Revised Code,~~ before the end of the school 34082
year, the department shall proportionally restore to the resident 34083
district the amount deducted for that student under division 34084
(C)(1) of this section. 34085

(D) In the case of any school district from which a deduction 34086
is made under division (C) of this section, the department shall 34087
disclose on the district's SF-3 form, or any successor to that 34088
form used to calculate a district's state funding for operating 34089
expenses, a comparison of the following: 34090

(1) The district's ~~state base cost~~ state share of the 34091
adequacy amount payment, as calculated under ~~division (A)(1) of~~ 34092
~~section 3317.022 3306.13~~ of the Revised Code ~~prior to making the~~ 34093
~~adjustments under divisions (A)(2) and (3) of that section,~~ with 34094
the scholarship students included in the district's formula ADM; 34095

(2) What the district's state ~~base cost~~ share of the adequacy 34096
amount payment would have been, as calculated under ~~division~~ 34097
~~(A)(1) of that section prior to making the adjustments under~~ 34098
~~divisions (A)(2) and (3) of that section,~~ if the scholarship 34099
students were not included in the district's formula ADM. 34100

This comparison shall display both the aggregate difference 34101
between the amounts described in divisions (D)(1) and (2) of this 34102
section, and the quotient of that aggregate difference divided by 34103
the number of eligible students for whom deductions are made under 34104
division (C) of this section. 34105

Sec. 3310.09. ~~(A)~~ The maximum amount awarded to an eligible 34106
student ~~in fiscal year 2007~~ under the educational choice 34107
scholarship pilot program shall be as follows: 34108

~~(1)(A)~~ For grades kindergarten through eight, four thousand
~~two~~ five hundred fifty dollars; 34109
34110

~~(2)(B)~~ For grades nine through twelve, five thousand three
hundred dollars. 34111
34112

~~(B) In fiscal year 2008 and in each fiscal year thereafter,~~
~~the maximum amount awarded under the program shall be the~~
~~applicable maximum amount awarded in the previous fiscal year~~
~~increased by the same percentage by which the general assembly~~
~~increased the formula amount, as defined in section 3317.02 of the~~
~~Revised Code, from the previous fiscal year.~~ 34113
34114
34115
34116
34117
34118

Sec. 3310.11. (A) Only for the purpose of administering the 34119
educational choice scholarship pilot program, the department of 34120
education may request from any of the following entities the data 34121
verification code assigned under division (D)(2) of section 34122
3301.0714 of the Revised Code to any student who is seeking a 34123
scholarship under the program: 34124

(1) The student's resident district; 34125

(2) If applicable, the community school in which that student 34126
is enrolled; 34127

(3) The independent contractor engaged to create and maintain 34128
student data verification codes. 34129

(B) Upon a request by the department under division (A) of 34130
this section for the data verification code of a student seeking a 34131
scholarship or a request by the student's parent for that code, 34132
the school district or community school shall submit that code to 34133
the department or parent in the manner specified by the 34134
department. If the student has not been assigned a code, because 34135
the student will be entering kindergarten during the school year 34136
for which the scholarship is sought, the district shall assign a 34137
code to that student and submit the code to the department or 34138

parent by a date specified by the department. If the district does 34139
not assign a code to the student by the specified date, the 34140
department shall assign a code to that student. 34141

The department annually shall submit to each school district 34142
the name and data verification code of each student residing in 34143
the district who is entering kindergarten, who has been awarded a 34144
scholarship under the program, and for whom the department has 34145
assigned a code under this division. 34146

(C) For the purpose of administering the applicable ~~tests~~ 34147
assessments prescribed under sections 3301.0710 and 3301.0712 of 34148
the Revised Code, as required by section 3310.14 of the Revised 34149
Code, the department shall provide to each chartered nonpublic 34150
school that enrolls a scholarship student the data verification 34151
code for that student. 34152

(D) The department and each chartered nonpublic school that 34153
receives a data verification code under this section shall not 34154
release that code to any person except as provided by law. 34155

Any document relative to this program that the department 34156
holds in its files that contains both a student's name or other 34157
personally identifiable information and the student's data 34158
verification code shall not be a public record under section 34159
149.43 of the Revised Code. 34160

Sec. 3310.14. Notwithstanding division (K) of section 34161
3301.0711 of the Revised Code, each chartered nonpublic school 34162
that enrolls students awarded scholarships under sections 3310.01 34163
to 3310.17 of the Revised Code annually shall administer the ~~tests~~ 34164
assessments prescribed by section 3301.0710 or 3301.0712 of the 34165
Revised Code to each scholarship student enrolled in the school in 34166
accordance with section 3301.0711 of the Revised Code. Each 34167
chartered nonpublic school shall report to the department of 34168
education the results of each ~~test~~ assessment administered to each 34169

scholarship student under this section. 34170

Nothing in this section requires a chartered nonpublic school 34171
to administer any achievement ~~test~~ assessment, except for an Ohio 34172
graduation test prescribed by division (B)(1) of section 3301.0710 34173
of the Revised Code, as required by section 3313.612 of the 34174
Revised Code, to any student enrolled in the school who is not a 34175
scholarship student. 34176

Sec. 3310.15. (A) The department of education annually shall 34177
compile the scores attained by scholarship students to whom an 34178
assessment is administered under section 3310.14 of the Revised 34179
Code. The scores shall be aggregated as follows: 34180

(1) By state, which shall include all students awarded a 34181
scholarship under the educational choice scholarship pilot program 34182
and who were required to take an assessment under section 3310.14 34183
of the Revised Code; 34184

(2) By school district, which shall include all scholarship 34185
students who were required to take an assessment under section 34186
3310.14 of the Revised Code and for whom the district is the 34187
student's resident district; 34188

(3) By chartered nonpublic school, which shall include all 34189
scholarship students enrolled in that school who were required to 34190
take an assessment under section 3310.14 of the Revised Code. 34191

(B) The department shall disaggregate the student performance 34192
data described in division (A) of this section according to the 34193
following categories: 34194

(1) Age; 34195

(2) Race and ethnicity; 34196

(3) Gender; 34197

(4) Students who have participated in the scholarship program 34198

<u>for three or more years;</u>	34199
<u>(5) Students who have participated in the scholarship program</u>	34200
<u>for more than one year and less than three years;</u>	34201
<u>(6) Students who have participated in the scholarship program</u>	34202
<u>for one year or less;</u>	34203
<u>(7) Economically disadvantaged students.</u>	34204
<u>(C) The department shall post the student performance data</u>	34205
<u>required under divisions (A) and (B) of this section on its web</u>	34206
<u>site and, by the first day of February each year, shall distribute</u>	34207
<u>that data to the parent of each eligible student. In reporting</u>	34208
<u>student performance data under this division, the department shall</u>	34209
<u>not include any data that is statistically unreliable or that</u>	34210
<u>could result in the identification of individual students. For</u>	34211
<u>this purpose, the department shall not report performance data for</u>	34212
<u>any group that contains less than ten students.</u>	34213
<u>(D) The department shall provide the parent of each</u>	34214
<u>scholarship student with information comparing the student's</u>	34215
<u>performance on the assessments administered under section 3310.14</u>	34216
<u>of the Revised Code with the average performance of similar</u>	34217
<u>students enrolled in the building operated by the student's</u>	34218
<u>resident district that the scholarship student would otherwise</u>	34219
<u>attend. In calculating the performance of similar students, the</u>	34220
<u>department shall consider age, grade, race and ethnicity, gender,</u>	34221
<u>and socioeconomic status.</u>	34222
Sec. 3310.41. (A) As used in this section:	34223
(1) "Alternative public provider" means either of the	34224
following providers that agrees to enroll a child in the	34225
provider's special education program to implement the child's	34226
individualized education program and to which the child's parent	34227
owes fees for the services provided to the child:	34228

(a) A school district that is not the school district in which the child is entitled to attend school;	34229 34230
(b) A public entity other than a school district.	34231
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	34232 34233 34234
(3) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.	34235 34236
(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	34237 34238 34239
(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated.	34240 34241 34242
(6) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.	34243 34244 34245
(7) "Qualified special education child" is a child for whom all of the following conditions apply:	34246 34247
(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.	34248 34249 34250 34251 34252
(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.	34253 34254 34255
(c) The child either:	34256
(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through	34257 34258

twelve in the school year prior to the year in which a scholarship 34259
under this section is first sought for the child; or 34260

(ii) Is eligible to enter school in any grade preschool 34261
through twelve in the school district in which the child is 34262
entitled to attend school in the school year in which a 34263
scholarship under this section is first sought for the child. 34264

(8) "Registered private provider" means a nonpublic school or 34265
other nonpublic entity that has been approved by the department of 34266
education to participate in the program established under this 34267
section. 34268

(9) "Special education program" means a school or facility 34269
that provides special education and related services to children 34270
with disabilities. 34271

(B) There is hereby established the autism scholarship 34272
program. Under the program, the department of education shall pay 34273
a scholarship to the parent of each qualified special education 34274
child upon application of that parent pursuant to procedures and 34275
deadlines established by rule of the state board of education. 34276
Each scholarship shall be used only to pay tuition for the child 34277
on whose behalf the scholarship is awarded to attend a special 34278
education program that implements the child's individualized 34279
education program and that is operated by an alternative public 34280
provider or by a registered private provider. Each scholarship 34281
shall be in an amount not to exceed the lesser of the tuition 34282
charged for the child by the special education program or twenty 34283
thousand dollars. The purpose of the scholarship is to permit the 34284
parent of a qualified special education child the choice to send 34285
the child to a special education program, instead of the one 34286
operated by or for the school district in which the child is 34287
entitled to attend school, to receive the services prescribed in 34288
the child's individualized education program once the 34289
individualized education program is finalized. A scholarship under 34290

this section shall not be awarded to the parent of a child while 34291
the child's individualized education program is being developed by 34292
the school district in which the child is entitled to attend 34293
school, or while any administrative or judicial mediation or 34294
proceedings with respect to the content of the child's 34295
individualized education program are pending. A scholarship under 34296
this section shall not be used for a child to attend a public 34297
special education program that operates under a contract, compact, 34298
or other bilateral agreement between the school district in which 34299
the child is entitled to attend school and another school district 34300
or other public provider, or for a child to attend a community 34301
school established under Chapter 3314. of the Revised Code. 34302
However, nothing in this section or in any rule adopted by the 34303
state board shall prohibit a parent whose child attends a public 34304
special education program under a contract, compact, or other 34305
bilateral agreement, or a parent whose child attends a community 34306
school, from applying for and accepting a scholarship under this 34307
section so that the parent may withdraw the child from that 34308
program or community school and use the scholarship for the child 34309
to attend a special education program for which the parent is 34310
required to pay for services for the child. A child attending a 34311
special education program with a scholarship under this section 34312
shall continue to be entitled to transportation to and from that 34313
program in the manner prescribed by law. 34314

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 34315
(B)(10) of section 3317.03 of the Revised Code, a child who is not 34316
a preschool child with a disability for whom a scholarship is 34317
awarded under this section shall be counted in the formula ADM and 34318
the category six special education ADM of the district in which 34319
the child is entitled to attend school and not in the formula ADM 34320
and the category six special education ADM of any other school 34321
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 34322
section 3317.03 of the Revised Code, a child who is a preschool 34323

child with a disability for whom a scholarship is awarded under 34324
this section shall be counted in the preschool scholarship ADM and 34325
category six special education ADM of the school district in which 34326
the child is entitled to attend school and not in the preschool 34327
scholarship ADM or category six special education ADM of any other 34328
school district. 34329

(2) In each fiscal year, the department shall deduct from the 34330
amounts paid to each school district under ~~Chapter~~ Chapters 3306. 34331
and 3317. of the Revised Code, and, if necessary, sections 321.24 34332
and 323.156 of the Revised Code, the aggregate amount of 34333
scholarships awarded under this section for qualified special 34334
education children included in the formula ADM, or preschool 34335
scholarship ADM, and in the category six special education ADM of 34336
that school district as provided in division (C)(1) of this 34337
section. ~~The~~ When computing the school district's instructional 34338
services support under section 3306.05 of the Revised Code, the 34339
department shall add the district's preschool scholarship ADM to 34340
the district's formula ADM. 34341

The scholarships deducted shall be considered as an approved 34342
special education and related services expense ~~for the purpose~~ of 34343
the school ~~district's compliance with division (C)(5) of section~~ 34344
~~3317.022 of the Revised Code~~ district. 34345

(3) From time to time, the department shall make a payment to 34346
the parent of each qualified special education child for whom a 34347
scholarship has been awarded under this section. The scholarship 34348
amount shall be proportionately reduced in the case of any such 34349
child who is not enrolled in the special education program for 34350
which a scholarship was awarded under this section for the entire 34351
school year. The department shall make no payments to the parent 34352
of a child while any administrative or judicial mediation or 34353
proceedings with respect to the content of the child's 34354
individualized education program are pending. 34355

(D) A scholarship shall not be paid to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

Sec. 3311.0510. (A) If all of the local school districts that make up the territory of an educational service center have severed from the territory of that service center pursuant to section 3311.059 of the Revised Code, upon the effective date of the severance of the last remaining local school district to make up the territory of the service center, the governing board of that service center shall be abolished and such service center shall be dissolved by order of the superintendent of public instruction. The superintendent's order shall provide for the equitable division and disposition of the assets, property, debts, and obligations of the service center among the local school districts, of which the territory of the service center is or previously was made up, and shall provide that the tax duplicate of each of those local school districts shall be bound for and assume the district's equitable share of the outstanding indebtedness of the service center. The superintendent's order is final and is not appealable.

Immediately upon the abolishment of the service center governing board pursuant to this section, the superintendent shall appoint a qualified individual to administer the dissolution of

the service center and to implement the terms of the 34387
superintendent's dissolution order. Prior to distributing assets 34388
to any local school district, but after paying in full other debts 34389
and obligations of the service center, the superintendent of 34390
public instruction may assess against the remaining assets of the 34391
service center the amount of the costs incurred by the department 34392
of education in performing the superintendent's duties under this 34393
division, including the fees, if any, owed to the individual 34394
appointed to administer the superintendent's dissolution order. 34395
Any excess cost incurred by the department under this division 34396
shall be divided equitably among the local school districts, of 34397
which the territory of the service center is or previously was 34398
made up, and each district's share of that excess cost shall be 34399
bound against the tax duplicate of that district. 34400

34401

(B) A final audit of the former service center shall be 34402
performed in accordance with procedures established by the auditor 34403
of state. 34404

(C) The public records of an educational service center that 34405
is dissolved under this section shall be transferred in accordance 34406
with this division. Public records maintained by the service 34407
center in connection with services provided by the service center 34408
to local school districts shall be transferred to each of the 34409
respective local school districts. Public records maintained by 34410
the service center in connection with services provided under an 34411
agreement with a city or exempted village school district pursuant 34412
to section 3313.843 of the Revised Code shall be transferred to 34413
each of the respective city or exempted village school districts. 34414
All other public records maintained by the service center at the 34415
time the service center ceases operations shall be transferred to 34416
the Ohio historical society for analysis and disposition by the 34417
society in its capacity as archives administrator for the state 34418

and its political subdivisions pursuant to division (C) of section 34419
149.30 and section 149.31 of the Revised Code. 34420

Sec. 3311.06. (A) As used in this section: 34421

(1) "Annexation" and "annexed" mean annexation for municipal 34422
purposes under sections 709.02 to 709.37 of the Revised Code. 34423

(2) "Annexed territory" means territory that has been annexed 34424
for municipal purposes to a city served by an urban school 34425
district, but on September 24, 1986, has not been transferred to 34426
the urban school district. 34427

(3) "Urban school district" means a city school district with 34428
an average daily membership for the 1985-1986 school year in 34429
excess of twenty thousand that is the school district of a city 34430
that contains annexed territory. 34431

(4) "Annexation agreement" means an agreement entered into 34432
under division (F) of this section that has been approved by the 34433
state board of education or an agreement entered into prior to 34434
September 24, 1986, that meets the requirements of division (F) of 34435
this section and has been filed with the state board. 34436

(B) The territory included within the boundaries of a city, 34437
local, exempted village, or joint vocational school district shall 34438
be contiguous except where a natural island forms an integral part 34439
of the district, where the state board of education authorizes a 34440
noncontiguous school district, as provided in division (E)(1) of 34441
this section, or where a local school district is created pursuant 34442
to section 3311.26 of the Revised Code from one or more local 34443
school districts, one of which has entered into an agreement under 34444
section 3313.42 of the Revised Code. 34445

(C)(1) When all of the territory of a school district is 34446
annexed to a city or village, such territory thereby becomes a 34447
part of the city school district or the school district of which 34448

the village is a part, and the legal title to school property in 34449
such territory for school purposes shall be vested in the board of 34450
education of the city school district or the school district of 34451
which the village is a part. 34452

(2) When the territory so annexed to a city or village 34453
comprises part but not all of the territory of a school district, 34454
the said territory becomes part of the city school district or the 34455
school district of which the village is a part only upon approval 34456
by the state board of education, unless the district in which the 34457
territory is located is a party to an annexation agreement with 34458
the city school district. 34459

Any urban school district that has not entered into an 34460
annexation agreement with any other school district whose 34461
territory would be affected by any transfer under this division 34462
and that desires to negotiate the terms of transfer with any such 34463
district shall conduct any negotiations under division (F) of this 34464
section as part of entering into an annexation agreement with such 34465
a district. 34466

Any school district, except an urban school district, 34467
desiring state board approval of a transfer under this division 34468
shall make a good faith effort to negotiate the terms of transfer 34469
with any other school district whose territory would be affected 34470
by the transfer. Before the state board may approve any transfer 34471
of territory to a school district, except an urban school 34472
district, under this section, it must receive the following: 34473

(a) A resolution requesting approval of the transfer, passed 34474
by at least one of the school districts whose territory would be 34475
affected by the transfer; 34476

(b) Evidence determined to be sufficient by the state board 34477
to show that good faith negotiations have taken place or that the 34478
district requesting the transfer has made a good faith effort to 34479

hold such negotiations; 34480

(c) If any negotiations took place, a statement signed by all 34481
boards that participated in the negotiations, listing the terms 34482
agreed on and the points on which no agreement could be reached. 34483

(D) The state board of education shall adopt rules governing 34484
negotiations held by any school district except an urban school 34485
district pursuant to division (C)(2) of this section. The rules 34486
shall encourage the realization of the following goals: 34487

(1) A discussion by the negotiating districts of the present 34488
and future educational needs of the pupils in each district; 34489

(2) The educational, financial, and territorial stability of 34490
each district affected by the transfer; 34491

(3) The assurance of appropriate educational programs, 34492
services, and opportunities for all the pupils in each 34493
participating district, and adequate planning for the facilities 34494
needed to provide these programs, services, and opportunities. 34495

Districts involved in negotiations under such rules may agree 34496
to share revenues from the property included in the territory to 34497
be transferred, establish cooperative programs between the 34498
participating districts, and establish mechanisms for the 34499
settlement of any future boundary disputes. 34500

(E)(1) If territory annexed after September 24, 1986, is part 34501
of a school district that is a party to an annexation agreement 34502
with the urban school district serving the annexing city, the 34503
transfer of such territory shall be governed by the agreement. If 34504
the agreement does not specify how the territory is to be dealt 34505
with, the boards of education of the district in which the 34506
territory is located and the urban school district shall negotiate 34507
with regard to the transfer of the territory which shall be 34508
transferred to the urban school district unless, not later than 34509
ninety days after the effective date of municipal annexation, the 34510

boards of education of both districts, by resolution adopted by a 34511
majority of the members of each board, agree that the territory 34512
will not be transferred and so inform the state board of 34513
education. 34514

If territory is transferred under this division the transfer 34515
shall take effect on the first day of July occurring not sooner 34516
than ninety-one days after the effective date of the municipal 34517
annexation. Territory transferred under this division need not be 34518
contiguous to the district to which it is transferred. 34519

(2) Territory annexed prior to September 24, 1986, by a city 34520
served by an urban school district shall not be subject to 34521
transfer under this section if the district in which the territory 34522
is located is a party to an annexation agreement or becomes a 34523
party to such an agreement not later than ninety days after 34524
September 24, 1986. If the district does not become a party to an 34525
annexation agreement within the ninety-day period, transfer of 34526
territory shall be governed by division (C)(2) of this section. If 34527
the district subsequently becomes a party to an agreement, 34528
territory annexed prior to September 24, 1986, other than 34529
territory annexed under division (C)(2) of this section prior to 34530
the effective date of the agreement, shall not be subject to 34531
transfer under this section. 34532

(F) An urban school district may enter into a comprehensive 34533
agreement with one or more school districts under which transfers 34534
of territory annexed by the city served by the urban school 34535
district after September 24, 1986, shall be governed by the 34536
agreement. Such agreement must provide for the establishment of a 34537
cooperative education program under section 3313.842 of the 34538
Revised Code in which all the parties to the agreement are 34539
participants and must be approved by resolution of the majority of 34540
the members of each of the boards of education of the school 34541
districts that are parties to it. An agreement may provide for 34542

interdistrict payments based on local revenue growth resulting 34543
from development in any territory annexed by the city served by 34544
the urban school district. 34545

An agreement entered into under this division may be altered, 34546
modified, or terminated only by agreement, by resolution approved 34547
by the majority of the members of each board of education, of all 34548
school districts that are parties to the agreement, except that 34549
with regard to any provision that affects only the urban school 34550
district and one of the other districts that is a party, that 34551
district and the urban district may modify or alter the agreement 34552
by resolution approved by the majority of the members of the board 34553
of that district and the urban district. Alterations, 34554
modifications, terminations, and extensions of an agreement 34555
entered into under this division do not require approval of the 34556
state board of education, but shall be filed with the board after 34557
approval and execution by the parties. 34558

If an agreement provides for interdistrict payments, each 34559
party to the agreement, except any school district specifically 34560
exempted by the agreement, shall agree to make an annual payment 34561
to the urban school district with respect to any of its territory 34562
that is annexed territory in an amount not to exceed the amount 34563
certified for that year under former section 3317.029 of the 34564
Revised Code as that section existed prior to July 1, 1998; except 34565
that such limitation of annual payments to amounts certified under 34566
former section 3317.029 of the Revised Code does not apply to 34567
agreements or extensions of agreements entered into on or after 34568
June 1, 1992, unless such limitation is expressly agreed to by the 34569
parties. The agreement may provide that all or any part of the 34570
payment shall be waived if the urban school district receives its 34571
payment with respect to such annexed territory under former 34572
section 3317.029 of the Revised Code and that all or any part of 34573
such payment may be waived if the urban school district does not 34574

receive its payment with respect to such annexed territory under 34575
such section. 34576

With respect to territory that is transferred to the urban 34577
school district after September 24, 1986, the agreement may 34578
provide for annual payments by the urban school district to the 34579
school district whose territory is transferred to the urban school 34580
district subsequent to annexation by the city served by the urban 34581
school district. 34582

(G) In the event territory is transferred from one school 34583
district to another under this section, an equitable division of 34584
the funds and indebtedness between the districts involved shall be 34585
made under the supervision of the state board of education and 34586
that board's decision shall be final. Such division shall not 34587
include funds payable to or received by a school district under 34588
Chapter 3306. or 3317. of the Revised Code or payable to or 34589
received by a school district from the United States or any 34590
department or agency thereof. In the event such transferred 34591
territory includes real property owned by a school district, the 34592
state board of education, as part of such division of funds and 34593
indebtedness, shall determine the true value in money of such real 34594
property and all buildings or other improvements thereon. The 34595
board of education of the school district receiving such territory 34596
shall forthwith pay to the board of education of the school 34597
district losing such territory such true value in money of such 34598
real property, buildings, and improvements less such percentage of 34599
the true value in money of each school building located on such 34600
real property as is represented by the ratio of the total 34601
enrollment in day classes of the pupils residing in the territory 34602
transferred enrolled at such school building in the school year in 34603
which such annexation proceedings were commenced to the total 34604
enrollment in day classes of all pupils residing in the school 34605
district losing such territory enrolled at such school building in 34606

such school year. The school district receiving such payment shall 34607
place the proceeds thereof in its sinking fund or bond retirement 34608
fund. 34609

(H) The state board of education, before approving such 34610
transfer of territory, shall determine that such payment has been 34611
made and shall apportion to the acquiring school district such 34612
percentage of the indebtedness of the school district losing the 34613
territory as is represented by the ratio that the assessed 34614
valuation of the territory transferred bears to the total assessed 34615
valuation of the entire school district losing the territory as of 34616
the effective date of the transfer, provided that in ascertaining 34617
the indebtedness of the school district losing the territory the 34618
state board of education shall disregard such percentage of the 34619
par value of the outstanding and unpaid bonds and notes of said 34620
school district issued for construction or improvement of the 34621
school building or buildings for which payment was made by the 34622
acquiring district as is equal to the percentage by which the true 34623
value in money of such building or buildings was reduced in fixing 34624
the amount of said payment. 34625

(I) No transfer of school district territory or division of 34626
funds and indebtedness incident thereto, pursuant to the 34627
annexation of territory to a city or village shall be completed in 34628
any other manner than that prescribed by this section regardless 34629
of the date of the commencement of such annexation proceedings, 34630
and this section applies to all proceedings for such transfers and 34631
divisions of funds and indebtedness pending or commenced on or 34632
after October 2, 1959. 34633

Sec. 3311.19. (A) The management and control of a joint 34634
vocational school district shall be vested in the joint vocational 34635
school district board of education. Where a joint vocational 34636
school district is composed only of two or more local school 34637

districts located in one county, or when all the participating 34638
districts are in one county and the boards of such participating 34639
districts so choose, the educational service center governing 34640
board of the county in which the joint vocational school district 34641
is located shall serve as the joint vocational school district 34642
board of education. Where a joint vocational school district is 34643
composed of local school districts of more than one county, or of 34644
any combination of city, local, or exempted village school 34645
districts or educational service centers, unless administration by 34646
the educational service center governing board has been chosen by 34647
all the participating districts in one county pursuant to this 34648
section, the board of education of the joint vocational school 34649
district shall be composed of one or more persons who are members 34650
of the boards of education from each of the city or exempted 34651
village school districts or members of the educational service 34652
centers' governing boards affected to be appointed by the boards 34653
of education or governing boards of such school districts and 34654
educational service centers. In such joint vocational school 34655
districts the number and terms of members of the joint vocational 34656
school district board of education and the allocation of a given 34657
number of members to each of the city and exempted village 34658
districts and educational service centers shall be determined in 34659
the plan for such district, provided that each such joint 34660
vocational school district board of education shall be composed of 34661
an odd number of members. 34662

(B) Notwithstanding division (A) of this section, a governing 34663
board of an educational service center that has members of its 34664
governing board serving on a joint vocational school district 34665
board of education may make a request to the joint vocational 34666
district board that the joint vocational school district plan be 34667
revised to provide for one or more members of boards of education 34668
of local school districts that are within the territory of the 34669
educational service district and within the joint vocational 34670

school district to serve in the place of or in addition to its 34671
educational service center governing board members. If agreement 34672
is obtained among a majority of the boards of education and 34673
governing boards that have a member serving on the joint 34674
vocational school district board of education and among a majority 34675
of the local school district boards of education included in the 34676
district and located within the territory of the educational 34677
service center whose board requests the substitution or addition, 34678
the state board of education may revise the joint vocational 34679
school district plan to conform with such agreement. 34680

(C) If the board of education of any school district or 34681
educational service center governing board included within a joint 34682
vocational district that has had its board or governing board 34683
membership revised under division (B) of this section requests the 34684
joint vocational school district board to submit to the state 34685
board of education a revised plan under which one or more joint 34686
vocational board members chosen in accordance with a plan revised 34687
under such division would again be chosen in the manner prescribed 34688
by division (A) of this section, the joint vocational board shall 34689
submit the revised plan to the state board of education, provided 34690
the plan is agreed to by a majority of the boards of education 34691
represented on the joint vocational board, a majority of the local 34692
school district boards included within the joint vocational 34693
district, and each educational service center governing board 34694
affected by such plan. The state board of education may revise the 34695
joint vocational school district plan to conform with the revised 34696
plan. 34697

(D) The vocational schools in such joint vocational school 34698
district shall be available to all youth of school age within the 34699
joint vocational school district subject to the rules adopted by 34700
the joint vocational school district board of education in regard 34701
to the standards requisite to admission. A joint vocational school 34702

district board of education shall have the same powers, duties, 34703
and authority for the management and operation of such joint 34704
vocational school district as is granted by law, except by this 34705
chapter and Chapters 124., 3306., 3317., 3323., and 3331. of the 34706
Revised Code, to a board of education of a city school district, 34707
and shall be subject to all the provisions of law that apply to a 34708
city school district, except such provisions in this chapter and 34709
Chapters 124., 3306., 3317., 3323., and 3331. of the Revised Code. 34710

(E) Where a governing board of an educational service center 34711
has been designated to serve as the joint vocational school 34712
district board of education, the educational service center 34713
superintendent shall be the executive officer for the joint 34714
vocational school district, and the governing board may provide 34715
for additional compensation to be paid to the educational service 34716
center superintendent by the joint vocational school district, but 34717
the educational service center superintendent shall have no 34718
continuing tenure other than that of educational service center 34719
superintendent. The superintendent of schools of a joint 34720
vocational school district shall exercise the duties and authority 34721
vested by law in a superintendent of schools pertaining to the 34722
operation of a school district and the employment and supervision 34723
of its personnel. The joint vocational school district board of 34724
education shall appoint a treasurer of the joint vocational school 34725
district who shall be the fiscal officer for such district and who 34726
shall have all the powers, duties, and authority vested by law in 34727
a treasurer of a board of education. Where a governing board of an 34728
educational service center has been designated to serve as the 34729
joint vocational school district board of education, such board 34730
may appoint the educational service center superintendent as the 34731
treasurer of the joint vocational school district. 34732

(F) Each member of a joint vocational school district board 34733
of education may be paid such compensation as the board provides 34734

by resolution, but it shall not exceed one hundred twenty-five 34735
dollars per member for each meeting attended plus mileage, at the 34736
rate per mile provided by resolution of the board, to and from 34737
meetings of the board. 34738

The board may provide by resolution for the deduction of 34739
amounts payable for benefits under section 3313.202 of the Revised 34740
Code. 34741

Each member of a joint vocational school district board may 34742
be paid such compensation as the board provides by resolution for 34743
attendance at an approved training program, provided that such 34744
compensation shall not exceed sixty dollars per day for attendance 34745
at a training program three hours or fewer in length and one 34746
hundred twenty-five dollars a day for attendance at a training 34747
program longer than three hours in length. However, no board 34748
member shall be compensated for the same training program under 34749
this section and section 3313.12 of the Revised Code. 34750

Sec. 3311.21. (A) In addition to the resolutions authorized 34751
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 34752
the Revised Code, the board of education of a joint vocational or 34753
cooperative education school district by a vote of two-thirds of 34754
its full membership may at any time adopt a resolution declaring 34755
the necessity to levy a tax in excess of the ten-mill limitation 34756
for a period not to exceed ten years to provide funds for any one 34757
or more of the following purposes, which may be stated in the 34758
following manner in such resolution, the ballot, and the notice of 34759
election: purchasing a site or enlargement thereof and for the 34760
erection and equipment of buildings; for the purpose of enlarging, 34761
improving, or rebuilding thereof; for the purpose of providing for 34762
the current expenses of the joint vocational or cooperative school 34763
district; or for a continuing period for the purpose of providing 34764
for the current expenses of the joint vocational or cooperative 34765

education school district. The resolution shall specify the amount 34766
of the proposed rate and, if a renewal, whether the levy is to 34767
renew all, or a portion of, the existing levy, and shall specify 34768
the first year in which the levy will be imposed. If the levy 34769
provides for but is not limited to current expenses, the 34770
resolution shall apportion the annual rate of the levy between 34771
current expenses and the other purpose or purposes. Such 34772
apportionment may but need not be the same for each year of the 34773
levy, but the respective portions of the rate actually levied each 34774
year for current expenses and the other purpose or purposes shall 34775
be limited by such apportionment. The portion of any such rate 34776
actually levied for current expenses of a joint vocational or 34777
cooperative education school district shall be used in applying 34778
division (A)(1) of section 3306.01 and division (A) of section 34779
3317.01 of the Revised Code. The portion of any such rate not 34780
apportioned to the current expenses of a joint vocational or 34781
cooperative education school district shall be used in applying 34782
division (B) of this section. On the adoption of such resolution, 34783
the joint vocational or cooperative education school district 34784
board of education shall certify the resolution to the board of 34785
elections of the county containing the most populous portion of 34786
the district, which board shall receive resolutions for filing and 34787
send them to the boards of elections of each county in which 34788
territory of the district is located, furnish all ballots for the 34789
election as provided in section 3505.071 of the Revised Code, and 34790
prepare the election notice; and the board of elections of each 34791
county in which the territory of such district is located shall 34792
make the other necessary arrangements for the submission of the 34793
question to the electors of the joint vocational or cooperative 34794
education school district at the next primary or general election 34795
occurring not less than seventy-five days after the resolution was 34796
received from the joint vocational or cooperative education school 34797
district board of education, or at a special election to be held 34798

at a time designated by the district board of education consistent 34799
with the requirements of section 3501.01 of the Revised Code, 34800
which date shall not be earlier than seventy-five days after the 34801
adoption and certification of the resolution. 34802

The board of elections of the county or counties in which 34803
territory of the joint vocational or cooperative education school 34804
district is located shall cause to be published in one or more 34805
newspapers of general circulation in that district an 34806
advertisement of the proposed tax levy question together with a 34807
statement of the amount of the proposed levy once a week for two 34808
consecutive weeks, prior to the election at which the question is 34809
to appear on the ballot, and, if the board of elections operates 34810
and maintains a web site, the board also shall post a similar 34811
advertisement on its web site for thirty days prior to that 34812
election. 34813

If a majority of the electors voting on the question of 34814
levying such tax vote in favor of the levy, the joint vocational 34815
or cooperative education school district board of education shall 34816
annually make the levy within the district at the rate specified 34817
in the resolution and ballot or at any lesser rate, and the county 34818
auditor of each affected county shall annually place the levy on 34819
the tax list and duplicate of each school district in the county 34820
having territory in the joint vocational or cooperative education 34821
school district. The taxes realized from the levy shall be 34822
collected at the same time and in the same manner as other taxes 34823
on the duplicate, and the taxes, when collected, shall be paid to 34824
the treasurer of the joint vocational or cooperative education 34825
school district and deposited to a special fund, which shall be 34826
established by the joint vocational or cooperative education 34827
school district board of education for all revenue derived from 34828
any tax levied pursuant to this section and for the proceeds of 34829
anticipation notes which shall be deposited in such fund. After 34830

the approval of the levy, the joint vocational or cooperative 34831
education school district board of education may anticipate a 34832
fraction of the proceeds of the levy and from time to time, during 34833
the life of the levy, but in any year prior to the time when the 34834
tax collection from the levy so anticipated can be made for that 34835
year, issue anticipation notes in an amount not exceeding fifty 34836
per cent of the estimated proceeds of the levy to be collected in 34837
each year up to a period of five years after the date of the 34838
issuance of the notes, less an amount equal to the proceeds of the 34839
levy obligated for each year by the issuance of anticipation 34840
notes, provided that the total amount maturing in any one year 34841
shall not exceed fifty per cent of the anticipated proceeds of the 34842
levy for that year. Each issue of notes shall be sold as provided 34843
in Chapter 133. of the Revised Code, and shall, except for such 34844
limitation that the total amount of such notes maturing in any one 34845
year shall not exceed fifty per cent of the anticipated proceeds 34846
of the levy for that year, mature serially in substantially equal 34847
installments, during each year over a period not to exceed five 34848
years after their issuance. 34849

(B) Prior to the application of section 319.301 of the 34850
Revised Code, the rate of a levy that is limited to, or to the 34851
extent that it is apportioned to, purposes other than current 34852
expenses shall be reduced in the same proportion in which the 34853
district's total valuation increases during the life of the levy 34854
because of additions to such valuation that have resulted from 34855
improvements added to the tax list and duplicate. 34856

(C) The form of ballot cast at an election under division (A) 34857
of this section shall be as prescribed by section 5705.25 of the 34858
Revised Code. 34859

Sec. 3311.29. (A) Except as provided under division (B) or 34860
(C) of this section, no school district shall be created and no 34861

school district shall exist which does not maintain within such 34862
district public schools consisting of grades kindergarten through 34863
twelve and any such existing school district not maintaining such 34864
schools shall be dissolved and its territory joined with another 34865
school district or districts by order of the state board of 34866
education if no agreement is made among the surrounding districts 34867
voluntarily, which order shall provide an equitable division of 34868
the funds, property, and indebtedness of the dissolved school 34869
district among the districts receiving its territory. The state 34870
board of education may authorize exceptions to school districts 34871
where topography, sparsity of population, and other factors make 34872
compliance impracticable. 34873

The superintendent of public instruction is without authority 34874
to distribute funds under ~~sections 3317.022 to 3317.025~~ Chapter 34875
3306. or 3317. of the Revised Code to any school district that 34876
does not maintain schools with grades kindergarten through twelve 34877
and to which no exception has been granted by the state board of 34878
education. 34879

(B) Division (A) of this section does not apply to any joint 34880
vocational school district or any cooperative education school 34881
district established pursuant to divisions (A) to (C) of section 34882
3311.52 of the Revised Code. 34883

(C)(1)(a) Except as provided in division (C)(3) of this 34884
section, division (A) of this section does not apply to any 34885
cooperative education school district established pursuant to 34886
section 3311.521 of the Revised Code nor to the city, exempted 34887
village, or local school districts that have territory within such 34888
a cooperative education district. 34889

(b) The cooperative district and each city, exempted village, 34890
or local district with territory within the cooperative district 34891
shall maintain the grades that the resolution adopted or amended 34892
pursuant to section 3311.521 of the Revised Code specifies. 34893

(2) Any cooperative education school district described under 34894
division (C)(1) of this section that fails to maintain the grades 34895
it is specified to operate shall be dissolved by order of the 34896
state board of education unless prior to such an order the 34897
cooperative district is dissolved pursuant to section 3311.54 of 34898
the Revised Code. Any such order shall provide for the equitable 34899
adjustment, division, and disposition of the assets, property, 34900
debts, and obligations of the district among each city, local, and 34901
exempted village school district whose territory is in the 34902
cooperative district and shall provide that the tax duplicate of 34903
each city, local, and exempted village school district whose 34904
territory is in the cooperative district shall be bound for and 34905
assume its share of the outstanding indebtedness of the 34906
cooperative district. 34907

(3) If any city, exempted village, or local school district 34908
described under division (C)(1) of this section fails to maintain 34909
the grades it is specified to operate the cooperative district 34910
within which it has territory shall be dissolved in accordance 34911
with division (C)(2) of this section and upon that dissolution any 34912
city, exempted village, or local district failing to maintain 34913
grades kindergarten through twelve shall be subject to the 34914
provisions for dissolution in division (A) of this section. 34915

Sec. 3311.52. A cooperative education school district may be 34916
established pursuant to divisions (A) to (C) of this section or 34917
pursuant to section 3311.521 of the Revised Code. 34918

(A) A cooperative education school district may be 34919
established upon the adoption of identical resolutions within a 34920
sixty-day period by a majority of the members of the board of 34921
education of each city, local, and exempted village school 34922
district that is within the territory of a county school financing 34923
district. 34924

A copy of each resolution shall be filed with the governing 34925
board ~~of education~~ of the educational service center which created 34926
the county school financing district. Upon the filing of the last 34927
such resolution, the educational service center governing board 34928
shall immediately notify each board of education filing such a 34929
resolution of the date on which the last resolution was filed. 34930

Ten days after the date on which the last resolution is filed 34931
with the educational service center governing board or ten days 34932
after the last of any notices required under division (C) of this 34933
section is received by the educational service center governing 34934
board, whichever is later, the county school financing district 34935
shall be dissolved and the new cooperative education school 34936
district and the board of education of the cooperative education 34937
school district shall be established. 34938

On the date that any county school financing district is 34939
dissolved and a cooperative education school district is 34940
established under this section, each of the following shall apply: 34941

(1) The territory of the dissolved district becomes the 34942
territory of the new district. 34943

(2) Any outstanding tax levy in force in the dissolved 34944
district shall be spread over the territory of the new district 34945
and shall remain in force in the new district until the levy 34946
expires or is renewed. 34947

(3) Any funds of the dissolved district shall be paid over in 34948
full to the new district. 34949

(4) Any net indebtedness of the dissolved district shall be 34950
assumed in full by the new district. As used in division (A)(4) of 34951
this section, "net indebtedness" means the difference between the 34952
par value of the outstanding and unpaid bonds and notes of the 34953
dissolved district and the amount held in the sinking fund and 34954
other indebtedness retirement funds for their redemption. 34955

When a county school financing district is dissolved and a cooperative education school district is established under this section, the governing board of the educational service center that created the dissolved district shall give written notice of this fact to the county auditor and the board of elections of each county having any territory in the new district.

(B) The resolutions adopted under division (A) of this section shall include all of the following provisions:

(1) Provision that the governing board of the educational service center which created the county school financing district shall be the board of education of the cooperative education school district, except that provision may be made for the composition, selection, and terms of office of an alternative board of education of the cooperative district, which board shall include at least one member selected from or by the members of the board of education of each city, local, and exempted village school district and at least one member selected from or by the members of the educational service center governing board within the territory of the cooperative district;

(2) Provision that the treasurer and superintendent of the educational service center which created the county school financing district shall be the treasurer and superintendent of the cooperative education school district, except that provision may be made for the selection of a treasurer or superintendent of the cooperative district other than the treasurer or superintendent of the educational service center, which provision shall require one of the following:

(a) The selection of one person as both the treasurer and superintendent of the cooperative district, which provision may require such person to be the treasurer or superintendent of any city, local, or exempted village school district or educational service center within the territory of the cooperative district;

(b) The selection of one person as the treasurer and another person as the superintendent of the cooperative district, which provision may require either one or both such persons to be treasurers or superintendents of any city, local, or exempted village school districts or educational service center within the territory of the cooperative district.

(3) A statement of the educational program the board of education of the cooperative education school district will conduct, including but not necessarily limited to the type of educational program, the grade levels proposed for inclusion in the program, the timetable for commencing operation of the program, and the facilities proposed to be used or constructed to be used by the program;

(4) A statement of the annual amount, or the method for determining that amount, of funds or services or facilities that each city, local, and exempted village school district within the territory of the cooperative district is required to pay to or provide for the use of the board of education of the cooperative education school district;

(5) Provision for adopting amendments to the provisions of divisions (B)(2) to (4) of this section.

(C) If the resolutions adopted under division (A) of this section provide for a board of education of the cooperative education school district that is not the governing board of the educational service center that created the county school financing district, each board of education of each city, local, or exempted village school district and the governing board of the educational service center within the territory of the cooperative district shall, within thirty days after the date on which the last resolution is filed with the educational service center governing board under division (A) of this section, select one or more members of the board of education of the cooperative district

as provided in the resolutions filed with the educational service 35020
center governing board. Each such board shall immediately notify 35021
the educational ~~services~~ service center governing board of each 35022
such selection. 35023

(D) Except for the powers and duties in this chapter and 35024
Chapters 124., 3306., 3317., 3318., 3323., and 3331. of the 35025
Revised Code, a cooperative education school district established 35026
pursuant to divisions (A) to (C) of this section or pursuant to 35027
section 3311.521 of the Revised Code has all the powers of a city 35028
school district and its board of education has all the powers and 35029
duties of a board of education of a city school district with 35030
respect to the educational program specified in the resolutions 35031
adopted under division (A) of this section. All laws applicable to 35032
a city school district or the board of education or the members of 35033
the board of education of a city school district, except such laws 35034
in this chapter and Chapters 124., 3306., 3317., 3318., 3323., and 35035
3331. of the Revised Code, are applicable to a cooperative 35036
education school district and its board. 35037

The treasurer and superintendent of a cooperative education 35038
school district shall have the same respective duties and powers 35039
as a treasurer and superintendent of a city school district, 35040
except for any powers and duties in this chapter and Chapters 35041
124., 3306., 3317., 3318., 3323., and 3331. of the Revised Code. 35042

(E) For purposes of this title, any student included in the 35043
formula ADM certified for any city, exempted village, or local 35044
school district under section 3317.03 of the Revised Code by 35045
virtue of being counted, in whole or in part, in the average daily 35046
membership of a cooperative education school district under 35047
division (A)(2)~~(f)~~(d) of that section shall be construed to be 35048
enrolled both in that city, exempted village, or ~~village~~ local 35049
school district and in that cooperative education school district. 35050
This division shall not be construed to mean that any such 35051

individual student may be counted more than once for purposes of 35052
determining the average daily membership of any one school 35053
district. 35054

Sec. 3311.76. (A) Notwithstanding Chapters 3302., 3306., and 35055
3317. of the Revised Code, upon written request of the district 35056
chief executive officer the state superintendent of public 35057
instruction may exempt a municipal school district from any rules 35058
adopted under Title XXXIII of the Revised Code except for any rule 35059
adopted under Chapter 3307. or 3309., sections 3319.07 to 3319.21, 35060
or Chapter 3323. of the Revised Code, and may authorize a 35061
municipal school district to apply funds allocated to the district 35062
under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code, except 35063
those specifically allocated to purposes other than current 35064
expenses, to the payment of debt charges on the district's public 35065
obligations. The request must specify the provisions from which 35066
the district is seeking exemption or the application requested and 35067
the reasons for the request. The state superintendent shall 35068
approve the request if the superintendent finds the requested 35069
exemption or application is in the best interest of the district's 35070
students. The superintendent shall approve or disapprove the 35071
request within thirty days and shall notify the district board and 35072
the district chief executive officer of approval or reasons for 35073
disapproving the request. 35074

(B) In addition to the rights, authority, and duties 35075
conferred upon a municipal school district and its board of 35076
education in sections 3311.71 to 3311.76 of the Revised Code, a 35077
municipal school district and its board shall have all of the 35078
rights, authority, and duties conferred upon a city school 35079
district and its board by law that are not inconsistent with 35080
sections 3311.71 to 3311.76 of the Revised Code. 35081

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 35082

~~and (F), and (G)~~ of this section, when a board of education 35083
decides to dispose of real or personal property that it owns in 35084
its corporate capacity and that exceeds in value ten thousand 35085
dollars, it shall sell the property at public auction, after 35086
giving at least thirty days' notice of the auction by publication 35087
in a newspaper of general circulation or by posting notices in 35088
five of the most public places in the school district in which the 35089
property, if it is real property, is situated, or, if it is 35090
personal property, in the school district of the board of 35091
education that owns the property. The board may offer real 35092
property for sale as an entire tract or in parcels. 35093

(B) When the board of education has offered real or personal 35094
property for sale at public auction at least once pursuant to 35095
division (A) of this section, and the property has not been sold, 35096
the board may sell it at a private sale. Regardless of how it was 35097
offered at public auction, at a private sale, the board shall, as 35098
it considers best, sell real property as an entire tract or in 35099
parcels, and personal property in a single lot or in several lots. 35100

(C) If a board of education decides to dispose of real or 35101
personal property that it owns in its corporate capacity and that 35102
exceeds in value ten thousand dollars, it may sell the property to 35103
the adjutant general; to any subdivision or taxing authority as 35104
respectively defined in divisions (A) and (C) of section 5705.01 35105
of the Revised Code, township park district, board of park 35106
commissioners established under Chapter 755. of the Revised Code, 35107
or park district established under Chapter 1545. of the Revised 35108
Code; to a wholly or partially tax-supported university, 35109
university branch, or college; or to the board of trustees of a 35110
school district library, upon such terms as are agreed upon. The 35111
sale of real or personal property to the board of trustees of a 35112
school district library is limited, in the case of real property, 35113
to a school district library within whose boundaries the real 35114

property is situated, or, in the case of personal property, to a 35115
school district library whose boundaries lie in whole or in part 35116
within the school district of the selling board of education. 35117

(D) When a board of education decides to trade as a part or 35118
an entire consideration, an item of personal property on the 35119
purchase price of an item of similar personal property, it may 35120
trade the same upon such terms as are agreed upon by the parties 35121
to the trade. 35122

(E) The president and the treasurer of the board of education 35123
shall execute and deliver deeds or other necessary instruments of 35124
conveyance to complete any sale or trade under this section. 35125

(F) When a board of education has identified a parcel of real 35126
property that it determines is needed for school purposes, the 35127
board may, upon a majority vote of the members of the board, 35128
acquire that property by exchanging real property that the board 35129
owns in its corporate capacity for the identified real property or 35130
by using real property that the board owns in its corporate 35131
capacity as part or an entire consideration for the purchase price 35132
of the identified real property. Any exchange or acquisition made 35133
pursuant to this division shall be made by a conveyance executed 35134
by the president and the treasurer of the board. 35135

~~(G)(1) When a school district board of education decides to 35136
dispose of real property suitable for use as classroom space, 35137
prior to disposing of that property under divisions (A) to (F) of 35138
this section, it shall first offer that property for sale to the 35139
governing authorities of the start up community schools 35140
established under Chapter 3314. of the Revised Code located within 35141
the territory of the school district, at a price that is not 35142
higher than the appraised fair market value of that property. If 35143
more than one community school governing authority accepts the 35144
offer made by the school district board, the board shall sell the 35145
property to the governing authority that accepted the offer first 35146~~

~~in time. If no community school governing authority accepts the offer within sixty days after the offer is made by the school district board, the board may dispose of the property in the applicable manner prescribed under divisions (A) to (F) of this section.~~

~~(2) When a school district board of education has not used real property suitable for classroom space for academic instruction, administration, storage, or any other educational purpose for one full school year and has not adopted a resolution outlining a plan for using that property for any of those purposes within the next three school years, it shall offer that property for sale to the governing authorities of the start up community schools established under Chapter 3314. of the Revised Code located within the territory of the school district, at a price that is not higher than the appraised fair market value of that property. If more than one community school governing authority accepts the offer made by the school district board, the board shall sell the property to the governing authority that accepted the offer first in time.~~

~~(H) When a school district board of education has property that the board, by resolution, finds is not needed for school district use, is obsolete, or is unfit for the use for which it was acquired, the board may donate that property in accordance with this division if the fair market value of the property is, in the opinion of the board, two thousand five hundred dollars or less.~~

The property may be donated to an eligible nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating any property under this division, the board shall adopt a resolution expressing its intent to make unneeded, obsolete, or unfit-for-use school district property available to

these organizations. The resolution shall include guidelines and 35179
procedures the board considers to be necessary to implement the 35180
donation program and shall indicate whether the school district 35181
will conduct the donation program or the board will contract with 35182
a representative to conduct it. If a representative is known when 35183
the resolution is adopted, the resolution shall provide contact 35184
information such as the representative's name, address, and 35185
telephone number. 35186

The resolution shall include within its procedures a 35187
requirement that any nonprofit organization desiring to obtain 35188
donated property under this division shall submit a written notice 35189
to the board or its representative. The written notice shall 35190
include evidence that the organization is a nonprofit organization 35191
that is located in this state and is exempt from federal income 35192
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 35193
the organization's primary purpose; a description of the type or 35194
types of property the organization needs; and the name, address, 35195
and telephone number of a person designated by the organization's 35196
governing board to receive donated property and to serve as its 35197
agent. 35198

After adoption of the resolution, the board shall publish, in 35199
a newspaper of general circulation in the school district, notice 35200
of its intent to donate unneeded, obsolete, or unfit-for-use 35201
school district property to eligible nonprofit organizations. The 35202
notice shall include a summary of the information provided in the 35203
resolution and shall be published at least twice. The second and 35204
any subsequent notice shall be published not less than ten nor 35205
more than twenty days after the previous notice. A similar notice 35206
also shall be posted continually in the board's office, and, if 35207
the school district maintains a web site on the internet, the 35208
notice shall be posted continually at that web site. 35209

The board or its representatives shall maintain a list of all 35210

nonprofit organizations that notify the board or its 35211
representative of their desire to obtain donated property under 35212
this division and that the board or its representative determines 35213
to be eligible, in accordance with the requirements set forth in 35214
this section and in the donation program's guidelines and 35215
procedures, to receive donated property. 35216

The board or its representative also shall maintain a list of 35217
all school district property the board finds to be unneeded, 35218
obsolete, or unfit for use and to be available for donation under 35219
this division. The list shall be posted continually in a 35220
conspicuous location in the board's office, and, if the school 35221
district maintains a web site on the internet, the list shall be 35222
posted continually at that web site. An item of property on the 35223
list shall be donated to the eligible nonprofit organization that 35224
first declares to the board or its representative its desire to 35225
obtain the item unless the board previously has established, by 35226
resolution, a list of eligible nonprofit organizations that shall 35227
be given priority with respect to the item's donation. Priority 35228
may be given on the basis that the purposes of a nonprofit 35229
organization have a direct relationship to specific school 35230
district purposes of programs provided or administered by the 35231
board. A resolution giving priority to certain nonprofit 35232
organizations with respect to the donation of an item of property 35233
shall specify the reasons why the organizations are given that 35234
priority. 35235

Members of the board shall consult with the Ohio ethics 35236
commission, and comply with Chapters 102. and 2921. of the Revised 35237
Code, with respect to any donation under this division to a 35238
nonprofit organization of which a board member, any member of a 35239
board member's family, or any business associate of a board member 35240
is a trustee, officer, board member, or employee. 35241

Sec. 3313.48. (A) The board of education of each city, 35242
exempted village, local, and joint vocational school district 35243
shall provide for the free education of the youth of school age 35244
within the district under its jurisdiction, at such places as will 35245
be most convenient for the attendance of the largest number 35246
thereof. Except as provided in section 3313.481 of the Revised 35247
Code, each school so provided shall be open for instruction with 35248
pupils in attendance ~~for~~ as prescribed by division (B) of this 35249
section. 35250

(B) Each school shall be open for instruction as follows: 35251

(1) In each learning year prior to the learning year that 35252
begins July 1, 2011, not less than one hundred eighty-two days in 35253
each school year, which; 35254

(2) In each of the learning years beginning on July 1, 2011, 35255
and July 1, 2012, respectively, not less than one hundred 35256
eighty-six days; 35257

(3) In each of the learning years beginning on July 1, 2013, 35258
and July 1, 2014, respectively, not less than one hundred ninety 35259
days; 35260

(4) In each of the learning years beginning on July 1, 2015, 35261
and July 1, 2016, respectively, not less than one hundred 35262
ninety-four days; 35263

(5) In the learning year that begins on July 1, 2017, and in 35264
each learning year thereafter, not less than one hundred 35265
ninety-eight days. 35266

(C) The minimum learning year prescribed by division (B) of 35267
this section may include all of the following: 35268

~~(A)~~(1) Up to four school days per year in which classes are 35269
dismissed one-half day early or the equivalent amount of time 35270
during a different number of days for the purpose of 35271

individualized parent-teacher conferences and reporting periods; 35272

~~(B)~~(2) Up to two days for professional meetings of teachers 35273
when such days occur during a regular school week and schools are 35274
not in session; 35275

~~(C)~~(3) The number of days the school is closed as a result of 35276
public calamity, as provided in ~~section~~ sections 3306.01 and 35277
3317.01 of the Revised Code. 35278

(D) The state board of education shall adopt standards for 35279
defining ~~"school~~ the minimum number of hours for a "learning day" 35280
as used in this section and sections ~~3313.48~~ 3306.01 and 3317.01 35281
of the Revised Code. 35282

Except as otherwise provided in this section, each learning 35283
day for grades seven through twelve shall consist of not less than 35284
five clock hours with pupils in attendance, except in such 35285
emergency situations, including lack of classroom space, as are 35286
approved by the state board of education. Except as otherwise 35287
provided in this section, each learning day for grades one through 35288
six shall consist of not less than five clock hours with pupils in 35289
attendance which may include fifteen minute morning and afternoon 35290
recess periods, except in such emergency situations, including 35291
lack of classroom space, as are approved by the state board of 35292
education. 35293

Sec. 3313.481. (A) With the approval of the department of 35294
education, a board of education of a city, exempted village, 35295
local, or joint vocational school district may operate any of its 35296
schools on a schedule other than that required by section 3313.48 35297
of the Revised Code in order to do any of the following: 35298

(1) To provide a flexible school day during which may be held 35299
parent-teacher conferences and reporting periods involving time in 35300
excess of that permitted to be credited toward fulfillment of the 35301

minimum school year under section 3313.48 of the Revised Code; 35302

(2) To establish and maintain a calendar of quarters, 35303
trimesters, or pentamesters; 35304

(3) To provide staggered attendance schedules if it receives 35305
approval to do so from the department of education. 35306

(B) A school district operating a school under this section 35307
shall have such school open for instruction for each pupil 35308
enrolled in that school for at least the following: 35309

(1) For each learning year prior to the learning year that 35310
begins on July 1, 2011, nine hundred ten hours ~~during the school~~ 35311
~~year.~~ 35312

(2) In each of the learning years beginning on July 1, 2011, 35313
and July 1, 2012, respectively, nine hundred thirty hours; 35314

(3) In each of the learning years beginning on July 1, 2013, 35315
and July 1, 2014, respectively, nine hundred fifty hours; 35316

(4) In each of the learning years beginning on July 1, 2015, 35317
and July 1, 2016, respectively, nine hundred seventy hours; 35318

(5) In the learning year that begins on July 1, 2017, and in 35319
each learning year thereafter, nine hundred ninety hours. 35320

(C) For purposes of determining whether a school that is on a 35321
staggered attendance schedule is in compliance with this section 35322
in any ~~school~~ learning year, the department of education may 35323
include days the school was open for instruction with pupils in 35324
attendance for not more than the first seventy days of the ensuing 35325
~~school~~ learning year provided such days are not considered as days 35326
the school was open for instruction during such ensuing ~~school~~ 35327
learning year. The following shall be considered as time during 35328
which the schools are open for instruction for a pupil enrolled in 35329
such a school, or for a pupil enrolled in a school that is not on 35330
a staggered attendance schedule but that operates under this 35331

section: 35332

(1) Morning and afternoon recess periods of not more than 35333
fifteen minutes duration per period for a pupil in grades one 35334
through six; 35335

(2) Ten hours during which the pupil would otherwise be in 35336
attendance but ~~when he~~ is not required to attend school in order 35337
to provide time for individualized parent-teacher conferences and 35338
reporting periods; 35339

(3) Ten hours during which the pupil would otherwise be in 35340
attendance but is not required to attend school in order to 35341
provide time for teachers to attend professional meetings; 35342

(4) The number of hours pupils would otherwise be in 35343
attendance but are not required to attend because school is closed 35344
as a result of a public calamity as provided in ~~section~~ sections 35345
3306.01 and 3317.01 of the Revised Code. 35346

~~(C)~~(D) No board of education shall discriminate on the basis 35347
of sex, race, religion, or national origin when assigning pupils 35348
to attendance schedules pursuant to this section. 35349

Sec. 3313.482. (A) Annually, prior to the first day of 35350
September, the board of education of each city, local, and 35351
exempted village school district shall adopt a resolution 35352
specifying a contingency plan under which the district's students 35353
will make up days on which it was necessary to close schools ~~for~~ 35354
~~any of the reasons specified in division (B) of section 3317.01 of~~ 35355
~~the Revised Code~~ because of disease epidemic, hazardous weather 35356
conditions, inoperability of school buses or other equipment 35357
necessary to the school's operation, damage to a school building, 35358
or other temporary circumstances due to utility failure rendering 35359
the school building unfit for school use, if any such days must be 35360
made up in order to comply with the requirements of ~~that section~~ 35361

and sections 3306.01, 3313.48 and, 3313.481, and 3317.01 of the 35362
Revised Code. The resolution shall provide in the plan for making 35363
up at least five full ~~school~~ learning days. If, after the first 35364
day of September, the board determines that the district is unable 35365
to implement the contingency plan as originally adopted, the board 35366
may adopt a resolution to amend the plan, but in no case shall the 35367
amended plan provide for making up less than five full learning 35368
days. No resolution adopted pursuant to this division shall 35369
conflict with any collective bargaining agreement into which a 35370
board has entered pursuant to Chapter 4117. of the Revised Code 35371
and that is in effect in the district. 35372

(B) Notwithstanding the content of the contingency plan it 35373
adopts under division (A) of this section, if a school district 35374
closes or evacuates any school building as a result of a bomb 35375
threat or any other report of an alleged or impending explosion, 35376
and if, as a result of the closing or evacuation, the school 35377
district would be unable to meet the requirements of sections 35378
3306.01, 3313.48, 3313.481, and 3317.01 of the Revised Code 35379
regarding the number of days schools must be open for instruction 35380
or the requirements of the state minimum standards for the ~~school~~ 35381
learning day that are established by the department of education 35382
regarding the number of hours there must be in the ~~school~~ learning 35383
day, the school district may increase the length of one or more 35384
other ~~school~~ learning days for the school that was closed or 35385
evacuated, in increments of one-half hour, to make up the number 35386
of hours or days that the school building in question was so 35387
closed or evacuated for the purpose of satisfying the requirements 35388
of those sections regarding the number of days schools must be 35389
open for instruction or the requirements of those standards 35390
regarding the number of hours there must be in the ~~school~~ learning 35391
day. 35392

(C) If a school district closes or evacuates any school 35393

building for any of the reasons specified in division ~~(B)~~(A) of 35394
this section 3317.01 ~~of the Revised Code~~, and if for that school 35395
the total number of full ~~school~~ learning days specified in the 35396
district's contingency plan adopted under that division ~~(A)~~ of 35397
~~this section~~ is insufficient to enable the school district to meet 35398
the requirements of sections 3306.01, 3313.48, 3313.481, and 35399
3317.01 of the Revised Code regarding the number of days schools 35400
must be open for instruction or the requirements of the state 35401
minimum standards for the ~~school~~ learning day that are established 35402
by the department of education regarding the number of hours there 35403
must be in the ~~school~~ learning day, the school district may 35404
increase the length of one or more other ~~school~~ learning days for 35405
the school that was closed or evacuated, in increments of one-half 35406
hour, to make up the number of hours or days that the school 35407
building in question was so closed or evacuated for the purpose of 35408
satisfying the requirements of those sections regarding the number 35409
of days schools must be open for instruction or the requirements 35410
of those standards regarding the number of hours there must be in 35411
the ~~school~~ learning day. The district shall not be required to 35412
actually make up any of the days specified in the district's 35413
contingency plan prior to increasing the length of one or more 35414
~~school~~ learning days to make up the shortage of hours or days 35415
caused by the school's closure or evacuation, but in no case shall 35416
the district fail to make up the total number of full ~~school~~ 35417
learning days specified in the contingency plan in accordance with 35418
that plan. 35419

(D) If a school district closes or evacuates a school 35420
building as a result of a bomb threat or any other report of an 35421
alleged or impending explosion and also closes or evacuates that 35422
school building on a different day for any of the reasons 35423
specified in division ~~(B)~~(A) of this section 3317.01 ~~of the~~ 35424
~~Revised Code~~, division (B) of this section applies regarding the 35425
closing or evacuation of the school building as a result of the 35426

bomb threat or report of an alleged or impending explosion and 35427
division (C) of this section applies regarding the closing or 35428
evacuation of the school building for the reason specified in 35429
division ~~(B)~~(A) of this section ~~3317.01 of the Revised Code.~~ 35430

Notwithstanding the provisions of sections 3306.01, 3313.48, 35431
3313.481, and 3317.01 of the Revised Code and the requirements of 35432
the state minimum standards for the ~~school~~ learning day that are 35433
established by the department of education and notwithstanding the 35434
content of the contingency plan it adopts under division (A) of 35435
this section regarding the closing or evacuation of a school 35436
building as a result of a bomb threat or any other report of an 35437
alleged or impending explosion, a school district that makes up, 35438
as described in division (B) or (C) of this section, all of the 35439
hours or days that its school buildings were closed or evacuated 35440
for any of the reasons identified in division (B) or (C) of this 35441
section shall be deemed to have complied with the requirements of 35442
those sections regarding the number of days schools must be open 35443
for instruction and the requirements of those minimum standards 35444
regarding the number of hours there must be in the ~~school~~ learning 35445
day. 35446

Sec. 3313.483. (A) A board of education, upon the adoption of 35447
a resolution stating that it may be financially unable to open on 35448
the day or to remain open for instruction on all days set forth in 35449
its adopted school calendar and pay all obligated expenses, or the 35450
superintendent of public instruction upon the issuance of written 35451
notification under division (B) of section 3313.489 of the Revised 35452
Code, shall request the auditor of state to determine whether such 35453
situation exists. The auditor shall deliver a copy of each request 35454
from a board of education to the superintendent of public 35455
instruction. In the case of a school district not under a fiscal 35456
emergency pursuant to Chapter 3316. of the Revised Code the 35457
auditor shall not issue a finding under this section until written 35458

notification is received from the superintendent pursuant to 35459
section 3313.487 of the Revised Code. 35460

(B) If the auditor of state finds that the board of education 35461
has attempted to avail itself to the fullest extent authorized by 35462
law of all lawful revenue sources available to it except those 35463
authorized by section 5705.21 of the Revised Code, the auditor 35464
shall certify that finding to the superintendent of public 35465
instruction and the state board of education and shall certify the 35466
operating deficit the district will have at the end of the fiscal 35467
year if it commences or continues operating its instructional 35468
program in accordance with its adopted school calendar and pays 35469
all obligated expenses. 35470

(C) No board of education may delay the opening of its 35471
schools or close its schools for financial reasons. Upon the 35472
request of the superintendent of public instruction, the attorney 35473
general shall seek injunctive relief and any other relief required 35474
to enforce this prohibition in the court of common pleas of 35475
Franklin county. The court of common pleas of Franklin county has 35476
exclusive original jurisdiction over all such actions. 35477

(D) Upon the receipt of any certification of an operating 35478
deficit from the auditor of state, a board of education shall make 35479
application to a commercial bank, underwriter, or other 35480
prospective lender or purchaser of its obligations for a loan in 35481
an amount sufficient to enable the district to open or remain open 35482
for instruction on all days set forth in its adopted school 35483
calendar but not to exceed the amount of the deficit certified. 35484

(E)(1) Any board of education that has applied for and been 35485
denied a loan from a commercial bank, underwriter, or other 35486
prospective lender or purchaser of its obligations pursuant to 35487
division (D) of this section shall submit to the superintendent of 35488
public instruction a plan for implementing reductions in the 35489
school district's budget; apply for a loan from a commercial bank, 35490

underwriter, or other prospective lender or purchaser of its 35491
obligations in an amount not to exceed its certified deficit; and 35492
provide the superintendent such information as the superintendent 35493
requires concerning its application for such a loan. The board of 35494
education of a school district declared to be under a fiscal watch 35495
pursuant to division (A) of section 3316.03 of the Revised Code 35496
may, upon approval of the superintendent, utilize the financial 35497
plan required by section 3316.04 of the Revised Code, or 35498
applicable parts thereof, as the plan required under this 35499
division. The board of education of a school district declared to 35500
be under a fiscal emergency pursuant to division (B) of section 35501
3316.03 of the Revised Code may utilize the financial recovery 35502
plan for the district, or applicable parts thereof, as the plan 35503
required under this division. Except for the plan of a school 35504
district under a fiscal emergency, the superintendent shall 35505
evaluate, make recommendations concerning, and approve or 35506
disapprove each plan. When a plan is submitted, the superintendent 35507
shall immediately notify the members of the general assembly whose 35508
legislative districts include any or all of the territory of the 35509
school district submitting the plan. 35510

(2) The superintendent shall submit to the controlling board 35511
a copy of each plan the superintendent approves, or each plan 35512
submitted by a district under a fiscal emergency pursuant to 35513
division (B) of section 3316.03 of the Revised Code, and the 35514
general terms of each proposed loan, and shall make 35515
recommendations regarding the plan and whether a proposed loan to 35516
the board of education should be approved for payment as provided 35517
in division (E)(3) of this section. The controlling board shall 35518
approve or disapprove the plan and the proposed loan presented to 35519
it by the superintendent. In the case of a district not under a 35520
fiscal emergency pursuant to division (B) of section 3316.03 of 35521
the Revised Code, the controlling board may require a board of 35522
education to implement the superintendent's recommendations for 35523

expenditure reductions or impose other requirements. Loan 35524
repayments shall be in accordance with a schedule approved by the 35525
superintendent, except that the principal amount of the loan shall 35526
be payable in monthly, semiannual, or annual installments of 35527
principal and interest that are substantially equal principal and 35528
interest installments. Except as otherwise provided in division 35529
(E)(2) of this section, repayment shall be made no later than the 35530
fifteenth day of June of the second fiscal year following the 35531
approval of the loan. A school district with a certified deficit 35532
in excess of either twenty-five million dollars or fifteen per 35533
cent of the general fund expenditures of the district during the 35534
fiscal year shall repay the loan no later than the fifteenth day 35535
of June of the tenth fiscal year following the approval of the 35536
loan. In deciding whether to approve or disapprove a proposed 35537
loan, the controlling board shall consider the deficit certified 35538
by the auditor of state pursuant to this section. A board of 35539
education that has an outstanding loan approved pursuant to this 35540
section with a repayment date of more than two fiscal years after 35541
the date of approval of such loan may not apply for another loan 35542
with such a repayment date until the outstanding loan has been 35543
repaid. 35544

(3) If a board of education has submitted and received 35545
controlling board approval of a plan and proposed loan in 35546
accordance with this section, the superintendent of public 35547
instruction shall report to the controlling board the actual 35548
amounts loaned to the board of education. Such board of education 35549
shall request the superintendent to pay any funds the board of 35550
education would otherwise receive pursuant to ~~sections 3317.022 to~~ 35551
~~3317.025~~ Chapter 3306. of the Revised Code first directly to the 35552
holders of the board of education's notes, or an agent thereof, 35553
such amounts as are specified under the terms of the loan. Such 35554
payments shall be made only from and to the extent of money 35555
appropriated by the general assembly for purposes of such 35556

sections. No note or other obligation of the board of education 35557
under the loan constitutes an obligation nor a debt or a pledge of 35558
the faith, credit, or taxing power of the state, and the holder or 35559
owner of such note or obligation has no right to have taxes levied 35560
by the general assembly for the payment of such note or 35561
obligation, and such note or obligation shall contain a statement 35562
to that effect. 35563

(4) Pursuant to the terms of such a loan, a board of 35564
education may issue its notes in anticipation of the collection of 35565
its voted levies for current expenses or its receipt of such state 35566
funds or both. Such notes shall be issued in accordance with 35567
division (E) of section 133.10 of the Revised Code and constitute 35568
Chapter 133. securities to the extent such division and the 35569
otherwise applicable provisions of Chapter 133. of the Revised 35570
Code are not inconsistent with this section, provided that in any 35571
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 35572
(E)(2) of section 133.10 of the Revised Code do not apply to such 35573
notes. 35574

(5) Notwithstanding section 133.36 or 3313.17, any other 35575
section of the Revised Code, or any other provision of law, a 35576
board of education that has received a loan under this section may 35577
not declare bankruptcy, so long as any portion of such loan 35578
remains unpaid. 35579

(F) Under this section and sections 3313.4810 and 3313.4811, 35580
"board of education" or "district board" includes the financial 35581
planning and supervision commission of a school district under a 35582
fiscal emergency pursuant to Chapter 3316. of the Revised Code 35583
where such commission chooses to exercise the powers and duties 35584
otherwise required of the district board of education under this 35585
section and sections 3313.4810 and 3313.4811 of the Revised Code. 35586

Sec. 3313.485. Notwithstanding any provision to the contrary 35587

in sections 3313.48 and 3313.481 or in Chapter 4117. of the 35588
Revised Code, the requirements of divisions (B)(2) to (5) of 35589
section 3313.48 and divisions (B)(2) to (5) of section 3313.481 of 35590
the Revised Code do not prevail over conflicting provisions in a 35591
valid collective bargaining agreement entered into prior to the 35592
effective date of this section. However, any collective bargaining 35593
agreement entered into, renewed, or amended on or after the 35594
effective date of this section shall comply with the requirements 35595
of divisions (B)(2) to (5) of section 3313.48, as applicable, or 35596
divisions (B)(2) to (5) of section 3313.481 of the Revised Code, 35597
as applicable. 35598

Sec. 3313.53. (A) As used in this section: 35599

(1) "Licensed individual" means an individual who holds a 35600
valid educator license, certificate, or permit issued by the state 35601
board of education under section 3319.22, 3319.26, or 3319.27~~7~~ 35602
~~3319.302, or 3319.304~~ of the Revised Code. 35603

(2) "Nonlicensed individual" means an individual who does not 35604
hold a valid educator license, certificate, or permit issued by 35605
the state board of education under section 3319.22, 3319.26, or 35606
~~3319.27, 3319.302, or 3319.304~~ of the Revised Code. 35607

(B) The board of education of any city, exempted village, or 35608
local school district may establish and maintain in connection 35609
with the public school systems: 35610

(1) Manual training, industrial arts, domestic science, and 35611
commercial departments; 35612

(2) Agricultural, industrial, vocational, and trades schools. 35613

Such board may pay from the public school funds, as other 35614
school expenses are paid, the expenses of establishing and 35615
maintaining such departments and schools and of directing, 35616
supervising, and coaching the pupil-activity programs in music, 35617

language, arts, speech, government, athletics, and any others 35618
directly related to the curriculum. 35619

(C) The board of education of any city, exempted village, or 35620
local school district may employ a nonlicensed individual to 35621
direct, supervise, or coach a pupil-activity program as long as 35622
that individual holds a valid pupil-activity program permit issued 35623
by the state board of education under division (A) of section 35624
3319.303 of the Revised Code. 35625

(D)(1) Except as provided in division (D)(2) of this section, 35626
a nonlicensed individual who holds a valid pupil-activity program 35627
permit may be employed under division (C) of this section only 35628
after the school district's board of education adopts a resolution 35629
stating that it has offered such position to those employees of 35630
the district who are licensed individuals and no such employee 35631
qualified to fill the position has accepted it, and has then 35632
advertised the position as available to any licensed individual 35633
who is qualified to fill it and who is not employed by the board, 35634
and no such person has applied for and accepted the position. 35635

(2) A board of education may renew the contract of any 35636
nonlicensed individual, currently employed by the board under 35637
division (C) of this section for one or more years, without first 35638
offering the position held by that individual to employees of the 35639
district who are licensed individuals or advertising the position 35640
as available to any qualified licensed individuals who are not 35641
currently employed by the board as otherwise required under 35642
division (D)(1) of this section. 35643

(E) A nonlicensed individual employed under this section is a 35644
nonteaching employee and is not an educational assistant as 35645
defined in section 3319.088 of the Revised Code. A nonlicensed 35646
individual may direct, supervise, or coach a pupil-activity 35647
program under this section as long as that pupil-activity program 35648
does not include any class or course required or offered for 35649

credit toward a pupil's promotion to the next grade or for 35650
graduation, or any activity conducted as a part of or required for 35651
such a class or course. A nonlicensed individual employed under 35652
this section may perform only the duties of the director, 35653
supervisor, or coach of the pupil-activity program for which the 35654
nonlicensed individual is employed. 35655

(F) The board shall fix the compensation of each nonlicensed 35656
individual employed under this section, which shall be the same 35657
amount as the position was or would be offered to the district's 35658
licensed employees, and execute a written contract with the 35659
nonlicensed individual for a term not to exceed one year. The 35660
contract shall specify the compensation, duration, and other terms 35661
of employment, and the compensation shall not be reduced unless 35662
such reduction is a part of a uniform plan affecting the entire 35663
district. 35664

If the state board suspends, revokes, or limits the 35665
pupil-activity program permit of a nonlicensed individual, the 35666
school district board may terminate or suspend the employment 35667
contract of that individual. Otherwise, no contract issued under 35668
this section shall be terminated or suspended except pursuant to 35669
the procedure established by division (C) of section 3319.081 of 35670
the Revised Code. 35671

Sec. 3313.532. (A) Any person twenty-two or more years of age 35672
and enrolled in an adult high school continuation program 35673
established pursuant to section 3313.531 of the Revised Code may 35674
request the board of education operating the program to conduct an 35675
evaluation in accordance with division (C) of this section. 35676

(B) Any applicant to a board of education for a diploma of 35677
adult education under division (B) of section 3313.611 of the 35678
Revised Code may request the board to conduct an evaluation in 35679
accordance with division (C) of this section. 35680

(C) Upon the request of any person pursuant to division (A) 35681
or (B) of this section, the board of education to which the 35682
request is made shall evaluate the person to determine whether the 35683
person is disabled, in accordance with rules adopted by the state 35684
board of education. If the evaluation indicates that the person is 35685
disabled, the board shall determine whether to excuse the person 35686
from taking any of the ~~tests~~ assessments required by division (B) 35687
of section 3301.0710 of the Revised Code as a requirement for 35688
receiving a diploma under section 3313.611 of the Revised Code. 35689
The board may require the person to take an alternate assessment 35690
in place of any test from which the person is so excused. 35691

Sec. 3313.533. (A) The board of education of a city, exempted 35692
village, or local school district may adopt a resolution to 35693
establish and maintain an alternative school in accordance with 35694
this section. The resolution shall specify, but not necessarily be 35695
limited to, all of the following: 35696

(1) The purpose of the school, which purpose shall be to 35697
serve students who are on suspension, who are having truancy 35698
problems, who are experiencing academic failure, who have a 35699
history of class disruption, who are exhibiting other academic or 35700
behavioral problems specified in the resolution, or who have been 35701
discharged or released from the custody of the department of youth 35702
services under section 5139.51 of the Revised Code; 35703

(2) The grades served by the school, which may include any of 35704
grades kindergarten through twelve; 35705

(3) A requirement that the school be operated in accordance 35706
with this section. The board of education adopting the resolution 35707
under division (A) of this section shall be the governing board of 35708
the alternative school. The board shall develop and implement a 35709
plan for the school in accordance with the resolution establishing 35710
the school and in accordance with this section. Each plan shall 35711

include, but not necessarily be limited to, all of the following: 35712

(a) Specification of the reasons for which students will be 35713
accepted for assignment to the school and any criteria for 35714
admission that are to be used by the board to approve or 35715
disapprove the assignment of students to the school; 35716

(b) Specification of the criteria and procedures that will be 35717
used for returning students who have been assigned to the school 35718
back to the regular education program of the district; 35719

(c) An evaluation plan for assessing the effectiveness of the 35720
school and its educational program and reporting the results of 35721
the evaluation to the public. 35722

(B) Notwithstanding any provision of Title XXXIII of the 35723
Revised Code to the contrary, the alternative school plan may 35724
include any of the following: 35725

(1) A requirement that on each ~~school~~ learning day students 35726
must attend school or participate in other programs specified in 35727
the plan or by the chief administrative officer of the school for 35728
a period equal to the minimum ~~school~~ learning day set by the state 35729
board of education under section 3313.48 of the Revised Code plus 35730
any additional time required in the plan or by the chief 35731
administrative officer; 35732

(2) Restrictions on student participation in extracurricular 35733
or interscholastic activities; 35734

(3) A requirement that students wear uniforms prescribed by 35735
the district board of education. 35736

(C) In accordance with the alternative school plan, the 35737
district board of education may employ teachers and nonteaching 35738
employees necessary to carry out its duties and fulfill its 35739
responsibilities or may contract with a nonprofit or for profit 35740
entity to operate the alternative school, including the provision 35741

of personnel, supplies, equipment, or facilities. 35742

(D) An alternative school may be established in all or part 35743
of a school building. 35744

(E) If a district board of education elects under this 35745
section, or is required by section 3313.534 of the Revised Code, 35746
to establish an alternative school, the district board may join 35747
with the board of education of one or more other districts to form 35748
a joint alternative school by forming a cooperative education 35749
school district under section 3311.52 or 3311.521 of the Revised 35750
Code, or a joint educational program under section 3313.842 of the 35751
Revised Code. The authority to employ personnel or to contract 35752
with a nonprofit or for profit entity under division (C) of this 35753
section applies to any alternative school program established 35754
under this division. 35755

(F) Any individual employed as a teacher at an alternative 35756
school operated by a nonprofit or for profit entity under this 35757
section shall be licensed and shall be subject to background 35758
checks, as described in section 3319.39 of the Revised Code, in 35759
the same manner as an individual employed by a school district. 35760

(G) Division (G) of this section applies only to any 35761
alternative school that is operated by a nonprofit or for profit 35762
entity under contract with the school district. 35763

(1) In addition to the specifications authorized under 35764
division (B) of this section, any plan adopted under that division 35765
for an alternative school to which division (G) of this section 35766
also applies shall include the following: 35767

(a) A description of the educational program provided at the 35768
alternative school, which shall include: 35769

(i) Provisions for the school to be configured in clusters or 35770
small learning communities; 35771

(ii) Provisions for the incorporation of education technology into the curriculum;	35772 35773
(iii) Provisions for accelerated learning programs in reading and mathematics.	35774 35775
(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.	35776 35777 35778 35779 35780 35781
(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;	35782 35783 35784
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	35785 35786
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	35787 35788 35789 35790 35791
(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	35792 35793 35794
(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.	35795 35796 35797 35798 35799
(H) When any district board of education determines to contract with a nonprofit or for profit entity to operate an	35800 35801

alternative school under this section, the board shall use the 35802
procedure set forth in this division. 35803

(1) The board shall publish notice of a request for proposals 35804
in a newspaper of general circulation in the district once each 35805
week for a period of at least two consecutive weeks prior to the 35806
date specified by the board for receiving proposals. Notices of 35807
requests for proposals shall contain a general description of the 35808
subject of the proposed contract and the location where the 35809
request for proposals may be obtained. The request for proposals 35810
shall include all of the following information: 35811

(a) Instructions and information to respondents concerning 35812
the submission of proposals, including the name and address of the 35813
office where proposals are to be submitted; 35814

(b) Instructions regarding communications, including at least 35815
the names, titles, and telephone numbers of persons to whom 35816
questions concerning a proposal may be directed; 35817

(c) A description of the performance criteria that will be 35818
used to evaluate whether a respondent to which a contract is 35819
awarded is meeting the district's educational standards or the 35820
method by which such performance criteria will be determined; 35821

(d) Factors and criteria to be considered in evaluating 35822
proposals, the relative importance of each factor or criterion, 35823
and a description of the evaluation procedures to be followed; 35824

(e) Any terms or conditions of the proposed contract, 35825
including any requirement for a bond and the amount of such bond; 35826

(f) Documents that may be incorporated by reference into the 35827
request for proposals, provided that the request for proposals 35828
specifies where such documents may be obtained and that such 35829
documents are readily available to all interested parties. 35830

(2) After the date specified for receiving proposals, the 35831

board shall evaluate the submitted proposals and may hold 35832
discussions with any respondent to ensure a complete understanding 35833
of the proposal and the qualifications of such respondent to 35834
execute the proposed contract. Such qualifications shall include, 35835
but are not limited to, all of the following: 35836

(a) Demonstrated competence in performance of the required 35837
services as indicated by effective implementation of educational 35838
programs in reading and mathematics and at least three years of 35839
experience successfully serving a student population similar to 35840
the student population assigned to the alternative school; 35841

(b) Demonstrated performance in the areas of cost 35842
containment, the provision of educational services of a high 35843
quality, and any other areas determined by the board; 35844

(c) Whether the respondent has the resources to undertake the 35845
operation of the alternative school and to provide qualified 35846
personnel to staff the school; 35847

(d) Financial responsibility. 35848

(3) The board shall select for further review at least three 35849
proposals from respondents the board considers qualified to 35850
operate the alternative school in the best interests of the 35851
students and the district. If fewer than three proposals are 35852
submitted, the board shall select each proposal submitted. The 35853
board may cancel a request for proposals or reject all proposals 35854
at any time prior to the execution of a contract. 35855

The board may hold discussions with any of the three selected 35856
respondents to clarify or revise the provisions of a proposal or 35857
the proposed contract to ensure complete understanding between the 35858
board and the respondent of the terms under which a contract will 35859
be entered. Respondents shall be accorded fair and equal treatment 35860
with respect to any opportunity for discussion regarding 35861
clarifications or revisions. The board may terminate or 35862

discontinue any further discussion with a respondent upon written notice. 35863
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(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration the scope, complexity, and nature of the services to be performed by the respondent under the contract. 35865
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(5) Except as provided in division (H)(6) of this section, the request for proposals, submitted proposals, and related documents shall become public records under section 149.43 of the Revised Code after the award of the contract. 35870
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(6) Any respondent may request in writing that the board not disclose confidential or proprietary information or trade secrets contained in the proposal submitted by the respondent to the board. Any such request shall be accompanied by an offer of indemnification from the respondent to the board. The board shall determine whether to agree to the request and shall inform the respondent in writing of its decision. If the board agrees to nondisclosure of specified information in a proposal, such information shall not become a public record under section 149.43 of the Revised Code. If the respondent withdraws its proposal at any time prior to the execution of a contract, the proposal shall not be a public record under section 149.43 of the Revised Code. 35874
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(I) Upon a recommendation from the department and in accordance with section 3301.16 of the Revised Code, the state board of education may revoke the charter of any alternative school operated by a school district that violates this section. 35886
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Sec. 3313.536. (A) The board of education of each city, exempted village, and local school district and the governing authority of each chartered nonpublic school shall adopt a comprehensive school safety plan for each school building under 35890
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the board's or governing authority's control. The board or 35894
governing authority shall examine the environmental conditions and 35895
operations of each building to determine potential hazards to 35896
student and staff safety and shall propose operating changes to 35897
promote the prevention of potentially dangerous problems and 35898
circumstances. In developing the plan for each building, the board 35899
or governing authority shall involve community law enforcement and 35900
safety officials, parents of students who are assigned to the 35901
building, and teachers and nonteaching employees who are assigned 35902
to the building. The board or governing authority shall consider 35903
incorporating remediation strategies into the plan for any 35904
building where documented safety problems have occurred. 35905

The board or governing authority shall incorporate into the 35906
plan both of the following: 35907

(1) A protocol for addressing serious threats to the safety 35908
of school property, students, employees, or administrators; 35909

(2) A protocol for responding to any emergency events that do 35910
occur and that compromise the safety of school property, students, 35911
employees, or administrators. 35912

Each protocol shall include procedures deemed appropriate by 35913
the board or governing authority for responding to threats and 35914
emergency events, respectively, including such things as 35915
notification of appropriate law enforcement personnel, calling 35916
upon specified emergency response personnel for assistance, and 35917
informing parents of affected students. Prior to the opening day 35918
of each school year, the board or governing authority shall inform 35919
each student enrolled in the school and the student's parent of 35920
the parental notification procedures included in the protocol. 35921

(B) The board or governing authority shall update the safety 35922
plan at least once every three years and whenever a major 35923
modification to the building requires changes in the procedures 35924

outlined in the plan. 35925

(C) The board or governing authority shall file a copy of the 35926
current safety plan and building blueprint with each law 35927
enforcement agency that has jurisdiction over the school building 35928
and, upon request, the fire department that serves the political 35929
subdivision in which the school building is located. The board or 35930
governing authority also shall file a copy of the current safety 35931
plan and a floor plan of the building, but not a building 35932
blueprint, with the attorney general, who shall post that 35933
information on the Ohio law enforcement gateway or its successor. 35934

Copies of safety plans, building blueprints, and floor plans 35935
shall be filed as described in this division not later than the 35936
ninety-first day after ~~the effective date of this amendment~~ March 35937
30, 2007. If a board or governing authority revises a safety plan, 35938
building blueprint, or floor plan after the initial filing, the 35939
board or governing authority shall file copies of the revised 35940
safety plan, building blueprint, or floor plan in the manner 35941
described in this division not later than the ninety-first day 35942
after the revision is adopted. 35943

Copies of the safety plan and building blueprint are not a 35944
public record pursuant to section 149.433 of the Revised Code. 35945

Notwithstanding section 149.433 of the Revised Code, a 35946
building floor plan filed with the attorney general pursuant to 35947
this division is not a public record to the extent it is a record 35948
kept by the attorney general. This paragraph does not affect the 35949
status of a floor plan kept as a record by another public office. 35950

The board or governing authority, each law enforcement agency 35951
and fire department to which copies of the safety plan and 35952
building blueprint are provided, and the attorney general shall 35953
keep the copies in a secure place. 35954

(D) The board or governing authority shall grant access to 35955

each school building under its control to law enforcement 35956
personnel to enable the personnel to hold training sessions for 35957
responding to threats and emergency events affecting the building, 35958
provided that the access occurs outside of student instructional 35959
hours and an employee of the board or governing authority is 35960
present in the building during the training sessions. 35961

Sec. 3313.55. The board of education of any school district 35962
in which is located a state, district, county, or municipal 35963
hospital for children with epilepsy or any public institution, 35964
except state institutions for the care and treatment of 35965
delinquent, unstable, or socially maladjusted children, shall make 35966
provision for the education of all educable children therein; 35967
except that in the event another school district within the same 35968
county or an adjoining county is the source of sixty per cent or 35969
more of the children in said hospital or institution, the board of 35970
that school district shall make provision for the education of all 35971
the children therein. In any case in which a board provides 35972
educational facilities under this section, the board that provides 35973
the facilities shall be entitled to all moneys authorized for the 35974
attendance of pupils as provided in Chapter 3306. or 3317. of the 35975
Revised Code, tuition as provided in section 3317.08 of the 35976
Revised Code, and such additional compensation as is provided for 35977
crippled children in sections 3323.01 to 3323.12 of the Revised 35978
Code. Any board that provides the educational facilities for 35979
children in county or municipal institutions established for the 35980
care and treatment of children who are delinquent, unstable, or 35981
socially maladjusted shall not be entitled to any moneys provided 35982
for crippled children in sections 3323.01 to 3323.12 of the 35983
Revised Code. 35984

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 35985
of the Revised Code, divisions (A) to (E) of this section do not 35986

apply to any cooperative education school district established 35987
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 35988
Code. 35989

(A) The board of education of each city and exempted village 35990
school district, the governing board of each educational service 35991
center, and the board of each cooperative education school 35992
district established pursuant to section 3311.521 of the Revised 35993
Code shall prescribe a curriculum for all schools under their 35994
control. Except as provided in division (E) of this section, in 35995
any such curriculum there shall be included the study of the 35996
following subjects: 35997

(1) The language arts, including reading, writing, spelling, 35998
oral and written English, and literature; 35999

(2) Geography, the history of the United States and of Ohio, 36000
and national, state, and local government in the United States, 36001
including a balanced presentation of the relevant contributions to 36002
society of men and women of African, Mexican, Puerto Rican, and 36003
American Indian descent as well as other ethnic and racial groups 36004
in Ohio and the United States; 36005

(3) Mathematics; 36006

(4) Natural science, including instruction in the 36007
conservation of natural resources; 36008

(5) Health education, which shall include instruction in: 36009

(a) The nutritive value of foods, including natural and 36010
organically produced foods, the relation of nutrition to health, 36011
the use and effects of food additives; 36012

(b) The harmful effects of and legal restrictions against the 36013
use of drugs of abuse, alcoholic beverages, and tobacco; 36014

(c) Venereal disease education, except that upon written 36015
request of the student's parent or guardian, a student shall be 36016

excused from taking instruction in venereal disease education; 36017

(d) In grades kindergarten through six, instruction in 36018
personal safety and assault prevention, except that upon written 36019
request of the student's parent or guardian, a student shall be 36020
excused from taking instruction in personal safety and assault 36021
prevention. 36022

(6) Physical education; 36023

(7) The fine arts, including music; 36024

(8) First aid, including a training program in 36025
cardiopulmonary resuscitation, safety, and fire prevention, except 36026
that upon written request of the student's parent or guardian, a 36027
student shall be excused from taking instruction in 36028
cardiopulmonary resuscitation; 36029

(9) In grade seven or eight, life and career-ready skills, 36030
including financial literacy, entrepreneurship, career planning 36031
and awareness, and any other skills identified by the 36032
superintendent of public instruction. The state superintendent 36033
shall issue program guidance and guidelines to assist with the 36034
implementation of division (A)(9) of this section. 36035

(B) Except as provided in division (E) of this section, every 36036
school or school district shall include in the requirements for 36037
promotion from the eighth grade to the ninth grade one year's 36038
course of study of American history. A board may waive this 36039
requirement for academically accelerated students who, in 36040
accordance with procedures adopted by the board, are able to 36041
demonstrate mastery of essential concepts and skills of the eighth 36042
grade American history course of study. 36043

(C) Except as provided in division (E) of this section, every 36044
high school shall include in the requirements for graduation from 36045
any curriculum one unit of American history and government, 36046
including a study of the constitutions of the United States and of 36047

Ohio. 36048

(D) Except as provided in division (E) of this section, basic 36049
instruction in geography, United States history, the government of 36050
the United States, the government of the state of Ohio, local 36051
government in Ohio, the Declaration of Independence, the United 36052
States Constitution, and the Constitution of the state of Ohio 36053
shall be required before pupils may participate in courses 36054
involving the study of social problems, economics, foreign 36055
affairs, United Nations, world government, socialism and 36056
communism. 36057

(E) For each cooperative education school district 36058
established pursuant to section 3311.521 of the Revised Code and 36059
each city, exempted village, and local school district that has 36060
territory within such a cooperative district, the curriculum 36061
adopted pursuant to divisions (A) to (D) of this section shall 36062
only include the study of the subjects that apply to the grades 36063
operated by each such school district. The curriculums for such 36064
schools, when combined, shall provide to each student of these 36065
districts all of the subjects required under divisions (A) to (D) 36066
of this section. 36067

(F) The board of education of any cooperative education 36068
school district established pursuant to divisions (A) to (C) of 36069
section 3311.52 of the Revised Code shall prescribe a curriculum 36070
for the subject areas and grade levels offered in any school under 36071
its control. 36072

(G) Upon the request of any parent or legal guardian of a 36073
student, the board of education of any school district shall 36074
permit the parent or guardian to promptly examine, with respect to 36075
the parent's or guardian's own child: 36076

(1) Any survey or questionnaire, prior to its administration 36077
to the child; 36078

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;	36079 36080 36081
(3) Any completed and graded test taken or survey or questionnaire filled out by the child;	36082 36083
(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.	36084 36085 36086 36087
Sec. 3313.603. (A) As used in this section:	36088
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	36089 36090 36091 36092
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	36093 36094 36095 36096
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	36097 36098 36099 36100 36101
(1) English language arts, four units;	36102
(2) Health, one-half unit;	36103
(3) Mathematics, three units;	36104
(4) Physical education, one-half unit;	36105
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the	36106 36107

following:	36108
(a) Biological sciences, one unit;	36109
(b) Physical sciences, one unit.	36110
(6) Social studies, three units, which shall include both of	36111
the following:	36112
(a) American history, one-half unit;	36113
(b) American government, one-half unit.	36114
(7) Elective units, seven units until September 15, 2003, and	36115
six units thereafter.	36116
Each student's electives shall include at least one unit, or	36117
two half units, chosen from among the areas of	36118
business/technology, fine arts, and/or foreign language.	36119
(C) Beginning with students who enter ninth grade for the	36120
first time on or after July 1, 2010, except as provided in	36121
divisions (D) to (F) of this section, the requirements for	36122
graduation from every public and chartered nonpublic high school	36123
shall include twenty units that are designed to prepare students	36124
for the workforce and college. The units shall be distributed as	36125
follows:	36126
(1) English language arts, four units;	36127
(2) Health, one-half unit;	36128
(3) Mathematics, four units, which shall include one unit of	36129
algebra II or the equivalent of algebra II;	36130
(4) Physical education, one-half unit;	36131
(5) Science, three units with inquiry-based laboratory	36132
experience that engages students in asking valid scientific	36133
questions and gathering and analyzing information, which shall	36134
include the following, or their equivalent:	36135
(a) Physical sciences, one unit;	36136

(b) Life sciences, one unit;	36137
(c) Advanced study in one or more of the following sciences, one unit:	36138 36139
(i) Chemistry, physics, or other physical science;	36140
(ii) Advanced biology or other life science;	36141
(iii) Astronomy, physical geology, or other earth or space science.	36142 36143
(6) Social studies, three units, which shall include both of the following:	36144 36145
(a) American history, one-half unit;	36146
(b) American government, one-half unit.	36147
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under <u>division (A)(1) of section 3301.079 of the Revised Code and the</u> <u>academic content standards for financial literacy and</u> <u>entrepreneurship adopted under division (A)(2) of that section,</u> into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	36148 36149 36150 36151 36152 36153 36154 36155 36156 36157 36158 36159 36160 36161
(7) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.	36162 36163 36164 36165 36166

Ohioans must be prepared to apply increased knowledge and 36167
skills in the workplace and to adapt their knowledge and skills 36168
quickly to meet the rapidly changing conditions of the 36169
twenty-first century. National studies indicate that all high 36170
school graduates need the same academic foundation, regardless of 36171
the opportunities they pursue after graduation. The goal of Ohio's 36172
system of elementary and secondary education is to prepare all 36173
students for and seamlessly connect all students to success in 36174
life beyond high school graduation, regardless of whether the next 36175
step is entering the workforce, beginning an apprenticeship, 36176
engaging in post-secondary training, serving in the military, or 36177
pursuing a college degree. 36178

The Ohio core curriculum is the standard expectation for all 36179
students entering ninth grade for the first time at a public or 36180
chartered nonpublic high school on or after July 1, 2010. A 36181
student may satisfy this expectation through a variety of methods, 36182
including, but not limited to, integrated, applied, 36183
career-technical, and traditional coursework. 36184

Whereas teacher quality is essential for student success in 36185
completing the Ohio core curriculum, the general assembly shall 36186
appropriate funds for strategic initiatives designed to strengthen 36187
schools' capacities to hire and retain highly qualified teachers 36188
in the subject areas required by the curriculum. Such initiatives 36189
are expected to require an investment of \$120,000,000 over five 36190
years. 36191

Stronger coordination between high schools and institutions 36192
of higher education is necessary to prepare students for more 36193
challenging academic endeavors and to lessen the need for academic 36194
remediation in college, thereby reducing the costs of higher 36195
education for Ohio's students, families, and the state. The state 36196
board of education, the Ohio board of regents, and the partnership 36197
for continued learning shall develop policies to ensure that only 36198

in rare instances will students who complete the Ohio core 36199
curriculum require academic remediation after high school. 36200

School districts, community schools, and chartered nonpublic 36201
schools shall integrate technology into learning experiences 36202
whenever practicable across the curriculum in order to maximize 36203
efficiency, enhance learning, and prepare students for success in 36204
the technology-driven twenty-first century. Districts and schools 36205
may use distance and web-based course delivery as a method of 36206
providing or augmenting all instruction required under this 36207
division, including laboratory experience in science. Districts 36208
and schools shall whenever practicable utilize technology access 36209
and electronic learning opportunities provided by the eTech Ohio 36210
commission, the Ohio learning network, education technology 36211
centers, public television stations, and other public and private 36212
providers. 36213

(D) Except as provided in division (E) of this section, a 36214
student who enters ninth grade on or after July 1, 2010, and 36215
before July 1, 2014, may qualify for graduation from a public or 36216
chartered nonpublic high school even though the student has not 36217
completed the Ohio core curriculum prescribed in division (C) of 36218
this section if all of the following conditions are satisfied: 36219

(1) After the student has attended high school for two years, 36220
as determined by the school, the student and the student's parent, 36221
guardian, or custodian sign and file with the school a written 36222
statement asserting the parent's, guardian's, or custodian's 36223
consent to the student's graduating without completing the Ohio 36224
core curriculum and acknowledging that one consequence of not 36225
completing the Ohio core curriculum is ineligibility to enroll in 36226
most state universities in Ohio without further coursework. 36227

(2) The student and parent, guardian, or custodian fulfill 36228
any procedural requirements the school stipulates to ensure the 36229
student's and parent's, guardian's, or custodian's informed 36230

consent and to facilitate orderly filing of statements under 36231
division (D)(1) of this section. 36232

(3) The student and the student's parent, guardian, or 36233
custodian and a representative of the student's high school 36234
jointly develop an individual career plan for the student that 36235
specifies the student matriculating to a two-year degree program, 36236
acquiring a business and industry credential, or entering an 36237
apprenticeship. 36238

(4) The student's high school provides counseling and support 36239
for the student related to the plan developed under division 36240
(D)(3) of this section during the remainder of the student's high 36241
school experience. 36242

(5) The student successfully completes, at a minimum, the 36243
curriculum prescribed in division (B) of this section. 36244

The partnership for continued learning, in collaboration with 36245
the department of education and the Ohio board of regents, shall 36246
analyze student performance data to determine if there are 36247
mitigating factors that warrant extending the exception permitted 36248
by division (D) of this section to high school classes beyond 36249
those entering ninth grade before July 1, 2014. The partnership 36250
shall submit its findings and any recommendations not later than 36251
August 1, 2014, to the speaker and minority leader of the house of 36252
representatives, the president and minority leader of the senate, 36253
the chairpersons and ranking minority members of the standing 36254
committees of the house of representatives and the senate that 36255
consider education legislation, the state board of education, and 36256
the superintendent of public instruction. 36257

(E) Each school district and chartered nonpublic school 36258
retains the authority to require an even more rigorous minimum 36259
curriculum for high school graduation than specified in division 36260
(B) or (C) of this section. A school district board of education, 36261

through the adoption of a resolution, or the governing authority 36262
of a chartered nonpublic school may stipulate any of the 36263
following: 36264

(1) A minimum high school curriculum that requires more than 36265
twenty units of academic credit to graduate; 36266

(2) An exception to the district's or school's minimum high 36267
school curriculum that is comparable to the exception provided in 36268
division (D) of this section but with additional requirements, 36269
which may include a requirement that the student successfully 36270
complete more than the minimum curriculum prescribed in division 36271
(B) of this section; 36272

(3) That no exception comparable to that provided in division 36273
(D) of this section is available. 36274

(F) A student enrolled in a dropout prevention and recovery 36275
program, which program has received a waiver from the department 36276
of education, may qualify for graduation from high school by 36277
successfully completing a competency-based instructional program 36278
administered by the dropout prevention and recovery program in 36279
lieu of completing the Ohio core curriculum prescribed in division 36280
(C) of this section. The department shall grant a waiver to a 36281
dropout prevention and recovery program, within sixty days after 36282
the program applies for the waiver, if the program meets all of 36283
the following conditions: 36284

(1) The program serves only students not younger than sixteen 36285
years of age and not older than twenty-one years of age. 36286

(2) The program enrolls students who, at the time of their 36287
initial enrollment, either, or both, are at least one grade level 36288
behind their cohort age groups or experience crises that 36289
significantly interfere with their academic progress such that 36290
they are prevented from continuing their traditional programs. 36291

(3) The program requires students to attain at least the 36292

applicable score designated for each of the ~~tests~~ assessments 36293
prescribed under division (B)(1) of section 3301.0710 of the 36294
Revised Code or, to the extent prescribed by rule of the state 36295
board of education under division (E)(6) of section 3301.0712 of 36296
the Revised Code, division (B)(2) of that section. 36297

(4) The program develops an individual career plan for the 36298
student that specifies the student's matriculating to a two-year 36299
degree program, acquiring a business and industry credential, or 36300
entering an apprenticeship. 36301

(5) The program provides counseling and support for the 36302
student related to the plan developed under division (F)(4) of 36303
this section during the remainder of the student's high school 36304
experience. 36305

(6) The program requires the student and the student's 36306
parent, guardian, or custodian to sign and file, in accordance 36307
with procedural requirements stipulated by the program, a written 36308
statement asserting the parent's, guardian's, or custodian's 36309
consent to the student's graduating without completing the Ohio 36310
core curriculum and acknowledging that one consequence of not 36311
completing the Ohio core curriculum is ineligibility to enroll in 36312
most state universities in Ohio without further coursework. 36313

(7) Prior to receiving the waiver, the program has submitted 36314
to the department an instructional plan that demonstrates how the 36315
academic content standards adopted by the state board of education 36316
under section 3301.079 of the Revised Code will be taught and 36317
assessed. 36318

If the department does not act either to grant the waiver or 36319
to reject the program application for the waiver within sixty days 36320
as required under this section, the waiver shall be considered to 36321
be granted. 36322

(G) Every high school may permit students below the ninth 36323

grade to take advanced work ~~for~~. If a high school so permits, it 36324
shall award high school credit. A high school for successful 36325
completion of the advanced work and shall count such advanced work 36326
toward the graduation requirements of division (B) or (C) of this 36327
section if the advanced work was both: 36328

(1) Taught by a person who possesses a license or certificate 36329
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 36330
Code that is valid for teaching high school; 36331

(2) Designated by the board of education of the city, local, 36332
or exempted village school district, the board of the cooperative 36333
education school district, or the governing authority of the 36334
chartered nonpublic school as meeting the high school curriculum 36335
requirements. 36336

Each high school shall record on the student's high school 36337
transcript all high school credit awarded under division (G) of 36338
this section. In addition, if the student completed a seventh- or 36339
eighth-grade fine arts course described in division (K) of this 36340
section and the course qualified for high school credit under that 36341
division, the high school shall record that course on the 36342
student's high school transcript. 36343

(H) The department shall make its individual academic career 36344
plan available through its Ohio career information system web site 36345
for districts and schools to use as a tool for communicating with 36346
and providing guidance to students and families in selecting high 36347
school courses. 36348

(I) Units earned in English language arts, mathematics, 36349
science, and social studies that are delivered through integrated 36350
academic and career-technical instruction are eligible to meet the 36351
graduation requirements of division (B) or (C) of this section. 36352

(J) The state board of education, in consultation with the 36353
Ohio board of regents and the partnership for continued learning, 36354

shall adopt a statewide plan implementing methods for students to 36355
earn units of high school credit based on a demonstration of 36356
subject area competency, instead of or in combination with 36357
completing hours of classroom instruction. The state board shall 36358
adopt the plan not later than March 31, 2009, and commence phasing 36359
in the plan during the 2009-2010 school year. The plan shall 36360
include a standard method for recording demonstrated proficiency 36361
on high school transcripts. Each school district, community 36362
school, and chartered nonpublic school shall comply with the state 36363
board's plan adopted under this division and award units of high 36364
school credit in accordance with the plan. The state board may 36365
adopt existing methods for earning high school credit based on a 36366
demonstration of subject area competency as necessary prior to the 36367
2009-2010 school year. 36368

(K) This division does not apply to students who qualify for 36369
graduation from high school under division (D) or (F) of this 36370
section, or to students pursuing a career-technical instructional 36371
track as determined by the school district board of education or 36372
the chartered nonpublic school's governing authority. 36373
Nevertheless, the general assembly encourages such students to 36374
consider enrolling in a fine arts course as an elective. 36375

Beginning with students who enter ninth grade for the first 36376
time on or after July 1, 2010, each student enrolled in a public 36377
or chartered nonpublic high school shall complete two semesters or 36378
the equivalent of fine arts to graduate from high school. The 36379
coursework may be completed in any of grades seven to twelve. Each 36380
student who completes a fine arts course in grade seven or eight 36381
may elect to count that course toward the five units of electives 36382
required for graduation under division (C)(7) of this section, if 36383
the course satisfied the requirements of division (G) of this 36384
section. In that case, the high school shall award the student 36385
high school credit for the course and count the course toward the 36386

five units required under division (C)(7) of this section. If the
course in grade seven or eight did not satisfy the requirements of
division (G) of this section, the high school shall not award the
student high school credit for the course but shall count the
course toward the two semesters or the equivalent of fine arts
required by this division.

(L) Notwithstanding anything to the contrary in this section,
the board of education of each school district and the governing
authority of each chartered nonpublic school may adopt a policy to
excuse from the high school physical education requirement each
student who, during high school, has participated in
interscholastic athletics, marching band, or cheerleading for at
least two full seasons. If the board or authority adopts such a
policy, the board or authority shall not require the student to
complete any physical education course as a condition to graduate.
However, the student shall be required to complete one-half unit,
consisting of at least sixty hours of instruction, in another
course of study.

Sec. 3313.605. (A) As used in this section:

(1) "Civic responsibility" means the patriotic and ethical
duties of all citizens to take an active role in society and to
consider the interests and concerns of other individuals in the
community.

(2) "Volunteerism" means nonprofit activity in the United
States, the benefits and limitations of nonprofit activities, and
the presence and function of nonprofit civic and charitable
organizations in the United States.

(3) "Community service" means a service performed through
educational institutions, government agencies, nonprofit
organizations, social service agencies, and philanthropies and
generally designed to provide direct experience with people or

project planning, with the goal of improving the quality of life 36418
for the community. Such activities may include but are not limited 36419
to tutoring, literacy training, neighborhood improvement, 36420
encouraging interracial and multicultural understanding, promoting 36421
ideals of patriotism, increasing environmental safety, assisting 36422
the elderly or disabled, and providing mental health care, 36423
housing, drug abuse prevention programs, and other philanthropic 36424
programs, particularly for disadvantaged or low-income persons. 36425

(B) ~~Any~~ The board of education of each city, local, exempted 36426
village, ~~or and~~ joint vocational school district ~~board of~~ 36427
~~education may, the governing authority of each community school~~ 36428
established under Chapter 3314. of the Revised Code, and the 36429
governing body of each STEM school established under Chapter 3326. 36430
of the Revised Code shall include community service education in 36431
~~the its~~ educational program ~~of the district by adopting a~~ 36432
~~resolution to that effect.~~ A governing board of an educational 36433
service center, upon the request of a local school district board 36434
of education, may provide a community service education program 36435
for the local district pursuant to this section. ~~Any board~~ In 36436
implementing community service education, each board, governing 36437
authority, or governing body shall do both of the following: 36438

(1) Establish a community service advisory committee. The 36439
committee shall provide recommendations to the board, governing 36440
authority, or governing body regarding a community service plan 36441
for students ~~in all grades of the schools under control of the~~ 36442
~~board~~ and shall oversee and assist in the implementation of the 36443
plan adopted by the board, governing authority, or governing body 36444
under division (B)(2) of this section. Each board, governing 36445
authority, or governing body shall determine the membership and 36446
organization of its advisory committee and may designate an 36447
existing committee established for another purpose to serve as the 36448
community service advisory committee; however, each such committee 36449

shall include two or more students and shall include or consult 36450
with at least one person employed in the field of volunteer 36451
management who devotes at least fifty per cent of employment hours 36452
to coordinating volunteerism among community organizations. The 36453
committee members may include representatives of parents, 36454
teachers, administrators, other educational institutions, 36455
business, government, nonprofit organizations, veterans 36456
organizations, social service agencies, religious organizations, 36457
and philanthropies. 36458

(2) Develop and implement a community service plan ~~for~~ 36459
~~students in all grades of the schools under control of the board.~~ 36460
To assist in establishing its plan, the board, governing 36461
authority, or governing body shall consult with and may contract 36462
with one or more local or regional organizations with experience 36463
in volunteer program development and management. Each community 36464
service plan adopted under this division shall be based upon the 36465
recommendations of the advisory committee and shall provide for 36466
all of the following: 36467

(a) Education of students in the value of community service 36468
and its contributions to the history of this state and this 36469
nation; 36470

(b) Identification of opportunities for students to provide 36471
community service; 36472

(c) Encouragement of students to provide community service; 36473

(d) Integration of community service opportunities into the 36474
curriculum; 36475

(e) Guidelines for the community service learning project 36476
prescribed by division (B)(2) of section 3301.0710 and section 36477
3301.0712 of the Revised Code, consistent with the scoring rubric 36478
developed for such project under section 3301.0712 of the Revised 36479
Code; 36480

(f) A community service instructional program for teachers, 36481
including strategies for the teaching of community service 36482
education, for the discovery of community service opportunities, 36483
and for the motivation of students to become involved in community 36484
service. 36485

Plans shall be reviewed periodically by the advisory 36486
committee and, if necessary, revised by the board, governing 36487
authority, or governing body at least once every five years. 36488

~~Plans shall emphasize community service opportunities that~~ 36489
~~can most effectively use the skills of students, such as tutoring~~ 36490
~~or literacy programs.~~ Plans shall provide for students to perform 36491
services under the plan that will not supplant the hiring of, 36492
result in the displacement of, or impair any existing employment 36493
contract of any particular employee of any private or governmental 36494
entity for which the services are performed. The plan shall 36495
provide for any entity utilizing a student to perform community 36496
service under the plan to verify to the board that the student 36497
does not supplant the hiring of, displace, or impair the 36498
employment contract of any particular employee of the entity. 36499

Upon adoption, a board, governing authority, or governing 36500
body shall submit a copy of its plan to the department of 36501
education. Each city and exempted village board of education and 36502
each governing board of a service center shall include a copy of 36503
its plan in any course of study adopted under section 3313.60 of 36504
the Revised Code that is required to be submitted for approval to 36505
the state board for review. A joint vocational school district 36506
board of education shall submit a copy of its plan to the state 36507
board for review when required to do so by the state board. A 36508
local board shall forward its plan to the educational service 36509
center governing board for inclusion in the governing board's 36510
course of study. ~~By December 1, 1992, and periodically thereafter,~~ 36511
~~the~~ The department of ~~education~~ periodically shall review all 36512

plans and publish those plans that could serve as models for other 36513
school districts ~~or~~, educational service centers, community 36514
schools, or STEM schools. 36515

(C) ~~A~~ Under this section, a board integrating community 36516
~~service education into the curriculum, governing authority, or~~ 36517
governing body may only grant high school credit for a community 36518
service education course if approximately half of the course is 36519
devoted to classroom study of such matters as civic 36520
responsibility, the history of volunteerism, and community service 36521
training and approximately half of the course is devoted to 36522
community service. 36523

Each board, governing authority, or governing body shall 36524
determine which specific activities will serve to fulfill the 36525
required hours of community service. 36526

(D) Each board, governing authority, or governing body shall 36527
use the rubric developed under section 3301.0712 of the Revised 36528
Code to determine whether the community service project required 36529
as a part of the high school assessment system meets the criteria 36530
for high school graduation. 36531

Sec. 3313.607. (A) The board of education of ~~any~~ each school 36532
district ~~may provide assistance to any student to, the governing~~ 36533
authority of each community school operating under Chapter 3314. 36534
of the Revised Code, and the governing body of each STEM school 36535
operating under Chapter 3326. of the Revised Code shall require 36536
all students to develop a written career and college plan as part 36537
of the course required by division (A)(9) of section 3313.60 of 36538
the Revised Code. If a school district receives any state money 36539
~~appropriated for the purposes of this section, career~~ Career and 36540
college plans developed utilizing these funds shall be completed 36541
prior to the end of the eighth grade year, shall identify career 36542
goals and indicate educational goals to prepare for those career 36543

goals, and shall be updated periodically as students successfully 36544
complete high school coursework, ~~and shall.~~ Career and college 36545
plans may culminate in a career passport described by division (B) 36546
of this section. 36547

(B) The board of education of any school district, the 36548
governing authority of a community school, or the governing body 36549
of a STEM school may provide an individual career passport to any 36550
student upon the successful completion of the coursework of any 36551
high school. If a school district, governing authority, or 36552
governing body receives any state money for the purposes of this 36553
section, a career passport shall be provided to each such student. 36554
Each such passport shall document the knowledge and skills of the 36555
student, including documentation of the student's coursework and 36556
any employment, community, or leadership experiences. Each such 36557
passport shall also list the competency levels the student 36558
achieved, disclose the student's attendance record, and identify 36559
the career credentials the student gained. 36560

Sec. 3313.608. (A) Beginning with students who enter third 36561
grade in the school year that starts July 1, ~~2003~~ 2009, for any 36562
student who attains a score in the range designated under division 36563
(A)(2)~~(e)~~(c) of section 3301.0710 of the Revised Code on the ~~test~~ 36564
assessment prescribed under that section to measure skill in 36565
~~reading~~ English language arts expected at the end of third grade, 36566
each school district, in accordance with the policy adopted under 36567
section 3313.609 of the Revised Code, shall do one of the 36568
following: 36569

(1) Promote the student to fourth grade if the student's 36570
principal and reading teacher agree that other evaluations of the 36571
student's skill in reading demonstrate that the student is 36572
academically prepared to be promoted to fourth grade; 36573

(2) Promote the student to fourth grade but provide the 36574

student with intensive intervention services in fourth grade; 36575

(3) Retain the student in third grade. 36576

(B)(1) To assist students in meeting this third grade 36577
guarantee established by this section, each school district shall 36578
adopt policies and procedures with which it shall annually assess 36579
the reading skills of each student at the end of first and second 36580
grade and identify students who are reading below their grade 36581
level. If the diagnostic assessment to measure ~~reading~~ English 36582
language arts ability for the appropriate grade level has been 36583
developed in accordance with division (D)(1) of section 3301.079 36584
of the Revised Code, each school district shall use such 36585
diagnostic assessment to identify such students, except that any 36586
district to which division (E) of section 3301.0715 of the Revised 36587
Code applies may use another assessment to identify such students. 36588
The policies and procedures shall require the students' classroom 36589
teachers to be involved in the assessment and the identification 36590
of students reading below grade level. The district shall notify 36591
the parent or guardian of each student whose reading skills are 36592
below grade level and, in accordance with division (C) of this 36593
section, provide intervention services to each student reading 36594
below grade level. Such intervention services shall include 36595
instruction in intensive, systematic phonetics pursuant to rules 36596
adopted by the state board of education. 36597
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(2) For each student entering third grade after July 1, ~~2003~~ 36599
2009, who does not attain by the end of the third grade at least a 36600
score in the range designated under division (A)(2)~~(e)~~(b) of 36601
section 3301.0710 of the Revised Code on the ~~test~~ assessment 36602
prescribed under that section to measure skill in ~~reading~~ English 36603
language arts expected at the end of third grade, the district 36604
also shall offer intense remediation services during the summer 36605
following third grade. 36606

(C) For each student required to be offered intervention services under this section, the district shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services. 36607
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(D) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions: 36613
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(1) The remediation methods are based on reliable educational research. 36616
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(2) The school districts conduct ~~testing~~ assessment before and after students participate in the program to facilitate monitoring results of the remediation services. 36618
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(3) The parents of participating students are involved in programming decisions. 36621
36622

(4) The services are conducted in a school building or community center and not on an at-home basis. 36623
36624

(E) This section does not create a new cause of action or a substantive legal right for any person. 36625
36626

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply: 36627
36628
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(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any 36631
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specific number of semesters or other terms if the student 36637
completes the required curriculum early; 36638

(2) Subject to section 3313.614 of the Revised Code, the 36639
person has met the assessment requirements of division (A)(2)(a) 36640
or (b) of this section, as applicable. 36641

(a) If the person entered the ninth grade prior to the date 36642
prescribed by rule of the state board of education under division 36643
(E)(2) of section 3301.0712 of the Revised Code, the person 36644
either: 36645

~~(a)~~(i) Has attained at least the applicable scores designated 36646
under division (B)(1) of section 3301.0710 of the Revised Code on 36647
all the ~~tests~~ assessments required by that division unless the 36648
person was excused from taking any such ~~test~~ assessment pursuant 36649
to section 3313.532 of the Revised Code or unless division (H) or 36650
(L) of this section applies to the person; 36651

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 36652
in section 3313.615 of the Revised Code. 36653

(b) If the person entered the ninth grade on or after the 36654
date prescribed by rule of the state board under division (E)(2) 36655
of section 3301.0712 of the Revised Code, the person has attained 36656
on the entire assessment system prescribed under division (B)(2) 36657
of section 3301.0710 of the Revised Code at least the required 36658
passing composite score, designated under division (C)(1) of 36659
section 3301.0712 of the Revised Code, except to the extent that 36660
the person is excused from some portion of that assessment system 36661
pursuant to section 3313.532 of the Revised Code or division (H) 36662
or (L) of this section. 36663

(3) The person is not eligible to receive an honors diploma 36664
granted pursuant to division (B) of this section. 36665

Except as provided in divisions (C), (E), (J), and (L) of 36666
this section, no diploma shall be granted under this division to 36667

anyone except as provided under this division. 36668

(B) In lieu of a diploma granted under division (A) of this 36669
section, an honors diploma shall be granted, in accordance with 36670
rules of the state board ~~of education~~, by any such district board 36671
to anyone who accomplishes all of the following: 36672

(1) Successfully completes the curriculum in any high school 36673
or the individualized education program developed for the person 36674
by any high school pursuant to section 3323.08 of the Revised 36675
Code; 36676

(2) Subject to section 3313.614 of the Revised Code, has met 36677
the assessment requirements of division (B)(2)(a) or (b) of this 36678
section, as applicable. 36679

(a) If the person entered the ninth grade prior to the date 36680
prescribed by rule of the state board of education under division 36681
(E)(2) of section 3301.0712 of the Revised Code, the person 36682
either: 36683

~~(a)(i)~~ Has attained at least the applicable scores designated 36684
under division (B)(1) of section 3301.0710 of the Revised Code on 36685
all the ~~tests~~ assessments required by that division; 36686

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 36687
in section 3313.615 of the Revised Code. 36688

(b) If the person entered the ninth grade on or after the 36689
date prescribed by rule of the state board under division (E)(2) 36690
of section 3301.0712 of the Revised Code, the person has attained 36691
on the entire assessment system prescribed under division (B)(2) 36692
of section 3301.0710 of the Revised Code at least the required 36693
passing composite score, designated under division (C)(1) of 36694
section 3301.0712 of the Revised Code. 36695

(3) Has met additional criteria established by the state 36696
board for the granting of such a diploma. 36697

An honors diploma shall not be granted to a student who is 36698
subject to the Ohio core curriculum prescribed in division (C) of 36699
section 3313.603 of the Revised Code but elects the option of 36700
division (D) or (F) of that section. Except as provided in 36701
divisions (C), (E), and (J) of this section, no honors diploma 36702
shall be granted to anyone failing to comply with this division 36703
and no more than one honors diploma shall be granted to any 36704
student under this division. 36705

The state board shall adopt rules prescribing the granting of 36706
honors diplomas under this division. These rules may prescribe the 36707
granting of honors diplomas that recognize a student's achievement 36708
as a whole or that recognize a student's achievement in one or 36709
more specific subjects or both. The rules may prescribe the 36710
granting of an honors diploma recognizing technical expertise for 36711
a career-technical student. In any case, the rules shall designate 36712
two or more criteria for the granting of each type of honors 36713
diploma the board establishes under this division and the number 36714
of such criteria that must be met for the granting of that type of 36715
diploma. The number of such criteria for any type of honors 36716
diploma shall be at least one less than the total number of 36717
criteria designated for that type and no one or more particular 36718
criteria shall be required of all persons who are to be granted 36719
that type of diploma. 36720

(C) Any ~~such~~ district board administering any of the ~~tests~~ 36721
assessments required by section 3301.0710 ~~or 3301.0712~~ of the 36722
Revised Code to any person requesting to take such ~~test~~ assessment 36723
pursuant to division (B)(8)(b) of section 3301.0711 of the Revised 36724
Code shall award a diploma to such person if the person attains at 36725
least the applicable scores designated under division (B)(1) of 36726
section 3301.0710 of the Revised Code on all the ~~tests~~ assessments 36727
administered and if the person has previously attained the 36728
applicable scores on all the other ~~tests~~ assessments required by 36729

division (B)(1) of that section or has been exempted or excused 36730
from attaining the applicable score on any such test pursuant to 36731
division (H) or (L) of this section or from taking any such test 36732
pursuant to section 3313.532 of the Revised Code. 36733

(D) Each diploma awarded under this section shall be signed 36734
by the president and treasurer of the issuing board, the 36735
superintendent of schools, and the principal of the high school. 36736
Each diploma shall bear the date of its issue, be in such form as 36737
the district board prescribes, and be paid for out of the 36738
district's general fund. 36739

(E) A person who is a resident of Ohio and is eligible under 36740
state board of education minimum standards to receive a high 36741
school diploma based in whole or in part on credits earned while 36742
an inmate of a correctional institution operated by the state or 36743
any political subdivision thereof, shall be granted such diploma 36744
by the correctional institution operating the programs in which 36745
such credits were earned, and by the board of education of the 36746
school district in which the inmate resided immediately prior to 36747
the inmate's placement in the institution. The diploma granted by 36748
the correctional institution shall be signed by the director of 36749
the institution, and by the person serving as principal of the 36750
institution's high school and shall bear the date of issue. 36751

(F) Persons who are not residents of Ohio but who are inmates 36752
of correctional institutions operated by the state or any 36753
political subdivision thereof, and who are eligible under state 36754
board of education minimum standards to receive a high school 36755
diploma based in whole or in part on credits earned while an 36756
inmate of the correctional institution, shall be granted a diploma 36757
by the correctional institution offering the program in which the 36758
credits were earned. The diploma granted by the correctional 36759
institution shall be signed by the director of the institution and 36760
by the person serving as principal of the institution's high 36761

school and shall bear the date of issue. 36762

(G) The state board of education shall provide by rule for 36763
the administration of the ~~tests~~ assessments required by section 36764
3301.0710 of the Revised Code to inmates of correctional 36765
institutions. 36766

(H) Any person to whom all of the following apply shall be 36767
exempted from attaining the applicable score on the ~~test~~ 36768
assessment in social studies designated under division (B)(1) of 36769
section 3301.0710 of the Revised Code, any social studies 36770
end-of-course examination required under division (B)(2) of that 36771
section if such an exemption is prescribed by rule of the state 36772
board under division (E)(4) of section 3301.0712 of the Revised 36773
Code, or the test in citizenship designated under former division 36774
(B) of section 3301.0710 of the Revised Code as it existed prior 36775
to September 11, 2001: 36776

(1) The person is not a citizen of the United States; 36777

(2) The person is not a permanent resident of the United 36778
States; 36779

(3) The person indicates no intention to reside in the United 36780
States after the completion of high school. 36781

(I) Notwithstanding division (D) of section 3311.19 and 36782
division (D) of section 3311.52 of the Revised Code, this section 36783
and section 3311.611 of the Revised Code do not apply to the board 36784
of education of any joint vocational school district or any 36785
cooperative education school district established pursuant to 36786
divisions (A) to (C) of section 3311.52 of the Revised Code. 36787

(J) Upon receipt of a notice under division (D) of section 36788
3325.08 of the Revised Code that a student has received a diploma 36789
under that section, the board of education receiving the notice 36790
may grant a high school diploma under this section to the student, 36791
except that such board shall grant the student a diploma if the 36792

student meets the graduation requirements that the student would 36793
otherwise have had to meet to receive a diploma from the district. 36794
The diploma granted under this section shall be of the same type 36795
the notice indicates the student received under section 3325.08 of 36796
the Revised Code. 36797

(K) As used in this division, "limited English proficient 36798
student" has the same meaning as in division (C)(3) of section 36799
3301.0711 of the Revised Code. 36800

Notwithstanding division (C)(3) of section 3301.0711 of the 36801
Revised Code, no limited English proficient student who has not 36802
either attained the applicable scores designated under division 36803
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 36804
assessments required by that division, or attained the composite 36805
score designated for the assessments required by division (B)(2) 36806
of that section, shall be awarded a diploma under this section. 36807

(L) Any student described by division (A)(1) of this section 36808
may be awarded a diploma without attaining the applicable scores 36809
designated on the ~~tests~~ assessments prescribed under division (B) 36810
of section 3301.0710 of the Revised Code provided an 36811
individualized education program specifically exempts the student 36812
from attaining such scores. This division does not negate the 36813
requirement for such a student to take all such ~~tests~~ assessments 36814
or alternate assessments required by division (C)(1) of section 36815
3301.0711 of the Revised Code for the purpose of assessing student 36816
progress as required by federal law. 36817

Sec. 3313.611. (A) The state board of education shall adopt, 36818
by rule, standards for awarding high school credit equivalent to 36819
credit for completion of high school academic and vocational 36820
education courses to applicants for diplomas under this section. 36821
The standards may permit high school credit to be granted to an 36822
applicant for any of the following: 36823

(1) Work experiences or experiences as a volunteer;	36824
(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;	36825 36826 36827
(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;	36828 36829 36830
(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.	36831 36832 36833
(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:	36834 36835 36836 36837
(1) The applicant is a resident of the district;	36838
(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;	36839 36840 36841
(3) Subject to section 3313.614 of the Revised Code, the applicant <u>has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.</u>	36842 36843 36844
<u>(a) Prior to the date prescribed by rule of the state board under division (E)(3) of section 3301.0712 of the Revised Code, the applicant either:</u>	36845 36846 36847
(a)(i) Has attained the applicable scores designated under division (B)(<u>1</u>) of section 3301.0710 of the Revised Code on all of the tests <u>assessments</u> required by that division or was excused or exempted from any such test <u>assessment</u> pursuant to section 3313.532 or was exempted from attaining the applicable score on any such test <u>assessment</u> pursuant to division (H) or (L) of	36848 36849 36850 36851 36852 36853

section 3313.61 of the Revised Code; 36854

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 36855
in section 3313.615 of the Revised Code. 36856

(b) On or after the date prescribed by rule of the state 36857
board under division (E)(3) of section 3301.0712 of the Revised 36858
Code, has attained on the entire assessment system prescribed 36859
under division (B)(2) of section 3301.0710 of the Revised Code at 36860
least the required passing composite score, designated under 36861
division (C)(1) of section 3301.0712 of the Revised Code, except 36862
and only to the extent that the applicant is excused from some 36863
portion of that assessment system pursuant to section 3313.532 of 36864
the Revised Code or division (H) or (L) of section 3313.61 of the 36865
Revised Code. 36866

(4) The district board determines, in accordance with the 36867
standards adopted under division (A) of this section, that the 36868
applicant has attained sufficient high school credits, including 36869
equivalent credits awarded under such standards, to qualify as 36870
having successfully completed the curriculum required by the 36871
district for graduation. 36872

(C) If a district board determines that an applicant is not 36873
eligible for a diploma under division (B) of this section, it 36874
shall inform the applicant of the reason the applicant is 36875
ineligible and shall provide a list of any courses required for 36876
the diploma for which the applicant has not received credit. An 36877
applicant may reapply for a diploma under this section at any 36878
time. 36879

(D) If a district board awards an adult education diploma 36880
under this section, the president and treasurer of the board and 36881
the superintendent of schools shall sign it. Each diploma shall 36882
bear the date of its issuance, be in such form as the district 36883
board prescribes, and be paid for from the district's general 36884

fund, except that the state board may by rule prescribe standard 36885
language to be included on each diploma. 36886

(E) As used in this division, "limited English proficient 36887
student" has the same meaning as in division (C)(3) of section 36888
3301.0711 of the Revised Code. 36889

Notwithstanding division (C)(3) of section 3301.0711 of the 36890
Revised Code, no limited English proficient student who has not 36891
either attained the applicable scores designated under division 36892
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 36893
assessments required by that division, or attained the composite 36894
score designated for the assessments required by division (B)(2) 36895
of that section, shall be awarded a diploma under this section. 36896

Sec. 3313.612. (A) No nonpublic school chartered by the state 36897
board of education shall grant ~~any~~ a high school diploma to any 36898
person unless, subject to section 3313.614 of the Revised Code, 36899
the person has met the assessment requirements of division (A)(1) 36900
or (2) of this section, as applicable. 36901

(1) If the person entered the ninth grade prior to the date 36902
prescribed by rule of the state board under division (E)(2) of 36903
section 3301.0712 of the Revised Code, the person has attained, 36904
~~subject to section 3313.614 of the Revised Code~~ at least the 36905
applicable scores designated under division (B)(1) of section 36906
3301.0710 of the Revised Code on all the ~~tests~~ assessments 36907
required by that division, or has satisfied the alternative 36908
conditions prescribed in section 3313.615 of the Revised Code. 36909

(2) If the person entered the ninth grade on or after the 36910
date prescribed by rule of the state board under division (E)(2) 36911
of section 3301.0712 of the Revised Code, the person has attained 36912
on the entire assessment system prescribed under division (B)(2) 36913
of section 3301.0710 of the Revised Code at least the required 36914
passing composite score, designated under division (C)(1) of 36915

section 3301.0712 of the Revised Code. 36916

(B) This section does not apply to either of the following: 36917

(1) Any person with regard to any ~~test~~ assessment from which 36918
the person was excused pursuant to division (C)(1)(c) of section 36919
3301.0711 of the Revised Code; 36920

(2) Any person with regard to the social studies ~~test~~ 36921
assessment under division (B)(1) of section 3301.0710 of the 36922
Revised Code, any social studies end-of-course examination 36923
required under division (B)(2) of that section if such an 36924
exemption is prescribed by rule of the state board of education 36925
under division (E)(4) of section 3301.0712 of the Revised Code, or 36926
the citizenship test under former division (B) of section 36927
3301.0710 of the Revised Code as it existed prior to September 11, 36928
2001, if all of the following apply: 36929

(a) The person is not a citizen of the United States; 36930

(b) The person is not a permanent resident of the United 36931
States; 36932

(c) The person indicates no intention to reside in the United 36933
States after completion of high school. 36934

(C) As used in this division, "limited English proficient 36935
student" has the same meaning as in division (C)(3) of section 36936
3301.0711 of the Revised Code. 36937

Notwithstanding division (C)(3) of section 3301.0711 of the 36938
Revised Code, no limited English proficient student who has not 36939
either attained the applicable scores designated under division 36940
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 36941
assessments required by that division, or attained the composite 36942
score designated for the assessments required by division (B)(2) 36943
of that section, shall be awarded a diploma under this section. 36944

Sec. 3313.614. (A) As used in this section, a person 36945

"fulfills the curriculum requirement for a diploma" at the time 36946
one of the following conditions is satisfied: 36947

(1) The person successfully completes the high school 36948
curriculum of a school district, a community school, a chartered 36949
nonpublic school, or a correctional institution. 36950

(2) The person successfully completes the individualized 36951
education program developed for the person under section 3323.08 36952
of the Revised Code. 36953

(3) A board of education issues its determination under 36954
section 3313.611 of the Revised Code that the person qualifies as 36955
having successfully completed the curriculum required by the 36956
district. 36957

(B) This division specifies the ~~testing~~ assessment 36958
requirements that must be fulfilled as a condition toward granting 36959
high school diplomas under sections 3313.61, 3313.611, 3313.612, 36960
and 3325.08 of the Revised Code. 36961

(1) A person who fulfills the curriculum requirement for a 36962
diploma before September 15, 2000, is not required to pass any 36963
proficiency test or achievement test in science as a condition to 36964
receiving a diploma. 36965

(2) A person who began ninth grade prior to July 1, 2003, is 36966
not required to pass the Ohio graduation test prescribed under 36967
division (B)(1) of section 3301.0710 or any assessment prescribed 36968
under division (B)(2) of that section in any subject as a 36969
condition to receiving a diploma once the person has passed the 36970
ninth grade proficiency test in the same subject, so long as the 36971
person passed the ninth grade proficiency test prior to September 36972
15, 2008. However, any such person who passes the Ohio graduation 36973
test in any subject prior to passing the ninth grade proficiency 36974
test in the same subject shall be deemed to have passed the ninth 36975

grade proficiency test in that subject as a condition to receiving 36976
a diploma. For this purpose, the ninth grade proficiency test in 36977
citizenship substitutes for the Ohio graduation test in social 36978
studies. If a person began ninth grade prior to July 1, 2003, but 36979
does not pass a ninth grade proficiency test or the Ohio 36980
graduation test in a particular subject before September 15, 2008, 36981
and passage of a test in that subject is a condition for the 36982
person to receive a diploma, the person must pass the Ohio 36983
graduation test instead of the ninth grade proficiency test in 36984
that subject to receive a diploma. 36985

(3) A person who begins ninth grade on or after July 1, 2003, 36986
in a school district, community school, or chartered nonpublic 36987
school is not eligible to receive a diploma based on passage of 36988
ninth grade proficiency tests. Each such person who begins ninth 36989
grade prior to the date prescribed by the state board of education 36990
under division (E)(5) of section 3301.0712 of the Revised Code 36991
must pass Ohio graduation tests to meet the testing requirements 36992
applicable to that person as a condition to receiving a diploma. 36993

(4) A person who begins ninth grade on or after the date 36994
prescribed by the state board of education under division (E)(5) 36995
of section 3301.0712 of the Revised Code is not eligible to 36996
receive a diploma based on passage of the Ohio graduation tests. 36997
Each such person must attain on the entire assessment system 36998
prescribed under division (B)(2) of section 3301.0710 of the 36999
Revised Code at least the required passing composite score, 37000
designated under division (C)(1) of section 3301.0712 of the 37001
Revised Code. 37002

(C) This division specifies the curriculum requirement that 37003
shall be completed as a condition toward granting high school 37004
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 37005
of the Revised Code. 37006

(1) A person who is under twenty-two years of age when the 37007

person fulfills the curriculum requirement for a diploma shall 37008
complete the curriculum required by the school district or school 37009
issuing the diploma for the first year that the person originally 37010
enrolled in high school, except for a person who qualifies for 37011
graduation from high school under either division (D) or (F) of 37012
section 3313.603 of the Revised Code. 37013

(2) Once a person fulfills the curriculum requirement for a 37014
diploma, the person is never required, as a condition of receiving 37015
a diploma, to meet any different curriculum requirements that take 37016
effect pending the person's passage of proficiency tests or 37017
achievement tests or assessments, including changes mandated by 37018
section 3313.603 of the Revised Code, the state board, a school 37019
district board of education, or a governing authority of a 37020
community school or chartered nonpublic school. 37021

Sec. 3313.615. This section shall apply to diplomas awarded 37022
after September 15, 2006, to students who are required to take the 37023
five Ohio graduation tests prescribed by division (B)(1) of 37024
section 3301.0710 of the Revised Code. 37025

(A) As an alternative to the requirement that a person attain 37026
the scores designated under division (B)(1) of section 3301.0710 37027
of the Revised Code on all the ~~tests~~ assessments required under 37028
that division in order to be eligible for a high school diploma or 37029
an honors diploma under sections 3313.61, 3313.612, or 3325.08 of 37030
the Revised Code or for a diploma of adult education under section 37031
3313.611 of the Revised Code, a person who has attained at least 37032
the applicable scores designated under division (B)(1) of section 37033
3301.0710 of the Revised Code on all but one of the ~~tests~~ 37034
assessments required by that division and from which the person 37035
was not excused or exempted, pursuant to division (L) of section 37036
3313.61, division (B)(1) of section 3313.612, or section 3313.532 37037
of the Revised Code, may be awarded a diploma or honors diploma if 37038

the person has satisfied all of the following conditions: 37039

(1) On the one ~~test~~ assessment required under division (B)(1) 37040
of section 3301.0710 of the Revised Code for which the person 37041
failed to attain the designated score, the person missed that 37042
score by ten points or less; 37043

(2) Has a ninety-seven per cent school attendance rate in 37044
each of the last four school years, excluding any excused 37045
absences; 37046

(3) Has not been expelled from school under section 3313.66 37047
of the Revised Code in any of the last four school years; 37048

(4) Has a grade point average of at least 2.5 out of 4.0, or 37049
its equivalent as designated in rules adopted by the state board 37050
of education, in the subject area of the ~~test~~ assessment required 37051
under division (B)(1) of section 3301.0710 of the Revised Code for 37052
which the person failed to attain the designated score; 37053

(5) Has completed the high school curriculum requirements 37054
prescribed in section 3313.603 of the Revised Code or has 37055
qualified under division (D) or (F) of that section; 37056

(6) Has taken advantage of any intervention programs provided 37057
by the school district or school in the subject area described in 37058
division (A)(4) of this section and has a ninety-seven per cent 37059
attendance rate, excluding any excused absences, in any of those 37060
programs that are provided at times beyond the normal school day, 37061
school week, or school year or has received comparable 37062
intervention services from a source other than the school district 37063
or school; 37064

(7) Holds a letter recommending graduation from each of the 37065
person's high school teachers in the subject area described in 37066
division (A)(4) of this section and from the person's high school 37067
principal. 37068

(B) The state board of education shall establish rules 37069
designating grade point averages equivalent to the average 37070
specified in division (A)(4) of this section for use by school 37071
districts and schools with different grading systems. 37072

(C) Any student who is exempt from attaining the applicable 37073
score designated under division (B)(1) of section 3301.0710 of the 37074
Revised Code on the Ohio graduation test in social studies 37075
pursuant to division (H) of section 3313.61 or division (B)(2) of 37076
section 3313.612 of the Revised Code shall not qualify for a high 37077
school diploma under this section, unless, notwithstanding the 37078
exemption, the student attains the applicable score on that ~~test~~ 37079
assessment. If the student attains the applicable score on that 37080
~~test~~ assessment, the student may qualify for a diploma under this 37081
section in the same manner as any other student who is required to 37082
take the five Ohio graduation tests prescribed by division (B)(1) 37083
of section 3301.0710 of the Revised Code. 37084

Sec. 3313.62. (A) The school year shall begin on the first 37085
day of July of each calendar year and close on the thirtieth day 37086
of June of the succeeding calendar year. A school week shall 37087
consist of five days, and a school month of four school weeks. 37088

(B) "Learning year" means a school year as defined in 37089
division (A) of this section. 37090

(C) "Learning day" or "school day" is a day a school is 37091
scheduled to be open for instruction. 37092

Sec. 3313.64. (A) As used in this section and in section 37093
3313.65 of the Revised Code: 37094

(1)(a) Except as provided in division (A)(1)(b) of this 37095
section, "parent" means either parent, unless the parents are 37096
separated or divorced or their marriage has been dissolved or 37097
annulled, in which case "parent" means the parent who is the 37098

residential parent and legal custodian of the child. When a child 37099
is in the legal custody of a government agency or a person other 37100
than the child's natural or adoptive parent, "parent" means the 37101
parent with residual parental rights, privileges, and 37102
responsibilities. When a child is in the permanent custody of a 37103
government agency or a person other than the child's natural or 37104
adoptive parent, "parent" means the parent who was divested of 37105
parental rights and responsibilities for the care of the child and 37106
the right to have the child live with the parent and be the legal 37107
custodian of the child and all residual parental rights, 37108
privileges, and responsibilities. 37109

(b) When a child is the subject of a power of attorney 37110
executed under sections 3109.51 to 3109.62 of the Revised Code, 37111
"parent" means the grandparent designated as attorney in fact 37112
under the power of attorney. When a child is the subject of a 37113
caretaker authorization affidavit executed under sections 3109.64 37114
to 3109.73 of the Revised Code, "parent" means the grandparent 37115
that executed the affidavit. 37116

(2) "Legal custody," "permanent custody," and "residual 37117
parental rights, privileges, and responsibilities" have the same 37118
meanings as in section 2151.011 of the Revised Code. 37119

(3) "School district" or "district" means a city, local, or 37120
exempted village school district and excludes any school operated 37121
in an institution maintained by the department of youth services. 37122

(4) Except as used in division (C)(2) of this section, "home" 37123
means a home, institution, foster home, group home, or other 37124
residential facility in this state that receives and cares for 37125
children, to which any of the following applies: 37126

(a) The home is licensed, certified, or approved for such 37127
purpose by the state or is maintained by the department of youth 37128
services. 37129

- (b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose. 37130
37131
37132
- (c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state. 37133
37134
37135
- (d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 37136
37137
- (5) "Agency" means all of the following: 37138
- (a) A public children services agency; 37139
- (b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption; 37140
37141
37142
37143
37144
37145
- (c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code. 37146
37147
37148
37149
- (6) A child is placed for adoption if either of the following occurs: 37150
37151
- (a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 37152
37153
37154
37155
- (b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 37156
37157
37158
- (7) "Preschool child with a disability" has the same meaning 37159

as in section 3323.01 of the Revised Code. 37160

(8) "Child," unless otherwise indicated, includes preschool 37161
children with disabilities. 37162

(9) "Active duty" means active duty pursuant to an executive 37163
order of the president of the United States, an act of the 37164
congress of the United States, or section 5919.29 or 5923.21 of 37165
the Revised Code. 37166

(B) Except as otherwise provided in section 3321.01 of the 37167
Revised Code for admittance to kindergarten and first grade, a 37168
child who is at least five but under twenty-two years of age and 37169
any preschool child with a disability shall be admitted to school 37170
as provided in this division. 37171

(1) A child shall be admitted to the schools of the school 37172
district in which the child's parent resides. 37173

(2) A child who does not reside in the district where the 37174
child's parent resides shall be admitted to the schools of the 37175
district in which the child resides if any of the following 37176
applies: 37177

(a) The child is in the legal or permanent custody of a 37178
government agency or a person other than the child's natural or 37179
adoptive parent. 37180

(b) The child resides in a home. 37181

(c) The child requires special education. 37182

(3) A child who is not entitled under division (B)(2) of this 37183
section to be admitted to the schools of the district where the 37184
child resides and who is residing with a resident of this state 37185
with whom the child has been placed for adoption shall be admitted 37186
to the schools of the district where the child resides unless 37187
either of the following applies: 37188

(a) The placement for adoption has been terminated. 37189

(b) Another school district is required to admit the child 37190
under division (B)(1) of this section. 37191

Division (B) of this section does not prohibit the board of 37192
education of a school district from placing a child with a 37193
disability who resides in the district in a special education 37194
program outside of the district or its schools in compliance with 37195
Chapter 3323. of the Revised Code. 37196

(C) A district shall not charge tuition for children admitted 37197
under division (B)(1) or (3) of this section. If the district 37198
admits a child under division (B)(2) of this section, tuition 37199
shall be paid to the district that admits the child as follows: 37200

(1) If the child receives special education in accordance 37201
with Chapter 3323. of the Revised Code, the school district of 37202
residence, as defined in section 3323.01 of the Revised Code, 37203
shall pay tuition for the child in accordance with section 37204
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 37205
regardless of who has custody of the child or whether the child 37206
resides in a home. 37207

(2) For a child that does not receive special education in 37208
accordance with Chapter 3323. of the Revised Code, except as 37209
otherwise provided in division (C)(2)(d) of this section, if the 37210
child is in the permanent or legal custody of a government agency 37211
or person other than the child's parent, tuition shall be paid by: 37212

(a) The district in which the child's parent resided at the 37213
time the court removed the child from home or at the time the 37214
court vested legal or permanent custody of the child in the person 37215
or government agency, whichever occurred first; 37216

(b) If the parent's residence at the time the court removed 37217
the child from home or placed the child in the legal or permanent 37218
custody of the person or government agency is unknown, tuition 37219
shall be paid by the district in which the child resided at the 37220

time the child was removed from home or placed in legal or 37221
permanent custody, whichever occurred first; 37222

(c) If a school district cannot be established under division 37223
(C)(2)(a) or (b) of this section, tuition shall be paid by the 37224
district determined as required by section 2151.362 of the Revised 37225
Code by the court at the time it vests custody of the child in the 37226
person or government agency; 37227

(d) If at the time the court removed the child from home or 37228
vested legal or permanent custody of the child in the person or 37229
government agency, whichever occurred first, one parent was in a 37230
residential or correctional facility or a juvenile residential 37231
placement and the other parent, if living and not in such a 37232
facility or placement, was not known to reside in this state, 37233
tuition shall be paid by the district determined under division 37234
(D) of section 3313.65 of the Revised Code as the district 37235
required to pay any tuition while the parent was in such facility 37236
or placement; 37237

(e) If the department of education has determined, pursuant 37238
to division (A)(2) of section 2151.362 of the Revised Code, that a 37239
school district other than the one named in the court's initial 37240
order, or in a prior determination of the department, is 37241
responsible to bear the cost of educating the child, the district 37242
so determined shall be responsible for that cost. 37243

(3) If the child is not in the permanent or legal custody of 37244
a government agency or person other than the child's parent and 37245
the child resides in a home, tuition shall be paid by one of the 37246
following: 37247

(a) The school district in which the child's parent resides; 37248

(b) If the child's parent is not a resident of this state, 37249
the home in which the child resides. 37250

(D) Tuition required to be paid under divisions (C)(2) and 37251

(3)(a) of this section shall be computed in accordance with 37252
section 3317.08 of the Revised Code. Tuition required to be paid 37253
under division (C)(3)(b) of this section shall be computed in 37254
accordance with section 3317.081 of the Revised Code. If a home 37255
fails to pay the tuition required by division (C)(3)(b) of this 37256
section, the board of education providing the education may 37257
recover in a civil action the tuition and the expenses incurred in 37258
prosecuting the action, including court costs and reasonable 37259
attorney's fees. If the prosecuting attorney or city director of 37260
law represents the board in such action, costs and reasonable 37261
attorney's fees awarded by the court, based upon the prosecuting 37262
attorney's, director's, or one of their designee's time spent 37263
preparing and presenting the case, shall be deposited in the 37264
county or city general fund. 37265

(E) A board of education may enroll a child free of any 37266
tuition obligation for a period not to exceed sixty days, on the 37267
sworn statement of an adult resident of the district that the 37268
resident has initiated legal proceedings for custody of the child. 37269

(F) In the case of any individual entitled to attend school 37270
under this division, no tuition shall be charged by the school 37271
district of attendance and no other school district shall be 37272
required to pay tuition for the individual's attendance. 37273
Notwithstanding division (B), (C), or (E) of this section: 37274

(1) All persons at least eighteen but under twenty-two years 37275
of age who live apart from their parents, support themselves by 37276
their own labor, and have not successfully completed the high 37277
school curriculum or the individualized education program 37278
developed for the person by the high school pursuant to section 37279
3323.08 of the Revised Code, are entitled to attend school in the 37280
district in which they reside. 37281

(2) Any child under eighteen years of age who is married is 37282
entitled to attend school in the child's district of residence. 37283

(3) A child is entitled to attend school in the district in 37284
which either of the child's parents is employed if the child has a 37285
medical condition that may require emergency medical attention. 37286
The parent of a child entitled to attend school under division 37287
(F)(3) of this section shall submit to the board of education of 37288
the district in which the parent is employed a statement from the 37289
child's physician certifying that the child's medical condition 37290
may require emergency medical attention. The statement shall be 37291
supported by such other evidence as the board may require. 37292

(4) Any child residing with a person other than the child's 37293
parent is entitled, for a period not to exceed twelve months, to 37294
attend school in the district in which that person resides if the 37295
child's parent files an affidavit with the superintendent of the 37296
district in which the person with whom the child is living resides 37297
stating all of the following: 37298

(a) That the parent is serving outside of the state in the 37299
armed services of the United States; 37300

(b) That the parent intends to reside in the district upon 37301
returning to this state; 37302

(c) The name and address of the person with whom the child is 37303
living while the parent is outside the state. 37304

(5) Any child under the age of twenty-two years who, after 37305
the death of a parent, resides in a school district other than the 37306
district in which the child attended school at the time of the 37307
parent's death is entitled to continue to attend school in the 37308
district in which the child attended school at the time of the 37309
parent's death for the remainder of the school year, subject to 37310
approval of that district board. 37311

(6) A child under the age of twenty-two years who resides 37312
with a parent who is having a new house built in a school district 37313
outside the district where the parent is residing is entitled to 37314

attend school for a period of time in the district where the new 37315
house is being built. In order to be entitled to such attendance, 37316
the parent shall provide the district superintendent with the 37317
following: 37318

(a) A sworn statement explaining the situation, revealing the 37319
location of the house being built, and stating the parent's 37320
intention to reside there upon its completion; 37321

(b) A statement from the builder confirming that a new house 37322
is being built for the parent and that the house is at the 37323
location indicated in the parent's statement. 37324

(7) A child under the age of twenty-two years residing with a 37325
parent who has a contract to purchase a house in a school district 37326
outside the district where the parent is residing and who is 37327
waiting upon the date of closing of the mortgage loan for the 37328
purchase of such house is entitled to attend school for a period 37329
of time in the district where the house is being purchased. In 37330
order to be entitled to such attendance, the parent shall provide 37331
the district superintendent with the following: 37332

(a) A sworn statement explaining the situation, revealing the 37333
location of the house being purchased, and stating the parent's 37334
intent to reside there; 37335

(b) A statement from a real estate broker or bank officer 37336
confirming that the parent has a contract to purchase the house, 37337
that the parent is waiting upon the date of closing of the 37338
mortgage loan, and that the house is at the location indicated in 37339
the parent's statement. 37340

The district superintendent shall establish a period of time 37341
not to exceed ninety days during which the child entitled to 37342
attend school under division (F)(6) or (7) of this section may 37343
attend without tuition obligation. A student attending a school 37344
under division (F)(6) or (7) of this section shall be eligible to 37345

participate in interscholastic athletics under the auspices of 37346
that school, provided the board of education of the school 37347
district where the student's parent resides, by a formal action, 37348
releases the student to participate in interscholastic athletics 37349
at the school where the student is attending, and provided the 37350
student receives any authorization required by a public agency or 37351
private organization of which the school district is a member 37352
exercising authority over interscholastic sports. 37353

(8) A child whose parent is a full-time employee of a city, 37354
local, or exempted village school district, or of an educational 37355
service center, may be admitted to the schools of the district 37356
where the child's parent is employed, or in the case of a child 37357
whose parent is employed by an educational service center, in the 37358
district that serves the location where the parent's job is 37359
primarily located, provided the district board of education 37360
establishes such an admission policy by resolution adopted by a 37361
majority of its members. Any such policy shall take effect on the 37362
first day of the school year and the effective date of any 37363
amendment or repeal may not be prior to the first day of the 37364
subsequent school year. The policy shall be uniformly applied to 37365
all such children and shall provide for the admission of any such 37366
child upon request of the parent. No child may be admitted under 37367
this policy after the first day of classes of any school year. 37368

(9) A child who is with the child's parent under the care of 37369
a shelter for victims of domestic violence, as defined in section 37370
3113.33 of the Revised Code, is entitled to attend school free in 37371
the district in which the child is with the child's parent, and no 37372
other school district shall be required to pay tuition for the 37373
child's attendance in that school district. 37374

The enrollment of a child in a school district under this 37375
division shall not be denied due to a delay in the school 37376
district's receipt of any records required under section 3313.672 37377

of the Revised Code or any other records required for enrollment. 37378
Any days of attendance and any credits earned by a child while 37379
enrolled in a school district under this division shall be 37380
transferred to and accepted by any school district in which the 37381
child subsequently enrolls. The state board of education shall 37382
adopt rules to ensure compliance with this division. 37383

(10) Any child under the age of twenty-two years whose parent 37384
has moved out of the school district after the commencement of 37385
classes in the child's senior year of high school is entitled, 37386
subject to the approval of that district board, to attend school 37387
in the district in which the child attended school at the time of 37388
the parental move for the remainder of the school year and for one 37389
additional semester or equivalent term. A district board may also 37390
adopt a policy specifying extenuating circumstances under which a 37391
student may continue to attend school under division (F)(10) of 37392
this section for an additional period of time in order to 37393
successfully complete the high school curriculum for the 37394
individualized education program developed for the student by the 37395
high school pursuant to section 3323.08 of the Revised Code. 37396

(11) As used in this division, "grandparent" means a parent 37397
of a parent of a child. A child under the age of twenty-two years 37398
who is in the custody of the child's parent, resides with a 37399
grandparent, and does not require special education is entitled to 37400
attend the schools of the district in which the child's 37401
grandparent resides, provided that, prior to such attendance in 37402
any school year, the board of education of the school district in 37403
which the child's grandparent resides and the board of education 37404
of the school district in which the child's parent resides enter 37405
into a written agreement specifying that good cause exists for 37406
such attendance, describing the nature of this good cause, and 37407
consenting to such attendance. 37408

In lieu of a consent form signed by a parent, a board of 37409

education may request the grandparent of a child attending school 37410
in the district in which the grandparent resides pursuant to 37411
division (F)(11) of this section to complete any consent form 37412
required by the district, including any authorization required by 37413
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 37414
Code. Upon request, the grandparent shall complete any consent 37415
form required by the district. A school district shall not incur 37416
any liability solely because of its receipt of a consent form from 37417
a grandparent in lieu of a parent. 37418

Division (F)(11) of this section does not create, and shall 37419
not be construed as creating, a new cause of action or substantive 37420
legal right against a school district, a member of a board of 37421
education, or an employee of a school district. This section does 37422
not affect, and shall not be construed as affecting, any 37423
immunities from defenses to tort liability created or recognized 37424
by Chapter 2744. of the Revised Code for a school district, 37425
member, or employee. 37426

(12) A child under the age of twenty-two years is entitled to 37427
attend school in a school district other than the district in 37428
which the child is entitled to attend school under division (B), 37429
(C), or (E) of this section provided that, prior to such 37430
attendance in any school year, both of the following occur: 37431

(a) The superintendent of the district in which the child is 37432
entitled to attend school under division (B), (C), or (E) of this 37433
section contacts the superintendent of another district for 37434
purposes of this division; 37435

(b) The superintendents of both districts enter into a 37436
written agreement that consents to the attendance and specifies 37437
that the purpose of such attendance is to protect the student's 37438
physical or mental well-being or to deal with other extenuating 37439
circumstances deemed appropriate by the superintendents. 37440

While an agreement is in effect under this division for a 37441
student who is not receiving special education under Chapter 3323. 37442
of the Revised Code and notwithstanding Chapter 3327. of the 37443
Revised Code, the board of education of neither school district 37444
involved in the agreement is required to provide transportation 37445
for the student to and from the school where the student attends. 37446

A student attending a school of a district pursuant to this 37447
division shall be allowed to participate in all student 37448
activities, including interscholastic athletics, at the school 37449
where the student is attending on the same basis as any student 37450
who has always attended the schools of that district while of 37451
compulsory school age. 37452

(13) All school districts shall comply with the 37453
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 37454
seq., for the education of homeless children. Each city, local, 37455
and exempted village school district shall comply with the 37456
requirements of that act governing the provision of a free, 37457
appropriate public education, including public preschool, to each 37458
homeless child. 37459

When a child loses permanent housing and becomes a homeless 37460
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 37461
such a homeless person changes temporary living arrangements, the 37462
child's parent or guardian shall have the option of enrolling the 37463
child in either of the following: 37464

(a) The child's school of origin, as defined in 42 U.S.C.A. 37465
11432(g)(3)(C); 37466

(b) The school that is operated by the school district in 37467
which the shelter where the child currently resides is located and 37468
that serves the geographic area in which the shelter is located. 37469

(14) A child under the age of twenty-two years who resides 37470
with a person other than the child's parent is entitled to attend 37471

school in the school district in which that person resides if both 37472
of the following apply: 37473

(a) That person has been appointed, through a military power 37474
of attorney executed under section 574(a) of the "National Defense 37475
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 37476
U.S.C. 1044b, or through a comparable document necessary to 37477
complete a family care plan, as the parent's agent for the care, 37478
custody, and control of the child while the parent is on active 37479
duty as a member of the national guard or a reserve unit of the 37480
armed forces of the United States or because the parent is a 37481
member of the armed forces of the United States and is on a duty 37482
assignment away from the parent's residence. 37483

(b) The military power of attorney or comparable document 37484
includes at least the authority to enroll the child in school. 37485

The entitlement to attend school in the district in which the 37486
parent's agent under the military power of attorney or comparable 37487
document resides applies until the end of the school year in which 37488
the military power of attorney or comparable document expires. 37489

(G) A board of education, after approving admission, may 37490
waive tuition for students who will temporarily reside in the 37491
district and who are either of the following: 37492

(1) Residents or domiciliaries of a foreign nation who 37493
request admission as foreign exchange students; 37494

(2) Residents or domiciliaries of the United States but not 37495
of Ohio who request admission as participants in an exchange 37496
program operated by a student exchange organization. 37497

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 37498
3327.04, and 3327.06 of the Revised Code, a child may attend 37499
school or participate in a special education program in a school 37500
district other than in the district where the child is entitled to 37501
attend school under division (B) of this section. 37502

(I)(1) Notwithstanding anything to the contrary in this 37503
section or section 3313.65 of the Revised Code, a child under 37504
twenty-two years of age may attend school in the school district 37505
in which the child, at the end of the first full week of October 37506
of the school year, was entitled to attend school as otherwise 37507
provided under this section or section 3313.65 of the Revised 37508
Code, if at that time the child was enrolled in the schools of the 37509
district but since that time the child or the child's parent has 37510
relocated to a new address located outside of that school district 37511
and within the same county as the child's or parent's address 37512
immediately prior to the relocation. The child may continue to 37513
attend school in the district, and at the school to which the 37514
child was assigned at the end of the first full week of October of 37515
the current school year, for the balance of the school year. 37516
Division (I)(1) of this section applies only if both of the 37517
following conditions are satisfied: 37518

(a) The board of education of the school district in which 37519
the child was entitled to attend school at the end of the first 37520
full week in October and of the district to which the child or 37521
child's parent has relocated each has adopted a policy to enroll 37522
children described in division (I)(1) of this section. 37523

(b) The child's parent provides written notification of the 37524
relocation outside of the school district to the superintendent of 37525
each of the two school districts. 37526

(2) At the beginning of the school year following the school 37527
year in which the child or the child's parent relocated outside of 37528
the school district as described in division (I)(1) of this 37529
section, the child is not entitled to attend school in the school 37530
district under that division. 37531

(3) Any person or entity owing tuition to the school district 37532
on behalf of the child at the end of the first full week in 37533
October, as provided in division (C) of this section, shall 37534

continue to owe such tuition to the district for the child's 37535
attendance under division (I)(1) of this section for the lesser of 37536
the balance of the school year or the balance of the time that the 37537
child attends school in the district under division (I)(1) of this 37538
section. 37539

(4) A pupil who may attend school in the district under 37540
division (I)(1) of this section shall be entitled to 37541
transportation services pursuant to an agreement between the 37542
district and the district in which the child or child's parent has 37543
relocated unless the districts have not entered into such 37544
agreement, in which case the child shall be entitled to 37545
transportation services in the same manner as a pupil attending 37546
school in the district under interdistrict open enrollment as 37547
described in division ~~(H)~~(D) of section 3313.981 of the Revised 37548
Code, regardless of whether the district has adopted an open 37549
enrollment policy as described in division (B)(1)(b) or (c) of 37550
section 3313.98 of the Revised Code. 37551

(J) This division does not apply to a child receiving special 37552
education. 37553

A school district required to pay tuition pursuant to 37554
division (C)(2) or (3) of this section or section 3313.65 of the 37555
Revised Code shall have an amount deducted under division (F) of 37556
section 3317.023 of the Revised Code equal to its own tuition rate 37557
for the same period of attendance. A school district entitled to 37558
receive tuition pursuant to division (C)(2) or (3) of this section 37559
or section 3313.65 of the Revised Code shall have an amount 37560
credited under division (F) of section 3317.023 of the Revised 37561
Code equal to its own tuition rate for the same period of 37562
attendance. If the tuition rate credited to the district of 37563
attendance exceeds the rate deducted from the district required to 37564
pay tuition, the department of education shall pay the district of 37565
attendance the difference from amounts deducted from all 37566

districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school

in the district in which the child's parent lived before being 37599
called to active duty or ordered to a temporary duty assignment 37600
outside of the district, as long as the child's parent continues 37601
to be a resident of that district, and regardless of where the 37602
child lives as a result of the parent's active duty status or 37603
temporary duty assignment. However, the district is not 37604
responsible for providing transportation for the child if the 37605
child lives outside of the district as a result of the parent's 37606
active duty status or temporary duty assignment. 37607

Sec. 3313.642. (A) Except as provided in division (B) of this 37608
section and notwithstanding the provisions of sections 3313.48 and 37609
3313.64 of the Revised Code, the board of education of a city, 37610
exempted village, or local school district shall not be required 37611
to furnish, free of charge, to the pupils attending the public 37612
schools any materials used in a course of instruction with the 37613
exception of the necessary textbooks or electronic textbooks 37614
required to be furnished without charge pursuant to section 37615
3329.06 of the Revised Code. The board may, however, make 37616
provision by appropriations transferred from the general fund of 37617
the district or otherwise for furnishing free of charge any 37618
materials used in a course of instruction to such pupils as it 37619
determines are in serious financial need of such materials. 37620

(B) No board of education of a school district that ~~receives~~ 37621
received funds under section 3317.029 of the Revised Code in 37622
fiscal year 2009 shall charge a fee to a recipient of aid under 37623
Chapter 5107. or 5115. of the Revised Code for any materials 37624
needed to enable the recipient to participate fully in a course of 37625
instruction. The prohibition in this division against charging a 37626
fee does not apply to any fee charged for any materials needed to 37627
enable a recipient to participate fully in extracurricular 37628
activities or in any pupil enrichment program that is not a course 37629
of instruction. 37630

(C) Boards of education may adopt rules and regulations 37631
prescribing a schedule of fees for materials used in a course of 37632
instruction and prescribing a schedule of charges which may be 37633
imposed upon pupils for the loss, damage, or destruction of school 37634
apparatus, equipment, musical instruments, library material, 37635
textbooks, or electronic textbooks required to be furnished 37636
without charge, and for damage to school buildings, and may 37637
enforce the payment of such fees and charges by withholding the 37638
grades and credits of the pupils concerned. 37639

Sec. 3313.6410. This section applies to any school that is 37640
operated by a school district and in which the enrolled students 37641
work primarily on assignments in nonclassroom-based learning 37642
opportunities provided via an internet- or other computer-based 37643
instructional method. 37644

(A) Any school to which this section applies shall withdraw 37645
from the school any student who, for two consecutive school years, 37646
has failed to participate in the spring administration of any ~~test~~ 37647
assessment prescribed under section 3301.0710 or 3301.0712 of the 37648
Revised Code for the student's grade level and was not excused 37649
from the ~~test~~ assessment pursuant to division (C)(1) or (3) of 37650
section 3301.0711 of the Revised Code, regardless of whether a 37651
waiver was granted for the student under division (E) of section 37652
3317.03 of the Revised Code. The school shall report any such 37653
student's data verification code, as assigned pursuant to section 37654
3301.0714 of the Revised Code, to the department of education to 37655
be added to the list maintained by the department under section 37656
3314.26 of the Revised Code. 37657

(B) No school to which this section applies shall receive any 37658
state funds under Chapter 3306. or 3317. of the Revised Code for 37659
any enrolled student whose data verification code appears on the 37660
list maintained by the department under section 3314.26 of the 37661

Revised Code. Notwithstanding any provision of the Revised Code to 37662
the contrary, the parent of any such student shall pay tuition to 37663
the school district that operates the school in an amount equal to 37664
the state funds the district otherwise would receive for that 37665
student, as determined by the department. A school to which this 37666
section applies may withdraw any student for whom the parent does 37667
not pay tuition as required by this division. 37668

Sec. 3313.65. (A) As used in this section and section 3313.64 37669
of the Revised Code: 37670

(1) A person is "in a residential facility" if the person is 37671
a resident or a resident patient of an institution, home, or other 37672
residential facility that is: 37673

(a) Licensed as a nursing home, residential care facility, or 37674
home for the aging by the director of health under section 3721.02 37675
of the Revised Code ~~or licensed as a community alternative home by~~ 37676
~~the director of health under section 3724.03 of the Revised Code;~~ 37677

(b) Licensed as an adult care facility by the director of 37678
health under Chapter 3722. of the Revised Code; 37679

(c) Maintained as a county home or district home by the board 37680
of county commissioners or a joint board of county commissioners 37681
under Chapter 5155. of the Revised Code; 37682

(d) Operated or administered by a board of alcohol, drug 37683
addiction, and mental health services under section 340.03 or 37684
340.06 of the Revised Code, or provides residential care pursuant 37685
to contracts made under section 340.03 or 340.033 of the Revised 37686
Code; 37687

(e) Maintained as a state institution for the mentally ill 37688
under Chapter 5119. of the Revised Code; 37689

(f) Licensed by the department of mental health under section 37690
5119.20 or 5119.22 of the Revised Code; 37691

(g) Licensed as a residential facility by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code;	37692 37693 37694
(h) Operated by the veteran's administration or another agency of the United States government;	37695 37696
(i) The Ohio soldiers' and sailors' home.	37697
(2) A person is "in a correctional facility" if any of the following apply:	37698 37699
(a) The person is an Ohio resident and is:	37700
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	37701 37702
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	37703 37704
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	37705 37706 37707 37708 37709 37710 37711 37712 37713 37714 37715
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	37716 37717 37718 37719
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age	37720 37721

and has been removed, by the order of a juvenile court, from the 37722
place the person resided at the time the person became subject to 37723
the court's jurisdiction in the matter that resulted in the 37724
person's removal. 37725

(4) "Community control sanction" has the same meaning as in 37726
section 2929.01 of the Revised Code. 37727

(5) "Post-release control sanction" has the same meaning as 37728
in section 2967.01 of the Revised Code. 37729

(B) If the circumstances described in division (C) of this 37730
section apply, the determination of what school district must 37731
admit a child to its schools and what district, if any, is liable 37732
for tuition shall be made in accordance with this section, rather 37733
than section 3313.64 of the Revised Code. 37734

(C) A child who does not reside in the school district in 37735
which the child's parent resides and for whom a tuition obligation 37736
previously has not been established under division (C)(2) of 37737
section 3313.64 of the Revised Code shall be admitted to the 37738
schools of the district in which the child resides if at least one 37739
of the child's parents is in a residential or correctional 37740
facility or a juvenile residential placement and the other parent, 37741
if living and not in such a facility or placement, is not known to 37742
reside in this state. 37743

(D) Regardless of who has custody or care of the child, 37744
whether the child resides in a home, or whether the child receives 37745
special education, if a district admits a child under division (C) 37746
of this section, tuition shall be paid to that district as 37747
follows: 37748

(1) If the child's parent is in a juvenile residential 37749
placement, by the district in which the child's parent resided at 37750
the time the parent became subject to the jurisdiction of the 37751
juvenile court; 37752

(2) If the child's parent is in a correctional facility, by 37753
the district in which the child's parent resided at the time the 37754
sentence was imposed; 37755

(3) If the child's parent is in a residential facility, by 37756
the district in which the parent resided at the time the parent 37757
was admitted to the residential facility, except that if the 37758
parent was transferred from another residential facility, tuition 37759
shall be paid by the district in which the parent resided at the 37760
time the parent was admitted to the facility from which the parent 37761
first was transferred; 37762

(4) In the event of a disagreement as to which school 37763
district is liable for tuition under division (C)(1), (2), or (3) 37764
of this section, the superintendent of public instruction shall 37765
determine which district shall pay tuition. 37766

(E) If a child covered by division (D) of this section 37767
receives special education in accordance with Chapter 3323. of the 37768
Revised Code, the tuition shall be paid in accordance with section 37769
3323.13 or 3323.14 of the Revised Code. Tuition for children who 37770
do not receive special education shall be paid in accordance with 37771
division (J) of section 3313.64 of the Revised Code. 37772

Sec. 3313.673. (A) Except as provided in division (B) of this 37773
section, prior to the first day of November of the school year in 37774
which a pupil is enrolled for the first time in either 37775
kindergarten or first grade, the pupil shall be screened for 37776
hearing, vision, speech and communications, and health or medical 37777
problems and for any developmental disorders. If the results of 37778
any screening reveal the possibility of special learning needs, 37779
the board of education of the school district shall conduct 37780
further assessment in accordance with Chapter 3323. of the Revised 37781
Code. The board may provide any of the elements of the screening 37782
program itself, contract with any person or governmental entity to 37783

provide any such elements, or request the parent to obtain any 37784
such elements from a provider selected by the parent. If the board 37785
conducts hearing and vision screening itself or contracts for 37786
hearing and vision screening, such screening shall be conducted 37787
pursuant to sections 3313.50, 3313.69, and 3313.73 of the Revised 37788
Code. 37789

(B) Prior to the first day of August of the school year in 37790
which a pupil is required to be screened under this section, the 37791
board shall provide parents with information about the district's 37792
screening program. If the board chooses to request parents to 37793
obtain any screening services, it shall provide lists of providers 37794
to parents together with information about such screening services 37795
available in the community to parents who cannot afford them. Any 37796
parent requested to obtain any screening services under this 37797
division may sign a written statement to the effect that ~~he~~ the 37798
parent does not wish to have ~~his~~ the parent's child receive such 37799
screening. 37800

(C) Each district shall report the aggregate results of the 37801
screenings required under this section in the manner prescribed by 37802
guidelines established for that purpose by the state board of 37803
education under division (B)(1)(o) of section 3301.0714 of the 37804
Revised Code. 37805

Sec. 3313.68. The board of education of each city, exempted 37806
village, or local school district may appoint one or more school 37807
physicians and one or more school dentists. Two or more school 37808
districts may unite and employ one such physician and at least one 37809
such dentist whose duties shall be such as are prescribed by law. 37810
Said school physician shall hold a license to practice medicine in 37811
Ohio, and each school dentist shall be licensed to practice in 37812
this state. School physicians and dentists may be discharged at 37813
any time by the board of education. School physicians and dentists 37814

shall serve one year and until their successors are appointed and 37815
shall receive such compensation as the board of education 37816
determines. The board of education may also employ registered 37817
nurses, as defined by section 4723.01 and licensed as school 37818
nurses under ~~section 3319.22~~ Chapter 3319. of the Revised Code, to 37819
aid in such inspection in such ways as are prescribed by it, and 37820
to aid in the conduct and coordination of the school health 37821
service program. The school dentists shall make such examinations 37822
and diagnoses and render such remedial or corrective treatment for 37823
the school children as is prescribed by the board of education; 37824
provided that all such remedial or corrective treatment shall be 37825
limited to the children whose parents cannot otherwise provide for 37826
same, and then only with the written consent of the parents or 37827
guardians of such children. School dentists may also conduct such 37828
oral hygiene educational work as is authorized by the board of 37829
education. 37830

The board of education may delegate the duties and powers 37831
provided for in this section to the board of health or officer 37832
performing the functions of a board of health within the school 37833
district, if such board or officer is willing to assume the same. 37834
Boards of education shall co-operate with boards of health in the 37835
prevention and control of epidemics. 37836

Sec. 3313.713. (A) As used in this section: 37837

(1) "Drug" means a drug, as defined in section 4729.01 of the 37838
Revised Code, that is to be administered pursuant to the 37839
instructions of the prescriber, whether or not required by law to 37840
be sold only upon a prescription. 37841

(2) "Federal law" means the "Individuals with Disabilities 37842
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 37843

(3) "Prescriber" has the same meaning as in section 4729.01 37844

of the Revised Code. 37845

(B) The board of education of each city, local, exempted 37846
village, and joint vocational school district shall, not later 37847
than one hundred twenty days after September 20, 1984, adopt a 37848
policy on the authority of its employees, when acting in 37849
situations other than those governed by sections 2305.23, 37850
2305.231, and 3313.712 of the Revised Code, to administer drugs 37851
prescribed to students enrolled in the schools of the district. 37852
The policy shall provide either that: 37853

(1) Except as otherwise required by federal law, no person 37854
employed by the board shall, in the course of such employment, 37855
administer any drug prescribed to any student enrolled in the 37856
schools of the district. 37857

(2) Designated persons employed by the board are authorized 37858
to administer to a student a drug prescribed for the student. 37859
Effective July 1, 2011, only employees of the board who hold a 37860
valid school nurse license or school nurse wellness coordinator 37861
license issued under section 3319.221 of the Revised Code or who 37862
have completed a drug administration training program conducted by 37863
a registered nurse may administer to a student a drug prescribed 37864
for the student. Except as otherwise provided by federal law, the 37865
board's policy may provide that certain drugs or types of drugs 37866
shall not be administered or that no employee, ~~or no employee~~ 37867
~~without appropriate training,~~ shall use certain procedures, such 37868
as injection, to administer a drug to a student. 37869

(C) No drug prescribed for a student shall be administered 37870
pursuant to federal law or a policy adopted under division (B) of 37871
this section until the following occur: 37872

(1) The board, or a person designated by the board, receives 37873
a written request, signed by the parent, guardian, or other person 37874
having care or charge of the student, that the drug be 37875

administered to the student. 37876

(2) The board, or a person designated by the board, receives 37877
a statement, signed by the prescriber, that includes all of the 37878
following information: 37879

(a) The name and address of the student; 37880

(b) The school and class in which the student is enrolled; 37881

(c) The name of the drug and the dosage to be administered; 37882

(d) The times or intervals at which each dosage of the drug 37883
is to be administered; 37884

(e) The date the administration of the drug is to begin; 37885

(f) The date the administration of the drug is to cease; 37886

(g) Any severe adverse reactions that should be reported to 37887
the prescriber and one or more phone numbers at which the 37888
prescriber can be reached in an emergency; 37889

(h) Special instructions for administration of the drug, 37890
including sterile conditions and storage. 37891

(3) The parent, guardian, or other person having care or 37892
charge of the student agrees to submit a revised statement signed 37893
by the prescriber to the board or a person designated by the board 37894
if any of the information provided by the prescriber pursuant to 37895
division (C)(2) of this section changes. 37896

(4) The person authorized by the board to administer the drug 37897
receives a copy of the statement required by division (C)(2) or 37898
(3) of this section. 37899

(5) The drug is received by the person authorized to 37900
administer the drug to the student for whom the drug is prescribed 37901
in the container in which it was dispensed by the prescriber or a 37902
licensed pharmacist. 37903

(6) Any other procedures required by the board are followed. 37904

(D) If a drug is administered to a student, the board of education shall acquire and retain copies of the written requests required by division (C)(1) and the statements required by divisions (C)(2) and (3) of this section and shall ensure that by the next school day following the receipt of any such statement a copy is given to the person authorized to administer drugs to the student for whom the statement has been received. The board, or a person designated by the board, shall establish a location in each school building for the storage of drugs to be administered under this section and federal law. All such drugs shall be stored in that location in a locked storage place, except that drugs that require refrigeration may be kept in a refrigerator in a place not commonly used by students.

(E) No person who has been authorized by a board of education to administer a drug and has a copy of the most recent statement required by division (C)(2) or (3) of this section given to the person in accordance with division (D) of this section prior to administering the drug is liable in civil damages for administering or failing to administer the drug, unless such person acts in a manner that constitutes gross negligence or wanton or reckless misconduct.

(F) A board of education may designate a person or persons to perform any function or functions in connection with a drug policy adopted under this section either by name or by position, training, qualifications, or similar distinguishing factors.

Nothing in this section shall be construed to require a person employed by a board of education to administer a drug to a student unless the board's policy adopted in compliance with this section establishes such a requirement. A board shall not require an employee to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

A policy adopted by a board of education pursuant to this section may be changed, modified, or revised by action of the board.

Nothing in this section affects the application of section 2305.23, 2305.231, or 3313.712 of the Revised Code to the administration of emergency care or treatment to a student.

Sec. ~~3313.174~~ 3313.82. The board of education of each ~~city and exempted village~~ school district ~~and~~, the governing board of each educational service center, the governing authority of each community school established under Chapter 3314. of the Revised Code, and the governing body of each STEM school established under Chapter 3326. of the Revised Code shall appoint a business advisory council. The council shall advise and provide recommendations to the board, governing authority, or governing body on matters specified by the board, governing authority, or governing body including, but not necessarily limited to, the delineation of employment skills and the development of curriculum to instill these skills; changes in the economy and in the job market, and the types of employment in which future jobs are most likely to be available; coordination with the Ohio skills bank and university system of Ohio institutions; development of the response to and implementation of recommendations from a performance review conducted under section 3306.32 of the Revised Code or a performance audit conducted under section 3316.042 of the Revised Code; and suggestions for developing a working relationship among businesses, labor organizations, and educational personnel in the district or in the territory ~~of~~ served by the educational service center, community school, or STEM school. Each board, governing authority, or governing body shall determine the membership and organization of its council, and annually shall report to the department of education the names of the council members. Notwithstanding ~~division (D) of section~~

~~3311.19~~ and division (D) of section 3311.52 of the Revised Code, 37969
this section shall not apply to the board of education of ~~any~~ 37970
~~joint vocational school district or~~ any cooperative education 37971
school district created pursuant to divisions (A) to (C) of 37972
section 3311.52 of the Revised Code. 37973

Sec. 3313.821. (A) The board of education of each school 37974
district, the governing authority of each community school 37975
established under Chapter 3314. of the Revised Code, and the 37976
governing body of each STEM school established under Chapter 3326. 37977
of the Revised Code shall appoint a family and community 37978
engagement team. Each team shall do the following: 37979

(1) Work with local county family and children first councils 37980
established under section 121.37 of the Revised Code to recommend 37981
to the board, governing authority, or governing body 37982
qualifications and responsibilities to be included in the job 37983
descriptions for school family and community engagement 37984
coordinators; 37985

(2) Develop five-year family and community engagement plans; 37986

(3) Provide annual progress reports on the development and 37987
implementation of the plan. The board, governing authority, or 37988
governing body shall submit the plan and annual progress reports 37989
to the county family and children first council. 37990

(4) Advise and provide recommendations to the board, 37991
governing authority, or governing body on matters specified by the 37992
board, governing authority, or governing body. 37993

(B) Each board, governing authority, and governing body shall 37994
determine the membership and organization of its family and 37995
community engagement team, provided that it shall include parents, 37996
community representatives, health and human service 37997
representatives, business representatives, and any other 37998

representatives identified by the board, governing authority, or 37999
governing body. 38000

(C) Notwithstanding section 3311.055, this section does not 38001
apply to the governing board of an educational service center. 38002

Sec. 3313.843. (A) Notwithstanding division (D) of section 38003
3311.52 of the Revised Code, this section does not apply to either 38004
of the following: 38005

(1) Any cooperative education school district; 38006

(2) Any city or exempted village school district with a total 38007
student count of thirteen thousand or more determined pursuant to 38008
section 3317.03 of the Revised Code that has not entered into one 38009
or more agreements pursuant to this section prior to July 1, 1993, 38010
unless the district's total student count did not exceed thirteen 38011
thousand at the time it entered into an initial agreement under 38012
this section. 38013

(B) The board of education of a city or exempted village 38014
school district and the governing board of an educational service 38015
center may enter into an agreement, through adoption of identical 38016
resolutions, under which the educational service center governing 38017
board will provide services to the city or exempted village school 38018
district. 38019

Services provided under the agreement shall be specified in 38020
the agreement, and may include any one or a combination of the 38021
following: supervisory teachers; in-service and continuing 38022
education programs for city or exempted village school district 38023
personnel; curriculum services as provided to the local school 38024
districts under the supervision of the service center governing 38025
board; research and development programs; academic instruction for 38026
which the governing board employs teachers pursuant to section 38027
3319.02 of the Revised Code; and assistance in the provision of 38028

special accommodations and classes for students with disabilities. 38029
Services included in the agreement shall be provided to the city 38030
or exempted village district in the same manner they are provided 38031
to local school districts under the governing board's supervision, 38032
unless otherwise specified in the agreement. The city or exempted 38033
village board of education shall reimburse the educational service 38034
center governing board pursuant to section 3317.11 of the Revised 38035
Code. 38036

(C) If an educational service center received funding under 38037
division (B) of former section 3317.11 or division (F) of section 38038
3317.11 of the Revised Code for an agreement under this section 38039
involving a city school district whose total student count was 38040
less than thirteen thousand, the service center may continue to 38041
receive funding under that division for such an agreement in any 38042
subsequent year if the city district's total student count exceeds 38043
thirteen thousand. However, only the first thirteen thousand 38044
pupils in the formula ADM of such district shall be included in 38045
determining the amount of the per pupil subsidy the service center 38046
shall receive under division (F) of section 3317.11 of the Revised 38047
Code. 38048

(D) Any If an educational service center that has received 38049
funding under division (F) of section 3317.11 of the Revised Code, 38050
or under division (B) of former section 3317.11 of the Revised 38051
Code as it existed prior to September 26, 2003, for services 38052
provided to a city or exempted village school district pursuant to 38053
an agreement entered into under this section is dissolved or is 38054
scheduled to be dissolved under section 3311.0510 of the Revised 38055
Code, the city or exempted village school district that entered 38056
into that agreement with the service center may enter into a new 38057
agreement under this section with another service center for the 38058
same or similar services. In that case, the other service center 38059
shall receive funding under division (F) of section 3317.11 of the 38060

Revised Code for services to that district for any subsequent year 38061
that the new agreement is in force. An agreement entered into 38062
under this division shall be effective on the first day of July 38063
following the date both the service center governing board and the 38064
city or exempted village school district board approved the 38065
agreement, unless the agreement is so approved after the initial 38066
service center is dissolved, in which case the agreement shall be 38067
effective on the date that both boards have approved the 38068
agreement. 38069

(E) Except for an agreement under division (D) of this 38070
section that is approved by the boards of the district and the new 38071
service center after the initial service center is dissolved, any 38072
agreement entered into pursuant to this section shall be valid 38073
only if a copy is filed with the department of education by the 38074
first day of the school year for which the agreement is in effect. 38075
An agreement under division (D) of this section that is approved 38076
by the boards of the district and the new service center after the 38077
initial service center is dissolved shall be valid only if a copy 38078
is filed with the department within ten days after both boards 38079
have approved the agreement. 38080

Sec. 3313.976. (A) No private school may receive scholarship 38081
payments from parents pursuant to section 3313.979 of the Revised 38082
Code until the chief administrator of the private school registers 38083
the school with the superintendent of public instruction. The 38084
state superintendent shall register any school that meets the 38085
following requirements: 38086

(1) The school is located within the boundaries of the pilot 38087
project school district; 38088

(2) The school indicates in writing its commitment to follow 38089
all requirements for a state-sponsored scholarship program 38090
specified under sections 3313.974 to 3313.979 of the Revised Code, 38091

including, but not limited to, the requirements for admitting 38092
students pursuant to section 3313.977 of the Revised Code; 38093

(3) The school meets all state minimum standards for 38094
chartered nonpublic schools in effect on July 1, 1992, except that 38095
the state superintendent at the superintendent's discretion may 38096
register nonchartered nonpublic schools meeting the other 38097
requirements of this division; 38098

(4) The school does not discriminate on the basis of race, 38099
religion, or ethnic background; 38100

(5) The school enrolls a minimum of ten students per class or 38101
a sum of at least twenty-five students in all the classes offered; 38102

(6) The school does not advocate or foster unlawful behavior 38103
or teach hatred of any person or group on the basis of race, 38104
ethnicity, national origin, or religion; 38105

(7) The school does not provide false or misleading 38106
information about the school to parents, students, or the general 38107
public; 38108

(8) For students in grades kindergarten through eight, the 38109
school agrees not to charge any tuition to low-income families 38110
receiving ninety per cent of the scholarship amount through the 38111
scholarship program, pursuant to division (A) of section 3313.978 38112
of the Revised Code, in excess of ten per cent of the scholarship 38113
amount established pursuant to division (C)(1) of section 3313.978 38114
of the Revised Code, excluding any increase described in division 38115
(C)(2) of that section. The school shall permit any such tuition, 38116
at the discretion of the parent, to be satisfied by the low-income 38117
family's provision of in-kind contributions or services. 38118

(9) For students in grades kindergarten through eight, the 38119
school agrees not to charge any tuition to low-income families 38120
receiving a seventy-five per cent scholarship amount through the 38121
scholarship program, pursuant to division (A) of section 3313.978 38122

of the Revised Code, in excess of the difference between the 38123
actual tuition charge of the school and seventy-five per cent of 38124
the scholarship amount established pursuant to division (C)(1) of 38125
section 3313.978 of the Revised Code, excluding any increase 38126
described in division (C)(2) of that section. The school shall 38127
permit such tuition, at the discretion of the parent, to be 38128
satisfied by the low-income family's provision of in-kind 38129
contributions or services. 38130

(10) The school agrees not to charge any tuition to families 38131
of students in grades nine through twelve receiving a scholarship 38132
in excess of the actual tuition charge of the school less 38133
seventy-five or ninety per cent of the scholarship amount 38134
established pursuant to division (C)(1) of section 3313.978 of the 38135
Revised Code, as applicable, excluding any increase described in 38136
division (C)(2) of that section. 38137

(11) Notwithstanding division (K) of section 3301.0711 of the 38138
Revised Code, the school annually administers the assessments 38139
prescribed by section 3301.0710 of the Revised Code to each 38140
scholarship student enrolled in the school in accordance with 38141
section 3301.0711 of the Revised Code and reports to the 38142
department of education the results of each such assessment 38143
administered to each scholarship student. 38144

(B) The state superintendent shall revoke the registration of 38145
any school if, after a hearing, the superintendent determines that 38146
the school is in violation of any of the provisions of division 38147
(A) of this section. 38148

(C) Any public school located in a school district adjacent 38149
to the pilot project district may receive scholarship payments on 38150
behalf of parents pursuant to section 3313.979 of the Revised Code 38151
if the superintendent of the district in which such public school 38152
is located notifies the state superintendent prior to the first 38153
day of March that the district intends to admit students from the 38154

pilot project district for the ensuing school year pursuant to 38155
section 3327.06 of the Revised Code. 38156

(D) Any parent wishing to purchase tutorial assistance from 38157
any person or governmental entity pursuant to the pilot project 38158
program under sections 3313.974 to 3313.979 of the Revised Code 38159
shall apply to the state superintendent. The state superintendent 38160
shall approve providers who appear to possess the capability of 38161
furnishing the instructional services they are offering to 38162
provide. 38163

Sec. 3313.978. (A) Annually by the first day of November, the 38164
superintendent of public instruction shall notify the pilot 38165
project school district of the number of initial scholarships that 38166
the state superintendent will be awarding in each of grades 38167
kindergarten through eight. 38168

The state superintendent shall provide information about the 38169
scholarship program to all students residing in the district, 38170
shall accept applications from any such students until such date 38171
as shall be established by the state superintendent as a deadline 38172
for applications, and shall establish criteria for the selection 38173
of students to receive scholarships from among all those applying 38174
prior to the deadline, which criteria shall give preference to 38175
students from low-income families. For each student selected, the 38176
state superintendent shall also determine whether the student 38177
qualifies for seventy-five or ninety per cent of the scholarship 38178
amount. Students whose family income is at or above two hundred 38179
per cent of the maximum income level established by the state 38180
superintendent for low-income families shall qualify for 38181
seventy-five per cent of the scholarship amount and students whose 38182
family income is below two hundred per cent of that maximum income 38183
level shall qualify for ninety per cent of the scholarship amount. 38184
The state superintendent shall notify students of their selection 38185

prior to the fifteenth day of January and whether they qualify for 38186
seventy-five or ninety per cent of the scholarship amount. 38187

(1) A student receiving a pilot project scholarship may 38188
utilize it at an alternative public school by notifying the 38189
district superintendent, at any time before the beginning of the 38190
school year, of the name of the public school in an adjacent 38191
school district to which the student has been accepted pursuant to 38192
section 3327.06 of the Revised Code. 38193

(2) A student may decide to utilize a pilot project 38194
scholarship at a registered private school in the district if all 38195
of the following conditions are met: 38196

(a) By the fifteenth day of February of the preceding school 38197
year, or at any time prior to the start of the school year, the 38198
parent makes an application on behalf of the student to a 38199
registered private school. 38200

(b) The registered private school notifies the parent and the 38201
state superintendent as follows that the student has been 38202
admitted: 38203

(i) By the fifteenth day of March of the preceding school 38204
year if the student filed an application by the fifteenth day of 38205
February and was admitted by the school pursuant to division (A) 38206
of section 3313.977 of the Revised Code; 38207

(ii) Within one week of the decision to admit the student if 38208
the student is admitted pursuant to division (C) of section 38209
3313.977 of the Revised Code. 38210

(c) The student actually enrolls in the registered private 38211
school to which the student was first admitted or in another 38212
registered private school in the district or in a public school in 38213
an adjacent school district. 38214

(B) The state superintendent shall also award in any school 38215

year tutorial assistance grants to a number of students equal to 38216
the number of students who receive scholarships under division (A) 38217
of this section. Tutorial assistance grants shall be awarded 38218
solely to students who are enrolled in the public schools of the 38219
district in a grade level covered by the pilot project. Tutorial 38220
assistance grants may be used solely to obtain tutorial assistance 38221
from a provider approved pursuant to division (D) of section 38222
3313.976 of the Revised Code. 38223

All students wishing to obtain tutorial assistance grants 38224
shall make application to the state superintendent by the first 38225
day of the school year in which the assistance will be used. The 38226
state superintendent shall award assistance grants in accordance 38227
with criteria the superintendent shall establish. For each student 38228
awarded a grant, the state superintendent shall also determine 38229
whether the student qualifies for seventy-five or ninety per cent 38230
of the grant amount and so notify the student. Students whose 38231
family income is at or above two hundred per cent of the maximum 38232
income level established by the state superintendent for 38233
low-income families shall qualify for seventy-five per cent of the 38234
grant amount and students whose family income is below two hundred 38235
per cent of that maximum income level shall qualify for ninety per 38236
cent of the grant amount. 38237

(C)(1) In the case of basic scholarships for students in 38238
grades kindergarten through eight, the scholarship amount shall 38239
not exceed the lesser of the tuition charges of the alternative 38240
school the scholarship recipient attends or three thousand dollars 38241
before fiscal year 2007 and three thousand four hundred fifty 38242
dollars in fiscal year 2007 and thereafter. 38243

In the case of basic scholarships for students in grades nine 38244
through twelve, the scholarship amount shall not exceed the lesser 38245
of the tuition charges of the alternative school the scholarship 38246
recipient attends or two thousand seven hundred dollars before 38247

fiscal year 2007 and three thousand four hundred fifty dollars in 38248
fiscal year 2007 and thereafter. 38249

(2) The state superintendent shall provide for an increase in 38250
the basic scholarship amount in the case of any student who is a 38251
mainstreamed student with a disability and shall further increase 38252
such amount in the case of any separately educated student with a 38253
disability. Such increases shall take into account the 38254
instruction, related services, and transportation costs of 38255
educating such students. 38256

(3) In the case of tutorial assistance grants, the grant 38257
amount shall not exceed the lesser of the provider's actual 38258
charges for such assistance or: 38259

(a) Before fiscal year 2007, a percentage established by the 38260
state superintendent, not to exceed twenty per cent, of the amount 38261
of the pilot project school district's average basic scholarship 38262
amount; 38263

(b) In fiscal year 2007 and thereafter, four hundred dollars. 38264

(4) No scholarship or tutorial assistance grant shall be 38265
awarded unless the state superintendent determines that 38266
twenty-five or ten per cent, as applicable, of the amount 38267
specified for such scholarship or grant pursuant to division 38268
(C)(1), (2), or (3) of this section will be furnished by a 38269
political subdivision, a private nonprofit or for profit entity, 38270
or another person. Only seventy-five or ninety per cent of such 38271
amounts, as applicable, shall be paid from state funds pursuant to 38272
section 3313.979 of the Revised Code. 38273

(D)(1) Annually by the first day of November, the state 38274
superintendent shall estimate the maximum per-pupil scholarship 38275
amounts for the ensuing school year. The state superintendent 38276
shall make this estimate available to the general public at the 38277
offices of the district board of education together with the forms 38278

required by division (D)(2) of this section. 38279

(2) Annually by the fifteenth day of January, the chief 38280
administrator of each registered private school located in the 38281
pilot project district and the principal of each public school in 38282
such district shall complete a parental information form and 38283
forward it to the president of the board of education. The 38284
parental information form shall be prescribed by the department of 38285
education and shall provide information about the grade levels 38286
offered, the numbers of students, tuition amounts, achievement 38287
test results, and any sectarian or other organizational 38288
affiliations. 38289

(E)(1) Only for the purpose of administering the pilot 38290
project scholarship program, the department may request from any 38291
of the following entities the data verification code assigned 38292
under division (D)(2) of section 3301.0714 of the Revised Code to 38293
any student who is seeking a scholarship under the program: 38294

(a) The school district in which the student is entitled to 38295
attend school under section 3313.64 or 3313.65 of the Revised 38296
Code; 38297

(b) If applicable, the community school in which the student 38298
is enrolled; 38299

(c) The independent contractor engaged to create and maintain 38300
data verification codes. 38301

(2) Upon a request by the department under division (E)(1) of 38302
this section for the data verification code of a student seeking a 38303
scholarship or a request by the student's parent for that code, 38304
the school district or community school shall submit that code to 38305
the department or parent in the manner specified by the 38306
department. If the student has not been assigned a code, because 38307
the student will be entering kindergarten during the school year 38308
for which the scholarship is sought, the district shall assign a 38309

code to that student and submit the code to the department or 38310
parent by a date specified by the department. If the district does 38311
not assign a code to the student by the specified date, the 38312
department shall assign a code to the student. 38313

The department annually shall submit to each school district 38314
the name and data verification code of each student residing in 38315
the district who is entering kindergarten, who has been awarded a 38316
scholarship under the program, and for whom the department has 38317
assigned a code under this division. 38318

(3) The department shall not release any data verification 38319
code that it receives under division (E) of this section to any 38320
person except as provided by law. 38321

(F) Any document relative to the pilot project scholarship 38322
program that the department holds in its files that contains both 38323
a student's name or other personally identifiable information and 38324
the student's data verification code shall not be a public record 38325
under section 149.43 of the Revised Code. 38326

(G)(1) The department annually shall compile the scores 38327
attained by scholarship students enrolled in registered private 38328
schools on the assessments administered to the students pursuant 38329
to division (A)(11) of section 3313.976 of the Revised Code. The 38330
scores shall be aggregated as follows: 38331

(a) By school district, which shall include all scholarship 38332
students residing in the pilot project school district who are 38333
enrolled in a registered private school and were required to take 38334
an assessment pursuant to division (A)(11) of section 3313.976 of 38335
the Revised Code; 38336

(b) By registered private school, which shall include all 38337
scholarship students enrolled in that school who were required to 38338
take an assessment pursuant to division (A)(11) of section 38339
3313.976 of the Revised Code. 38340

<u>(2) The department shall disaggregate the student performance</u>	38341
<u>data described in division (G)(1) of this section according to the</u>	38342
<u>following categories:</u>	38343
<u>(a) Age;</u>	38344
<u>(b) Race and ethnicity;</u>	38345
<u>(c) Gender;</u>	38346
<u>(d) Students who have participated in the scholarship program</u>	38347
<u>for three or more years;</u>	38348
<u>(e) Students who have participated in the scholarship program</u>	38349
<u>for more than one year and less than three years;</u>	38350
<u>(f) Students who have participated in the scholarship program</u>	38351
<u>for one year or less;</u>	38352
<u>(g) Economically disadvantaged students.</u>	38353
<u>(3) The department shall post the student performance data</u>	38354
<u>required under divisions (G)(1) and (2) of this section on its web</u>	38355
<u>site and shall include that data in the information about the</u>	38356
<u>scholarship program provided to students under division (A) of</u>	38357
<u>this section. In reporting student performance data under this</u>	38358
<u>division, the department shall not include any data that is</u>	38359
<u>statistically unreliable or that could result in the</u>	38360
<u>identification of individual students. For this purpose, the</u>	38361
<u>department shall not report performance data for any group that</u>	38362
<u>contains less than ten students.</u>	38363
<u>(4) The department shall provide the parent of each</u>	38364
<u>scholarship student enrolled in a registered private school with</u>	38365
<u>information comparing the student's performance on the assessments</u>	38366
<u>administered pursuant to division (A)(11) of section 3313.976 of</u>	38367
<u>the Revised Code with the average performance of similar students</u>	38368
<u>enrolled in the building operated by the pilot project school</u>	38369
<u>district that the scholarship student would otherwise attend. In</u>	38370

calculating the performance of similar students, the department 38371
shall consider age, grade, race and ethnicity, gender, and 38372
socioeconomic status. 38373

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 38374
and division (D) of section 3311.52 of the Revised Code, the 38375
provisions of this section and sections 3313.981 to 3313.983 of 38376
the Revised Code that apply to a city school district do not apply 38377
to a joint vocational or cooperative education school district 38378
unless expressly specified. 38379

(A) As used in this section and sections 3313.981 to 3313.983 38380
of the Revised Code: 38381

(1) "Parent" means either of the natural or adoptive parents 38382
of a student, except under the following conditions: 38383

(a) When the marriage of the natural or adoptive parents of 38384
the student has been terminated by a divorce, dissolution of 38385
marriage, or annulment or the natural or adoptive parents of the 38386
student are living separate and apart under a legal separation 38387
decree and the court has issued an order allocating the parental 38388
rights and responsibilities with respect to the student, "parent" 38389
means the residential parent as designated by the court except 38390
that "parent" means either parent when the court issues a shared 38391
parenting decree. 38392

(b) When a court has granted temporary or permanent custody 38393
of the student to an individual or agency other than either of the 38394
natural or adoptive parents of the student, "parent" means the 38395
legal custodian of the child. 38396

(c) When a court has appointed a guardian for the student, 38397
"parent" means the guardian of the student. 38398

(2) "Native student" means a student entitled under section 38399
3313.64 or 3313.65 of the Revised Code to attend school in a 38400

district adopting a resolution under this section. 38401

(3) "Adjacent district" means a city, exempted village, or 38402
local school district having territory that abuts the territory of 38403
a district adopting a resolution under this section. 38404

(4) "Adjacent district student" means a student entitled 38405
under section 3313.64 or 3313.65 of the Revised Code to attend 38406
school in an adjacent district. 38407

(5) "Adjacent district joint vocational student" means an 38408
adjacent district student who enrolls in a city, exempted village, 38409
or local school district pursuant to this section and who also 38410
enrolls in a joint vocational school district that does not 38411
contain the territory of the district for which that student is a 38412
native student and does contain the territory of the city, 38413
exempted village, or local district in which the student enrolls. 38414

(6) ~~"Formula amount" has the same meaning as in section 38415
3317.02 of the Revised Code.~~ 38416

~~(7) "Adjusted formula amount" means the sum of the formula 38417
amount plus the per pupil amount of the base funding supplements 38418
specified in divisions (C)(1) to (4) of section 3317.012 "Formula 38419
ADM" has the same meaning as in section 3317.02 of the Revised 38420
Code.~~ 38421

~~(8)~~(7) "Poverty line" means the poverty line established by 38422
the director of the United States office of management and budget 38423
as revised by the director of the office of community services in 38424
accordance with section 673(2) of the "Community Services Block 38425
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 38426

~~(9)~~(8) "IEP" has the same meaning as in section 3323.01 of 38427
the Revised Code. 38428

~~(10)~~(9) "Other district" means a city, exempted village, or 38429
local school district having territory outside of the territory of 38430

a district adopting a resolution under this section. 38431

~~(11)~~(10) "Other district student" means a student entitled 38432
under section 3313.64 or 3313.65 of the Revised Code to attend 38433
school in an other district. 38434

~~(12)~~(11) "Other district joint vocational student" means a 38435
student who is enrolled in any city, exempted village, or local 38436
school district and who also enrolls in a joint vocational school 38437
district that does not contain the territory of the district for 38438
which that student is a native student in accordance with a policy 38439
adopted under section 3313.983 of the Revised Code. 38440

(B)(1) The board of education of each city, local, and 38441
exempted village school district shall adopt a resolution 38442
establishing for the school district one of the following 38443
policies: 38444

(a) A policy that entirely prohibits the enrollment of 38445
students from adjacent districts or other districts, other than 38446
students for whom tuition is paid in accordance with section 38447
3317.08 of the Revised Code; 38448

(b) A policy that permits enrollment of students from all 38449
adjacent districts in accordance with policy statements contained 38450
in the resolution; 38451

(c) A policy that permits enrollment of students from all 38452
other districts in accordance with policy statements contained in 38453
the resolution. 38454

(2) A policy permitting enrollment of students from adjacent 38455
or from other districts, as applicable, shall provide for all of 38456
the following: 38457

(a) Application procedures, including deadlines for 38458
application and for notification of students and the 38459
superintendent of the applicable district whenever an adjacent or 38460

other district student's application is approved. 38461

(b) Procedures for admitting adjacent or other district 38462
applicants free of any tuition obligation to the district's 38463
schools, including, but not limited to: 38464

(i) The establishment of district capacity limits by grade 38465
level, school building, and education program; 38466

(ii) A requirement that all native students wishing to be 38467
enrolled in the district will be enrolled and that any adjacent or 38468
other district students previously enrolled in the district shall 38469
receive preference over first-time applicants; 38470

(iii) Procedures to ensure that an appropriate racial balance 38471
is maintained in the district schools. 38472

(C) Except as provided in section 3313.982 of the Revised 38473
Code, the procedures for admitting adjacent or other district 38474
students, as applicable, shall not include: 38475

(1) Any requirement of academic ability, or any level of 38476
athletic, artistic, or other extracurricular skills; 38477

(2) Limitations on admitting applicants because of 38478
disability, except that a board may refuse to admit a student 38479
receiving services under Chapter 3323. of the Revised Code, if the 38480
services described in the student's IEP are not available in the 38481
district's schools; 38482

(3) A requirement that the student be proficient in the 38483
English language; 38484

(4) Rejection of any applicant because the student has been 38485
subject to disciplinary proceedings, except that if an applicant 38486
has been suspended or expelled by the student's district for ten 38487
consecutive days or more in the term for which admission is sought 38488
or in the term immediately preceding the term for which admission 38489
is sought, the procedures may include a provision denying 38490

admission of such applicant. 38491

(D)(1) Each school board permitting only enrollment of 38492
adjacent district students shall provide information about the 38493
policy adopted under this section, including the application 38494
procedures and deadlines, to the superintendent and the board of 38495
education of each adjacent district and, upon request, to the 38496
parent of any adjacent district student. 38497

(2) Each school board permitting enrollment of other district 38498
students shall provide information about the policy adopted under 38499
this section, including the application procedures and deadlines, 38500
upon request, to the board of education of any other school 38501
district or to the parent of any student anywhere in the state. 38502

(E) Any school board shall accept all credits toward 38503
graduation earned in adjacent or other district schools by an 38504
adjacent or other district student or a native student. 38505

(F)(1) No board of education may adopt a policy discouraging 38506
or prohibiting its native students from applying to enroll in the 38507
schools of an adjacent or any other district that has adopted a 38508
policy permitting such enrollment, except that: 38509

(a) A district may object to the enrollment of a native 38510
student in an adjacent or other district in order to maintain an 38511
appropriate racial balance. 38512

(b) The board of education of a district receiving funds 38513
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 38514
may adopt a resolution objecting to the enrollment of its native 38515
students in adjacent or other districts if at least ten per cent 38516
of its students are included in the determination of the United 38517
States secretary of education made under section 20 U.S.C.A. 38518
238(a). 38519

(2) If a board objects to enrollment of native students under 38520
this division, any adjacent or other district shall refuse to 38521

enroll such native students unless tuition is paid for the 38522
students in accordance with section 3317.08 of the Revised Code. 38523
~~An adjacent or other district enrolling such students may not 38524~~
~~receive funding for those students in accordance with section 38525~~
~~3313.981 of the Revised Code. 38526~~

(G) The state board of education shall monitor school 38527
districts to ensure compliance with this section and the 38528
districts' policies. The board may adopt rules requiring uniform 38529
application procedures, deadlines for application, notification 38530
procedures, and record-keeping requirements for all school boards 38531
that adopt policies permitting the enrollment of adjacent or other 38532
district students, as applicable. If the state board adopts such 38533
rules, no school board shall adopt a policy that conflicts with 38534
those rules. 38535

(H) A resolution adopted by a board of education under this 38536
section that entirely prohibits the enrollment of students from 38537
adjacent and from other school districts does not abrogate any 38538
agreement entered into under section 3313.841 or 3313.92 of the 38539
Revised Code or any contract entered into under section 3313.90 of 38540
the Revised Code between the board of education adopting the 38541
resolution and the board of education of any adjacent or other 38542
district or prohibit these boards of education from entering into 38543
any such agreement or contract. 38544

(I) Nothing in this section shall be construed to permit or 38545
require the board of education of a city, exempted village, or 38546
local school district to exclude any native student of the 38547
district from enrolling in the district. 38548

Sec. 3313.981. (A) The state board of education shall adopt 38549
rules requiring all of the following: 38550

(1) The board of education of each city, exempted village, 38551
and local school district to annually report to the department of 38552

education all of the following: 38553

(a) The number of adjacent district or other district 38554
students, as applicable, and adjacent district or other district 38555
joint vocational students, as applicable, enrolled in the district 38556
and the number of native students enrolled in adjacent or other 38557
districts, in accordance with a policy adopted under division (B) 38558
of section 3313.98 of the Revised Code; 38559

(b) Each adjacent district or other district student's or 38560
adjacent district or other district joint vocational student's 38561
date of enrollment in the district; 38562

(c) The full-time equivalent number of adjacent district or 38563
other district students enrolled in vocational education programs 38564
or classes described in division (A) of section 3317.014 of the 38565
Revised Code and the full-time equivalent number of such students 38566
enrolled in vocational education programs or classes described in 38567
division (B) of that section; 38568

(d) Each native student's date of enrollment in an adjacent 38569
or other district. 38570

(2) The board of education of each joint vocational school 38571
district to annually report to the department all of the 38572
following: 38573

(a) The number of adjacent district or other district joint 38574
vocational students, as applicable, enrolled in the district; 38575

(b) The full-time equivalent number of adjacent district or 38576
other district joint vocational students enrolled in vocational 38577
education programs or classes described in division (A) of section 38578
3317.014 of the Revised Code and the full-time equivalent number 38579
of such students enrolled in vocational education programs or 38580
classes described in division (B) of that section; 38581

(c) For each adjacent district or other district joint 38582

vocational student, the city, exempted village, or local school district in which the student is also enrolled. 38583
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(3) Prior to the first full school week in October each year, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to notify each adjacent or other district where those students are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code of the number of the adjacent or other district's native students who are enrolled in the superintendent's district under the policy. 38585
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The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student. 38595
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~~(B) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually subtract both of the following:~~ 38599
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~~(1) An amount equal to the number of the district's native students reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the adjusted formula amount for the district;~~ 38603
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~~(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;~~ 38609
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~~(3) For the full time equivalent number of the district's native students reported under division (A)(1)(c) or (2)(b) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section.~~ 38614
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~~(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:~~ 38620
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~~(1) An amount equal to the adjusted formula amount for the district multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section;~~ 38623
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~~(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students, except for any adjacent or other district joint vocational students, receiving special education and related services in the district;~~ 38629
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~~(3) For the full time equivalent number of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(c) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section;~~ 38634
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~~(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to twenty per cent of the adjusted formula amount for the district.~~ 38641
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~~(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:~~ 38645
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~~(1) An amount equal to the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;~~ 38650
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~~(2) An amount equal to the full time equivalent number of students reported pursuant to division (A)(2)(b) of this section times the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code Each student enrolled in a school of an adjacent or other district under an open enrollment policy adopted under section 3313.98 of the Revised Code shall be counted in the formula ADM of the district in which the student is enrolled and not in the formula ADM of the district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. Accordingly, the district in which the student is enrolled shall be credited with state funds for the student under Chapters 3306. and 3317. of the Revised Code.~~ 38653
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~~(E)(C)(1) A city, exempted village, or local school district board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student ~~as follows:~~~~ 38665
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~~(a) Subtract the adjusted formula amount for the district by subtracting from the actual costs to educate the student;~~ 38670
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~~(b) From the amount computed under division (E)(1)(a) of this ~~section~~ subtract the amount of any funds received by the district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to provide special education and related services to the student.~~ 38672
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(2) The board shall report the excess costs computed under this division to the department of education. 38676
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(3) If any student for whom excess costs are computed under division ~~(E)~~(C)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to the joint vocational school district enrolling the student. 38678
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~~(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its formula ADM certified under section 3317.03 of the Revised Code.~~ 38684
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~~(G) No city, exempted village, or local school district shall receive a payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, if for the same school year that student is counted in the district's formula ADM certified under section 3317.03 of the Revised Code.~~ 38689
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~~(H)~~(D) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the state board of education, such board may reimburse the parent from funds received under ~~division (D) of~~ section ~~3317.022~~ 3306.12 of the Revised Code for the reasonable cost of transportation from the student's home to the designated 38695
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school bus stop if the student's family has an income below the 38708
federal poverty line. 38709

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 38710
the superintendent of public instruction shall appoint 38711
representatives of the department of education, including 38712
employees who work with the education management information 38713
system and employees of the office of community schools 38714
established by section 3314.11 of the Revised Code, to a committee 38715
to develop report card models for community schools. The director 38716
of the legislative office of education oversight shall also 38717
appoint representatives to the committee. The committee shall 38718
design model report cards appropriate for the various types of 38719
community schools approved to operate in the state. Sufficient 38720
models shall be developed to reflect the variety of grade levels 38721
served and the missions of the state's community schools. All 38722
models shall include both financial and academic data. The initial 38723
models shall be developed by March 31, 2000. 38724

(B) The department of education shall issue an annual report 38725
card for each community school, regardless of how long the school 38726
has been in operation. The report card shall report the academic 38727
and financial performance of the school utilizing one of the 38728
models developed under division (A) of this section. The report 38729
card shall include all information applicable to school buildings 38730
under division (A) of section 3302.03 of the Revised Code ~~and~~ 38731
~~section 3302.032 of the Revised Code.~~ 38732

(C) Upon receipt of a copy of a contract between a sponsor 38733
and a community school entered into under this chapter, the 38734
department of education shall notify the community school of the 38735
specific model report card that will be used for that school. 38736

(D) Report cards shall be distributed to the parents of all 38737
students in the community school, to the members of the board of 38738

education of the school district in which the community school is 38739
located, and to any person who requests one from the department. 38740

~~(E) No report card shall be issued for any community school 38741
under this section until the school has been open for instruction 38742
for two full school years. 38743~~

Sec. 3314.015. (A) The department of education shall be 38744
responsible for the oversight of any and all sponsors of the 38745
community schools established under this chapter and shall provide 38746
technical assistance to schools and sponsors in their compliance 38747
with applicable laws and the terms of the contracts entered into 38748
under section 3314.03 of the Revised Code and in the development 38749
and start-up activities of those schools. In carrying out its 38750
duties under this section, the department shall do all of the 38751
following: 38752

(1) In providing technical assistance to proposing parties, 38753
governing authorities, and sponsors, conduct training sessions and 38754
distribute informational materials; 38755

(2) Approve entities to be sponsors of community schools ~~and~~ 38756
~~monitor;~~ 38757

(3) Monitor the effectiveness of ~~those~~ any and all sponsors 38758
in their oversight of the schools with which they have contracted; 38759

~~(3)~~(4) By December thirty-first of each year, issue a report 38760
to the governor, the speaker of the house of representatives, the 38761
president of the senate, and the chairpersons of the house and 38762
senate committees principally responsible for education matters 38763
regarding the effectiveness of academic programs, operations, and 38764
legal compliance and of the financial condition of all community 38765
schools established under this chapter and on the performance of 38766
community school sponsors; 38767

~~(4)~~(5) From time to time, make legislative recommendations to 38768

the general assembly designed to enhance the operation and 38769
performance of community schools. 38770

(B)(1) ~~No~~ Except as provided in sections 3314.021 and 38771
3314.027 of the Revised Code, no entity listed in division (C)(1) 38772
of section 3314.02 of the Revised Code shall enter into a 38773
preliminary agreement under division (C)(2) of section 3314.02 of 38774
the Revised Code until it has received approval from the 38775
department of education to sponsor community schools under this 38776
chapter and has entered into a written agreement with the 38777
department regarding the manner in which the entity will conduct 38778
such sponsorship. The department shall adopt in accordance with 38779
Chapter 119. of the Revised Code rules containing criteria, 38780
procedures, and deadlines for processing applications for such 38781
approval, for oversight of sponsors, for revocation of the 38782
approval of sponsors, and for entering into written agreements 38783
with sponsors. The rules shall require an entity to submit 38784
evidence of the entity's ability and willingness to comply with 38785
the provisions of division (D) of section 3314.03 of the Revised 38786
Code. The rules also shall require entities approved as sponsors 38787
on and after June 30, 2005, to demonstrate a record of financial 38788
responsibility and successful implementation of educational 38789
programs. If an entity seeking approval on or after June 30, 2005, 38790
to sponsor community schools in this state sponsors or operates 38791
schools in another state, at least one of the schools sponsored or 38792
operated by the entity must be comparable to or better than the 38793
performance of Ohio schools in need of continuous improvement 38794
under section 3302.03 of the Revised Code, as determined by the 38795
department. 38796

(2) An entity that sponsors community schools may enter into 38797
preliminary agreements and sponsor schools as follows, provided 38798
each school and the contract for sponsorship meets the 38799
requirements of this chapter: 38800

(a) An entity that sponsored fifty or fewer schools that were 38801
open for operation as of May 1, 2005, may sponsor not more than 38802
fifty schools. 38803

(b) An entity that sponsored more than fifty but not more 38804
than seventy-five schools that were open for operation as of May 38805
1, 2005, may sponsor not more than the number of schools the 38806
entity sponsored that were open for operation as of May 1, 2005. 38807

(c) Until June 30, 2006, an entity that sponsored more than 38808
seventy-five schools that were open for operation as of May 1, 38809
2005, may sponsor not more than the number of schools the entity 38810
sponsored that were open for operation as of May 1, 2005. After 38811
June 30, 2006, such an entity may sponsor not more than 38812
seventy-five schools. 38813

~~Upon approval of an entity to be a sponsor under this~~ 38814
~~division, the~~ The department shall notify ~~the~~ each entity of the 38815
number of schools the entity may sponsor. 38816

Notwithstanding the limits imposed by division (B)(2) of this 38817
section, no entity shall initially enter into a contract with a 38818
school under section 3314.03 of the Revised Code if more than 38819
thirty-three per cent of the schools currently sponsored by the 38820
entity have a performance rating of academic watch or academic 38821
emergency under section 3302.03 of the Revised Code. 38822

The limit imposed on an entity ~~to which~~ by division (B)~~(1)~~(2) 38823
of this section ~~applies~~ shall be decreased by one for each school 38824
sponsored by the entity that permanently closes. 38825

If at any time an entity exceeds the number of schools it may 38826
sponsor under this division, the department shall assist the 38827
schools in excess of the entity's limit in securing new sponsors. 38828
If a school is unable to secure a new sponsor, the department 38829
shall assume sponsorship of the school in accordance with division 38830
(C) of this section. Those schools for which another sponsor or 38831

the department assumes sponsorship shall be the schools that most 38832
recently entered into contracts with the entity under section 38833
3314.03 of the Revised Code. 38834

~~(2)~~(3) The department of education shall determine, pursuant 38835
to criteria adopted by rule of the department, whether the mission 38836
proposed to be specified in the contract of a community school to 38837
be sponsored by a state university board of trustees or the 38838
board's designee under division (C)(1)(e) of section 3314.02 of 38839
the Revised Code complies with the requirements of that division. 38840
Such determination of the department is final. 38841

~~(3)~~(4) The department of education shall determine, pursuant 38842
to criteria adopted by rule of the department, if any tax-exempt 38843
entity under section 501(c)(3) of the Internal Revenue Code that 38844
is proposed to be a sponsor of a community school is an 38845
education-oriented entity for purpose of satisfying the condition 38846
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 38847
Revised Code. Such determination of the department is final. 38848

(C) If at any time the state board of education finds that a 38849
sponsor is not in compliance or is no longer willing to comply 38850
with its contract with any community school or with the 38851
department's rules for sponsorship, the state board or designee 38852
shall conduct a hearing in accordance with Chapter 119. of the 38853
Revised Code on that matter. If after the hearing, the state board 38854
or designee has confirmed the original finding, the department of 38855
education may revoke the sponsor's ~~approval~~ authority to sponsor 38856
community schools and may assume the sponsorship of any schools 38857
with which the sponsor has contracted until the earlier of the 38858
expiration of two school years or until a new sponsor as described 38859
in division (C)(1) of section 3314.02 of the Revised Code is 38860
secured by the school's governing authority. The department may 38861
extend the term of the contract in the case of a school for which 38862
it has assumed sponsorship under this division as necessary to 38863

accommodate the term of the department's authorization to sponsor 38864
the school specified in this division. 38865

(D)(1) The department may declare any sponsor, including any 38866
sponsor that is exempt pursuant to section 3314.021 or 3314.027 of 38867
the Revised Code from obtaining the department's initial approval 38868
to sponsor, to be in a probationary status if at any time the 38869
sponsor has failed to take any of the following actions, which 38870
actions the department determines are warranted: 38871

(a) Take steps to intervene in a school's operation to 38872
correct problems in the school's performance, including the 38873
monitoring and enforcement of the implementation of a school's 38874
corrective action plan required by the department; 38875

(b) Declare a school to be in a probationary status pursuant 38876
to section 3314.073 of the Revised Code; 38877

(c) Suspend the operation of a school pursuant to section 38878
3314.072 of the Revised Code; 38879

(d) Terminate a school's contract pursuant to section 3314.07 38880
of the Revised Code. 38881

(2) If the department declares a sponsor to be in a 38882
probationary status, the department shall send a written 38883
notification stating the department's declaration, the length of 38884
the probationary status, the reasons for the declaration, and a 38885
requirement that the sponsor submit to the department an offer of 38886
reasonable remedies within ten business days after the date of the 38887
department's notice to the sponsor. If the department finds the 38888
remedies offered by the sponsor satisfactory, the sponsor shall 38889
take the actions necessary to implement them. The department shall 38890
monitor the sponsor's actions to implement the remedies. 38891

(3) If the department finds that the remedies offered by the 38892
sponsor under division (D)(2) of this section are not 38893
satisfactory, or if the department finds that the sponsor is not 38894

taking the actions necessary to implement those remedies, the 38895
department may suspend the sponsor's authority to sponsor schools 38896
or may partially restrict the sponsor's authority to sponsor 38897
schools by limiting the geographic territory within which the 38898
sponsor may sponsor schools, reducing the number of schools the 38899
sponsor may sponsor, or restricting the types of schools the 38900
sponsor may sponsor. The department also may require the sponsor 38901
to submit additional reports above and beyond those otherwise 38902
required by law. 38903

(4) If the department suspends or restricts a sponsor's 38904
authority to sponsor schools under division (D)(3) of this 38905
section, the department shall assign another sponsor that is 38906
approved by the department and that agrees to do so to sponsor any 38907
school affected by the suspension or restriction until the 38908
department rescinds the suspension or restriction, another 38909
permanent sponsor is secured, or the school's contract under 38910
section 3314.03 of the Revised Code expires, whichever occurs 38911
first. 38912

(E) The decision of the department to disapprove an entity 38913
for sponsorship of a community school or, to revoke approval 38914
authority for such sponsorship, as provided in under division (C) 38915
of this section, or to suspend or restrict an entity's authority 38916
to sponsor schools under division (D) of this section, may be 38917
appealed by the entity in accordance with section 119.12 of the 38918
Revised Code. 38919

~~(E)~~(F) The department shall adopt procedures for use by a 38920
community school governing authority and sponsor when the school 38921
permanently closes and ceases operation, which shall include at 38922
least procedures for data reporting to the department, handling of 38923
student records, distribution of assets in accordance with section 38924
3314.074 of the Revised Code, and other matters related to ceasing 38925
operation of the school. 38926

~~(F)~~(G) In carrying out its duties under this chapter, the 38927
department shall not impose requirements on community schools or 38928
their sponsors that are not permitted by law or duly adopted 38929
rules. 38930

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 38931
may be established under this chapter only if the school's 38932
governing authority enters into a contract with an operator that 38933
manages other schools in the United States that perform at a level 38934
higher than academic watch. The governing authority of the 38935
community school may sign a contract with an operator only if the 38936
operator has fewer contracts with the governing authorities of new 38937
start-up schools established under this chapter after June 30, 38938
2007, than the number of schools managed by the operator in the 38939
United States that perform at a level higher than academic watch, 38940
as determined by the department of education. However, the 38941
governing authority shall not contract with an operator that 38942
currently manages any community schools in Ohio for which the 38943
department issues annual report cards under section 3314.012 of 38944
the Revised Code, unless the latest report card issued for at 38945
least one of those schools designates a performance rating under 38946
section 3302.03 of the Revised Code of in need of continuous 38947
improvement or higher. 38948

(B) Notwithstanding division (A) of this section, the 38949
governing authority of a start-up school sponsored by an entity 38950
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 38951
Revised Code may establish one additional school serving the same 38952
grade levels and providing the same educational program as the 38953
current start-up school and may open that additional school in the 38954
2007-2008 school year, if both of the following conditions are 38955
met: 38956

(1) The governing authority entered into another contract 38957

with the same sponsor or a different sponsor described in 38958
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 38959
and filed a copy of that contract with the superintendent of 38960
public instruction prior to March 15, 2006. 38961

(2) The governing authority's current school satisfies all of 38962
the following conditions: 38963

(a) The school currently is rated as excellent or effective 38964
pursuant to section 3302.03 of the Revised Code. 38965

(b) The school made adequate yearly progress, as defined in 38966
section 3302.01 of the Revised Code, for the previous school year. 38967

(c) The school has been in operation for at least four school 38968
years. 38969

(d) The school is not managed by an operator. 38970

(C) Notwithstanding division (A) of this section, the 38971
governing authority of a start-up school sponsored by the big 38972
eight school district in which the school is located may establish 38973
one additional start-up school that is located in the same school 38974
district and that provides a general educational program to 38975
students in any or all of grades kindergarten through five to 38976
facilitate their transition to the current start-up school, and 38977
may open the additional start-up school in the 2009-2010 school 38978
year, if both of the following conditions are met: 38979

(1) The governing authority enters into another contract with 38980
the same sponsor and files a copy of the contract with the 38981
superintendent of public instruction prior to March 15, 2009. 38982

(2) The governing authority's current school satisfies all of 38983
the following conditions: 38984

(a) The school provided instruction to students for eleven 38985
months in the previous school year. 38986

(b) The school has been in operation for at least two school 38987

years.	38988
(c) The school qualified to be rated in need of continuous improvement or higher pursuant to section 3302.03 of the Revised Code for its first school year of operation, even though the department of education did not issue a report card for the school for that school year.	38989 38990 38991 38992 38993
Sec. 3314.02. (A) As used in this chapter:	38994
(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.	38995 38996 38997 38998 38999
(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.	39000 39001 39002 39003
(3) "Challenged school district" means any of the following:	39004
(a) A school district that is part of the pilot project area;	39005
(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;	39006 39007 39008
(c) A big eight school district.	39009
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	39010 39011
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to <u>former</u> section 3317.10 of the Revised Code;	39012 39013 39014 39015
(b) An average daily membership greater than twelve thousand,	39016

as reported pursuant to former division (A) of section 3317.03 of 39017
the Revised Code. 39018

(5) "New start-up school" means a community school other than 39019
one created by converting all or part of an existing public school 39020
or educational service center building, as designated in the 39021
school's contract pursuant to division (A)(17) of section 3314.03 39022
of the Revised Code. 39023

(6) "Urban school district" means one of the state's 39024
twenty-one urban school districts as defined in division (O) of 39025
section 3317.02 of the Revised Code as that section existed prior 39026
to July 1, 1998. 39027

(7) "Internet- or computer-based community school" means a 39028
community school established under this chapter in which the 39029
enrolled students work primarily from their residences on 39030
assignments in nonclassroom-based learning opportunities provided 39031
via an internet- or other computer-based instructional method that 39032
does not rely on regular classroom instruction or via 39033
comprehensive instructional methods that include internet-based, 39034
other computer-based, and noncomputer-based learning 39035
opportunities. 39036

(B) Any person or group of individuals may initially propose 39037
under this division the conversion of all or a portion of a public 39038
school or a building operated by an educational service center to 39039
a community school. The proposal shall be made to the board of 39040
education of the city, local, or exempted village school district 39041
in which the public school is proposed to be converted or, in the 39042
case of the conversion of a building operated by an educational 39043
service center, to the governing board of the service center. Upon 39044
receipt of a proposal, a board may enter into a preliminary 39045
agreement with the person or group proposing the conversion of the 39046
public school or service center building, indicating the intention 39047
of the board to support the conversion to a community school. A 39048

proposing person or group that has a preliminary agreement under 39049
this division may proceed to finalize plans for the school, 39050
establish a governing authority for the school, and negotiate a 39051
contract with the board. Provided the proposing person or group 39052
adheres to the preliminary agreement and all provisions of this 39053
chapter, the board shall negotiate in good faith to enter into a 39054
contract in accordance with section 3314.03 of the Revised Code 39055
and division (C) of this section. 39056

(C)(1) Any person or group of individuals may propose under 39057
this division the establishment of a new start-up school to be 39058
located in a challenged school district. The proposal may be made 39059
to any of the following entities: 39060

(a) The board of education of the district in which the 39061
school is proposed to be located; 39062

(b) The board of education of any joint vocational school 39063
district with territory in the county in which is located the 39064
majority of the territory of the district in which the school is 39065
proposed to be located; 39066

(c) The board of education of any other city, local, or 39067
exempted village school district having territory in the same 39068
county where the district in which the school is proposed to be 39069
located has the major portion of its territory; 39070

(d) The governing board of any educational service center, as 39071
long as the proposed school will be located in a county within the 39072
territory of the service center or in a county contiguous to such 39073
county; 39074

(e) A sponsoring authority designated by the board of 39075
trustees of any of the thirteen state universities listed in 39076
section 3345.011 of the Revised Code or the board of trustees 39077
itself as long as a mission of the proposed school to be specified 39078
in the contract under division (A)(2) of section 3314.03 of the 39079

Revised Code and as approved by the department of education under 39080
division (B)~~(2)~~(3) of section 3314.015 of the Revised Code will be 39081
the practical demonstration of teaching methods, educational 39082
technology, or other teaching practices that are included in the 39083
curriculum of the university's teacher preparation program 39084
approved by the state board of education; 39085

(f) Any qualified tax-exempt entity under section 501(c)(3) 39086
of the Internal Revenue Code as long as all of the following 39087
conditions are satisfied: 39088

(i) The entity has been in operation for at least five years 39089
prior to applying to be a community school sponsor. 39090

(ii) The entity has assets of at least five hundred thousand 39091
dollars and a demonstrated record of financial responsibility. 39092

(iii) The department of education has determined that the 39093
entity is an education-oriented entity under division (B)~~(3)~~(4) of 39094
section 3314.015 of the Revised Code and the entity has a 39095
demonstrated record of successful implementation of educational 39096
programs. 39097

(iv) The entity is not a community school. 39098

Any entity described in division (C)(1) of this section may 39099
enter into a preliminary agreement pursuant to division (C)(2) of 39100
this section with the proposing person or group. 39101

(2) A preliminary agreement indicates the intention of an 39102
entity described in division (C)(1) of this section to sponsor the 39103
community school. A proposing person or group that has such a 39104
preliminary agreement may proceed to finalize plans for the 39105
school, establish a governing authority as described in division 39106
(E) of this section for the school, and negotiate a contract with 39107
the entity. Provided the proposing person or group adheres to the 39108
preliminary agreement and all provisions of this chapter, the 39109
entity shall negotiate in good faith to enter into a contract in 39110

accordance with section 3314.03 of the Revised Code. 39111

(3) A new start-up school that is established in a school 39112
district while that district is either in a state of academic 39113
emergency or in a state of academic watch under section 3302.03 of 39114
the Revised Code may continue in existence once the school 39115
district is no longer in a state of academic emergency or academic 39116
watch, provided there is a valid contract between the school and a 39117
sponsor. 39118

(4) A copy of every preliminary agreement entered into under 39119
this division shall be filed with the superintendent of public 39120
instruction. 39121

(D) A majority vote of the board of a sponsoring entity and a 39122
majority vote of the members of the governing authority of a 39123
community school shall be required to adopt a contract and convert 39124
the public school or educational service center building to a 39125
community school or establish the new start-up school. Beginning 39126
September 29, 2005, adoption of the contract shall occur not later 39127
than the fifteenth day of March, and signing of the contract shall 39128
occur not later than the fifteenth day of May, prior to the school 39129
year in which the school will open. The governing authority shall 39130
notify the department of education when the contract has been 39131
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 39132
3314.017 of the Revised Code, an unlimited number of community 39133
schools may be established in any school district provided that a 39134
contract is entered into for each community school pursuant to 39135
this chapter. 39136

(E)(1) As used in this division, "immediate relatives" are 39137
limited to spouses, children, parents, grandparents, siblings, and 39138
in-laws. 39139

Each new start-up community school established under this 39140
chapter shall be under the direction of a governing authority 39141

which shall consist of a board of not less than five individuals. 39142

No person shall serve on the governing authority or operate 39143
the community school under contract with the governing authority 39144
so long as the person owes the state any money or is in a dispute 39145
over whether the person owes the state any money concerning the 39146
operation of a community school that has closed. 39147

(2) No person shall serve on the governing authorities of 39148
more than two start-up community schools at the same time. 39149

(3) No present or former member, or immediate relative of a 39150
present or former member, of the governing authority of any 39151
community school established under this chapter shall be an owner, 39152
employee, or consultant of any nonprofit or for-profit operator of 39153
a community school, unless at least one year has elapsed since the 39154
conclusion of the person's membership. 39155

(F)(1) A new start-up school that is established prior to 39156
August 15, 2003, in an urban school district that is not also a 39157
big-eight school district may continue to operate after that date 39158
and the contract between the school's governing authority and the 39159
school's sponsor may be renewed, as provided under this chapter, 39160
after that date, but no additional new start-up schools may be 39161
established in such a district unless the district is a challenged 39162
school district as defined in this section as it exists on and 39163
after that date. 39164

(2) A community school that was established prior to June 29, 39165
1999, and is located in a county contiguous to the pilot project 39166
area and in a school district that is not a challenged school 39167
district may continue to operate after that date, provided the 39168
school complies with all provisions of this chapter. The contract 39169
between the school's governing authority and the school's sponsor 39170
may be renewed, but no additional start-up community school may be 39171
established in that district unless the district is a challenged 39172

school district. 39173

(3) Any educational service center that, on June 30, 2007, 39174
sponsors a community school that is not located in a county within 39175
the territory of the service center or in a county contiguous to 39176
such county may continue to sponsor that community school on and 39177
after June 30, 2007, and may renew its contract with the school. 39178
However, the educational service center shall not enter into a 39179
contract with any additional community school unless the school is 39180
located in a county within the territory of the service center or 39181
in a county contiguous to such county. 39182

Sec. 3314.021. (A) This section applies to any entity that is 39183
exempt from taxation under section 501(c)(3) of the Internal 39184
Revenue Code and that satisfies the conditions specified in 39185
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 39186
Revised Code but does not satisfy the condition specified in 39187
division (C)(1)(f)(i) of that section. 39188

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 39189
of the Revised Code, an entity described in division (A) of this 39190
section may do both of the following without obtaining the 39191
department of education's initial approval of its sponsorship 39192
under ~~division~~ divisions (A)(2) and (B)(1) of section 3314.015 of 39193
the Revised Code: 39194

(1) Succeed the board of trustees of a state university 39195
located in the pilot project area or that board's designee as the 39196
sponsor of a community school established under this chapter; 39197

(2) Continue to sponsor that school in conformance with the 39198
terms of the contract between the board of trustees or its 39199
designee and the governing authority of the community school and 39200
renew that contract as provided in division (E) of section 3314.03 39201
of the Revised Code. 39202

(C) The entity that succeeds the board of trustees or the board's designee as sponsor of a community school under division (B) of this section also may enter into contracts to sponsor other community schools located in any challenged school district, without obtaining the department's initial approval of its sponsorship of those schools under ~~division~~ divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code, and not subject to the restriction of division (A)(7) of section 3314.013 of the Revised Code, as long as the contracts conform with and the entity complies with all other requirements of this chapter.

(D) Regardless of the entity's authority to sponsor community schools without the initial approval of the department, the entity is under the continuing oversight of the department in accordance with rules adopted under section 3314.015 of the Revised Code. The department, in accordance with divisions (C), (D), and (E) of section 3314.015 of the Revised Code, may revoke, suspend, or restrict the entity's authority to sponsor any school, or may declare the sponsor to be in a probationary status, in the same manner as if that authority were initially subject to approval of the department under that section.

Sec. 3314.024. ~~A management company~~ (A) No governing authority of a community school shall enter into a new contract, or renew an existing contract, with an operator, unless the contract was selected through a competitive bidding process established by the department of education.

(B) An operator that provides services to a community school that amounts to more than twenty per cent of the annual gross revenues of the school shall provide a detailed accounting including the nature and costs of the services it provides to the community school. This information shall be included in the footnotes of the financial statements of the school and be subject

to audit during the course of the regular financial audit of the 39234
community school. 39235

~~Sec. 6 3314.027. The State Board of Education shall continue 39236
to sponsor any community school for which it has entered into a 39237
contract at the time of the effective date of this section until 39238
the earlier of the expiration of two school years or until a new 39239
sponsor, as described in division (C)(1) of section 3314.02 of the 39240
Revised Code, as amended by this act, is secured by the school's 39241
governing authority. The State Board shall not thereafter sponsor 39242
any community school except as provided in division (C) of section 39243
3314.015 of the Revised Code. The State Board may extend the term 39244
of any existing contract with a community school governing 39245
authority only as necessary to accommodate the term of the Board's 39246
authorization to sponsor the school as specified in this section. 39247~~

Notwithstanding the requirement for initial approval of 39248
sponsorship by the ~~Department~~ department of ~~Education~~ education 39249
prescribed in ~~division~~ divisions (A)(2) and (B)(1) of section 39250
3314.015 of the Revised Code, ~~as enacted by this act,~~ and any 39251
geographical restriction or mission requirement prescribed in 39252
division (C)(1) of section 3314.02 of the Revised Code, ~~as amended~~ 39253
~~by this act,~~ an entity ~~other than the State Board of Education~~ 39254
that has entered into a contract to sponsor a community school on 39255
~~the effective date of this section~~ April 8, 2003, may continue to 39256
sponsor the school in conformance with the terms of that contract 39257
as long as the entity complies with all other sponsorship 39258
provisions of ~~Chapter 3314. of the Revised Code as amended by this~~ 39259
~~act~~ this chapter. Such an entity also may enter into new contracts 39260
to sponsor community schools after ~~the effective date of this~~ 39261
~~section~~ April 8, 2003, and need not be approved by the ~~Department~~ 39262
~~of Education~~ department for such sponsorship, as otherwise 39263
required under ~~division~~ divisions (A)(2) and (B)(1) of section 39264
3314.015 of the Revised Code, ~~as enacted by this act,~~ as long as 39265

the contracts conform to and the entity complies with all other 39266
provisions of ~~Chapter 3314. of the Revised Code as amended by this~~ 39267
~~act~~ this chapter. 39268

Regardless of the entity's authority to sponsor community 39269
schools without the initial approval of the department, each 39270
entity described in this section is under the continuing oversight 39271
of the department in accordance with rules adopted under section 39272
3314.015 of the Revised Code. The department, in accordance with 39273
divisions (C), (D), and (E) of section 3314.015 of the Revised 39274
Code, may revoke, suspend, or restrict the entity's authority to 39275
sponsor any school, or may declare the entity to be in a 39276
probationary status, in the same manner as if that authority were 39277
initially subject to approval of the department under that 39278
section. 39279

Sec. 3314.03. A copy of every contract entered into under 39280
this section shall be filed with the superintendent of public 39281
instruction. 39282

(A) Each contract entered into between a sponsor and the 39283
governing authority of a community school shall specify the 39284
following: 39285

(1) That the school shall be established as either of the 39286
following: 39287

(a) A nonprofit corporation established under Chapter 1702. 39288
of the Revised Code, if established prior to April 8, 2003; 39289

(b) A public benefit corporation established under Chapter 39290
1702. of the Revised Code, if established after April 8, 2003; 39291

(2) The education program of the school, including the 39292
school's mission, the characteristics of the students the school 39293
is expected to attract, the ages and grades of students, and the 39294
focus of the curriculum; 39295

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement ~~tests~~ assessments;

(4) Performance standards by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require the governing authority of the school, and any operator with which the governing authority contracts, to comply with the financial reporting standards adopted by the state board of education under division (B)(2) of section 3301.07 of the Revised Code, and that financial records of the school ~~to~~ be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, ~~and the audits.~~ Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, ~~including a requirement that the school's classroom teachers be licensed in accordance with~~

~~sections 3319.22 to 3319.31 of the Revised Code, except that a~~ 39326
~~community school may engage noncertificated persons to teach up to~~ 39327
~~twelve hours per week pursuant to section 3319.301~~ in compliance 39328
with section 3314.102 of the Revised Code; 39329

(11) That the school will comply with the following 39330
requirements: 39331

(a) The school will provide learning opportunities to a 39332
minimum of twenty-five students for ~~a minimum of nine hundred~~ 39333
~~twenty~~ at least the applicable number of hours per school year 39334
prescribed by section 3314.031 of the Revised Code. 39335

(b) The governing authority will purchase liability 39336
insurance, or otherwise provide for the potential liability of the 39337
school. 39338

(c) The school will be nonsectarian in its programs, 39339
admission policies, employment practices, and all other 39340
operations, and will not be operated by a sectarian school or 39341
religious institution. 39342

(d) The school will comply with division (A)(9) of section 39343
3313.60 of the Revised Code and sections 9.90, 9.91, 109.65, 39344
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 39345
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.605, 39346
3313.607, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 39347
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 39348
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 39349
3313.718, 3313.80, 3313.82, 3313.821, 3313.96, 3319.073, 3319.321, 39350
3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 39351
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 39352
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 39353
4123., 4141., and 4167. of the Revised Code as if it were a school 39354
district and will comply with section 3301.0714 of the Revised 39355
Code in the manner specified in section 3314.17 of the Revised 39356

Code. 39357

(e) The school shall comply with Chapter 102. and section 39358
2921.42 of the Revised Code. 39359

(f) The school will comply with sections 3313.61, 3313.611, 39360
and 3313.614 of the Revised Code, except that for students who 39361
enter ninth grade for the first time before July 1, 2010, the 39362
requirement in sections 3313.61 and 3313.611 of the Revised Code 39363
that a person must successfully complete the curriculum in any 39364
high school prior to receiving a high school diploma may be met by 39365
completing the curriculum adopted by the governing authority of 39366
the community school rather than the curriculum specified in Title 39367
XXXIII of the Revised Code or any rules of the state board of 39368
education. Beginning with students who enter ninth grade for the 39369
first time on or after July 1, 2010, the requirement in sections 39370
3313.61 and 3313.611 of the Revised Code that a person must 39371
successfully complete the curriculum of a high school prior to 39372
receiving a high school diploma shall be met by completing the 39373
Ohio core curriculum prescribed in division (C) of section 39374
3313.603 of the Revised Code, unless the person qualifies under 39375
division (D) or (F) of that section. Each school shall comply with 39376
the plan for awarding high school credit based on demonstration of 39377
subject area competency, adopted by the state board of education 39378
under division (J) of section 3313.603 of the Revised Code. 39379

(g) The school governing authority will submit within four 39380
months after the end of each school year a report of its 39381
activities and progress in meeting the goals and standards of 39382
divisions (A)(3) and (4) of this section and its financial status 39383
to the sponsor ~~and~~, the parents of all students enrolled in the 39384
school, and the legislative office of education oversight. The 39385
school shall collect and provide any data that the legislative 39386
office of education oversight requests in furtherance of any study 39387
or research that the general assembly requires the office to 39388

conduct. 39389

(h) The school, unless it is an internet- or computer-based 39390
community school, will comply with section 3313.801 of the Revised 39391
Code as if it were a school district. 39392

(12) Arrangements for providing health and other benefits to 39393
employees; 39394

(13) The length of the contract, which shall begin at the 39395
beginning of an academic year. No contract shall exceed five years 39396
unless such contract has been renewed pursuant to division (E) of 39397
this section. 39398

(14) The governing authority of the school, which shall be 39399
responsible for carrying out the provisions of the contract; 39400

(15) A financial plan detailing an estimated school budget 39401
for each year of the period of the contract and specifying the 39402
total estimated per pupil expenditure amount for each such year. 39403
~~The plan shall specify for each year the base formula amount that~~ 39404
~~will be used for purposes of funding calculations under section~~ 39405
~~3314.08 of the Revised Code. This base formula amount for any year~~ 39406
~~shall not exceed the formula amount defined under section 3317.02~~ 39407
~~of the Revised Code. The plan may also specify for any year a~~ 39408
~~percentage figure to be used for reducing the per pupil amount of~~ 39409
~~the subsidy calculated pursuant to section 3317.029 of the Revised~~ 39410
~~Code the school is to receive that year under section 3314.08 of~~ 39411
~~the Revised Code.~~ 39412

(16) Requirements and procedures regarding the disposition of 39413
employees of the school in the event the contract is terminated or 39414
not renewed pursuant to section 3314.07 of the Revised Code; 39415

(17) Whether the school is to be created by converting all or 39416
part of an existing public school or educational service center 39417
building or is to be a new start-up school, and if it is a 39418
converted public school or service center building, specification 39419

of any duties or responsibilities of an employer that the board of 39420
education or service center governing board that operated the 39421
school or building before conversion is delegating to the 39422
governing authority of the community school with respect to all or 39423
any specified group of employees provided the delegation is not 39424
prohibited by a collective bargaining agreement applicable to such 39425
employees; 39426

(18) Provisions establishing procedures for resolving 39427
disputes or differences of opinion between the sponsor and the 39428
governing authority of the community school; 39429

(19) A provision requiring the governing authority to adopt a 39430
policy regarding the admission of students who reside outside the 39431
district in which the school is located. That policy shall comply 39432
with the admissions procedures specified in sections 3314.06 and 39433
3314.061 of the Revised Code and, at the sole discretion of the 39434
authority, shall do one of the following: 39435

(a) Prohibit the enrollment of students who reside outside 39436
the district in which the school is located; 39437

(b) Permit the enrollment of students who reside in districts 39438
adjacent to the district in which the school is located; 39439

(c) Permit the enrollment of students who reside in any other 39440
district in the state. 39441

(20) A provision recognizing the authority of the department 39442
of education to take over the sponsorship of the school in 39443
accordance with the provisions of division (C) of section 3314.015 39444
of the Revised Code; 39445

(21) A provision recognizing the sponsor's authority to 39446
assume the operation of a school under the conditions specified in 39447
division (B) of section 3314.073 of the Revised Code; 39448

(22) A provision recognizing both of the following: 39449

(a) The authority of public health and safety officials to 39450
inspect the facilities of the school and to order the facilities 39451
closed if those officials find that the facilities are not in 39452
compliance with health and safety laws and regulations; 39453

(b) The authority of the department of education as the 39454
community school oversight body to suspend the operation of the 39455
school under section 3314.072 of the Revised Code if the 39456
department has evidence of conditions or violations of law at the 39457
school that pose an imminent danger to the health and safety of 39458
the school's students and employees and the sponsor refuses to 39459
take such action; 39460

(23) A description of the learning opportunities that will be 39461
offered to students including both classroom-based and 39462
non-classroom-based learning opportunities that is in compliance 39463
with criteria for student participation established by the 39464
department under division ~~(I)~~(J)(2) of section 3314.08 of the 39465
Revised Code; 39466

(24) The school will comply with sections 3302.04 and 39467
3302.041 of the Revised Code, except that any action required to 39468
be taken by a school district pursuant to those sections shall be 39469
taken by the sponsor of the school. However, the sponsor shall not 39470
be required to take any action described in division (F) of 39471
section 3302.04 of the Revised Code. 39472

(25) Beginning in the 2006-2007 school year, the school will 39473
open for operation not later than the thirtieth day of September 39474
each school year, ~~unless the mission of the school as specified~~ 39475
~~under division (A)(2) of this section is solely to serve dropouts.~~ 39476
In its initial year of operation, if the school fails to open by 39477
the thirtieth day of September, ~~or within one year after the~~ 39478
~~adoption of the contract pursuant to division (D) of section~~ 39479
~~3314.02 of the Revised Code if the mission of the school is solely~~ 39480
~~to serve dropouts,~~ the contract shall be void. 39481

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

- (2) Monitor and evaluate the academic and fiscal performance 39512
and the organization and operation of the community school on at 39513
least an annual basis; 39514
- (3) Report on an annual basis the results of the evaluation 39515
conducted under division (D)(2) of this section to the department 39516
of education and to the parents of students enrolled in the 39517
community school; 39518
- (4) Provide technical assistance to the community school in 39519
complying with laws applicable to the school and terms of the 39520
contract; 39521
- (5) Take steps to intervene in the school's operation to 39522
correct problems in the school's overall performance, declare the 39523
school to be on probationary status pursuant to section 3314.073 39524
of the Revised Code, suspend the operation of the school pursuant 39525
to section 3314.072 of the Revised Code, or terminate the contract 39526
of the school pursuant to section 3314.07 of the Revised Code as 39527
determined necessary by the sponsor; 39528
- (6) Have in place a plan of action to be undertaken in the 39529
event the community school experiences financial difficulties or 39530
closes prior to the end of a school year. 39531
- (E) Upon the expiration of a contract entered into under this 39532
section, the sponsor of a community school may, with the approval 39533
of the governing authority of the school, renew that contract for 39534
a period of time determined by the sponsor, but not ending earlier 39535
than the end of any school year, if the sponsor finds that the 39536
school's compliance with applicable laws and terms of the contract 39537
and the school's progress in meeting the academic goals prescribed 39538
in the contract have been satisfactory. Any contract that is 39539
renewed under this division remains subject to the provisions of 39540
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 39541
- (F) If a community school fails to open for operation within 39542

one year after the contract entered into under this section is 39543
adopted pursuant to division (D) of section 3314.02 of the Revised 39544
Code or permanently closes prior to the expiration of the 39545
contract, the contract shall be void and the school shall not 39546
enter into a contract with any other sponsor. A school shall not 39547
be considered permanently closed because the operations of the 39548
school have been suspended pursuant to section 3314.072 of the 39549
Revised Code. Any contract that becomes void under this division 39550
shall not count toward any statewide limit on the number of such 39551
contracts prescribed by section 3314.013 of the Revised Code. 39552

Sec. 3314.031. Each community school established under this 39553
chapter shall provide at least the following number of hours of 39554
learning opportunities to each student enrolled in the school for 39555
a full school year: 39556

(A) For each school year prior to the school year that begins 39557
on July 1, 2011, nine hundred twenty hours; 39558

(B) In each of the school years beginning on July 1, 2011, 39559
and July 1, 2012, respectively, nine hundred thirty hours; 39560

(C) In each of the school years beginning on July 1, 2013, 39561
and July 1, 2014, respectively, nine hundred fifty hours; 39562

(D) In each of the school years beginning on July 1, 2015, 39563
and July 1, 2016, respectively, nine hundred seventy hours; 39564

(E) In the school year that begins on July 1, 2017, and in 39565
each school year thereafter, nine hundred ninety hours. 39566

Sec. 3314.051. (A) When the governing authority of a 39567
community school that acquired real property from a school 39568
district pursuant to division (G)(2) of section 3313.41 of the 39569
Revised Code, as it existed prior to the effective date of this 39570
amendment, decides to dispose of that property, it first shall 39571
offer that property for sale to the school district board of 39572

education from which it acquired the property, at a price that is 39573
not higher than the appraised fair market value of that property. 39574
If the district board does not accept the offer within sixty days 39575
after the offer is made, the community school may dispose of the 39576
property in another lawful manner. 39577

(B) When a community school that acquired real property from 39578
a school district pursuant to division (G)(2) of section 3313.41 39579
of the Revised Code, as it existed prior to the effective date of 39580
this amendment, permanently closes, in distributing the school's 39581
assets under section 3314.074 of the Revised Code, that property 39582
first shall be offered for sale to the school district board of 39583
education from which the community school acquired the property, 39584
at a price that is not higher than the appraised fair market value 39585
of that property. If the district board does not accept the offer 39586
within sixty days after the offer is made, the property may be 39587
disposed in another lawful manner. 39588

Sec. 3314.052. (A) This section does not apply to internet- 39589
or computer-based community schools. 39590

(B) As used in this section, "classroom facilities" has the 39591
same meaning as in section 3318.01 of the Revised Code. 39592

(C) On and after the effective date of this section, unless a 39593
waiver is granted under division (D) of this section, each 39594
classroom facility owned or leased by the governing authority or 39595
operator of a community school shall comply with the design 39596
guidelines adopted by the Ohio school facilities commission for 39597
classroom facilities projects under Chapter 3318. of the Revised 39598
Code applicable to the grade levels and function of the facility 39599
as it is used by the community school. However, the 39600
three-hundred-fifty-student minimum service capacity for an entire 39601
classroom facility specified in those guidelines, as prescribed 39602

for school districts by section 3318.03 of the Revised Code, shall 39603
not apply to community schools. 39604

(D) Upon joint application of the governing authority and 39605
sponsor of a community school, the superintendent of public 39606
instruction may waive compliance with any specific design 39607
guideline of the school facilities commission for a classroom 39608
facility used by the community school or operator, if the 39609
superintendent finds that noncompliance with that guideline will 39610
not substantially impair the school's mission or academic 39611
performance. The superintendent may consult with the commission in 39612
considering whether to grant a waiver under this division. 39613

Sec. 3314.075. Notwithstanding any provision to the contrary 39614
in this chapter, two or more community schools, which are not 39615
internet- or computer-based community schools, are located in the 39616
same building, have at least one common member on their respective 39617
governing authorities, and have the same chief administrative 39618
officer, may consolidate into one community school, and the assets 39619
and liabilities of each of the schools may be consolidated into 39620
the single school that results from the consolidation, with the 39621
approval of each school's sponsor and so long as consolidation of 39622
those assets and liabilities is not otherwise prohibited by any 39623
other provision of law or the provisions of a contract. Such 39624
consolidation shall be effective not later than the thirtieth day 39625
of September of the school year in which the consolidated single 39626
school is to begin operating. 39627

Sec. 3314.08. (A) As used in this section: 39628

(1) ~~"Base formula amount" means the amount specified as such~~ 39629
~~in a community school's financial plan for a school year pursuant~~ 39630
~~to division (A)(15) of section 3314.03 of the Revised Code.~~ 39631

(2) "IEP" has the same meaning as in section 3323.01 of the 39632

Revised Code. 39633

~~(3) "Applicable special education weight" means the multiple 39634
specified in section 3317.013 of the Revised Code for a disability 39635
described in that section. 39636~~

~~(4) "Applicable vocational education weight" means: 39637~~

~~(a) For a student enrolled in vocational education programs 39638
or classes described in division (A) of section 3317.014 of the 39639
Revised Code, the multiple specified in that division: 39640~~

~~(b) For a student enrolled in vocational education programs 39641
or classes described in division (B) of section 3317.014 of the 39642
Revised Code, the multiple specified in that division. 39643~~

~~(5)(2) "Entitled to attend school" means entitled to attend 39644
school in a district under section 3313.64 or 3313.65 of the 39645
Revised Code. 39646~~

~~(6) A community school student is "included in the poverty 39647
student count" of a school district if the student is entitled to 39648
attend school in the district and the student's family receives 39649
assistance under the Ohio works first program. 39650~~

~~(7) "Poverty based assistance reduction factor" means the 39651
percentage figure, if any, for reducing the per pupil amount of 39652
poverty based assistance a community school is entitled to receive 39653
pursuant to divisions (D)(5) to (9) of this section in any year, 39654
as specified in the school's financial plan for the year pursuant 39655
to division (A)(15) of section 3314.03 of the Revised Code. 39656~~

~~(8) "All day kindergarten" has the same meaning as in section 39657
3317.029 of the Revised Code. 39658~~

~~(9) "State education aid" has the same meaning as in section 39659
5751.20 of the Revised Code. 39660~~

(B) The state board of education shall adopt rules requiring 39661
both of the following: 39662

~~(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all day kindergarten in their community school, and for each child, the community school in which the child is enrolled.~~ 39663
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~~(2) The the governing authority of each community school established under this chapter to annually report all of the following:~~ 39673
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~~(a)(1) The number of students enrolled in each of grades ~~one~~ kindergarten through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;~~ 39676
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~~(b)(2) The number of enrolled students in each of grades ~~one~~ kindergarten through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;~~ 39680
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~~(e)(3) The number of students reported under division (B)(2)(~~b~~) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions ~~(A) to (F)~~ (C)(1) to (6) of section ~~3317.013~~ 3306.02 of the Revised Code;~~ 39684
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~~(d)(4) The full-time equivalent number of students reported under divisions (B)(1) and (2)(~~a~~) and (~~b~~) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;~~ 39689
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~~(e)(5)~~ Twenty per cent of the number of students reported 39694
under divisions (B)(1) and (2)(a) and (b) of this section who are 39695
not reported under division (B)(2)(d)(4) of this section but who 39696
are enrolled in vocational education programs or classes described 39697
in each of divisions (A) and (B) of section 3317.014 of the 39698
Revised Code at a joint vocational school district under a 39699
contract between the community school and the joint vocational 39700
school district and are entitled to attend school in a city, 39701
local, or exempted village school district whose territory is part 39702
of the territory of the joint vocational district; 39703

~~(f)(6)~~ The number of enrolled preschool children with 39704
disabilities receiving special education services in a 39705
state-funded unit; 39706

~~(g) The community school's base formula amount;~~ 39707

~~(h)(7)~~ For each student, the city, exempted village, or local 39708
school district in which the student is entitled to attend school; 39709

~~(i) Any poverty based assistance reduction factor that 39710
applies to a school year. 39711~~

~~(C) From the state education aid calculated for a city, 39712
exempted village, or local school district and, if necessary, from 39713
the payment made to the district under sections 321.24 and 323.156 39714
of the Revised Code, the department of education shall annually 39715
subtract the sum of the amounts described in divisions (C)(1) to 39716
(9) of this section. However, when deducting payments on behalf of 39717
students enrolled in internet or computer based community 39718
schools, the department shall deduct only those amounts described 39719
in divisions (C)(1) and (2) of this section. Furthermore, the 39720
aggregate amount deducted under this division shall not exceed the 39721
sum of the district's state education aid and its payment under 39722
sections 321.24 and 323.156 of the Revised Code. 39723~~

39724

~~(1) An amount equal to the sum of the amounts obtained when, 39725
for each community school where the district's students are 39726
enrolled, the number of the district's students reported under 39727
divisions (B)(2)(a), (b), and (c) of this section who are enrolled 39728
in grades one through twelve, and one half the number of students 39729
reported under those divisions who are enrolled in kindergarten, 39730
in that community school is multiplied by the sum of the base 39731
formula amount of that community school plus the per pupil amount 39732
of the base funding supplements specified in divisions (C)(1) to 39733
(4) of section 3317.012 of the Revised Code. 39734~~

~~(2) The sum of the amounts calculated under divisions 39735
(C)(2)(a) and (b) of this section. 39736~~

~~(a) For each of the district's students reported under 39737
division (B)(2)(c) of this section as enrolled in a community 39738
school in grades one through twelve and receiving special 39739
education and related services pursuant to an IEP for a disability 39740
described in section 3317.013 of the Revised Code, the product of 39741
the applicable special education weight times the community 39742
school's base formula amount. 39743~~

~~(b) For each of the district's students reported under 39744
division (B)(2)(c) of this section as enrolled in kindergarten in 39745
a community school and receiving special education and related 39746
services pursuant to an IEP for a disability described in section 39747
3317.013 of the Revised Code, one half of the amount calculated as 39748
prescribed in division (C)(2)(a) of this section. 39749~~

~~(3) For each of the district's students reported under 39750
division (B)(2)(d) of this section for whom payment is made under 39751
division (D)(4) of this section, the amount of that payment. 39752~~

~~(4) An amount equal to the sum of the amounts obtained when, 39753
for each community school where the district's students are 39754
enrolled, the number of the district's students enrolled in that 39755~~

~~community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty based assistance the school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school. The per pupil amount of that aid for the district shall be calculated by the department.~~

~~(5) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;~~

~~(b) One half of the district's students who are enrolled in all day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;~~

~~(c) One half of the district's students who are enrolled in all day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.~~

~~The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.~~

~~(6) An amount equal to the sum of the amounts obtained when,~~

~~for each community school where the district's students are 39787
enrolled, the district's per pupil amount received under division 39788
(F) of section 3317.029 of the Revised Code, as adjusted by any 39789
poverty based assistance reduction factor of that community 39790
school, is multiplied by the number of the district's students 39791
enrolled in the community school who are identified as 39792
limited English proficient. 39793~~

~~(7) An amount equal to the sum of the amounts obtained when, 39794
for each community school where the district's students are 39795
enrolled, the district's per pupil amount received under division 39796
(G) of section 3317.029 of the Revised Code, as adjusted by any 39797
poverty based assistance reduction factor of that community 39798
school, is multiplied by the sum of the following: 39799~~

~~(a) The number of the district's students enrolled in grades 39800
one through twelve in that community school; 39801~~

~~(b) One half of the number of the district's students 39802
enrolled in kindergarten in that community school. 39803~~

~~The district's per pupil amount under division (G) of section 39804
3317.029 of the Revised Code is the district's amount per teacher 39805
calculated under division (G)(1) or (2) of that section divided by 39806
17. 39807~~

~~(8) An amount equal to the sum of the amounts obtained when, 39808
for each community school where the district's students are 39809
enrolled, the district's per pupil amount received under divisions 39810
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 39811
by any poverty based assistance reduction factor of that community 39812
school, is multiplied by the sum of the following: 39813~~

~~(a) The number of the district's students enrolled in grades 39814
one through twelve in that community school; 39815~~

~~(b) One half of the number of the district's students 39816
enrolled in kindergarten in that community school. 39817~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.~~

~~(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.~~

~~(D) The department of education shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet or computer based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.~~

~~(1) Subject to section 3314.085 of the Revised Code, an~~

~~amount equal to the sum of the amounts obtained when the number of 39850
students enrolled in grades one through twelve, plus one half of 39851
the kindergarten students in the school, reported under divisions 39852
(B)(2)(a), (b), and (c) of this section who are not receiving 39853
special education and related services pursuant to an IEP for a 39854
disability described in section 3317.013 of the Revised Code is 39855
multiplied by the sum of the community school's base formula 39856
amount plus the per pupil amount of the base funding supplements 39857
specified in divisions (C)(1) to (4) of section 3317.012 of the 39858
Revised Code. 39859~~

~~(2) Prior to fiscal year 2007, the greater of the amount 39860
calculated under division (D)(2)(a) or (b) of this section, and in 39861
fiscal year 2007 and thereafter, the amount calculated under 39862
division (D)(2)(b) of this section: 39863~~

~~(a) The aggregate amount that the department paid to the 39864
community school in fiscal year 1999 for students receiving 39865
special education and related services pursuant to IEPs, excluding 39866
federal funds and state disadvantaged pupil impact aid funds; 39867~~

~~(b) The sum of the amounts calculated under divisions 39868
(D)(2)(b)(i) and (ii) of this section: 39869~~

~~(i) For each student reported under division (B)(2)(c) of 39870
this section as enrolled in the school in grades one through 39871
twelve and receiving special education and related services 39872
pursuant to an IEP for a disability described in section 3317.013 39873
of the Revised Code, the following amount: 39874~~

~~(the school's base formula amount plus 39875
the per pupil amount of the base funding supplements specified in 39876
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 39877~~

~~+ (the applicable special education weight X the 39878
community school's base formula amount); 39879~~

~~(ii) For each student reported under division (B)(2)(c) of 39880~~

~~this section as enrolled in kindergarten and receiving special 39881
education and related services pursuant to an IEP for a disability 39882
described in section 3317.013 of the Revised Code, one half of the 39883
amount calculated under the formula prescribed in division 39884
(D)(2)(b)(i) of this section. 39885~~

~~(3) An amount received from federal funds to provide special 39886
education and related services to students in the community 39887
school, as determined by the superintendent of public instruction. 39888~~

~~(4) For each student reported under division (B)(2)(d) of 39889
this section as enrolled in vocational education programs or 39890
classes that are described in section 3317.014 of the Revised 39891
Code, are provided by the community school, and are comparable as 39892
determined by the superintendent of public instruction to school 39893
district vocational education programs and classes eligible for 39894
state weighted funding under section 3317.014 of the Revised Code, 39895
an amount equal to the applicable vocational education weight 39896
times the community school's base formula amount times the 39897
percentage of time the student spends in the vocational education 39898
programs or classes. 39899~~

~~(5) An amount equal to the sum of the amounts obtained when, 39900
for each school district where the community school's students are 39901
entitled to attend school, the number of that district's students 39902
enrolled in the community school who are included in the 39903
district's poverty student count is multiplied by the per pupil 39904
amount of poverty based assistance that school district receives 39905
that year pursuant to division (C) of section 3317.029 of the 39906
Revised Code, as adjusted by any poverty based assistance 39907
reduction factor of the community school. The per pupil amount of 39908
aid shall be determined as described in division (C)(4) of this 39909
section. 39910~~

~~(6) An amount equal to the sum of the amounts obtained when, 39911
for each school district where the community school's students are 39912~~

~~entitled to attend school, the district's per pupil amount of aid 39913
received under division (E) of section 3317.029 of the Revised 39914
Code, as adjusted by any poverty based assistance reduction factor 39915
of the community school, is multiplied by the sum of the 39916
following: 39917~~

~~(a) The number of the district's students reported under 39918
division (B)(2)(a) of this section who are enrolled in grades one 39919
to three in that community school and who are not receiving 39920
special education and related services pursuant to an IEP; 39921~~

~~(b) One half of the district's students who are enrolled in 39922
all day or any other kindergarten class in that community school 39923
and who are not receiving special education and related services 39924
pursuant to an IEP; 39925~~

~~(c) One half of the district's students who are enrolled in 39926
all day kindergarten in that community school and who are not 39927
receiving special education and related services pursuant to an 39928
IEP. 39929~~

~~The district's per pupil amount of aid under division (E) of 39930
section 3317.029 of the Revised Code shall be determined as 39931
described in division (C)(5) of this section. 39932~~

~~(7) An amount equal to the sum of the amounts obtained when, 39933
for each school district where the community school's students are 39934
entitled to attend school, the number of that district's students 39935
enrolled in the community school who are identified as 39936
limited English proficient is multiplied by the district's per 39937
pupil amount received under division (F) of section 3317.029 of 39938
the Revised Code, as adjusted by any poverty based assistance 39939
reduction factor of the community school. 39940~~

~~(8) An amount equal to the sum of the amounts obtained when, 39941
for each school district where the community school's students are 39942
entitled to attend school, the district's per pupil amount 39943~~

~~received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~

~~The district's per pupil amount under division (G) of section 3317.029 of the Revised Code shall be determined as described in division (C)(7) of this section.~~

~~(9) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.~~

~~(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the~~

~~sum of the number of that district's students enrolled in grades one through twelve, and one half of the number of that district's students enrolled in kindergarten, in the community school as reported under division (B)(2)(a) and (b) of this section amount calculated for the school under section 3306.16 of the Revised Code.~~ 39974
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~~(E)(D)(1)~~ If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions ~~(B) to (F)(C)(2) to (6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 39980
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(2) The community school shall only report under division ~~(E)(D)(1)~~ of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's ~~individualized education program~~ IEP. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 39993
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~~(F)(E)~~ A community school may apply to the department of education for preschool children with disabilities ~~or gifted~~ unit funding the school would receive if it were a school district. Upon request of its governing authority, a community school that received such preschool unit funding as a school district-operated school before it became a community school shall retain any units 40000
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awarded to it as a school district-operated school provided the 40006
school continues to meet eligibility standards for the unit. 40007

A community school shall be considered a school district and 40008
its governing authority shall be considered a board of education 40009
for the purpose of applying to any state or federal agency for 40010
grants that a school district may receive under federal or state 40011
law or any appropriations act of the general assembly. The 40012
governing authority of a community school may apply to any private 40013
entity for additional funds. 40014

~~(G)~~(F) A board of education sponsoring a community school may 40015
utilize local funds to make enhancement grants to the school or 40016
may agree, either as part of the contract or separately, to 40017
provide any specific services to the community school at no cost 40018
to the school. 40019

~~(H)~~(G) A community school may not levy taxes or issue bonds 40020
secured by tax revenues. 40021

~~(I)~~(H) No community school shall charge tuition for the 40022
enrollment of any student. 40023

~~(J)~~(I)(1)(a) A community school may borrow money to pay any 40024
necessary and actual expenses of the school in anticipation of the 40025
receipt of any portion of the payments to be received by the 40026
school pursuant to division ~~(D)~~(C) of this section. The school may 40027
issue notes to evidence such borrowing. The proceeds of the notes 40028
shall be used only for the purposes for which the anticipated 40029
receipts may be lawfully expended by the school. 40030

(b) A school may also borrow money for a term not to exceed 40031
fifteen years for the purpose of acquiring facilities. 40032

(2) Except for any amount guaranteed under section 3318.50 of 40033
the Revised Code, the state is not liable for debt incurred by the 40034
governing authority of a community school. 40035

~~(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the list who reside in each school district who were included in the department's report under section 3317.10 of the Revised Code. In complying with this division, the department of job and family services shall not report to the state department of education any personally identifiable information on any student.~~

~~(L)(J) The department of education shall adjust the amounts subtracted and amount paid under divisions division (C) and (D) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education ~~within ninety days after April 8, 2003,~~ shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section and ~~section 3314.13~~ of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools ~~and~~~~

~~corresponding deductions from school district accounts as provided~~ 40069
~~under divisions (C) and (D) of this section and section 3314.13 of~~ 40070
~~the Revised Code. For purposes of this section and section 3314.13~~ 40071
~~of the Revised Code:~~ 40072

(1) A student shall be considered enrolled in the community 40073
school for any portion of the school year the student is 40074
participating at a college under Chapter 3365. of the Revised 40075
Code. 40076

(2) A student shall be considered to be enrolled in a 40077
community school during a school year for the period of time 40078
beginning on the later of the date on which the school both has 40079
received documentation of the student's enrollment from a parent 40080
and the student has commenced participation in learning 40081
opportunities as defined in the contract with the sponsor, or 40082
thirty days prior to the date on which the student is entered into 40083
the education management information system established under 40084
section 3301.0714 of the Revised Code. For purposes of applying 40085
this division and division ~~(I)~~(J)(3) of this section to a 40086
community school student, "learning opportunities" shall be 40087
defined in the contract, which shall describe both classroom-based 40088
and non-classroom-based learning opportunities and shall be in 40089
compliance with criteria and documentation requirements for 40090
student participation which shall be established by the 40091
department. Any student's instruction time in non-classroom-based 40092
learning opportunities shall be certified by an employee of the 40093
community school. A student's enrollment shall be considered to 40094
cease on the date on which any of the following occur: 40095

(a) The community school receives documentation from a parent 40097
terminating enrollment of the student. 40098

(b) The community school is provided documentation of a 40099
student's enrollment in another public or private school. 40100

(c) The community school ceases to offer learning 40101
opportunities to the student pursuant to the terms of the contract 40102
with the sponsor or the operation of any provision of this 40103
chapter. 40104

(3) The department shall determine each community school 40105
student's percentage of full-time equivalency based on the 40106
percentage of learning opportunities offered by the community 40107
school to that student, reported either as number of hours or 40108
number of days, is of the total learning opportunities offered by 40109
the community school to a student who attends for the school's 40110
entire school year. However, no, subject to both of the following 40111
requirements: 40112

(a) No internet- or computer-based community school shall be 40113
credited for any time a student spends participating in learning 40114
opportunities beyond ten hours within any period of twenty-four 40115
consecutive hours. ~~Whether~~ 40116

(b) In the case of a community school and for which the 40117
mission is to serve primarily dropouts, the department shall count 40118
each enrolled student in the school's ADM only for the full-time 40119
equivalent amount of hours the student participates in 40120
classroom-based learning opportunities and shall not count any 40121
time a student participates in non-classroom-based learning 40122
opportunities. 40123

Whether it reports hours or days of learning opportunities, 40124
each community school shall offer not less than ~~nine hundred~~ 40125
~~twenty~~ the applicable minimum number of hours of learning 40126
opportunities during the school year prescribed by section 40127
3314.031 of the Revised Code. 40128

~~(M)~~(K) The department of education shall reduce the amounts 40129
paid under division ~~(D)~~(C) of this section to reflect payments 40130
made to colleges under division (B) of section 3365.07 of the 40131

Revised Code or through alternative funding agreements entered 40132
into under rules adopted under section 3365.12 of the Revised 40133
Code. 40134

~~(N)~~(L)(1) No student shall be considered enrolled in any 40135
internet- or computer-based community school or, if applicable to 40136
the student, in any community school that is required to provide 40137
the student with a computer pursuant to division (C) of section 40138
3314.22 of the Revised Code, unless both of the following 40139
conditions are satisfied: 40140

(a) The student possesses or has been provided with all 40141
required hardware and software materials and all such materials 40142
are operational so that the student is capable of fully 40143
participating in the learning opportunities specified in the 40144
contract between the school and the school's sponsor as required 40145
by division (A)(23) of section 3314.03 of the Revised Code; 40146

(b) The school is in compliance with division (A) of section 40147
3314.22 of the Revised Code, relative to such student. 40148

(2) In accordance with policies adopted jointly by the 40149
superintendent of public instruction and the auditor of state, the 40150
department shall reduce the amounts otherwise payable under 40151
division ~~(D)~~(C) of this section to any community school that 40152
includes in its program the provision of computer hardware and 40153
software materials to any student, if such hardware and software 40154
materials have not been delivered, installed, and activated for 40155
each such student in a timely manner or other educational 40156
materials or services have not been provided according to the 40157
contract between the individual community school and its sponsor. 40158

The superintendent of public instruction and the auditor of 40159
state shall jointly establish a method for auditing any community 40160
school to which this division pertains to ensure compliance with 40161
this section. 40162

The superintendent, auditor of state, and the governor shall 40163
jointly make recommendations to the general assembly for 40164
legislative changes that may be required to assure fiscal and 40165
academic accountability for such schools. 40166

~~(O)~~(M)(1) If the department determines that a review of a 40167
community school's enrollment is necessary, such review shall be 40168
completed and written notice of the findings shall be provided to 40169
the governing authority of the community school and its sponsor 40170
within ninety days of the end of the community school's fiscal 40171
year, unless extended for a period not to exceed thirty additional 40172
days for one of the following reasons: 40173

(a) The department and the community school mutually agree to 40174
the extension. 40175

(b) Delays in data submission caused by either a community 40176
school or its sponsor. 40177

(2) If the review results in a finding that additional 40178
funding is owed to the school, such payment shall be made within 40179
thirty days of the written notice. If the review results in a 40180
finding that the community school owes moneys to the state, the 40181
following procedure shall apply: 40182

(a) Within ten business days of the receipt of the notice of 40183
findings, the community school may appeal the department's 40184
determination to the state board of education or its designee. 40185

(b) The board or its designee shall conduct an informal 40186
hearing on the matter within thirty days of receipt of such an 40187
appeal and shall issue a decision within fifteen days of the 40188
conclusion of the hearing. 40189

(c) If the board has enlisted a designee to conduct the 40190
hearing, the designee shall certify its decision to the board. The 40191
board may accept the decision of the designee or may reject the 40192
decision of the designee and issue its own decision on the matter. 40193

(d) Any decision made by the board under this division is 40194
final. 40195

(3) If it is decided that the community school owes moneys to 40196
the state, the department shall deduct such amount from the 40197
school's future payments in accordance with guidelines issued by 40198
the superintendent of public instruction. 40199

~~(Q)~~(N) The department ~~shall not subtract from a school~~ 40200
~~district's state aid account under division (C) of this section~~ 40201
~~and~~ shall not pay to a community school under division ~~(D)~~(C) of 40202
this section any amount for any of the following: 40203

(1) Any student who has graduated from the twelfth grade of a 40204
public or nonpublic high school; 40205

(2) Any student who is not a resident of the state; 40206

(3) Any student who was enrolled in the community school 40207
during the previous school year when ~~tests~~ assessments were 40208
administered under section 3301.0711 of the Revised Code but did 40209
not take one or more of the ~~tests~~ assessments required by that 40210
section and was not excused pursuant to division (C)(1) or (3) of 40211
that section, unless the superintendent of public instruction 40212
grants the student a waiver from the requirement to take the ~~test~~ 40213
assessment and a parent is not paying tuition for the student 40214
pursuant to section 3314.26 of the Revised Code. The 40215
superintendent may grant a waiver only for good cause in 40216
accordance with rules adopted by the state board of education. 40217

(4) Any student who has attained the age of twenty-two years, 40218
except for veterans of the armed services whose attendance was 40219
interrupted before completing the recognized twelve-year course of 40220
the public schools by reason of induction or enlistment in the 40221
armed forces and who apply for enrollment in a community school 40222
not later than four years after termination of war or their 40223
honorable discharge. If, however, any such veteran elects to 40224

enroll in special courses organized for veterans for whom tuition 40225
is paid under federal law, or otherwise, the department ~~shall not~~ 40226
~~subtract from a school district's state aid account under division~~ 40227
~~(C) of this section and~~ shall not pay to a community school under 40228
division ~~(D)~~(C) of this section any amount for that veteran. 40229

Sec. 3314.083. If the department of education pays a joint 40230
vocational school district under division (G)(4) of section 40231
3317.16 of the Revised Code for excess costs of providing special 40232
education and related services to a student with a disability who 40233
is enrolled in a community school, as calculated under division 40234
(G)(2) of that section, the department shall deduct the amount of 40235
that payment from the amount calculated for payment to the 40236
community school under section ~~3314.08~~ 3306.16 of the Revised 40237
Code. 40238

Sec. 3314.084. (A) As used in this section: 40239

(1) ~~"Formula ADM" has the same meaning as in section 3317.03~~ 40240
~~of the Revised Code.~~ 40241

~~(2)~~ "Home" has the same meaning as in section 3313.64 of the 40242
Revised Code. 40243

~~(3)~~(2) "School district of residence" has the same meaning as 40244
in section 3323.01 of the Revised Code; however, a community 40245
school established under this chapter is not a "school district of 40246
residence" for purposes of this section. 40247

(B) Notwithstanding anything to the contrary in section 40248
3314.08 or 3317.03 of the Revised Code, ~~all of the following apply~~ 40249
in the case of a child who is enrolled in a community school and 40250
is also living in a home: 40251

~~(1)~~ For, for purposes of the report required under division 40252
(B)~~(1)~~ of section 3314.08 of the Revised Code, the child's school 40253
district of residence, and not the school district in which the 40254

home that the child is living in is located, shall be considered 40255
to be the school district in which the child is entitled to attend 40256
school. ~~That school district of residence, therefore, shall make~~ 40257
~~the report required under division (B)(1) of section 3314.08 of~~ 40258
~~the Revised Code with respect to the child.~~ 40259

~~(2) For purposes of the report required under division (B)(2)~~ 40260
~~of section 3314.08 of the Revised Code, the community school shall~~ 40261
~~report the name of the child's school district of residence.~~ 40262

~~(3) The child's school district of residence shall count the~~ 40263
~~child in that district's formula ADM.~~ 40264

~~(4) The school district in which the home that the child is~~ 40265
~~living in is located shall not count the child in that district's~~ 40266
~~formula ADM.~~ 40267

~~(5) The Department of Education shall deduct the applicable~~ 40268
~~amounts prescribed under division (C) of section 3314.08 and~~ 40269
~~division (D) of section 3314.13 of the Revised Code from the~~ 40270
~~child's school district of residence and shall not deduct those~~ 40271
~~amounts from the school district in which the home that the child~~ 40272
~~is living in is located.~~ 40273

~~(6) The Department shall make the payments prescribed in~~ 40274
~~divisions (D) and (E) of section 3314.08 and section 3314.13 of~~ 40275
~~the Revised Code, as applicable, to the community school.~~ 40276

Sec. 3314.087. (A) As used in this section: 40277

(1) "Career-technical program" means vocational programs or 40278
classes described in division (A) or (B) of section 3317.014 of 40279
the Revised Code in which a student is enrolled. 40280

(2) "Formula ADM," "category one or two vocational education 40281
ADM," and "FTE basis" have the same meanings as in section 3317.02 40282
of the Revised Code. 40283

(3) "Resident school district" means the city, exempted 40284

village, or local school district in which a student is entitled 40285
to attend school under section 3313.64 or 3313.65 of the Revised 40286
Code. 40287

(B) Notwithstanding anything to the contrary in this chapter 40288
or Chapter 3306. or 3317. of the Revised Code, a student enrolled 40289
in a community school may simultaneously enroll in the 40290
career-technical program operated by the student's resident school 40291
district. On an FTE basis, the student's resident school district 40292
shall count the student in the category one or two vocational 40293
education ADM for the proportion of the time the student is 40294
enrolled in the district's career-technical program and, 40295
accordingly, the department of education shall calculate funds 40296
under Chapter 3317. for the district attributable to the student 40297
for the proportion of time the student attends the 40298
career-technical program. The community school shall count the 40299
student in its enrollment report under section 3314.08 of the 40300
Revised Code and shall report to the department the proportion of 40301
time that the student attends classes at the community school. The 40302
department shall pay the community school ~~and deduct from the~~ 40303
~~student's resident school district~~ the amount computed for the 40304
student under section ~~3314.08~~ 3306.16 of the Revised Code in 40305
proportion to the fraction of the time on an FTE basis that the 40306
student attends classes at the community school. "Full-time 40307
equivalency" for a community school student, as defined in 40308
division ~~(I)~~ (J) of section 3314.08 of the Revised Code, does not 40309
apply to the student. 40310

Sec. 3314.091. (A) A school district is not required to 40311
provide transportation for any native student enrolled in a 40312
community school if the district board of education has entered 40313
into an agreement with the community school's governing authority 40314
that designates the community school as responsible for providing 40315
or arranging for the transportation of the district's native 40316

students to and from the community school. For any such agreement 40317
to be effective, it must be certified by the superintendent of 40318
public instruction as having met all of the following 40319
requirements: 40320

(1) It is submitted to the department of education by a 40321
deadline which shall be established by the department. 40322

(2) In accordance with divisions (C)(1) and (2) of this 40323
section, it specifies qualifications, such as residing a minimum 40324
distance from the school, for students to have their 40325
transportation provided or arranged. 40326

(3) The transportation provided by the community school is 40327
subject to all provisions of the Revised Code and all rules 40328
adopted under the Revised Code pertaining to pupil transportation. 40329

(4) The sponsor of the community school also has signed the 40330
agreement. 40331

(B)(1) For the school year that begins on July 1, 2007, a 40332
school district is not required to provide transportation for any 40333
native student enrolled in a community school, if the community 40334
school during the previous school year transported the students 40335
enrolled in the school or arranged for the students' 40336
transportation, even if that arrangement consisted of having 40337
parents transport their children to and from the school, but did 40338
not enter into an agreement to transport or arrange for 40339
transportation for those students under division (A) of this 40340
section, and if the governing authority of the community school by 40341
July 15, 2007, submits written notification to the district board 40342
of education stating that the governing authority is accepting 40343
responsibility for providing or arranging for the transportation 40344
of the district's native students to and from the community 40345
school. 40346

(2) For any school year subsequent to the school year that 40347

begins on July 1, 2007, a school district is not required to 40348
provide transportation for any native student enrolled in a 40349
community school if the governing authority of the community 40350
school, by the thirty-first day of January of the previous school 40351
year, submits written notification to the district board of 40352
education stating that the governing authority is accepting 40353
responsibility for providing or arranging for the transportation 40354
of the district's native students to and from the community 40355
school. If the governing authority of the community school has 40356
previously accepted responsibility for providing or arranging for 40357
the transportation of a district's native students to and from the 40358
community school, under division (B)(1) or (2) of this section, 40359
and has since relinquished that responsibility under division 40360
(B)(3) of this section, the governing authority shall not accept 40361
that responsibility again unless the district board consents to 40362
the governing authority's acceptance of that responsibility. 40363

(3) A governing authority's acceptance of responsibility 40364
under division (B)(1) or (2) of this section shall cover an entire 40365
school year, and shall remain in effect for subsequent school 40366
years unless the governing authority submits written notification 40367
to the district board that the governing authority is 40368
relinquishing the responsibility. However, a governing authority 40369
shall not relinquish responsibility for transportation before the 40370
end of a school year, and shall submit the notice relinquishing 40371
responsibility by the thirty-first day of January, in order to 40372
allow the school district reasonable time to prepare 40373
transportation for its native students enrolled in the school. 40374

(C)(1) A community school governing authority that enters 40375
into an agreement under division (A) of this section, or that 40376
accepts responsibility under division (B) of this section, shall 40377
provide or arrange transportation free of any charge for each of 40378
its enrolled students who is required to be transported under 40379

section 3327.01 of the Revised Code or who would otherwise be 40380
transported by the school district under the district's 40381
transportation policy. The governing authority shall report to the 40382
department of education the number of students transported or for 40383
whom transportation is arranged under this section in accordance 40384
with rules adopted by the state board of education. 40385

(2) The governing authority may provide or arrange 40386
transportation for any other enrolled student who is not eligible 40387
for transportation in accordance with division (C)(1) of this 40388
section and may charge a fee for such service up to the actual 40389
cost of the service. 40390

(3) Notwithstanding anything to the contrary in division 40391
(C)(1) or (2) of this section, a community school governing 40392
authority shall provide or arrange transportation free of any 40393
charge for any disabled student enrolled in the school for whom 40394
the student's individualized education program developed under 40395
Chapter 3323. of the Revised Code specifies transportation. 40396

(D)(1) If a school district board and a community school 40397
governing authority elect to enter into an agreement under 40398
division (A) of this section, the department of education shall 40399
make payments to the community school according to the terms of 40400
the agreement for each student actually transported under division 40401
(C)(1) of this section. 40402

If a community school governing authority accepts 40403
transportation responsibility under division (B) of this section, 40404
the department shall make payments to the community school for 40405
each student actually transported or for whom transportation is 40406
arranged by the community school under division (C)(1) of this 40407
section, calculated as follows: 40408

(a) For any fiscal year which the general assembly has 40409
specified that transportation payments to school districts be 40410

based on an across-the-board percentage of the district's payment 40411
for the previous school year, the per pupil payment to the 40412
community school shall be the following quotient: 40413

(i) The total amount calculated for the school district in 40414
which the child is entitled to attend school for student 40415
transportation other than transportation of children with 40416
disabilities; divided by 40417

(ii) The number of students included in the district's 40418
transportation ADM for the current fiscal year, as reported under 40419
division (B)(13) of section 3317.03 of the Revised Code, plus the 40420
number of students enrolled in the community school not counted in 40421
the district's transportation ADM who are transported under 40422
division (B)(1) or (2) of this section. 40423

(b) For any fiscal year which the general assembly has 40424
specified that the transportation payments to school districts be 40425
calculated in accordance with ~~division (D) of section 3317.022~~ 40426
3306.12 of the Revised Code and any rules of the state board of 40427
education implementing that ~~division section~~, the payment to the 40428
community school shall be the amount so calculated that otherwise 40429
would be paid to the school district in which the student is 40430
entitled to attend school by the method of transportation the 40431
district would have used. The community school, however, is not 40432
required to use the same method to transport that student. 40433

As used in this division "entitled to attend school" means 40434
entitled to attend school under section 3313.64 or 3313.65 of the 40435
Revised Code. 40436

(2) The department shall deduct the payment under division 40437
(D)(1) of this section from the state education aid, as defined in 40438
section ~~3314.08~~ 5751.20 of the Revised Code, and, if necessary, 40439
the payment under sections 321.14 and 323.156 of the Revised Code, 40440
that is otherwise paid to the school district in which the student 40441

enrolled in the community school is entitled to attend school. The 40442
department shall include the number of the district's native 40443
students for whom payment is made to a community school under 40444
division (D)(1) of this section in the calculation of the 40445
district's transportation payment under ~~division (D) of~~ section 40446
~~3317.022~~ 3306.12 of the Revised Code and the operating 40447
appropriations act. 40448

(3) A community school shall be paid under division (D)(1) of 40449
this section only for students who are eligible as specified in 40450
section 3327.01 of the Revised Code and division (C)(1) of this 40451
section, and whose transportation to and from school is actually 40452
provided, who actually utilized transportation arranged, or for 40453
whom a payment in lieu of transportation is made by the community 40454
school's governing authority. To qualify for the payments, the 40455
community school shall report to the department, in the form and 40456
manner required by the department, data on the number of students 40457
transported or whose transportation is arranged, the number of 40458
miles traveled, cost to transport, and any other information 40459
requested by the department. 40460

(4) A community school shall use payments received under this 40461
section solely to pay the costs of providing or arranging for the 40462
transportation of students who are eligible as specified in 40463
section 3327.01 of the Revised Code and division (C)(1) of this 40464
section, which may include payments to a parent, guardian, or 40465
other person in charge of a child in lieu of transportation. 40466

(E) Except when arranged through payment to a parent, 40467
guardian, or person in charge of a child, transportation provided 40468
or arranged for by a community school pursuant to an agreement 40469
under this section is subject to all provisions of the Revised 40470
Code, and all rules adopted under the Revised Code, pertaining to 40471
the construction, design, equipment, and operation of school buses 40472
and other vehicles transporting students to and from school. The 40473

drivers and mechanics of the vehicles are subject to all 40474
provisions of the Revised Code, and all rules adopted under the 40475
Revised Code, pertaining to drivers and mechanics of such 40476
vehicles. The community school also shall comply with sections 40477
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 40478
of section 3327.16 of the Revised Code and, subject to division 40479
(C)(1) of this section, sections 3327.01 and 3327.02 of the 40480
Revised Code, as if it were a school district. 40481

Sec. 3314.10. (A)(1) The governing authority of any community 40482
school established under this chapter may employ teachers and 40483
nonteaching employees necessary to carry out its mission and 40484
fulfill its contract. 40485

(2) Except as provided under division (A)(3) of this section, 40486
employees hired under this section may organize and collectively 40487
bargain pursuant to Chapter 4117. of the Revised Code. 40488
Notwithstanding division (D)(1) of section 4117.06 of the Revised 40489
Code, a unit containing teaching and nonteaching employees 40490
employed under this section shall be considered an appropriate 40491
unit. As applicable, employment under this section is subject to 40492
either Chapter 3307. or 3309. of the Revised Code. 40493

(3) If a school is created by converting all or part of an 40494
existing public school rather than by establishment of a new 40495
start-up school, at the time of conversion, the employees of the 40496
community school shall remain part of any collective bargaining 40497
unit in which they were included immediately prior to the 40498
conversion and shall remain subject to any collective bargaining 40499
agreement for that unit in effect on the first day of July of the 40500
year in which the community school initially begins operation and 40501
shall be subject to any subsequent collective bargaining agreement 40502
for that unit, unless a petition is certified as sufficient under 40503
division (A)(6) of this section with regard to those employees. 40504

Any new employees of the community school shall also be included 40505
in the unit to which they would have been assigned had not the 40506
conversion taken place and shall be subject to the collective 40507
bargaining agreement for that unit unless a petition is certified 40508
as sufficient under division (A)(6) of this section with regard to 40509
those employees. 40510

Notwithstanding division (B) of section 4117.01 of the 40511
Revised Code, the board of education of a school district and not 40512
the governing authority of a community school shall be regarded, 40513
for purposes of Chapter 4117. of the Revised Code, as the "public 40514
employer" of the employees of a conversion community school 40515
subject to a collective bargaining agreement pursuant to division 40516
(A)(3) of this section unless a petition is certified under 40517
division (A)(6) of this section with regard to those employees. 40518
Only on and after the effective date of a petition certified as 40519
sufficient under division (A)(6) of this section shall division 40520
(A)(2) of this section apply to those employees of that community 40521
school and only on and after the effective date of that petition 40522
shall Chapter 4117. of the Revised Code apply to the governing 40523
authority of that community school with regard to those employees. 40524

(4) Notwithstanding sections 4117.03 to 4117.18 of the 40525
Revised Code and Section 4 of Amended Substitute Senate Bill No. 40526
133 of the 115th general assembly, the employees of a conversion 40527
community school who are subject to a collective bargaining 40528
agreement pursuant to division (A)(3) of this section shall cease 40529
to be subject to that agreement and all subsequent agreements 40530
pursuant to that division and shall cease to be part of the 40531
collective bargaining unit that is subject to that and all 40532
subsequent agreements, if a majority of the employees of that 40533
community school who are subject to that collective bargaining 40534
agreement sign and submit to the state employment relations board 40535
a petition requesting all of the following: 40536

(a) That all the employees of the community school who are 40537
subject to that agreement be removed from the bargaining unit that 40538
is subject to that agreement and be designated by the state 40539
employment relations board as a new and separate bargaining unit 40540
for purposes of Chapter 4117. of the Revised Code; 40541

(b) That the employee organization certified as the exclusive 40542
representative of the employees of the bargaining unit from which 40543
the employees are to be removed be certified as the exclusive 40544
representative of the new and separate bargaining unit for 40545
purposes of Chapter 4117. of the Revised Code; 40546

(c) That the governing authority of the community school be 40547
regarded as the "public employer" of these employees for purposes 40548
of Chapter 4117. of the Revised Code. 40549

(5) Notwithstanding sections 4117.03 to 4117.18 of the 40550
Revised Code and Section 4 of Amended Substitute Senate Bill No. 40551
133 of the 115th general assembly, the employees of a conversion 40552
community school who are subject to a collective bargaining 40553
agreement pursuant to division (A)(3) of this section shall cease 40554
to be subject to that agreement and all subsequent agreements 40555
pursuant to that division, shall cease to be part of the 40556
collective bargaining unit that is subject to that and all 40557
subsequent agreements, and shall cease to be represented by any 40558
exclusive representative of that collective bargaining unit, if a 40559
majority of the employees of the community school who are subject 40560
to that collective bargaining agreement sign and submit to the 40561
state employment relations board a petition requesting all of the 40562
following: 40563

(a) That all the employees of the community school who are 40564
subject to that agreement be removed from the bargaining unit that 40565
is subject to that agreement; 40566

(b) That any employee organization certified as the exclusive 40567

representative of the employees of that bargaining unit be 40568
decertified as the exclusive representative of the employees of 40569
the community school who are subject to that agreement; 40570

(c) That the governing authority of the community school be 40571
regarded as the "public employer" of these employees for purposes 40572
of Chapter 4117. of the Revised Code. 40573

(6) Upon receipt of a petition under division (A)(4) or (5) 40574
of this section, the state employment relations board shall check 40575
the sufficiency of the signatures on the petition. If the 40576
signatures are found sufficient, the board shall certify the 40577
sufficiency of the petition and so notify the parties involved, 40578
including the board of education, the governing authority of the 40579
community school, and any exclusive representative of the 40580
bargaining unit. The changes requested in a certified petition 40581
shall take effect on the first day of the month immediately 40582
following the date on which the sufficiency of the petition is 40583
certified under division (A)(6) of this section. 40584

(B)(1) The board of education of each city, local, and 40585
exempted village school district sponsoring a community school and 40586
the governing board of each educational service center in which a 40587
community school is located shall adopt a policy that provides a 40588
leave of absence of at least three years to each teacher or 40589
nonteaching employee of the district or service center who is 40590
employed by a conversion or new start-up community school 40591
sponsored by the district or located in the district or center for 40592
the period during which the teacher or employee is continuously 40593
employed by the community school. The policy shall also provide 40594
that any teacher or nonteaching employee may return to employment 40595
by the district or service center if the teacher or employee 40596
leaves or is discharged from employment with the community school 40597
for any reason, unless, in the case of a teacher, the board of the 40598
district or service center determines that the teacher was 40599

discharged for a reason for which the board would have sought to 40600
discharge the teacher under section 3319.16 of the Revised Code, 40601
in which case the board may proceed to discharge the teacher 40602
utilizing the procedures of that section. Upon termination of such 40603
a leave of absence, any seniority that is applicable to the person 40604
shall be calculated to include all of the following: all 40605
employment by the district or service center prior to the leave of 40606
absence; all employment by the community school during the leave 40607
of absence; and all employment by the district or service center 40608
after the leave of absence. The policy shall also provide that if 40609
any teacher holding valid certification returns to employment by 40610
the district or service center upon termination of such a leave of 40611
absence, the teacher shall be restored to the previous position 40612
and salary or to a position and salary similar thereto. If, as a 40613
result of teachers returning to employment upon termination of 40614
such leaves of absence, a school district or educational service 40615
center reduces the number of teachers it employs, it shall make 40616
such reductions in accordance with section 3319.17 or, if 40617
applicable, 3319.171 of the Revised Code. 40618

Unless a collective bargaining agreement providing otherwise 40619
is in effect for an employee of a conversion community school 40620
pursuant to division (A)(3) of this section, an employee on a 40621
leave of absence pursuant to this division shall remain eligible 40622
for any benefits that are in addition to benefits under Chapter 40623
3307. or 3309. of the Revised Code provided by the district or 40624
service center to its employees provided the employee pays the 40625
entire cost associated with such benefits, except that personal 40626
leave and vacation leave cannot be accrued for use as an employee 40627
of a school district or service center while in the employ of a 40628
community school unless the district or service center board 40629
adopts a policy expressly permitting this accrual. 40630

(2) While on a leave of absence pursuant to division (B)(1) 40631

of this section, a conversion community school shall permit a 40632
teacher to use sick leave accrued while in the employ of the 40633
school district from which the leave of absence was taken and 40634
prior to commencing such leave. If a teacher who is on such a 40635
leave of absence uses sick leave so accrued, the cost of any 40636
salary paid by the community school to the teacher for that time 40637
shall be reported to the department of education. The cost of 40638
employing a substitute teacher for that time shall be paid by the 40639
community school. The department of education shall add amounts to 40640
the payments made to a community school under this chapter and 40641
section 3306.16 of the Revised Code as necessary to cover the cost 40642
of salary reported by a community school as paid to a teacher 40643
using sick leave so accrued pursuant to this section. The 40644
department shall subtract the amounts of any payments made to 40645
community schools under this division from payments made to such 40646
sponsoring school district under ~~Chapter~~ Chapters 3306. and 3317. 40647
of the Revised Code. 40648

A school district providing a leave of absence and employee 40649
benefits to a person pursuant to this division is not liable for 40650
any action of that person while the person is on such leave and 40651
employed by a community school. 40652

Sec. 3314.102. Each community school shall do both of the 40653
following in the same manner as required of a school district: 40654

(A) Comply with the provisions of section 3319.074 of the 40655
Revised Code, except that the prohibition in division (B) of that 40656
section shall apply only to teachers hired by the school on or 40657
after the effective date of this section; 40658

(B) Employ as classroom teachers only persons who are 40659
licensed under sections 3319.22 to 3319.31 of the Revised Code in 40660
a manner that is in compliance with any rules of the state board 40661
of education that either implement those sections or otherwise 40662

require teachers to teach in the subject areas or grade levels for 40663
which they are licensed. 40664

A community school may engage persons issued permits under 40665
section 3319.301 of the Revised Code in the same manner as may 40666
school districts. 40667

Sec. 3314.19. The sponsor of each community school annually 40668
shall provide the following assurances in writing to the 40669
department of education not later than ten business days prior to 40670
the opening of the school: 40671

(A) That the sponsor has filed a current copy of the contract 40672
between the sponsor and the governing authority of the school 40673
entered into under section 3314.03 of the Revised Code ~~has been~~ 40674
~~filed~~ with the state office of community schools established under 40675
section 3314.11 of the Revised Code and that the sponsor will file 40676
any subsequent modifications to that contract ~~will be filed~~ with 40677
the office; 40678

(B) That the school has submitted to the sponsor a plan for 40679
providing special education and related services to students with 40680
disabilities and has demonstrated the capacity to provide those 40681
services in accordance with Chapter 3323. of the Revised Code and 40682
federal law; 40683

(C) That the school has a plan and procedures for 40684
administering the achievement ~~tests~~ and diagnostic assessments 40685
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 40686
Revised Code; 40687

(D) That school personnel have the necessary training, 40688
knowledge, and resources to properly use and submit information to 40689
all databases maintained by the department for the collection of 40690
education data, including the education management information 40691
system established under section 3301.0714 of the Revised Code in 40692

accordance with methods and timelines established under section 40693
3314.17 of the Revised Code; 40694

(E) That the school has submitted all required information 40695
about the school ~~has been submitted~~ to the Ohio education 40696
directory system or any successor system; 40697

(F) That the school will enroll at least the minimum number 40698
of students required by division (A)(11)(a) of section 3314.03 of 40699
the Revised Code in the school year for which the assurances are 40700
provided; 40701

(G) That all classroom teachers are licensed in accordance 40702
with ~~sections 3319.22 to 3319.31 of the Revised Code, except for~~ 40703
~~noncertificated persons engaged to teach up to twelve hours per~~ 40704
~~week pursuant to section 3319.301~~ 3314.102 of the Revised Code; 40705

(H) That the school's fiscal officer is in compliance with 40706
section 3314.011 of the Revised Code; 40707

(I) That the school has complied with sections 3319.39 and 40708
3319.391 of the Revised Code with respect to all employees, that 40709
the school has complied with section 3314.41 of the Revised Code 40710
with respect to persons described in division (B) of that section, 40711
and that the school has conducted a criminal records check of each 40712
of its governing authority members; 40713

(J) That the school holds all of the following: 40714

(1) Proof of property ownership or a lease for the facilities 40715
used by the school; 40716

(2) A certificate of occupancy; 40717

(3) Liability insurance for the school, as required by 40718
division (A)(11)(b) of section 3314.03 of the Revised Code, that 40719
the sponsor considers sufficient to indemnify the school's 40720
facilities, staff, and governing authority against risk; 40721

(4) A satisfactory health and safety inspection; 40722

(5) A satisfactory fire inspection; 40723

(6) A valid food permit, if applicable. 40724

(K) That the sponsor has conducted a pre-opening site visit 40725
to the school for the school year for which the assurances are 40726
provided; 40727

(L) That the school has designated a date it will open for 40728
the school year for which the assurances are provided that is in 40729
compliance with division (A)(25) of section 3314.03 of the Revised 40730
Code; 40731

(M) That the school has met all of the sponsor's requirements 40732
for opening and any other requirements of the sponsor. 40733

Sec. 3314.191. The sponsor of a community school is subject 40734
to this section if the sponsor fails to take an action described 40735
in division (A) or (K) of section 3314.19 of the Revised Code with 40736
respect to one or more of the community schools it sponsors, or if 40737
one or more of the community schools it sponsors fails to meet any 40738
of the criteria specified in divisions (B) to (J), (L), and (M) of 40739
that section. 40740

(A) In any year in which a sponsor becomes subject to this 40741
section, the department of education shall provide the sponsor 40742
with technical assistance to bring the sponsor or the community 40743
school into compliance with the criteria specified in section 40744
3314.19 of the Revised Code, and the sponsor shall take both of 40745
the following actions: 40746

(1) Develop and submit to the department a three-year 40747
operations improvement plan containing all of the following: 40748

(a) An analysis of the reasons for the sponsor's failure to 40749
comply with the criteria and to assure that the community schools 40750
it sponsors comply with the criteria; 40751

(b) Specific strategies the sponsor will use to address the 40752

problems in meeting the criteria; 40753

(c) Identification of the resources the sponsor will use to 40754
meet the criteria and to assure that the schools it sponsors meet 40755
the criteria; 40756

(d) A description of how the sponsor will measure its 40757
progress in meeting the criteria and assuring that the schools it 40758
sponsors meet the criteria. 40759

(2) Notify the parent or guardian of each student enrolled in 40760
each community school it sponsors with respect to which the 40761
criteria were not met, either in writing or by electronic means, 40762
of the criteria the sponsor or the school did not meet, the 40763
actions the sponsor is taking toward meeting the criteria and 40764
assuring that the school meets the criteria, and any progress the 40765
sponsor has achieved in the immediately preceding school year 40766
toward meeting the criteria and assuring that the school meets the 40767
criteria. 40768

(B) If a sponsor becomes subject to this section in a second 40769
consecutive year, both of the following apply: 40770

(1) The sponsor shall take the actions required by divisions 40771
(A)(1) and (2) of this section; 40772

(2) The department shall declare the sponsor to be in 40773
probationary status, and monitor the sponsor's actions to 40774
implement remedies, in accordance with division (D) of section 40775
3314.015 of the Revised Code. The department may suspend or 40776
restrict the sponsor's authority to sponsor community schools 40777
under divisions (D)(3) and (4) of that section if the department 40778
finds that the remedies offered by the sponsor are not 40779
satisfactory, or if the department finds that the sponsor is not 40780
taking actions necessary to implement those remedies. 40781

(C) If a sponsor becomes subject to this section in a third 40782
consecutive year, the department shall revoke the sponsor's 40783

authority to sponsor community schools in accordance with division 40784
(C) of section 3314.015 of the Revised Code. 40785

(D) The department's suspension, restriction, or revocation 40786
of the sponsorship authority of a sponsor that is subject to this 40787
section is subject to appeal under division (E) of section 40788
3314.015 of the Revised Code. 40789

(E) This section does not restrict the department's authority 40790
otherwise to place a sponsor on probationary status, or otherwise 40791
to suspend, restrict, or revoke a sponsor's authority, under 40792
section 3314.015 of the Revised Code. 40793

Sec. 3314.192. (A) The sponsor of each community school 40794
annually shall report to the department of education, not later 40795
than ten business days prior to the opening of the school, whether 40796
the school's governing authority has entered into a contract with 40797
an operator for that school year. The sponsor shall also report to 40798
the department any additional information about the operator and 40799
contract the superintendent of public instruction specifies by 40800
rule. 40801

(B) The department shall post the information reported under 40802
division (A) of this section on its web site. 40803

(C) If there is any change in the contract between the 40804
governing authority of a community school and the school's 40805
operator during the course of the school year, the governing 40806
authority shall notify the school's sponsor of the change not 40807
later than thirty days after the change is made. If the change 40808
involves any of the information reported under division (A) of 40809
this section, the sponsor shall report the change to the 40810
department not later than thirty days after receiving notification 40811
of the change from the school's governing authority. The 40812
department shall update its web site to reflect the change not 40813
later than thirty days after receiving the report of the change 40814

from the school's sponsor. 40815

Sec. 3314.21. (A) As used in this section: 40816

(1) "Harmful to juveniles" has the same meaning as in section 40817
2907.01 of the Revised Code. 40818

(2) "Obscene" has the same meaning as in division (F) of 40819
section 2907.01 of the Revised Code as that division has been 40820
construed by the supreme court of this state. 40821

(3) "Teacher of record" means a teacher who is responsible 40822
for the overall academic development and achievement of a student 40823
and not merely the student's instruction in any single subject. 40824

(B)~~(1) It~~ (1) It is the intent of the general assembly that 40825
teachers employed by internet- or computer-based community schools 40826
conduct visits with their students in person throughout the school 40827
year. 40828

(2) Each internet- or computer-based community school shall 40829
retain an affiliation with at least one full-time teacher of 40830
record licensed in accordance with ~~division (A)(10) of~~ section 40831
~~3314.03~~ 3314.102 of the Revised Code. 40832

(3) Each student enrolled in an internet- or computer-based 40833
community school shall be assigned to at least one teacher of 40834
record. No teacher of record shall be primarily responsible for 40835
the academic development and achievement of more than one hundred 40836
twenty-five students enrolled in the internet- or computer-based 40837
community school that has retained that teacher. 40838

(C) For any internet- or computer-based community school, the 40839
contract between the sponsor and the governing authority of the 40840
school described in section 3314.03 of the Revised Code shall 40841
specify each of the following: 40842

(1) A requirement that the school use a filtering device or 40843
install filtering software that protects against internet access 40844

to materials that are obscene or harmful to juveniles on each 40845
computer provided to students for instructional use. The school 40846
shall provide such device or software at no cost to any student 40847
who works primarily from the student's residence on a computer 40848
obtained from a source other than the school. 40849

(2) A plan for fulfilling the intent of the general assembly 40850
specified in division (B)(1) of this section. The plan shall 40851
indicate the number of times teachers will visit each student 40852
throughout the school year and the manner in which those visits 40853
will be conducted. 40854

(3) That the school will set up a central base of operation 40855
and the sponsor will maintain a representative within fifty miles 40856
of that base of operation to provide monitoring and assistance. 40857

Sec. 3314.25. Each internet- or computer-based community 40858
school shall provide its students a location within a fifty-mile 40859
radius of the student's residence at which to complete the 40860
statewide achievement ~~tests~~ and diagnostic assessments prescribed 40861
under sections 3301.079 ~~and~~, 3301.0710, and 3301.0712 of the 40862
Revised Code. 40863

Sec. 3314.26. (A) Each internet- or computer-based community 40864
school shall withdraw from the school any student who, for two 40865
consecutive school years, has failed to participate in the spring 40866
administration of any ~~test~~ assessment prescribed under section 40867
3301.0710 or 3301.0712 of the Revised Code for the student's grade 40868
level and was not excused from the ~~test~~ assessment pursuant to 40869
division (C)(1) or (3) of section 3301.0711 of the Revised Code, 40870
regardless of whether a waiver was granted for the student under 40871
division ~~(Q)~~(N)(3) of section 3314.08 of the Revised Code. The 40872
school shall report any such student's data verification code, as 40873
assigned pursuant to section 3301.0714 of the Revised Code, to the 40874

department of education. The department shall maintain a list of 40875
all data verification codes reported under this division and 40876
section 3313.6410 of the Revised Code and provide that list to 40877
each internet- or computer-based community school and to each 40878
school to which section 3313.6410 of the Revised Code applies. 40879
40880

(B) No internet- or computer-based community school shall 40881
receive any state funds under this chapter for any enrolled 40882
student whose data verification code appears on the list 40883
maintained by the department under division (A) of this section. 40884

Notwithstanding any provision of the Revised Code to the 40885
contrary, the parent of any such student shall pay tuition to the 40886
internet- or computer-based community school in an amount equal to 40887
the state funds the school otherwise would receive for that 40888
student, as determined by the department. An internet- or 40889
computer-based community school may withdraw any student for whom 40890
the parent does not pay tuition as required by this division. 40891

Sec. 3314.35. (A)(1) Except as provided in division (A)~~(2)~~(3) 40892
of this section, this section applies to any community school that 40893
meets one of the following criteria after July 1, 2008, but before 40894
July 1, 2009: 40895

(a) The school does not offer a grade level higher than three 40896
and has been declared to be in a state of academic emergency under 40897
section 3302.03 of the Revised Code for four consecutive school 40898
years. 40899

(b) The school satisfies all of the following conditions: 40900

(i) The school offers any of grade levels four to eight but 40901
does not offer a grade level higher than nine. 40902

(ii) The school has been declared to be in a state of 40903
academic emergency under section 3302.03 of the Revised Code for 40904

three consecutive school years. 40905

(iii) For two of those school years, the school showed less 40906
than one standard year of academic growth in either reading or 40907
mathematics, as determined by the department of education in 40908
accordance with rules adopted under division (A) of section 40909
3302.021 of the Revised Code. 40910

(c) The school satisfies all of the following conditions: 40911

(i) The school offers any of grade levels ten to twelve. 40912

(ii) The school has been declared to be in a state of 40913
academic emergency under section 3302.03 of the Revised Code for 40914
three consecutive school years. 40915

(iii) For two of those school years, the school showed less 40916
than two standard years of academic growth in either reading or 40917
mathematics, as determined by the department in accordance with 40918
rules adopted under division (A) of section 3302.021 of the 40919
Revised Code. 40920

(2) Except as provided in division (A)(3) of this section, 40921
this section applies to any community school that meets one of the 40922
following criteria after July 1, 2009: 40923

(a) The school does not offer a grade level higher than three 40924
and has been declared to be in a state of academic emergency under 40925
section 3302.03 of the Revised Code for three of the four most 40926
recent school years. 40927

(b) The school satisfies all of the following conditions: 40928

(i) The school offers any of grade levels four to eight but 40929
does not offer a grade level higher than nine. 40930

(ii) The school has been declared to be in a state of 40931
academic emergency under section 3302.03 of the Revised Code for 40932
two of the three most recent school years. 40933

(iii) In at least two of the three most recent school years, 40934

the school showed less than one standard year of academic growth 40935
in either reading or mathematics, as determined by the department 40936
in accordance with rules adopted under division (A) of section 40937
3302.021 of the Revised Code. 40938

(c) The school offers any of grade levels ten to twelve and 40939
has been declared to be in a state of academic emergency under 40940
section 3302.03 of the Revised Code for three of the four most 40941
recent school years. 40942

(3) This section does not apply to any either of the 40943
following: 40944

(a) Any community school in which a majority of the students 40945
are enrolled in a dropout prevention and recovery program that is 40946
operated by the school and that has been granted a waiver under 40947
section 3314.36 of the Revised Code; 40948

(b) Any community school in which a majority of the enrolled 40949
students are children with disabilities receiving special 40950
education and related services in accordance with Chapter 3323. of 40951
the Revised Code. 40952

(B) Any community school to which this section applies shall 40953
permanently close at the conclusion of the school year in which 40954
the school first becomes subject to this section. The sponsor and 40955
governing authority of the school shall comply with all procedures 40956
for closing a community school adopted by the department under 40957
division ~~(E)~~(F) of section 3314.015 of the Revised Code. The 40958
governing authority of the school shall not enter into a contract 40959
with any other sponsor under section 3314.03 of the Revised Code 40960
after the school closes. 40961

(C) Not later than July 1, 2008, the department shall 40962
determine the feasibility of using the value-added progress 40963
dimension, as defined in section 3302.01 of the Revised Code, as a 40964
factor in evaluating the academic performance of community schools 40965

described in division (A)(1)(c)(i) of this section. 40966
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 40967
if the department determines that using the value-added progress 40968
dimension to evaluate community schools described in division 40969
(A)(1)(c)(i) of this section is not feasible, a community school 40970
described in that division shall be required to permanently close 40971
under this section only if it has been declared to be in a state 40972
of academic emergency under section 3302.03 of the Revised Code 40973
for four consecutive school years. 40974

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 40975
not apply to any community school in which a majority of the 40976
students are enrolled in a dropout prevention and recovery program 40977
that is operated by the school and that has been granted a waiver 40978
by the department of education. The department shall grant a 40979
waiver to a dropout prevention and recovery program, within sixty 40980
days after the program applies for the waiver, if the program 40981
meets all of the following conditions: 40982

(1) The program serves only students not younger than sixteen 40983
years of age and not older than twenty-one years of age. 40984

(2) The program enrolls students who, at the time of their 40985
initial enrollment, either, or both, are at least one grade level 40986
behind their cohort age groups or experience crises that 40987
significantly interfere with their academic progress such that 40988
they are prevented from continuing their traditional programs. 40989

(3) The program requires students to attain at least the 40990
applicable score designated for each of the ~~tests~~ assessments 40991
prescribed under division (B)(1) of section 3301.0710 of the 40992
Revised Code or, to the extent prescribed by rule of the state 40993
board of education under division (E)(6) of section 3301.0712 of 40994
the Revised Code, division (B)(2) of that section. 40995

(4) The program develops an individual career plan for the 40996

student that specifies the student's matriculating to a two-year 40997
degree program, acquiring a business and industry credential, or 40998
entering an apprenticeship. 40999

(5) The program provides counseling and support for the 41000
student related to the plan developed under division (A)(4) of 41001
this section during the remainder of the student's high school 41002
experience. 41003

(6) Prior to receiving the waiver, the program has submitted 41004
to the department an instructional plan that demonstrates how the 41005
academic content standards adopted by the state board of education 41006
under section 3301.079 of the Revised Code will be taught and 41007
assessed. 41008

If the department does not act either to grant the waiver or 41009
to reject the program application for the waiver within sixty days 41010
as required under this section, the waiver shall be considered to 41011
be granted. 41012

(B) Notwithstanding division (A) of this section, the 41013
department shall not grant a waiver to any community school that 41014
did not qualify for a waiver under this section when it initially 41015
began operations, unless the state board of education approves the 41016
waiver. 41017

Sec. ~~269.60.60~~ 3314.38. ~~UNAUDITABLE COMMUNITY SCHOOL~~ 41018

(A) If the ~~Auditor~~ auditor of ~~State~~ state or a public 41019
accountant, pursuant to section 117.41 of the Revised Code, 41020
declares a community school established under ~~Chapter 3314. of the~~ 41021
~~Revised Code~~ this chapter to be unauditabile, the ~~Auditor~~ auditor 41022
of ~~State~~ state shall provide written notification of that 41023
declaration to the school, the school's sponsor, and the 41024
~~Department~~ department of ~~Education~~ education. The ~~Auditor~~ auditor 41025
of ~~State~~ state also shall post the notification on the ~~Auditor~~ 41026

auditor of ~~State's~~ state's web site. 41027

(B) Notwithstanding any provision to the contrary in ~~Chapter~~ 41028
~~3314. of the Revised Code~~ this chapter or any other provision of 41029
law, a sponsor of a community school that is notified by the 41030
~~Auditor~~ auditor of ~~State~~ state under division (A) of this section 41031
that a community school it sponsors is unauditabile shall not enter 41032
into contracts with any additional community schools under section 41033
3314.03 of the Revised Code until the ~~Auditor~~ auditor of ~~State~~ 41034
state or a public accountant has completed a financial audit of 41035
that school. 41036

(C) Not later than forty-five days after receiving 41037
notification by the ~~Auditor~~ auditor of ~~State~~ state under division 41038
(A) of this section that a community school is unauditabile, the 41039
sponsor of the school shall provide a written response to the 41040
~~Auditor~~ auditor of ~~State~~ state. The response shall include the 41041
following: 41042

(1) An overview of the process the sponsor will use to review 41043
and understand the circumstances that led to the community school 41044
becoming unauditabile; 41045

(2) A plan for providing the ~~Auditor~~ auditor of ~~State~~ state 41046
with the documentation necessary to complete an audit of the 41047
community school and for ensuring that all financial documents are 41048
available in the future; 41049

(3) The actions the sponsor will take to ensure that the plan 41050
described in division (C)(2) of this section is implemented. 41051

(D) If a community school fails to make reasonable efforts 41052
and continuing progress to bring its accounts, records, files, or 41053
reports into an auditabile condition within ninety days after being 41054
declared unauditabile, the ~~Auditor~~ auditor of ~~State~~ state, in 41055
addition to requesting legal action under sections 117.41 and 41056
117.42 of the Revised Code, shall notify the ~~Department~~ department 41057

of the school's failure. If the ~~Auditor~~ auditor of ~~State~~ state or 41058
a public accountant subsequently is able to complete a financial 41059
audit of the school, the ~~Auditor~~ auditor of ~~State~~ state shall 41060
notify the ~~Department~~ department that the audit has been 41061
completed. 41062

(E) Notwithstanding any provision to the contrary in ~~Chapter~~ 41063
~~3314. of the Revised Code~~ this chapter or any other provision of 41064
law, upon notification by the ~~Auditor~~ auditor of ~~State~~ state under 41065
division (D) of this section that a community school has failed to 41066
make reasonable efforts and continuing progress to bring its 41067
accounts, records, files, or reports into an auditable condition 41068
following a declaration that the school is unauditible, the 41069
~~Department~~ department shall immediately cease all payments to the 41070
school under ~~Chapter 3314. of the Revised Code~~ this chapter and 41071
any other provision of law. Upon subsequent notification from the 41072
~~Auditor~~ auditor of ~~State~~ state under that division that the 41073
~~Auditor~~ auditor of ~~State~~ state or a public accountant was able to 41074
complete a financial audit of the community school, the ~~Department~~ 41075
department shall release all funds withheld from the school under 41076
this section. 41077

Sec. 3314.39. (A) The department of education shall conduct 41078
an on-site visit of each community school at least every five 41079
years to evaluate the school's operations. During each visit, the 41080
department shall do all of the following: 41081

(1) Determine if the school has complied with the terms of 41082
the contract with its sponsor; 41083

(2) Determine if the school has complied with all laws 41084
regarding community school academic and fiscal accountability and 41085
with all other applicable laws and administrative rules; 41086

(3) Corroborate the information reported to the department by 41087
the sponsor under division (D)(3) of section 3314.03 of the 41088

Revised Code; 41089

(4) Review the school's progress in implementing a continuous improvement plan developed under division (B) of section 3302.04 of the Revised Code, if applicable. 41090
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(B) Each on-site visit conducted under this section shall include school tours, classroom observations, and interviews with administrators, teachers, other school staff, parents, or students. 41093
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(C) Each community school shall provide any data, documents, or other materials the department considers necessary to enable it to conduct a thorough on-site visit. 41097
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(D) Upon completion of each on-site visit, the department shall issue a written report summarizing its findings. The department shall provide a copy of the report to the sponsor and governing authority of the community school. The sponsor or the governing authority may submit factual corrections to the department by a deadline established by the department. Upon receipt of any factual corrections, the department shall revise the report and issue a final version. The department shall post the final version of the report on its web site. 41100
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(E) The sponsor of a community school may consider findings contained in the report issued under division (D) of this section in deciding whether to place the school in probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the school's contract pursuant to section 3314.07 of the Revised Code. If the sponsor fails to take any of these actions that the department determines are warranted based on the findings in the report, the department may revoke the sponsor's approval to sponsor community schools in accordance with division (C) of section 3314.015 of the Revised Code. 41109
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(F) Any on-site visit required by this section may be 41120
conducted in conjunction with a site evaluation required under 41121
division (D) of section 3302.04 of the Revised Code. 41122

(G) The state board of education shall adopt rules to 41123
implement this section. 41124

Sec. 3314.42. (A) The governing authority of each community 41125
school established under this chapter shall submit to the school's 41126
sponsor a copy of any corrective action plan for the school 41127
required by the department of education, including a corrective 41128
action plan required under division (L) of section 3301.0714 of 41129
the Revised Code. The chief administrative officer of that sponsor 41130
shall review and sign the corrective action plan and return it to 41131
the governing authority. The signature of the sponsor's chief 41132
administrative officer shall signify the sponsor's receipt of 41133
notice of the content of the corrective action plan. 41134

(B) The sponsor shall monitor and may assist the school's 41135
implementation of the corrective action plan. 41136

(C) The school's failure to submit any corrective action plan 41137
required by the department to the chief administrative officer of 41138
the school's sponsor or to implement all of the provisions of a 41139
corrective action plan may be considered by the sponsor when 41140
determining whether to take any action under section 3314.07, 41141
3314.072, or 3314.073 of the Revised Code. 41142

Sec. 3314.43. For purposes of section 3319.321 of the Revised 41143
Code, the sponsor of a community school established under this 41144
chapter shall be an "educational institution," to which the 41145
records of a pupil enrolled in the school may be released for a 41146
legitimate educational purpose without the consent of the pupil or 41147
the pupil's parent, guardian, or custodian in accordance with that 41148
section. The sponsor shall handle any educational records released 41149

to the sponsor in accordance with the requirements of that section 41150
and the "Family Educational Rights and Privacy Act of 1974," 20 41151
U.S.C. 1232g. 41152

Sec. 3314.44. (A) If a community school established under 41153
this chapter closes for any reason, the chief administrative 41154
officer of the school at the time the school closes shall in good 41155
faith take all reasonable steps necessary to collect and assemble 41156
in an orderly manner the educational records of each student who 41157
is or has been enrolled in the school so that those records may be 41158
transmitted in accordance with this division. The chief 41159
administrative officer shall transmit the records to the 41160
department of education, in the manner and by the date prescribed 41161
by the department. 41162

(B) No person required to collect, assemble, and transmit 41163
student records under division (A) of this section shall fail to 41164
comply with that division. 41165

(C) Whoever violates division (B) of this section is guilty 41166
of a misdemeanor in the third degree. 41167

Sec. 3315.17. (A) The board of education of each city, 41168
exempted village, local, and joint vocational school district 41169
shall establish a textbook and instructional materials fund. Each 41170
board annually shall deposit into that fund an amount derived from 41171
revenues received by the district for operating expenses that is 41172
equal to three per cent of the formula amount for the preceding 41173
fiscal year, as defined in section 3317.02 of the Revised Code, or 41174
another percentage if established by the auditor of state under 41175
division (C) of this section, multiplied by the district's student 41176
population for the preceding fiscal year. Money in the fund shall 41177
be used solely for textbooks, instructional software, and 41178
instructional materials, supplies, and equipment. Any money in the 41179

fund that is not used in any fiscal year shall carry forward to 41180
the next fiscal year. 41181

(B)(1) Notwithstanding division (A) of this section, if in a 41182
fiscal year a district board deposits in the textbook and 41183
instructional materials fund an amount of money greater than the 41184
amount required to be deposited by this section or the rules 41185
adopted under division (C) of this section, the board may deduct 41186
the excess amount of money from the amount of money required to be 41187
deposited in succeeding fiscal years. 41188

(2) Notwithstanding division (A) of this section, in any year 41189
a district is in fiscal emergency status as declared pursuant to 41190
section 3316.03 of the Revised Code, the district may deposit an 41191
amount less than required by division (A) of this section, or make 41192
no deposit, into the district textbook and instructional materials 41193
fund for that year. 41194

(3) Notwithstanding division (A) of this section, in any 41195
fiscal year that a school district is either in fiscal watch 41196
status, as declared pursuant to section 3316.03 of the Revised 41197
Code, or in fiscal caution status, as declared pursuant to section 41198
3316.031 of the Revised Code, the district may apply to the 41199
superintendent of public instruction for a waiver from the 41200
requirements of division (A) of this section, under which the 41201
district may be permitted to deposit an amount less than required 41202
by that division or permitted to make no deposit into the district 41203
textbook and instructional materials fund for that year. The 41204
superintendent may grant a waiver under division (B)(3) of this 41205
section if the district demonstrates to the satisfaction of the 41206
superintendent that compliance with division (A) of this section 41207
that year will create an undue financial hardship on the district. 41208

(4) Notwithstanding division (A) of this section, not more 41209
often than one fiscal year in every three consecutive fiscal 41210

years, any school district that does not satisfy the conditions 41211
for the exemption described in division (B)(2) of this section or 41212
the conditions to apply for the waiver described in division 41213
(B)(3) of this section may apply to the superintendent of public 41214
instruction for a waiver from the requirements of division (A) of 41215
this section, under which the district may be permitted to deposit 41216
an amount less than required by that division or permitted to make 41217
no deposit into the district textbook and instructional materials 41218
fund for that year. The superintendent may grant a waiver under 41219
division (B)(4) of this section if the district demonstrates to 41220
the satisfaction of the superintendent that compliance with 41221
division (A) of this section that year will necessitate the 41222
reduction or elimination of a program currently offered by the 41223
district that is critical to the academic success of students of 41224
the district and that no reasonable alternatives exist for 41225
spending reductions in other areas of operation within the 41226
district that negate the necessity of the reduction or elimination 41227
of that program. 41228

(C) The state superintendent of public instruction and the 41229
auditor of state jointly shall adopt rules in accordance with 41230
Chapter 119. of the Revised Code defining what constitutes 41231
textbooks, instructional software, and instructional materials, 41232
supplies, and equipment for which money in a school district's 41233
textbook and instructional materials fund may be used. The auditor 41234
of state also may designate a percentage, other than three per 41235
cent, of the formula amount multiplied by the district's student 41236
population that must be deposited into the fund. 41237

(D) Notwithstanding division (A) of this section, a district 41238
board of education in any fiscal year may appropriate money in the 41239
district textbook and instructional materials fund for purposes 41240
other than those permitted by that division if both of the 41241
following occur during that fiscal year: 41242

(1) All of the following certify to the district board in writing that the district has sufficient textbooks, instructional software, and instructional materials, supplies, and equipment to ensure a thorough and efficient education within the district:

(a) The district superintendent;

~~(b) In districts required to have a business advisory council, a~~ A person designated by vote of the district's business advisory council;

(c) If the district teachers are represented by an exclusive bargaining representative for purposes of Chapter 4117. of the Revised Code, the president of that organization or the president's designee.

(2) The district board adopts, by unanimous vote of all members of the board, a resolution stating that the district has sufficient textbooks, instructional software, and instructional materials, supplies, and equipment to ensure a thorough and efficient education within the district.

(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into on or after November 21, 1997.

(F) As used in this section and in section 3315.18 of the Revised Code, "student population" means the average, daily, full-time-equivalent number of students in kindergarten through twelfth grade receiving any educational services from the school district during the first full school week in October, excluding students enrolled in adult education classes, but including all of the following:

(1) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section

3313.98 of the Revised Code;	41274
(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	41275 41276 41277 41278
(3) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	41279 41280
The department of education shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year.	41281 41282 41283
Sec. 3315.37. The board of education of a school district may establish a teacher education loan program and may expend school funds for the program. The program shall be for the purpose of making loans to students who are residents of the school district or graduates of schools in the school district, who are enrolled in teacher preparation programs at institutions approved by the state board <u>chancellor of the Ohio board of regents</u> pursuant to section 3319.23 <u>3333.048</u> of the Revised Code, and who indicate an intent to teach in the school district providing the loan. The district board may forgive the obligation to repay any or all of the principal and interest on the loan if the borrower teaches in that school district.	41284 41285 41286 41287 41288 41289 41290 41291 41292 41293 41294 41295
The district board shall adopt rules establishing eligibility criteria, application procedures, procedures for review of applications, loan amounts, interest, repayment schedules, conditions under which principal and interest obligations incurred under the program will be forgiven, and any other matter incidental to the operation of the program.	41296 41297 41298 41299 41300 41301
The board may contract with a private, nonprofit foundation, one or more institutions of higher education, or other educational	41302 41303

agencies to administer the program. 41304

The receipt of a loan under this section does not affect a 41305
student's eligibility for assistance, or the amount of such 41306
assistance, granted under section 3315.33, 3333.12, 3333.122, 41307
3333.22, 3333.26, ~~3333.27~~, 5910.04, or 5919.34 of the Revised 41308
Code, but the board's rules may provide for taking such assistance 41309
into consideration when determining a student's eligibility for a 41310
loan under this section. 41311

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 41312
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 41313
subject to the approval of the superintendent of public 41314
instruction, a school district that is in a state of fiscal watch 41315
declared under section 3316.03 of the Revised Code may restructure 41316
or refinance loans obtained or in the process of being obtained 41317
under section 3313.483 of the Revised Code if all of the following 41318
requirements are met: 41319

(1) The operating deficit certified for the school district 41320
for the current or preceding fiscal year under section 3313.483 of 41321
the Revised Code exceeds fifteen per cent of the district's 41322
general revenue fund for the fiscal year preceding the year for 41323
which the certification of the operating deficit is made. 41324

(2) The school district voters have, during the period of the 41325
fiscal watch, approved the levy of a tax under section 718.09, 41326
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 41327
not a renewal or replacement levy, or a levy under section 41328
5705.199 of the Revised Code, and that will provide new operating 41329
revenue. 41330

(3) The board of education of the school district has adopted 41331
or amended the financial plan required by section 3316.04 of the 41332
Revised Code to reflect the restructured or refinanced loans, and 41333
sets forth the means by which the district will bring projected 41334

operating revenues and expenditures, and projected debt service obligations, into balance for the life of any such loan.

(B) Subject to the approval of the superintendent of public instruction, the school district may issue securities to evidence the restructuring or refinancing authorized by this section. Such securities may extend the original period for repayment not to exceed ten years, and may alter the frequency and amount of repayments, interest or other financing charges, and other terms or agreements under which the loans were originally contracted, provided the loans received under sections 3313.483 of the Revised Code are repaid from funds the district would otherwise receive under ~~sections 3317.022 to 3317.025~~ Chapter 3306. of the Revised Code, as required under division (E)(3) of section 3313.483 of the Revised Code. Securities issued for the purpose of restructuring or refinancing under this section shall be repaid in equal payments and at equal intervals over the term of the debt and are not eligible to be included in any subsequent proposal to restructure or refinance.

(C) Unless the district is declared to be in a state of fiscal emergency under division (D) of section 3316.04 of the Revised Code, a school district shall remain in a state of fiscal watch for the duration of the repayment period of any loan restructured or refinanced under this section.

Sec. 3316.06. (A) Within one hundred twenty days after the first meeting of a school district financial planning and supervision commission, the commission shall adopt a financial recovery plan regarding the school district for which the commission was created. During the formulation of the plan, the commission shall seek appropriate input from the school district board and from the community. This plan shall contain the following:

(1) Actions to be taken to:	41366
(a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code;	41367 41368 41369
(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits;	41370 41371
(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the textbook and instructional materials fund established pursuant to section 3315.17 of the Revised Code and the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven;	41372 41373 41374 41375 41376
(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any;	41377 41378 41379 41380 41381
(e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts;	41382 41383 41384
(f) Avoid any fiscal emergency condition in the future;	41385
(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.	41386 41387 41388
(2) The management structure that will enable the school district to take the actions enumerated in division (A)(1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period.	41389 41390 41391 41392 41393 41394 41395

The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A)(1) of this section.

(3) The target dates for the commencement, progress upon, and completion of the actions enumerated in division (A)(1) of this section and a reasonable period of time expected to be required to implement the plan. The commission shall prepare a reasonable time schedule for progress toward and achievement of the requirements for the plan, and the plan shall be consistent with that time schedule.

(4) The amount and purpose of any issue of debt obligations that will be issued, together with assurances that any such debt obligations that will be issued will not exceed debt limits supported by appropriate certifications by the fiscal officer of the school district and the county auditor. Debt obligations issued pursuant to section 133.301 of the Revised Code shall include assurances that such debt shall be in an amount not to exceed the amount certified under division (B) of such section. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school district, the plan may include a proposal to restructure or refinance outstanding debt obligations incurred by the board under section 3313.483 of the Revised Code contingent upon the approval, during the period of the fiscal emergency, by district voters of a tax levied under section 718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.08 of the Revised Code that is not a renewal or replacement levy, or a levy under section 5705.199 of the Revised Code, and that will provide new operating revenue. Notwithstanding any provision of Chapter 133. or sections 3313.483 to 3313.4811 of the Revised Code, following the required approval of the district

voters and with the approval of the commission, the school 41428
district may issue securities to evidence the restructuring or 41429
refinancing. Those securities may extend the original period for 41430
repayment, not to exceed ten years, and may alter the frequency 41431
and amount of repayments, interest or other financing charges, and 41432
other terms of agreements under which the debt originally was 41433
contracted, at the discretion of the commission, provided that any 41434
loans received pursuant to section 3313.483 of the Revised Code 41435
shall be paid from funds the district would otherwise receive 41436
under ~~sections 3317.022 to 3317.025~~ Chapter 3306. of the Revised 41437
Code, as required under division (E)(3) of section 3313.483 of the 41438
Revised Code. The securities issued for the purpose of 41439
restructuring or refinancing the debt shall be repaid in equal 41440
payments and at equal intervals over the term of the debt and are 41441
not eligible to be included in any subsequent proposal for the 41442
purpose of restructuring or refinancing debt under this section. 41443

(B) Any financial recovery plan may be amended subsequent to 41444
its adoption. Each financial recovery plan shall be updated 41445
annually. 41446

(C) Each school district financial planning and supervision 41447
commission shall submit the financial recovery plan it adopts or 41448
updates under this section to the state superintendent of public 41449
instruction for approval immediately following its adoption or 41450
updating. The state superintendent shall evaluate the plan and 41451
either approve or disapprove it within thirty calendar days from 41452
the date of its submission. If the plan is disapproved, the state 41453
superintendent shall recommend modifications that will render it 41454
acceptable. No financial planning and supervision commission shall 41455
implement a financial recovery plan that is adopted or updated on 41456
or after April 10, 2001, unless the state superintendent has 41457
approved it. 41458

Sec. 3316.20. (A)(1) The school district solvency assistance fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be used to provide assistance and grants to school districts to enable them to remain solvent and to pay ~~unforseeable~~ unforeseeable expenses of a temporary or emergency nature that they are unable to pay from existing resources.

(2) There is hereby created within the fund an account known as the school district shared resource account, which shall consist of money appropriated to it by the general assembly. The money in the account shall be used solely for solvency assistance to school districts that have been declared under division (B) of section 3316.03 of the Revised Code to be in a state of fiscal emergency.

(3) There is hereby created within the fund an account known as the catastrophic expenditures account, which shall consist of money appropriated to the account by the general assembly plus all investment earnings of the fund. Money in the account shall be used solely for the following:

(a) Solvency assistance to school districts that have been declared under division (B) of section 3316.03 of the Revised Code to be in a state of fiscal emergency, in the event that all money in the shared resource account is utilized for solvency assistance;

(b) Grants to school districts under division (C) of this section.

(B) Solvency assistance payments under division (A)(2) or (3)(a) of this section shall be made from the fund by the superintendent of public instruction in accordance with rules adopted by the director of budget and management, after consulting with the superintendent, specifying approval criteria and

procedures necessary for administering the fund. 41490

The fund shall be reimbursed for any solvency assistance 41491
amounts paid under division (A)(2) or (3)(a) of this section not 41492
later than the end of the second fiscal year following the fiscal 41493
year in which the solvency assistance payment was made. If not 41494
made directly by the school district, such reimbursement shall be 41495
made by the director of budget and management from the amounts the 41496
school district would otherwise receive pursuant to ~~sections~~ 41497
~~3317.022 to 3317.025~~ Chapter 3306. of the Revised Code, or from 41498
any other funds appropriated for the district by the general 41499
assembly. Reimbursements shall be credited to the respective 41500
account from which the solvency assistance paid to the district 41501
was deducted. 41502

(C) The superintendent of public instruction may make 41503
recommendations, and the controlling board may grant money from 41504
the catastrophic expenditures account to any school district that 41505
suffers an unforeseen catastrophic event that severely depletes 41506
the district's financial resources. The superintendent shall make 41507
recommendations for the grants in accordance with rules adopted by 41508
the director of budget and management, after consulting with the 41509
superintendent. A school district shall not be required to repay 41510
any grant awarded to the district under this division, unless the 41511
district receives money from this state or a third party, 41512
including an agency of the government of the United States, 41513
specifically for the purpose of compensating the district for 41514
revenue lost or expenses incurred as a result of the unforeseen 41515
catastrophic event. If a school district receives a grant from the 41516
catastrophic expenditures account on the basis of the same 41517
circumstances for which an adjustment or recomputation is 41518
authorized under section 3317.025, 3317.026, 3317.027, 3317.028, 41519
3317.0210, or 3317.0211 of the Revised Code, the department of 41520
education shall reduce the adjustment or recomputation by an 41521

amount not to exceed the total amount of the grant, and an amount 41522
equal to the reduction shall be transferred, from the funding 41523
source from which the adjustment or recomputation would be paid, 41524
to the catastrophic expenditures account. Any adjustment or 41525
recomputation under such sections that is in excess of the total 41526
amount of the grant shall be paid to the school district. 41527

Sec. 3317.01. As used in this section and section 3317.011 of 41528
the Revised Code, "school district," unless otherwise specified, 41529
means any city, local, exempted village, joint vocational, or 41530
cooperative education school district and any educational service 41531
center. 41532

This chapter shall be administered by the state board of 41533
education. The superintendent of public instruction shall 41534
calculate the amounts payable to each school district and shall 41535
certify the amounts payable to each eligible district to the 41536
treasurer of the district as provided by this chapter. As soon as 41537
possible after such amounts are calculated, the superintendent 41538
shall certify to the treasurer of each school district the 41539
district's adjusted charge-off increase, as defined in section 41540
5705.211 of the Revised Code. No moneys shall be distributed 41541
pursuant to this chapter without the approval of the controlling 41542
board. 41543

The state board of education shall, in accordance with 41544
appropriations made by the general assembly, meet the financial 41545
obligations of this chapter. 41546

~~Annually, the department of education shall calculate and 41547
report to each school district the district's total state and 41548
local funds for providing an adequate basic education to the 41549
district's nondisabled students, utilizing the determination in 41550
section 3317.012 of the Revised Code. In addition, the department 41551
shall calculate and report separately for each school district the 41552~~

~~district's total state and local funds for providing an adequate education for its students with disabilities, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code.~~

~~Not later than the thirty first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate.~~

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed ~~at least monthly~~ periodically to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district.

~~The total amounts paid each month shall constitute, as nearly as possible, one twelfth of the total amount payable for the entire year.~~

~~Until fiscal year 2007, payments made during the first six months of the fiscal year may be based on an estimate of the amounts payable for the entire year. Payments made in the last six months shall be based on the final calculation of the amounts~~

~~payable to each school district for that fiscal year. Payments 41585
made in the last six months may be adjusted, if necessary, to 41586
correct the amounts distributed in the first six months, and to 41587
reflect enrollment increases when such are at least three per 41588
cent. 41589~~

~~Beginning in fiscal year 2007, payments shall be calculated 41590
to reflect the biannual reporting of average daily membership. In 41591
fiscal year 2007 and in each fiscal year thereafter, annualized 41592
periodic payments for each school district shall be based on the 41593
district's final student counts verified by the superintendent of 41594
public instruction based on reports under section 3317.03 of the 41595
Revised Code, as adjusted, if so ordered, under division (K) of 41596
that section, as follows: 41597~~

~~the sum of one half of the number of students verified 41598
and adjusted for the first full week in October 41599
plus one half of the average of the numbers 41600
verified and adjusted for the first full week 41601
in October and for the first full week in February 41602~~

Except as otherwise provided, payments under this chapter 41603
shall be made only to those school districts in which: 41604

(A) The school district, except for any educational service 41605
center and any joint vocational or cooperative education school 41606
district, levies for current operating expenses at least twenty 41607
mills. Levies for joint vocational or cooperative education school 41608
districts or county school financing districts, limited to or to 41609
the extent apportioned to current expenses, shall be included in 41610
this qualification requirement. School district income tax levies 41611
under Chapter 5748. of the Revised Code, limited to or to the 41612
extent apportioned to current operating expenses, shall be 41613
included in this qualification requirement to the extent 41614
determined by the tax commissioner under division (D) of section 41615
3317.021 of the Revised Code. 41616

(B) The ~~school~~ learning year next preceding the fiscal year 41617
for which such payments are authorized meets the requirement of 41618
section 3313.48 or 3313.481 of the Revised Code, with regard to 41619
the minimum number of days or hours school must be open for 41620
instruction with pupils in attendance, for individualized 41621
parent-teacher conference and reporting periods, and for 41622
professional meetings of teachers. ~~This requirement shall be~~ 41623
~~waived by the~~ The superintendent of public instruction ~~if~~ shall 41624
waive a number of days on which it had been necessary for a school 41625
to be closed because of disease epidemic, hazardous weather 41626
conditions, inoperability of school buses or other equipment 41627
necessary to the school's operation, damage to a school building, 41628
or other temporary circumstances due to utility failure rendering 41629
the school building unfit for school use, ~~provided that for those~~ 41630
~~school districts operating pursuant to section 3313.48 of the~~ 41631
~~Revised Code the number of days the school was actually open for~~ 41632
~~instruction with pupils in attendance and for individualized~~ 41633
~~parent teacher conference and reporting periods is not less than~~ 41634
~~one hundred seventy five, or for those school districts operating~~ 41635
~~on a trimester plan the number of days the school was actually~~ 41636
~~open for instruction with pupils in attendance not less than~~ 41637
~~seventy nine days in any trimester, for those school districts~~ 41638
~~operating on a quarterly plan the number of days the school was~~ 41639
~~actually open for instruction with pupils in attendance not less~~ 41640
~~than fifty nine days in any quarter, or for those school districts~~ 41641
~~operating on a pentamester plan the number of days the school was~~ 41642
~~actually open for instruction with pupils in attendance not less~~ 41643
~~than forty four days in any pentamester, as follows:~~ 41644

(1) In determining eligibility for payments under this 41645
chapter for fiscal years prior to fiscal year 2011, up to five 41646
days for the preceding learning year; 41647

(2) In determining eligibility for payments under this 41648

chapter for fiscal year 2011, up to three days for the 2009-2010 41649
learning year; 41650

(3) In determining eligibility for payments under this 41651
chapter for fiscal year 2012 and thereafter, up to one day for the 41652
preceding learning year. 41653

The state board shall adopt standards for the superintendent 41654
to apply in determining the waiver of days or hours for schools 41655
operating under section 3313.481 of the Revised Code. 41656

A school district shall not be considered to have failed to 41657
comply with this division or section 3313.481 of the Revised Code 41658
because schools were open for instruction but either twelfth grade 41659
students were excused from attendance for up to three days or only 41660
a portion of the kindergarten students were in attendance for up 41661
to three days in order to allow for the gradual orientation to 41662
school of such students. 41663

The superintendent of public instruction shall waive the 41664
requirements of this section with reference to the minimum number 41665
of days or hours school must be in session with pupils in 41666
attendance for the ~~school~~ learning year succeeding the ~~school~~ 41667
learning year in which a board of education initiates a plan of 41668
operation pursuant to section 3313.481 of the Revised Code. The 41669
minimum requirements of this section shall again be applicable to 41670
such a district beginning with the ~~school~~ learning year commencing 41671
the second July succeeding the initiation of one such plan, and 41672
for each school year thereafter. 41673

A school district shall not be considered to have failed to 41674
comply with this division or section 3313.48 or 3313.481 of the 41675
Revised Code because schools were open for instruction but the 41676
length of the regularly scheduled ~~school~~ learning day, for any 41677
number of days during the ~~school~~ learning year, was reduced by not 41678
more than two hours due to hazardous weather conditions. 41679

(C) The school district has on file, and is paying in 41680
accordance with, a teachers' salary schedule which complies with 41681
section 3317.13 of the Revised Code. 41682

A board of education or governing board of an educational 41683
service center which has not conformed with other law and the 41684
rules pursuant thereto, shall not participate in the distribution 41685
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 41686
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 41687
and sufficient reason established to the satisfaction of the state 41688
board of education and the state controlling board. 41689

All funds allocated to school districts under this chapter, 41690
except those specifically allocated for other purposes, shall be 41691
used to pay current operating expenses only. 41692

Sec. 3317.018. (A) The department of education shall make no 41693
calculations or payments under Chapter 3317. of the Revised Code 41694
for any fiscal year after fiscal year 2009 except as prescribed in 41695
this section. 41696

(B) School districts shall report student enrollment data as 41697
prescribed by section 3317.03 of the Revised Code, which data the 41698
department shall use to make payments under Chapters 3306. and 41699
3317. of the Revised Code. 41700

(C) The tax commissioner shall report data regarding tax 41701
valuation and receipts for school districts as prescribed by 41702
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 41703
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of 41704
section 3317.02 of the Revised Code, which data the department 41705
shall use to make payments under Chapters 3306. and 3317. of the 41706
Revised Code. 41707

(D) Unless otherwise specified by another provision of law, 41708
in addition to the payments prescribed by Chapter 3306. of the 41709

Revised Code, the department shall continue to make payments to or 41710
adjustments for school districts in fiscal years after fiscal year 41711
2009 under the following provisions of Chapter 3317. of the 41712
Revised Code: 41713

(1) The catastrophic cost reimbursement under division (C)(3) 41714
of section 3317.022 of the Revised Code. No other payments shall 41715
be made under that section. 41716

(2) All payments or adjustments under section 3317.023 of the 41717
Revised Code, except no payments or adjustments shall be made 41718
under divisions (B), (C), and (D) of that section. 41719

(3) All payments or adjustments under section 3317.024 of the 41720
Revised Code, except no payments or adjustments shall be made 41721
under divisions (F), (L), and (N) of that section. 41722

(4) All payments and adjustments under sections 3317.025, 41723
3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the 41724
Revised Code; 41725

(5) Payments under section 3317.04 of the Revised Code; 41726

(6) Unit payments under sections 3317.05, 3317.051, 3317.052, 41727
and 3317.053 of the Revised Code, except that no units for gifted 41728
funding are authorized after fiscal year 2009. 41729

(7) Payments under sections 3317.06, 3317.063, and 3317.064 41730
of the Revised Code; 41731

(8) Payments under section 3317.07 of the Revised Code; 41732

(9) Payments to educational service centers under section 41733
3317.11 of the Revised Code; 41734

(10) The catastrophic cost reimbursement under division (E) 41735
of section 3317.16 of the Revised Code and excess cost 41736
reimbursements under division (G) of that section. No other 41737
payments shall be made under that section; 41738

(11) Payments under section 3317.17 of the Revised Code; 41739

<u>(12) Adjustments under section 3317.18 of the Revised Code;</u>	41740
<u>(13) Payments to cooperative education school districts under section 3317.19 of the Revised Code;</u>	41741 41742
<u>(14) Payments to county MR/DD boards under section 3317.20 of the Revised Code;</u>	41743 41744
<u>(15) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.</u>	41745 41746
<u>(E) Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.</u>	41747 41748
<u>(F) This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15, 3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised Code.</u>	41749 41750 41751 41752 41753
Sec. 3317.02. As used in this chapter:	41754
(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.	41755 41756
(B) "Formula amount" means the base cost for the fiscal year specified in division (B)(4) of section 3317.012 of the Revised Code <u>\$5,841, for fiscal year 2010, and \$5,952, for fiscal year 2011.</u>	41757 41758 41759 41760
(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.	41761 41762 41763 41764 41765 41766 41767 41768

(D) "Formula ADM" means, for a city, local, or exempted village school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (A) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section "formula ADM" as defined in section 3306.02 of the Revised Code. "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. ~~Beginning in fiscal year 2007, for payments in which formula ADM is a factor, the formula ADM for each school district for the fiscal year is the sum of one half of the number verified and adjusted for October of that fiscal year plus one half of the average of the numbers verified and adjusted for October and February of that fiscal year.~~ For purposes of the calculation of payments to or adjustments for a city, exempted village, local, or joint vocational school district under this chapter or under Chapter 3306. of the Revised Code, calculations required under Chapter 3318. of the Revised Code, or adjustments required under Chapter 3365. of the Revised Code, the department of education shall use the district's formula ADM as reported and verified under section 3317.03 of the Revised Code for the previous fiscal year, unless the district's formula ADM as so reported and verified for the current fiscal year is at least two per cent greater than the formula ADM reported for the previous fiscal year, in which case the department shall use the district's formula ADM for the current fiscal year.

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(E) "Three-year average formula ADM" means the average of formula ADMs for the preceding three fiscal years.

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(F)(1) "Category one special education ADM" means the average

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daily membership of children with disabilities receiving special 41801
education services for the disability specified in division 41802
~~(A)(C)(1)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and 41803
reported under division (B)(5) or (D)(2)(b) of section 3317.03 of 41804
the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 41805
~~category one special education ADM for a fiscal year is the sum of~~ 41806
~~one half of the number reported for October of that fiscal year~~ 41807
~~plus one half of the average of the numbers reported for October~~ 41808
~~and February of that fiscal year.~~ 41809

(2) "Category two special education ADM" means the average 41810
daily membership of children with disabilities receiving special 41811
education services for those disabilities specified in division 41812
~~(B)(C)(2)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and 41813
reported under division (B)(6) or (D)(2)(c) of section 3317.03 of 41814
the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 41815
~~category two special education ADM for a fiscal year is the sum of~~ 41816
~~one half of the number reported for October of that fiscal year~~ 41817
~~plus one half of the average of the numbers reported for October~~ 41818
~~and February of that fiscal year.~~ 41819

(3) "Category three special education ADM" means the average 41820
daily membership of students receiving special education services 41821
for those disabilities specified in division (C)(3) of section 41822
~~3317.013~~ 3306.02 of the Revised Code, and reported under division 41823
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 41824
~~Beginning in fiscal year 2007, the district's category three~~ 41825
~~special education ADM for a fiscal year is the sum of one half of~~ 41826
~~the number reported for October of that fiscal year plus one half~~ 41827
~~of the average of the numbers reported for October and February of~~ 41828
~~that fiscal year.~~ 41829

(4) "Category four special education ADM" means the average 41830
daily membership of students receiving special education services 41831
for those disabilities specified in division ~~(D)(C)(4)~~ of section 41832

~~3317.013 3306.02~~ of the Revised Code and reported under division 41833
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 41834
~~Beginning in fiscal year 2007, the district's category four~~ 41835
~~special education ADM for a fiscal year is the sum of one half of~~ 41836
~~the number reported for October of that fiscal year plus one half~~ 41837
~~of the average of the numbers reported for October and February of~~ 41838
~~that fiscal year.~~ 41839

(5) "Category five special education ADM" means the average 41840
daily membership of students receiving special education services 41841
for the disabilities specified in division ~~(E)(C)(5)~~ of section 41842
~~3317.013 3306.02~~ of the Revised Code and reported under division 41843
(B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 41844
~~Beginning in fiscal year 2007, the district's category five~~ 41845
~~special education ADM for a fiscal year is the sum of one half of~~ 41846
~~the number reported for October of that fiscal year plus one half~~ 41847
~~of the average of the numbers reported for October and February of~~ 41848
~~that fiscal year.~~ 41849

(6) "Category six special education ADM" means the average 41850
daily membership of students receiving special education services 41851
for the disabilities specified in division ~~(F)(C)(6)~~ of section 41852
~~3317.013 3306.02~~ of the Revised Code and reported under division 41853
(B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 41854
~~Beginning in fiscal year 2007, the district's category six special~~ 41855
~~education ADM for a fiscal year is the sum of one half of the~~ 41856
~~number reported for October of that fiscal year plus one half of~~ 41857
~~the average of the numbers reported for October and February of~~ 41858
~~that fiscal year.~~ 41859

(7) "Category one vocational education ADM" means the average 41860
daily membership of students receiving vocational education 41861
services described in division (A) of section 3317.014 of the 41862
Revised Code and reported under division (B)(11) or (D)(2)(h) of 41863
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 41864

~~2007, the district's category one vocational education ADM for a 41865
fiscal year is the sum of one half of the number reported for 41866
October of that fiscal year plus one half of the average of the 41867
numbers reported for October and February of that fiscal year. 41868~~

(8) "Category two vocational education ADM" means the average 41869
daily membership of students receiving vocational education 41870
services described in division (B) of section 3317.014 of the 41871
Revised Code and reported under division (B)(12) or (D)(2)(i) of 41872
section 3317.03 of the Revised Code. ~~Beginning in fiscal year 41873
2007, the district's category two vocational education ADM for a 41874
fiscal year is the sum of one half of the number reported for 41875
October of that fiscal year plus one half of the average of the 41876
numbers reported for October and February of that fiscal year. 41877~~

(G) "Preschool child with a disability" means a child with a 41878
disability, as defined in section 3323.01 of the Revised Code, who 41879
is at least age three but is not of compulsory school age, as 41880
defined in section 3321.01 of the Revised Code, and who is not 41881
currently enrolled in kindergarten. 41882

(H) "County MR/DD board" means a county board of mental 41883
retardation and developmental disabilities. 41884

(I) "Recognized valuation" means the amount calculated for a 41885
school district pursuant to section 3317.015 of the Revised Code. 41886

(J) "Transportation ADM" means the number of children 41887
reported under division (B)(13) of section 3317.03 of the Revised 41888
Code. 41889

(K) "Average efficient transportation use cost per student" 41890
means a statistical representation of transportation costs as 41891
calculated under division (D)(2) of section 3317.022 of the 41892
Revised Code. 41893

(L) "Taxes charged and payable" means the taxes charged and 41894
payable against real and public utility property after making the 41895

reduction required by section 319.301 of the Revised Code, plus 41896
the taxes levied against tangible personal property. 41897

(M) "Total taxable value" means the sum of the amounts 41898
certified for a city, local, exempted village, or joint vocational 41899
school district under divisions (A)(1) and (2) of section 3317.021 41900
of the Revised Code. 41901

(N) "Tax exempt value" of a school district means the amount 41902
certified for a school district under division (A)(4) of section 41903
3317.021 of the Revised Code. 41904

(O) "Potential value" of a school district means the 41905
recognized valuation of a school district plus the tax exempt 41906
value of the district. 41907

(P) "District median income" means the median Ohio adjusted 41908
gross income certified for a school district. On or before the 41909
first day of July of each year, the tax commissioner shall certify 41910
to the department of education and the office of budget and 41911
management for each city, exempted village, and local school 41912
district the median Ohio adjusted gross income of the residents of 41913
the school district determined on the basis of tax returns filed 41914
for the second preceding tax year by the residents of the 41915
district. 41916

(Q) "Statewide median income" means the median district 41917
median income of all city, exempted village, and local school 41918
districts in the state. 41919

(R) "Income factor" for a city, exempted village, or local 41920
school district means the quotient obtained by dividing that 41921
district's median income by the statewide median income. 41922

(S) "Medically fragile child" means a child to whom all of 41923
the following apply: 41924

(1) The child requires the services of a doctor of medicine 41925

or osteopathic medicine at least once a week due to the 41926
instability of the child's medical condition. 41927

(2) The child requires the services of a registered nurse on 41928
a daily basis. 41929

(3) The child is at risk of institutionalization in a 41930
hospital, skilled nursing facility, or intermediate care facility 41931
for the mentally retarded. 41932

(T) A child may be identified as having an "other health 41933
impairment-major" if the child's condition meets the definition of 41934
"other health impaired" established in rules adopted by the state 41935
board of education prior to July 1, 2001, and if either of the 41936
following apply: 41937

(1) The child is identified as having a medical condition 41938
that is among those listed by the superintendent of public 41939
instruction as conditions where a substantial majority of cases 41940
fall within the definition of "medically fragile child." The 41941
superintendent of public instruction shall issue an initial list 41942
no later than September 1, 2001. 41943

(2) The child is determined by the superintendent of public 41944
instruction to be a medically fragile child. A school district 41945
superintendent may petition the superintendent of public 41946
instruction for a determination that a child is a medically 41947
fragile child. 41948

(U) A child may be identified as having an "other health 41949
impairment-minor" if the child's condition meets the definition of 41950
"other health impaired" established in rules adopted by the state 41951
board of education prior to July 1, 2001, but the child's 41952
condition does not meet either of the conditions specified in 41953
division (T)(1) or (2) of this section. 41954

(V) "State education aid" has the same meaning as in section 41955
5751.20 of the Revised Code. 41956

(W) "Property exemption value" means zero in fiscal year 2006, and in fiscal year 2007 and each fiscal year thereafter, the amount certified for a school district under divisions (A)(6) and (7) of section 3317.021 of the Revised Code.

(X) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(Y) "State share percentage" has the same meaning as in section 3306.02 of the Revised Code.

Sec. 3317.021. ~~(A)~~ The information certified under this section shall be used to calculate payments under this chapter and Chapter 3306. of the Revised Code.

(A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to ~~(8)~~(7) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under ~~sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16~~ this chapter and Chapter 3306. of the Revised Code.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year

and the total property tax rate and the total taxes charged and 41987
payable to a joint vocational district for the preceding tax year 41988
that are limited to or to the extent apportioned to current 41989
expenses. 41990

(b) The portion of the amount of taxes charged and payable 41991
reported for each city, local, and exempted village school 41992
district under division (A)(3)(a) of this section attributable to 41993
a joint vocational school district. 41994

(4) The For fiscal years prior to fiscal year 2010, the value 41995
of all real and public utility real property in the school 41996
district exempted from taxation minus both of the following: 41997

(a) The value of real and public utility real property in the 41998
district owned by the United States government and used 41999
exclusively for a public purpose; 42000

(b) The value of real and public utility real property in the 42001
district exempted from taxation under Chapter 725. or 1728. or 42002
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 42003
5709.73, or 5709.78 of the Revised Code. 42004

The tax commissioner need not report information prescribed 42005
by division (A)(4) of this section for fiscal years after fiscal 42006
year 2009. 42007

(5) The total federal adjusted gross income of the residents 42008
of the school district, based on tax returns filed by the 42009
residents of the district, for the most recent year for which this 42010
information is available. 42011

(6) The sum of the school district compensation value as 42012
indicated on the list of exempted property for the preceding tax 42013
year under section 5713.08 of the Revised Code as if such property 42014
had been assessed for taxation that year and the other 42015
compensation value for the school district, minus the amounts 42016
described in divisions (A)(6)(c) to (i) of this section. The 42017

portion of school district compensation value or other 42018
compensation value attributable to an incentive district exemption 42019
may be subtracted only once even if that incentive district 42020
satisfies more than one of the criteria in divisions (A)(6)(c) to 42021
(i) of this section. 42022

(a) "School district compensation value" means the aggregate 42023
value of real property in the school district exempted from 42024
taxation pursuant to an ordinance or resolution adopted under 42025
division (C) of section 5709.40, division (C) of section 5709.73, 42026
or division (B) of section 5709.78 of the Revised Code to the 42027
extent that the exempted value results in the charging of payments 42028
in lieu of taxes required to be paid to the school district under 42029
division (D)(1) or (2) of section 5709.40, division (D) of section 42030
5709.73, or division (C) of section 5709.78 of the Revised Code. 42031

(b) "Other compensation value" means the quotient that 42032
results from dividing (i) the dollar value of compensation 42033
received by the school district during the preceding tax year 42034
pursuant to division (B), (C), or (D) of section 5709.82 of the 42035
Revised Code and the amounts received pursuant to an agreement as 42036
specified in division (D)(2) of section 5709.40, division (D) of 42037
section 5709.73, or division (C) of section 5709.78 of the Revised 42038
Code to the extent those amounts were not previously reported or 42039
included in division (A)(6)(a) of this section, and so that any 42040
such amount is reported only once under division (A)(6)(b) of this 42041
section, in relation to exemptions from taxation granted pursuant 42042
to an ordinance or resolution adopted under division (C) of 42043
section 5709.40, division (C) of section 5709.73, or division (B) 42044
of section 5709.78 of the Revised Code, by (ii) the real property 42045
tax rate in effect for the preceding tax year for 42046
nonresidential/agricultural real property after making the 42047
reductions required by section 319.301 of the Revised Code. 42048

(c) The portion of school district compensation value or 42049

other compensation value that was exempted from taxation pursuant 42050
to such an ordinance or resolution for the preceding tax year, if 42051
the ordinance or resolution is adopted prior to January 1, 2006, 42052
and the legislative authority or board of township trustees or 42053
county commissioners, prior to January 1, 2006, executes a 42054
contract or agreement with a developer, whether for-profit or 42055
not-for-profit, with respect to the development of a project 42056
undertaken or to be undertaken and identified in the ordinance or 42057
resolution, and upon which parcels such project is being, or will 42058
be, undertaken; 42059

(d) The portion of school district compensation value that 42060
was exempted from taxation for the preceding tax year and for 42061
which payments in lieu of taxes for the preceding tax year were 42062
provided to the school district under division (D)(1) of section 42063
5709.40 of the Revised Code. 42064

(e) The portion of school district compensation value that 42065
was exempted from taxation for the preceding tax year pursuant to 42066
such an ordinance or resolution, if and to the extent that, on or 42067
before April 1, 2006, the fiscal officer of the municipal 42068
corporation that adopted the ordinance, or of the township or 42069
county that adopted the resolution, certifies and provides 42070
appropriate supporting documentation to the tax commissioner and 42071
the director of development that, based on hold-harmless 42072
provisions in any agreement between the school district and the 42073
legislative authority of the municipal corporation, board of 42074
township trustees, or board of county commissioners that was 42075
entered into on or before June 1, 2005, the ability or obligation 42076
of the municipal corporation, township, or county to repay bonds, 42077
notes, or other financial obligations issued or entered into prior 42078
to January 1, 2006, will be impaired, including obligations to or 42079
of any other body corporate and politic with whom the legislative 42080
authority of the municipal corporation or board of township 42081

trustees or county commissioners has entered into an agreement 42082
pertaining to the use of service payments derived from the 42083
improvements exempted; 42084

(f) The portion of school district compensation value that 42085
was exempted from taxation for the preceding tax year pursuant to 42086
such an ordinance or resolution, if the ordinance or resolution is 42087
adopted prior to January 1, 2006, in a municipal corporation with 42088
a population that exceeds one hundred thousand, as shown by the 42089
most recent federal decennial census, that includes a major 42090
employment center and that is adjacent to historically distressed 42091
neighborhoods, if the legislative authority of the municipal 42092
corporation that exempted the property prepares an economic 42093
analysis that demonstrates that all taxes generated within the 42094
incentive district accruing to the state by reason of improvements 42095
constructed within the district during its existence exceed the 42096
amount the state pays the school district under section 3317.022 42097
of the Revised Code attributable to such property exemption from 42098
the school district's recognized valuation. The analysis shall be 42099
submitted to and approved by the department of development prior 42100
to January 1, 2006, and the department shall not unreasonably 42101
withhold approval. 42102

(g) The portion of school district compensation value that 42103
was exempted from taxation for the preceding tax year under such 42104
an ordinance or resolution, if the ordinance or resolution is 42105
adopted prior to January 1, 2006, and if service payments have 42106
been pledged to be used for mixed-use riverfront entertainment 42107
development in any county with a population that exceeds six 42108
hundred thousand, as shown by the most recent federal decennial 42109
census; 42110

(h) The portion of school district compensation value that 42111
was exempted from taxation for the preceding tax year under such 42112
an ordinance or resolution, if, prior to January 1, 2006, the 42113

legislative authority of a municipal corporation, board of 42114
township trustees, or board of county commissioners has pledged 42115
service payments for a designated transportation capacity project 42116
approved by the transportation review advisory council under 42117
Chapter 5512. of the Revised Code; 42118

(i) The portion of school district compensation value that 42119
was exempted from taxation for the preceding tax year under such 42120
an ordinance or resolution if the legislative authority of a 42121
municipal corporation, board of township trustees, or board of 42122
county commissioners have, by January 1, 2006, pledged proceeds 42123
for designated transportation improvement projects that involve 42124
federal funds for which the proceeds are used to meet a local 42125
share match requirement for such funding. 42126

As used in division (A)(6) of this section, "project" has the 42127
same meaning as in section 5709.40 of the Revised Code. 42128

(7) The aggregate value of real property in the school 42129
district for which an exemption from taxation is granted by an 42130
ordinance or resolution adopted on or after January 1, 2006, under 42131
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 42132
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 42133
Code, as indicated on the list of exempted property for the 42134
preceding tax year under section 5713.08 of the Revised Code and 42135
as if such property had been assessed for taxation that year, 42136
minus the product determined by multiplying (a) the aggregate 42137
value of the real property in the school district exempted from 42138
taxation for the preceding tax year under any of the chapters or 42139
sections specified in this division, by (b) a fraction, the 42140
numerator of which is the difference between (i) the amount of 42141
anticipated revenue such school district would have received for 42142
the preceding tax year if the real property exempted from taxation 42143
had not been exempted from taxation and (ii) the aggregate amount 42144
of payments in lieu of taxes on the exempt real property for the 42145

preceding tax year and other compensation received for the 42146
preceding tax year by the school district pursuant to any 42147
agreements entered into on or after January 1, 2006, under section 42148
5709.82 of the Revised Code between the school district and the 42149
legislative authority of a political subdivision that acted under 42150
the authority of a chapter or statute specified in this division, 42151
that were entered into in relation to such exemption, and the 42152
denominator of which is the amount of anticipated revenue such 42153
school district would have received in the preceding fiscal year 42154
if the real property exempted from taxation had not been exempted. 42155

~~(8) For each school district receiving payments under 42156
division (B) or (C) of section 3317.0216 of the Revised Code 42157
during the current fiscal year, as included on the most recent 42158
list of such districts sent to the tax commissioner under division 42159
(F) of that section, the following: 42160~~

~~(a) The portion of the total amount of taxes charged and 42161
payable for current expenses certified under division (A)(3)(a) of 42162
this section that is attributable to each new levy approved and 42163
charged in the preceding tax year and the respective tax rate of 42164
each of those new levies; 42165~~

~~(b) The portion of the total taxes collected for current 42166
expenses under a school district income tax adopted pursuant to 42167
section 5748.03 or 5748.08 of the Revised Code, as certified under 42168
division (A)(2) of section 3317.08 of the Revised Code, that is 42169
attributable to each new school district income tax first 42170
effective in the current taxable year or in the preceding taxable 42171
year. 42172~~

(B) On or before the first day of May each year, the tax 42173
commissioner shall certify to the department of education and the 42174
office of budget and management the total taxable real property 42175
value of railroads and, separately, the total taxable tangible 42176
personal property value of all public utilities for the preceding 42177

tax year, by school district and by county of location. 42178

(C) If a public utility has properly and timely filed a 42179
petition for reassessment under section 5727.47 of the Revised 42180
Code with respect to an assessment issued under section 5727.23 of 42181
the Revised Code affecting taxable property apportioned by the tax 42182
commissioner to a school district, the taxable value of public 42183
utility tangible personal property included in the certification 42184
under divisions (A)(2) and (B) of this section for the school 42185
district shall include only the amount of taxable value on the 42186
basis of which the public utility paid tax for the preceding year 42187
as provided in division (B)(1) or (2) of section 5727.47 of the 42188
Revised Code. 42189

(D) If on the basis of the information certified under 42190
division (A) of this section, the department determines that any 42191
district fails in any year to meet the qualification requirement 42192
specified in division (A)(1) of section 3306.01 and division (A) 42193
of section 3317.01 of the Revised Code, the department shall 42194
immediately request the tax commissioner to determine the extent 42195
to which any school district income tax levied by the district 42196
under Chapter 5748. of the Revised Code shall be included in 42197
meeting that requirement. Within five days of receiving such a 42198
request from the department, the tax commissioner shall make the 42199
determination required by this division and report the quotient 42200
obtained under division (D)(3) of this section to the department 42201
and the office of budget and management. This quotient represents 42202
the number of mills that the department shall include in 42203
determining whether the district meets the qualification 42204
requirement of division (A)(1) of section 3306.01 and division (A) 42205
of section 3317.01 of the Revised Code. 42206

The tax commissioner shall make the determination required by 42207
this division as follows: 42208

(1) Multiply one mill times the total taxable value of the 42209

district as determined in divisions (A)(1) and (2) of this 42210
section; 42211

(2) Estimate the total amount of tax liability for the 42212
current tax year under taxes levied by Chapter 5748. of the 42213
Revised Code that are apportioned to current operating expenses of 42214
the district, excluding any income tax receipts allocated for the 42215
project cost, debt service, or maintenance set-aside associated 42216
with a state-assisted classroom facilities project as authorized 42217
by section 3318.052 of the Revised Code; 42218

(3) Divide the amount estimated under division (D)(2) of this 42219
section by the product obtained under division (D)(1) of this 42220
section. 42221

(E)(1) On or before June 1, 2006, and the first day of April 42222
of each year thereafter, the director of development shall report 42223
to the department of education, the tax commissioner, and the 42224
director of budget and management the total amounts of payments 42225
received by each city, local, exempted village, or joint 42226
vocational school district for the preceding tax year pursuant to 42227
division (D) of section 5709.40, division (D) of section 5709.73, 42228
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 42229
or (D) of section 5709.82 of the Revised Code in relation to 42230
exemptions from taxation granted pursuant to an ordinance adopted 42231
by the legislative authority of a municipal corporation under 42232
division (C) of section 5709.40 of the Revised Code, or a 42233
resolution adopted by a board of township trustees or board of 42234
county commissioners under division (C) of section 5709.73 or 42235
division (B) of section 5709.78 of the Revised Code, respectively. 42236
On or before April 1, 2006, and the first day of March of each 42237
year thereafter, the treasurer of each city, local, exempted 42238
village, or joint vocational school district that has entered into 42239
such an agreement shall report to the director of development the 42240
total amounts of such payments the district received for the 42241

preceding tax year as provided in this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.

(2) On or before April 1, 2007, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to divisions (B), (C), and (D) of section 5709.82 of the Revised Code in relation to exemptions from taxation granted pursuant to ordinances or resolutions adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code. On or before March 1, 2007, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided by this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.

Sec. 3317.022. (A)(1) The department of education shall compute and distribute state base cost funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, according to the following formula:

{[the formula amount X (formula ADM + 42274
preschool scholarship ADM)] + 42275
the sum of the base funding supplements 42276
prescribed in divisions (C)(1) to (4) 42277
of section 3317.012 of the Revised Code} - 42278
[.023 x (the sum of recognized valuation 42279
and property exemption value)] + 42280
the amounts calculated for the district under 42281
sections 3317.029 and 3317.0217 of the Revised Code 42282

If the difference obtained is a negative number, the 42283
district's computation shall be zero. 42284

(2)(a) For each school district for which the tax exempt 42285
value of the district equals or exceeds twenty-five per cent of 42286
the potential value of the district, the department of education 42287
shall calculate the difference between the district's tax exempt 42288
value and twenty-five per cent of the district's potential value. 42289

(b) For each school district to which division (A)(2)(a) of 42290
this section applies, the department shall adjust the recognized 42291
valuation used in the calculation under division (A)(1) of this 42292
section by subtracting from it the amount calculated under 42293
division (A)(2)(a) of this section. 42294

(B) As used in this section: 42295

(1) The "total special education weight" for a district means 42296
the sum of the following amounts: 42297

(a) The district's category one special education ADM 42298
multiplied by the multiple specified in division (A) of section 42299
3317.013 of the Revised Code; 42300

(b) The district's category two special education ADM 42301
multiplied by the multiple specified in division (B) of section 42302
3317.013 of the Revised Code; 42303

(c) The district's category three special education ADM 42304

multiplied by the multiple specified in division (C) of section 42305
3317.013 of the Revised Code; 42306

(d) The district's category four special education ADM 42307
multiplied by the multiple specified in division (D) of section 42308
3317.013 of the Revised Code; 42309

(e) The district's category five special education ADM 42310
multiplied by the multiple specified in division (E) of section 42311
3317.013 of the Revised Code; 42312

(f) The district's category six special education ADM 42313
multiplied by the multiple specified in division (F) of section 42314
3317.013 of the Revised Code. 42315

(2) ~~"State share percentage" means the percentage calculated 42316
for a district as follows: 42317~~

~~(a) Calculate the state base cost funding amount for the 42318
district for the fiscal year under division (A) of this section. 42319
If the district would not receive any state base cost funding for 42320
that year under that division, the district's state share 42321
percentage is zero. 42322~~

~~(b) If the district would receive state base cost funding 42323
under that division, divide that amount by an amount equal to the 42324
following: 42325~~

~~(the formula amount X formula ADM) + 42326
the sum of the base funding supplements 42327
prescribed in divisions (C)(1) to (4) 42328
of section 3317.012 of the Revised Code + 42329
the sum of the amounts calculated for the district under 42330
sections 3317.029 and 3317.0217 of the Revised Code 42331~~

~~The resultant number is the district's state share 42332
percentage. 42333~~

~~(3) "Related services" includes: 42334~~

(a) Child study, special education supervisors and 42335
coordinators, speech and hearing services, adaptive physical 42336
development services, occupational or physical therapy, teacher 42337
assistants for children with disabilities whose disabilities are 42338
described in division (B) of section 3317.013 or division (F)(3) 42339
of section 3317.02 of the Revised Code, behavioral intervention, 42340
interpreter services, work study, nursing services, and 42341
specialized integrative services as those terms are defined by the 42342
department; 42343

(b) Speech and language services provided to any student with 42344
a disability, including any student whose primary or only 42345
disability is a speech and language disability; 42346

(c) Any related service not specifically covered by other 42347
state funds but specified in federal law, including but not 42348
limited to, audiology and school psychological services; 42349

(d) Any service included in units funded under former 42350
division (O)(1) of section 3317.024 of the Revised Code; 42351

(e) Any other related service needed by children with 42352
disabilities in accordance with their individualized education 42353
programs. 42354

~~(4)~~(3) The "total vocational education weight" for a district 42355
means the sum of the following amounts: 42356

(a) The district's category one vocational education ADM 42357
multiplied by the multiple specified in division (A) of section 42358
3317.014 of the Revised Code; 42359

(b) The district's category two vocational education ADM 42360
multiplied by the multiple specified in division (B) of section 42361
3317.014 of the Revised Code. 42362

~~(5)~~(4) "Preschool scholarship ADM" means the number of 42363
preschool children with disabilities reported under division 42364

(B)(3)(h) of section 3317.03 of the Revised Code. 42365

(C)(1) The department shall compute and distribute state 42366
special education and related services additional weighted costs 42367
funds to each school district in accordance with the following 42368
formula: 42369

The district's state share percentage X 42370
the formula amount for the year for which 42371
the aid is calculated X the district's 42372
total special education weight 42373

(2) The attributed local share of special education and 42374
related services additional weighted costs equals: 42375

(1 - the district's state share percentage) X the district's 42376
total special education weight X the formula amount 42377

(3)(a) The department shall compute and pay in accordance 42378
with this division additional state aid to school districts for 42379
students in categories two through six special education ADM. If a 42380
district's costs for the fiscal year for a student in its 42381
categories two through six special education ADM exceed the 42382
threshold catastrophic cost for serving the student, the district 42383
may submit to the superintendent of public instruction 42384
documentation, as prescribed by the superintendent, of all its 42385
costs for that student. Upon submission of documentation for a 42386
student of the type and in the manner prescribed, the department 42387
shall pay to the district an amount equal to the sum of the 42388
following: 42389

(i) One-half of the district's costs for the student in 42390
excess of the threshold catastrophic cost; 42391

(ii) The product of one-half of the district's costs for the 42392
student in excess of the threshold catastrophic cost multiplied by 42393
the district's state share percentage. 42394

(b) For purposes of division (C)(3)(a) of this section, the 42395

threshold catastrophic cost for serving a student equals: 42396

(i) For a student in the school district's category two, 42397
three, four, or five special education ADM, twenty-seven thousand 42398
three hundred seventy-five dollars ~~in fiscal years 2008 and 2009;~~ 42399

(ii) For a student in the district's category six special 42400
education ADM, thirty-two thousand eight hundred fifty dollars ~~in~~ 42401
~~fiscal years 2008 and 2009.~~ 42402

(c) The district shall only report under division (C)(3)(a) 42403
of this section, and the department shall only pay for, the costs 42404
of educational expenses and the related services provided to the 42405
student in accordance with the student's individualized education 42406
program. Any legal fees, court costs, or other costs associated 42407
with any cause of action relating to the student may not be 42408
included in the amount. 42409

(4)(a) As used in this division, the "personnel allowance" 42410
means thirty thousand dollars in fiscal years 2008 and 2009. 42411

(b) For the provision of speech language pathology services 42412
to students, including students who do not have individualized 42413
education programs prepared for them under Chapter 3323. of the 42414
Revised Code, and for no other purpose, the department of 42415
education shall pay each school district an amount calculated 42416
under the following formula: 42417

(formula ADM divided by 2000) X 42418
the personnel allowance X 42419
the state share percentage 42420

(5) In any fiscal year, a school district shall spend for 42421
purposes that the department designates as approved for special 42422
education and related services expenses at least the amount 42423
calculated as follows: 42424

(formula amount X the sum of categories 42425
one through six special education ADM) + 42426

(total special education weight X formula amount) 42427

The purposes approved by the department for special education 42428
expenses shall include, but shall not be limited to, 42429
identification of children with disabilities, compliance with 42430
state rules governing the education of children with disabilities 42431
and prescribing the continuum of program options for children with 42432
disabilities, provision of speech language pathology services, and 42433
the portion of the school district's overall administrative and 42434
overhead costs that are attributable to the district's special 42435
education student population. 42436

The scholarships deducted from the school district's account 42437
under section 3310.41 of the Revised Code shall be considered to 42438
be an approved special education and related services expense for 42439
the purpose of the school district's compliance with division 42440
(C)(5) of this section. 42441

The department shall require school districts to report data 42442
annually to allow for monitoring compliance with division (C)(5) 42443
of this section. The department shall annually report to the 42444
governor and the general assembly the amount of money spent by 42445
each school district for special education and related services. 42446

(6) In any fiscal year, a school district shall spend for the 42447
provision of speech language pathology services not less than the 42448
sum of the amount calculated under division (C)(1) of this section 42449
for the students in the district's category one special education 42450
ADM and the amount calculated under division (C)(4) of this 42451
section. 42452

(D)(1) As used in this division: 42453

(a) "Daily bus miles per student" equals the number of bus 42454
miles traveled per day, divided by transportation base. 42455

(b) "Transportation base" equals total student count as 42456
defined in section 3301.011 of the Revised Code, minus the number 42457

of students enrolled in units for preschool children with 42458
disabilities, plus the number of nonpublic school students 42459
included in transportation ADM. 42460

(c) "Transported student percentage" equals transportation 42461
ADM divided by transportation base. 42462

(d) "Transportation cost per student" equals total operating 42463
costs for board-owned or contractor-operated school buses divided 42464
by transportation base. 42465

(2) Analysis of student transportation cost data has resulted 42466
in a finding that an average efficient transportation use cost per 42467
student can be calculated by means of a regression formula that 42468
has as its two independent variables the number of daily bus miles 42469
per student and the transported student percentage. For fiscal 42470
year 1998 transportation cost data, the average efficient 42471
transportation use cost per student is expressed as follows: 42472

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 42473 \\ (116.25573 \times \text{transported student percentage}) 42474$$

The department of education shall annually determine the 42475
average efficient transportation use cost per student in 42476
accordance with the principles stated in division (D)(2) of this 42477
section, updating the intercept and regression coefficients of the 42478
regression formula modeled in this division, based on an annual 42479
statewide analysis of each school district's daily bus miles per 42480
student, transported student percentage, and transportation cost 42481
per student data. The department shall conduct the annual update 42482
using data, including daily bus miles per student, transported 42483
student percentage, and transportation cost per student data, from 42484
the prior fiscal year. The department shall notify the office of 42485
budget and management of such update by the fifteenth day of 42486
February of each year. 42487

(3) In addition to funds paid under divisions (A), (C), and 42488

(E) of this section, each district with a transported student 42489
percentage greater than zero shall receive a payment equal to a 42490
percentage of the product of the district's transportation base 42491
from the prior fiscal year times the annually updated average 42492
efficient transportation use cost per student, times an inflation 42493
factor of two and eight_tenths per cent to account for the 42494
one-year difference between the data used in updating the formula 42495
and calculating the payment and the year in which the payment is 42496
made. The percentage shall be the following percentage of that 42497
product specified for the corresponding fiscal year: 42498

FISCAL YEAR	PERCENTAGE	
2000	52.5%	42500
2001	55%	42501
2002	57.5%	42502
2003 and thereafter	The greater of 60% or the district's state share percentage	42503

The payments made under division (D)(3) of this section each 42504
year shall be calculated based on all of the same prior year's 42505
data used to update the formula. 42506

(4) In addition to funds paid under divisions (D)(2) and (3) 42507
of this section, a school district shall receive a rough road 42508
subsidy if both of the following apply: 42509

(a) Its county rough road percentage is higher than the 42510
statewide rough road percentage, as those terms are defined in 42511
division (D)(5) of this section; 42512

(b) Its district student density is lower than the statewide 42513
student density, as those terms are defined in that division. 42514

(5) The rough road subsidy paid to each district meeting the 42515
qualifications of division (D)(4) of this section shall be 42516
calculated in accordance with the following formula: 42517

(per rough mile subsidy X total rough road miles) 42518

X density multiplier 42519

where: 42520

(a) "Per rough mile subsidy" equals the amount calculated in 42521
accordance with the following formula: 42522

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$ 42523

$\text{county rough road percentage}) / (\text{maximum rough road}$ 42524

$\text{percentage} - \text{statewide rough road percentage})\}$ 42525

(i) "Maximum rough road percentage" means the highest county 42526
rough road percentage in the state. 42527

(ii) "County rough road percentage" equals the percentage of 42528
the mileage of state, municipal, county, and township roads that 42529
is rated by the department of transportation as type A, B, C, E2, 42530
or F in the county in which the school district is located or, if 42531
the district is located in more than one county, the county to 42532
which it is assigned for purposes of determining its 42533
cost-of-doing-business factor. 42534

(iii) "Statewide rough road percentage" means the percentage 42535
of the statewide total mileage of state, municipal, county, and 42536
township roads that is rated as type A, B, C, E2, or F by the 42537
department of transportation. 42538

(b) "Total rough road miles" means a school district's total 42539
bus miles traveled in one year times its county rough road 42540
percentage. 42541

(c) "Density multiplier" means a figure calculated in 42542
accordance with the following formula: 42543

$1 - [(\text{minimum student density} - \text{district student}$ 42544

$\text{density}) / (\text{minimum student density} -$ 42545

$\text{statewide student density})]$ 42546

(i) "Minimum student density" means the lowest district 42547
student density in the state. 42548

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district. 42549
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(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts. 42552
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(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 42555
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(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 42563
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state share percentage X 42566
the formula amount X 42567
total vocational education weight 42568

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (E)(1) of this section may be spent. 42569
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(2) The department shall compute for each school district 42580
state funds for vocational education associated services in 42581
accordance with the following formula: 42582
state share percentage X .05 X the formula amount X 42583
the sum of categories one and two vocational education ADM 42584

In any fiscal year, a school district receiving funds under 42585
division (E)(2) of this section, or through a transfer of funds 42586
pursuant to division (L) of section 3317.023 of the Revised Code, 42587
shall spend those funds only for the purposes that the department 42588
designates as approved for vocational education associated 42589
services expenses, which may include such purposes as 42590
apprenticeship coordinators, coordinators for other vocational 42591
education services, vocational evaluation, and other purposes 42592
designated by the department. The department may deny payment 42593
under division (E)(2) of this section to any district that the 42594
department determines is not operating those services or is using 42595
funds paid under division (E)(2) of this section, or through a 42596
transfer of funds pursuant to division (L) of section 3317.023 of 42597
the Revised Code, for other purposes. 42598

(F) The actual local share in any fiscal year for the 42599
combination of special education and related services additional 42600
weighted costs funding calculated under division (C)(1) of this 42601
section, transportation funding calculated under divisions (D)(2) 42602
and (3) of this section, and vocational education and associated 42603
services additional weighted costs funding calculated under 42604
divisions (E)(1) and (2) of this section shall not exceed for any 42605
school district the product of three and three-tenths mills times 42606
the district's recognized valuation. The department annually shall 42607
pay each school district as an excess cost supplement any amount 42608
by which the sum of the district's attributed local shares for 42609
that funding exceeds that product. For purposes of calculating the 42610
excess cost supplement: 42611

(1) The attributed local share for special education and related services additional weighted costs funding is the amount specified in division (C)(2) of this section. 42612
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(2) The attributed local share of transportation funding equals the difference of the total amount calculated for the district using the formula developed under division (D)(2) of this section minus the actual amount paid to the district after applying the percentage specified in division (D)(3) of this section. 42615
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(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows: 42621
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(1 - state share percentage) X 42624
[(total vocational education weight X 42625
the formula amount) + the payment under 42626
division (E)(2) of this section] 42627

Sec. 3317.023. (A) ~~Notwithstanding section 3317.022 of the Revised Code, the~~ The amounts required to be paid to a district under this chapter and Chapter 3306. of the Revised Code shall be adjusted by the amount of the computations made under divisions (B) to (N) of this section. The department of education shall not make payments or adjustments under divisions (B), (C), and (D) of this section for any fiscal year after fiscal year 2009. 42628
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As used in this section: 42635

(1) "Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers. 42636
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(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal 42640
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sources or assigned full-time to vocational or special education 42642
students and classes and may only include those persons employed 42643
in the eight specialist areas in a pattern approved by the 42644
department of education under guidelines established by the state 42645
board of education. 42646

(3) "Annual salary" means the annual base salary stated in 42647
the state minimum salary schedule for the performance of the 42648
teacher's regular teaching duties that the teacher earns for 42649
services rendered for the first full week of October of the fiscal 42650
year for which the adjustment is made under division (C) of this 42651
section. It shall not include any salary payments for supplemental 42652
teachers contracts. 42653

(4) "Regular student population" means the formula ADM plus 42654
the number of students reported as enrolled in the district 42655
pursuant to division (A)(1) of section 3313.981 of the Revised 42656
Code; minus the number of students reported under division (A)(2) 42657
of section 3317.03 of the Revised Code; minus the FTE of students 42658
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 42659
of that section who are enrolled in a vocational education class 42660
or receiving special education; and minus twenty per cent of the 42661
students enrolled concurrently in a joint vocational school 42662
district. 42663

~~(5) "State share percentage" has the same meaning as in 42664
section 3317.022 of the Revised Code. 42665~~

~~(6)~~ "VEPD" means a school district or group of school 42666
districts designated by the department of education as being 42667
responsible for the planning for and provision of vocational 42668
education services to students within the district or group. 42669

~~(7)~~(6) "Lead district" means a school district, including a 42670
joint vocational school district, designated by the department as 42671
a VEPD, or designated to provide primary vocational education 42672

leadership within a VEPD composed of a group of districts. 42673

(B) If the district employs less than one full-time 42674
equivalent classroom teacher for each twenty-five pupils in the 42675
regular student population in any school district, deduct the sum 42676
of the amounts obtained from the following computations: 42677

(1) Divide the number of the district's full-time equivalent 42678
classroom teachers employed by one twenty-fifth; 42679

(2) Subtract the quotient in (1) from the district's regular 42680
student population; 42681

(3) Multiply the difference in (2) by seven hundred fifty-two 42682
dollars. 42683

(C) If a positive amount, add one-half of the amount obtained 42684
by multiplying the number of full-time equivalent classroom 42685
teachers by: 42686

(1) The mean annual salary of all full-time equivalent 42687
classroom teachers employed by the district at their respective 42688
training and experience levels minus; 42689

(2) The mean annual salary of all such teachers at their 42690
respective levels in all school districts receiving payments under 42691
this section. 42692

The number of full-time equivalent classroom teachers used in 42693
this computation shall not exceed one twenty-fifth of the 42694
district's regular student population. In calculating the 42695
district's mean salary under this division, those full-time 42696
equivalent classroom teachers with the highest training level 42697
shall be counted first, those with the next highest training level 42698
second, and so on, in descending order. Within the respective 42699
training levels, teachers with the highest years of service shall 42700
be counted first, the next highest years of service second, and so 42701
on, in descending order. 42702

(D) This division does not apply to a school district that 42703
has entered into an agreement under division (A) of section 42704
3313.42 of the Revised Code. Deduct the amount obtained from the 42705
following computations if the district employs fewer than five 42706
full-time equivalent educational service personnel, including 42707
elementary school art, music, and physical education teachers, 42708
counselors, librarians, visiting teachers, school social workers, 42709
and school nurses for each one thousand pupils in the regular 42710
student population: 42711

(1) Divide the number of full-time equivalent educational 42712
service personnel employed by the district by five 42713
one-thousandths; 42714

(2) Subtract the quotient in (1) from the district's regular 42715
student population; 42716

(3) Multiply the difference in (2) by ninety-four dollars. 42717

(E) If a local school district, or a city or exempted village 42718
school district to which a governing board of an educational 42719
service center provides services pursuant to section 3313.843 of 42720
the Revised Code, deduct the amount of the payment required for 42721
the reimbursement of the governing board under section 3317.11 of 42722
the Revised Code. 42723

(F)(1) If the district is required to pay to or entitled to 42724
receive tuition from another school district under division (C)(2) 42725
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 42726
or if the superintendent of public instruction is required to 42727
determine the correct amount of tuition and make a deduction or 42728
credit under section 3317.08 of the Revised Code, deduct and 42729
credit such amounts as provided in division (J) of section 3313.64 42730
or section 3317.08 of the Revised Code. 42731

(2) For each child for whom the district is responsible for 42732
tuition or payment under division (A)(1) of section 3317.082 or 42733

section 3323.091 of the Revised Code, deduct the amount of tuition 42734
or payment for which the district is responsible. 42735

(G) If the district has been certified by the superintendent 42736
of public instruction under section 3313.90 of the Revised Code as 42737
not in compliance with the requirements of that section, deduct an 42738
amount equal to ten per cent of the amount computed for the 42739
district under ~~section 3317.022~~ Chapter 3306. of the Revised Code. 42740

(H) If the district has received a loan from a commercial 42741
lending institution for which payments are made by the 42742
superintendent of public instruction pursuant to division (E)(3) 42743
of section 3313.483 of the Revised Code, deduct an amount equal to 42744
such payments. 42745

(I)(1) If the district is a party to an agreement entered 42746
into under division (D), (E), or (F) of section 3311.06 or 42747
division (B) of section 3311.24 of the Revised Code and is 42748
obligated to make payments to another district under such an 42749
agreement, deduct an amount equal to such payments if the district 42750
school board notifies the department in writing that it wishes to 42751
have such payments deducted. 42752

(2) If the district is entitled to receive payments from 42753
another district that has notified the department to deduct such 42754
payments under division (I)(1) of this section, add the amount of 42755
such payments. 42756

(J) If the district is required to pay an amount of funds to 42757
a cooperative education district pursuant to a provision described 42758
by division (B)(4) of section 3311.52 or division (B)(8) of 42759
section 3311.521 of the Revised Code, deduct such amounts as 42760
provided under that provision and credit those amounts to the 42761
cooperative education district for payment to the district under 42762
division (B)(1) of section 3317.19 of the Revised Code. 42763

(K)(1) If a district is educating a student entitled to 42764

attend school in another district pursuant to a shared education 42765
contract, compact, or cooperative education agreement other than 42766
an agreement entered into pursuant to section 3313.842 of the 42767
Revised Code, credit to that educating district on an FTE basis 42768
both of the following: 42769

(a) An amount equal to the ~~sum of the~~ formula amount ~~plus the~~ 42770
~~per pupil amount of the base funding supplements specified in~~ 42771
~~divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~ 42772

(b) An amount equal to the current formula amount times the 42773
state share percentage times any multiple applicable to the 42774
student pursuant to section ~~3317.013 or 3317.014~~ 3306.11 of the 42775
Revised Code. 42776

(2) Deduct any amount credited pursuant to division (K)(1) of 42777
this section from amounts paid to the school district in which the 42778
student is entitled to attend school pursuant to section 3313.64 42779
or 3313.65 of the Revised Code. 42780

(3) If the district is required by a shared education 42781
contract, compact, or cooperative education agreement to make 42782
payments to an educational service center, deduct the amounts from 42783
payments to the district and add them to the amounts paid to the 42784
service center pursuant to section 3317.11 of the Revised Code. 42785

(L)(1) If a district, including a joint vocational school 42786
district, is a lead district of a VEPD, credit to that district 42787
the amounts calculated for all the school districts within that 42788
VEPD pursuant to division (E)(2) of section 3317.022 of the 42789
Revised Code. 42790

(2) Deduct from each appropriate district that is not a lead 42791
district, the amount attributable to that district that is 42792
credited to a lead district under division (L)(1) of this section. 42793

(M) If the department pays a joint vocational school district 42794
under division (G)(4) of section 3317.16 of the Revised Code for 42795

excess costs of providing special education and related services 42796
to a student with a disability, as calculated under division 42797
(G)(2) of that section, the department shall deduct the amount of 42798
that payment from the city, local, or exempted village school 42799
district that is responsible as specified in that section for the 42800
excess costs. 42801

(N)(1) If the district reports an amount of excess cost for 42802
special education services for a child under division (C) of 42803
section 3323.14 of the Revised Code, the department shall pay that 42804
amount to the district. 42805

(2) If the district reports an amount of excess cost for 42806
special education services for a child under division (C) of 42807
section 3323.14 of the Revised Code, the department shall deduct 42808
that amount from the district of residence of that child. 42809

Sec. 3317.024. ~~In addition to the moneys paid to eligible 42810
school districts pursuant to section 3317.022 of the Revised Code, 42811
moneys appropriated for the education programs in divisions (A) to 42812
(I), (K), (L), and (N) of this section shall be distributed to 42813
school districts meeting the requirements of section 3317.01 of 42814
the Revised Code; in the case of divisions (G) and (L) of this 42815
section, to educational service centers as provided in section 42816
3317.11 of the Revised Code; in the case of divisions (D) and (J) 42817
of this section, to county MR/DD boards; in the case of division 42818
(N) of this section, to joint vocational school districts; in the 42819
case of division (H) of this section, to cooperative education 42820
school districts; and in the case of division (M) of this section, 42821
to the institutions defined under section 3317.082 of the Revised 42822
Code providing elementary or secondary education programs to 42823
children other than children receiving special education under 42824
section 3323.091 of the Revised Code. The following shall be 42825
distributed monthly, quarterly, or annually as may be determined 42826~~

by the state board of education, except that the department of 42827
education shall not make payments under divisions (F), (L), and 42828
(N) of this section for any fiscal year after fiscal year 2009: 42829

(A) An amount for each island school district and each joint 42830
state school district for the operation of each high school and 42831
each elementary school maintained within such district and for 42832
capital improvements for such schools. Such amounts shall be 42833
determined on the basis of standards adopted by the state board of 42834
education. 42835

(B) An amount for each school district operating classes for 42836
children of migrant workers who are unable to be in attendance in 42837
an Ohio school during the entire regular school year. The amounts 42838
shall be determined on the basis of standards adopted by the state 42839
board of education, except that payment shall be made only for 42840
subjects regularly offered by the school district providing the 42841
classes. 42842

(C) An amount for each school district with guidance, 42843
testing, and counseling programs approved by the state board of 42844
education. The amount shall be determined on the basis of 42845
standards adopted by the state board of education. 42846

(D) An amount for the emergency purchase of school buses as 42847
provided for in section 3317.07 of the Revised Code; 42848

(E) An amount for each school district required to pay 42849
tuition for a child in an institution maintained by the department 42850
of youth services pursuant to section 3317.082 of the Revised 42851
Code, provided the child was not included in the calculation of 42852
the district's average daily membership for the preceding school 42853
year. 42854

(F) An amount for adult basic literacy education for each 42855
district participating in programs approved by the state board of 42856

education. The amount shall be determined on the basis of 42857
standards adopted by the state board of education. 42858

(G) An amount for the approved cost of transporting eligible 42859
pupils with disabilities attending a special education program 42860
approved by the department of education whom it is impossible or 42861
impractical to transport by regular school bus in the course of 42862
regular route transportation provided by the district or service 42863
center. No district or service center is eligible to receive a 42864
payment under this division for the cost of transporting any pupil 42865
whom it transports by regular school bus and who is included in 42866
the district's transportation ADM. The state board of education 42867
shall establish standards and guidelines for use by the department 42868
of education in determining the approved cost of such 42869
transportation for each district or service center. 42870

(H) An amount to each school district, including each 42871
cooperative education school district, pursuant to section 3313.81 42872
of the Revised Code to assist in providing free lunches to needy 42873
children and an amount to assist needy school districts in 42874
purchasing necessary equipment for food preparation. The amounts 42875
shall be determined on the basis of rules adopted by the state 42876
board of education. 42877

(I) An amount to each school district, for each pupil 42878
attending a chartered nonpublic elementary or high school within 42879
the district. The amount shall equal the amount appropriated for 42880
the implementation of section 3317.06 of the Revised Code divided 42881
by the average daily membership in grades kindergarten through 42882
twelve in nonpublic elementary and high schools within the state 42883
as determined during the first full week in October of each school 42884
year. 42885

(J) An amount for each county MR/DD board, distributed on the 42886
basis of standards adopted by the state board of education, for 42887
the approved cost of transportation required for children 42888

attending special education programs operated by the county MR/DD 42889
board under section 3323.09 of the Revised Code; 42890

(K) An amount for each school district that establishes a 42891
mentor teacher program that complies with rules of the state board 42892
of education. No school district shall be required to establish or 42893
maintain such a program in any year unless sufficient funds are 42894
appropriated to cover the district's total costs for the program. 42895

(L) An amount to each school district or educational service 42896
center for the total number of gifted units approved pursuant to 42897
section 3317.05 of the Revised Code. The amount for each such unit 42898
shall be the sum of the minimum salary for the teacher of the 42899
unit, calculated on the basis of the teacher's training level and 42900
years of experience pursuant to the salary schedule prescribed in 42901
the version of section 3317.13 of the Revised Code in effect prior 42902
to July 1, 2001, plus fifteen per cent of that minimum salary 42903
amount, plus two thousand six hundred seventy-eight dollars. 42904

(M) An amount to each institution defined under section 42905
3317.082 of the Revised Code providing elementary or secondary 42906
education to children other than children receiving special 42907
education under section 3323.091 of the Revised Code. This amount 42908
for any institution in any fiscal year shall equal the total of 42909
all tuition amounts required to be paid to the institution under 42910
division (A)(1) of section 3317.082 of the Revised Code. 42911

(N) A grant to each school district and joint vocational 42912
school district that operates a "graduation, reality, and 42913
dual-role skills" (GRADS) program for pregnant and parenting 42914
students that is approved by the department. The amount of the 42915
payment shall be the district's state share percentage, as defined 42916
in section 3317.022 or 3317.16 of the Revised Code, times the 42917
GRADS personnel allowance times the full-time-equivalent number of 42918
GRADS teachers approved by the department. The GRADS personnel 42919
allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 42920

program shall include instruction on adoption as an option for 42921
unintended pregnancies. 42922

The state board of education or any other board of education 42923
or governing board may provide for any resident of a district or 42924
educational service center territory any educational service for 42925
which funds are made available to the board by the United States 42926
under the authority of public law, whether such funds come 42927
directly or indirectly from the United States or any agency or 42928
department thereof or through the state or any agency, department, 42929
or political subdivision thereof. 42930

Sec. 3317.025. On or before the first day of June of each 42931
year, the tax commissioner shall certify the following information 42932
to the department of education and the office of budget and 42933
management, for each school district in which the value of the 42934
property described under division (A) of this section exceeds one 42935
per cent of the taxable value of all real and tangible personal 42936
property in the district or in which is located tangible personal 42937
property designed for use or used in strip mining operations, 42938
whose taxable value exceeds five million dollars, and the taxes 42939
upon which the district is precluded from collecting by virtue of 42940
legal proceedings to determine the value of such property: 42941

(A) The total taxable value of all property in the district 42942
owned by a public utility or railroad that has filed a petition 42943
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 42944
(1898), 11 U.S.C. 205, as amended, and all tangible personal 42945
property in the district designed for use or used in strip mining 42946
operations whose taxable value exceeds five million dollars upon 42947
which have not been paid in full on or before the first day of 42948
April of that calendar year all real and tangible personal 42949
property taxes levied for the preceding calendar year and which 42950
the district was precluded from collecting by virtue of 42951

proceedings under section 205 of said act or by virtue of legal 42952
proceedings to determine the tax liability of such strip mining 42953
equipment; 42954

(B) The percentage of the total operating taxes charged and 42955
payable for school district purposes levied against such valuation 42956
for the preceding calendar year that have not been paid by such 42957
date; 42958

(C) The product obtained by multiplying the value certified 42959
under division (A) of this section by the percentage certified 42960
under division (B) of this section. If the value certified under 42961
division (A) of this section includes taxable property owned by a 42962
public utility or railroad that has filed a petition for 42963
reorganization under the bankruptcy act, the amount used in making 42964
the calculation under this division shall be reduced by one per 42965
cent of the total value of all real and tangible personal property 42966
in the district or the value of the utility's or railroad's 42967
property, whichever is less. 42968

Upon receipt of the certification, the department shall 42969
recompute the payments required under ~~section 3317.022~~ Chapter 42970
3306. of the Revised Code in the manner the payments would have 42971
been computed if: 42972

(1) The amount certified under division (C) of this section 42973
was not subject to taxation by the district and was not included 42974
in the certification made under division (A)(1), (A)(2), or (D) of 42975
section 3317.021 of the Revised Code. 42976

(2) The amount of taxes charged and payable and unpaid and 42977
used to make the computation under division (B) of this section 42978
had not been levied and had not been used in the computation 42979
required by division (B) of section 3317.021 of the Revised Code. 42980
The department shall pay the district that amount in the ensuing 42981
fiscal year in lieu of the amounts computed under ~~section 3317.022~~ 42982

<u>Chapter 3306.</u> of the Revised Code.	42983
If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.	42984 42985 42986 42987 42988 42989
Sec. 3317.0210. (A) As used in this section:	42990
(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended.	42991 42992
(2) "Chapter 11 corporation" means a corporation, company, or other business organization that has filed a petition for reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 Stat. 2626, 11 U.S.C. 1101, as amended.	42993 42994 42995 42996
(3) "Uncollectable taxes" means property taxes payable in a calendar year by a Chapter 11 corporation on its property that a school district is precluded from collecting by virtue of proceedings under the Bankruptcy Reform Act.	42997 42998 42999 43000
(4) "Basic state aid" means the state aid calculated for a school district under section 3317.022 <u>Chapter 3306.</u> of the Revised Code.	43001 43002 43003
(5) "Effective value" means the amount obtained by multiplying the total taxable value certified in a calendar year under section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable in that calendar year exclusive of the uncollectable taxes payable in that year, and the denominator of which is the total taxes charged and payable in that year.	43004 43005 43006 43007 43008 43009 43010
(6) "Total taxes charged and payable" has the same meaning given "taxes charged and payable" in section 3317.02 of the	43011 43012

Revised Code. 43013

(B)(1) Between the first day of January and the first day of 43014
February of any year, a school district shall notify the 43015
department of education if it has uncollectable taxes payable in 43016
the preceding calendar year from one Chapter 11 corporation. 43017

(2) The department shall verify whether the district has such 43018
uncollectable taxes from such a corporation, and if the district 43019
does, shall immediately request the tax commissioner to certify 43020
the district's total taxes charged and payable in the preceding 43021
calendar year, and the tax commissioner shall certify that 43022
information to the department within thirty days after receiving 43023
the request. For the purposes of this section, taxes are payable 43024
in the calendar year that includes the day prescribed by law for 43025
their payment, including any lawful extension thereof. 43026

(C) Upon receiving the certification from the tax 43027
commissioner, the department shall determine whether the amount of 43028
uncollectable taxes from the corporation equals at least one per 43029
cent of the total taxes charged and payable as certified by the 43030
tax commissioner. If it does, the department shall compute the 43031
district's effective value and shall recompute the basic state aid 43032
payable to the district for the current fiscal year using the 43033
effective value in lieu of the total taxable value used to compute 43034
the basic state aid for the current fiscal year. The difference 43035
between the basic state aid amount originally computed for the 43036
district for the current fiscal year and the recomputed amount 43037
shall be paid to the district from the lottery profits education 43038
fund before the end of the current fiscal year. 43039

(D) Except as provided in division (E) of this section, 43040
amounts received by a school district under division (C) of this 43041
section shall be repaid to the department of education in any 43042
future year to the extent the district receives payments of 43043
uncollectable taxes in such future year. The district shall notify 43044

the department of any amount owed under this division. 43045

(E) If a school district received a grant from the 43046
catastrophic expenditures account pursuant to division (C) of 43047
section 3316.20 of the Revised Code on the basis of the same 43048
circumstances for which a recomputation is made under this 43049
section, the amount of the recomputation shall be reduced and 43050
transferred in accordance with division (C) of section 3316.20 of 43051
the Revised Code. 43052

Sec. 3317.0211. (A) As used in this section: 43053

(1) "Port authority" means any port authority as defined in 43054
section 4582.01 or 4582.21 of the Revised Code. 43055

(2) "Real property" includes public utility real property and 43056
"personal property" includes public utility personal property. 43057

(3) "Uncollected taxes" means property taxes charged and 43058
payable against the property of a port authority for a tax year 43059
that a school district has not collected. 43060

(4) "Basic state aid" means the state aid calculated for a 43061
school district under ~~section 3317.022~~ Chapter 3306. of the 43062
Revised Code. 43063

(5) "Effective value" means the sum of the effective 43064
residential/agricultural real property value, the effective 43065
nonresidential/agricultural real property value, and the effective 43066
personal value. 43067

(6) "Effective residential/agricultural real property value" 43068
means, for a tax year, the amount obtained by multiplying the 43069
value for that year of residential/agricultural real property 43070
subject to taxation in the district by a fraction, the numerator 43071
of which is the total taxes charged and payable for that year 43072
against the residential/agricultural real property subject to 43073
taxation in the district, exclusive of the uncollected taxes for 43074

that year on all real property subject to taxation in the 43075
district, and the denominator of which is the total taxes charged 43076
and payable for that year against the residential/agricultural 43077
real property subject to taxation in the district. 43078

(7) "Effective nonresidential/agricultural real property 43079
value" means, for a tax year, the amount obtained by multiplying 43080
the value for that year of nonresidential/agricultural real 43081
property subject to taxation in the district by a fraction, the 43082
numerator of which is the total taxes charged and payable for that 43083
year against the nonresidential/agricultural real property subject 43084
to taxation in the district, exclusive of the uncollected taxes 43085
for that year on all real property subject to taxation in the 43086
district, and the denominator of which is the total taxes charged 43087
and payable for that year against the nonresidential/agricultural 43088
real property subject to taxation in the district. 43089

(8) "Effective personal value" means, for a tax year, the 43090
amount obtained by multiplying the value for that year certified 43091
under division (A)(2) of section 3317.021 of the Revised Code by a 43092
fraction, the numerator of which is the total taxes charged and 43093
payable for that year against personal property subject to 43094
taxation in the district, exclusive of the uncollected taxes for 43095
that year on that property, and the denominator of which is the 43096
total taxes charged and payable for that year against personal 43097
property subject to taxation in the district. 43098

(9) "Nonresidential/agricultural real property value" means, 43099
for a tax year, the sum of the values certified for a school 43100
district for that year under division (B)(2)(a) of this section, 43101
and "residential/agricultural real property value" means, for a 43102
tax year, the sum of the values certified for a school district 43103
under division (B)(2)(b) of this section. 43104

(10) "Taxes charged and payable against real property" means 43105
the taxes charged and payable against that property after making 43106

the reduction required by section 319.301 of the Revised Code. 43107

(11) "Total taxes charged and payable" has the same meaning 43108
given "taxes charged and payable" in section 3317.02 of the 43109
Revised Code. 43110

(B)(1) By the first day of August of any calendar year, a 43111
school district shall notify the department of education if it has 43112
any uncollected taxes from one port authority for the second 43113
preceding tax year whose taxes charged and payable represent at 43114
least one-half of one per cent of the district's total taxes 43115
charged and payable for that tax year. 43116

(2) The department shall verify whether the district has such 43117
uncollected taxes by the first day of September, and if the 43118
district does, shall immediately request the county auditor of 43119
each county in which the school district has territory to certify 43120
the following information concerning the district's property 43121
values and taxes for the second preceding tax year, and each such 43122
auditor shall certify that information to the department within 43123
thirty days of receiving the request: 43124

(a) The value of the property subject to taxation in the 43125
district that was classified as nonresidential/agricultural real 43126
property pursuant to section 5713.041 of the Revised Code, and the 43127
taxes charged and payable on that property; and 43128

(b) The value of the property subject to taxation in the 43129
district that was classified as residential/agricultural real 43130
property under section 5713.041 of the Revised Code. 43131

(C) By the fifteenth day of November, the department shall 43132
compute the district's effective nonresidential/agricultural real 43133
property value, effective residential/agricultural real property 43134
value, effective personal value, and effective value, and shall 43135
determine whether the school district's effective value for the 43136
second preceding tax year is at least one per cent less than its 43137

total value for that year certified under divisions (A)(1) and (2) 43138
of section 3317.021 of the Revised Code. If it is, the department 43139
shall recompute the basic state aid payable to the district for 43140
the immediately preceding fiscal year using the effective value in 43141
lieu of the amounts previously certified under section 3317.021 of 43142
the Revised Code. The difference between the original basic state 43143
aid amount computed for the district for the preceding fiscal year 43144
and the recomputed amount shall be paid to the district from the 43145
lottery profits education fund before the end of the current 43146
fiscal year. 43147

(D) Except as provided in division (E) of this section, 43148
amounts received by a school district under division (C) of this 43149
section shall be repaid to the department of education in any 43150
future year to the extent the district receives payments of 43151
uncollectable taxes in such future year. The department shall 43152
notify a district of any amount owed under this division. 43153

(E) If a school district received a grant from the 43154
catastrophic expenditures account pursuant to division (C) of 43155
section 3316.20 of the Revised Code on the basis of the same 43156
circumstances for which a recomputation is made under this 43157
section, the amount of the recomputation shall be reduced and 43158
transferred in accordance with division (C) of section 3316.20 of 43159
the Revised Code. 43160

Sec. 3317.0216. (A) As used in this section: 43161

(1) "Total taxes charged and payable for current expenses" 43162
means the sum of ~~the~~: 43163

(a) The taxes charged and payable as certified under division 43164
(A)(3)(a) of section 3317.021 of the Revised Code less any amounts 43165
reported under division (A)(3)(b) of that section, ~~and the~~; plus 43166

(b) The tax distribution for the preceding year under any 43167

school district income tax levied by the district pursuant to 43168
Chapter 5748. of the Revised Code to the extent the revenue from 43169
the income tax is allocated or apportioned to current expenses, 43170
excluding the amount allocated or apportioned for the project 43171
cost, debt service, or maintenance set-aside associated with a 43172
state-assisted classroom facilities project as authorized by 43173
section 3318.052 of the Revised Code. 43174

(2) "Charge-off amount" means two and three-tenths per cent 43175
multiplied by (the sum of recognized valuation and property 43176
exemption value). 43177

(3) Until fiscal year 2003, the "actual local share of 43178
special education, transportation, and vocational education 43179
funding" for any school district means the sum of the district's 43180
attributed local shares described in divisions (F)(1) to (3) of 43181
section 3317.022 of the Revised Code. Beginning in fiscal year 43182
2003, the "actual local share of special education, 43183
transportation, and vocational education funding" means that sum 43184
minus the amount of any excess cost supplement payment calculated 43185
for the district under division (F) of section 3317.022 of the 43186
Revised Code. 43187

(B) Upon receiving the certifications under section 3317.021 43188
of the Revised Code, the department of education shall determine 43189
for each city, local, and exempted village school district whether 43190
the district's charge-off amount is greater than the district's 43191
total taxes charged and payable for current expenses, and if the 43192
charge-off amount is greater, shall pay the district the amount of 43193
the difference. A payment shall not be made to any school district 43194
for which the computation under division (A) of section 3317.022 43195
of the Revised Code equals zero. 43196

(C)(1) If a district's charge-off amount is equal to or 43197
greater than its total taxes charged and payable for current 43198
expenses, the department shall, in addition to the payment 43199

required under division (B) of this section, pay the district the amount of its actual local share of special education, transportation, and vocational education funding.

(2) If a district's charge-off amount is less than its total taxes charged and payable for current expenses, the department shall pay the district any amount by which its actual local share of special education, transportation, and vocational education funding exceeds its total taxes charged and payable for current expenses minus its charge-off amount.

(D) If a school district that received a payment under division (B) or (C) of this section in the prior fiscal year is ineligible for payment under those divisions in the current fiscal year, the department shall determine if the ineligibility is the result of a property tax or income tax levy approved by the district's voters to take effect in tax year 2005 or thereafter. If the department determines that is the case, and calculates that the levy causing the ineligibility exceeded by at least one mill the equivalent millage of the prior year's payment under divisions (B) and (C) of this section, the department shall make a payment to the district for the first three years that the district loses eligibility for payment under divisions (B) and (C) of this section, as follows:

(1) In the first year of ineligibility, the department shall pay the district seventy-five per cent of the amount it last paid the district under divisions (B) and (C) of this section.

(2) In the second year of ineligibility, the department shall pay the district fifty per cent of the amount it last paid the district under those divisions.

(3) In the third year of ineligibility, the department shall pay the district twenty-five per cent of the amount it last paid the district under those divisions.

(E) A district that receives payment under division (D) of 43231
this section and subsequently qualifies for payment under division 43232
(B) or (C) of this section is ineligible for future payments under 43233
division (D) of this section. 43234

(F) To enable the department of education to make the 43235
determinations and to calculate payments under division (D) of 43236
this section, on March 30, 2006, and on or before the first day of 43237
March of each year thereafter, the department shall send to the 43238
tax commissioner a list of school districts receiving payments 43239
under division (B) or (C) of this section for the current fiscal 43240
year. On or before the first day of the following June, the tax 43241
commissioner shall certify to the department of education for 43242
those school districts the information required by division (A)(8) 43243
of section 3317.021 of the Revised Code. 43244

Sec. 3317.03. ~~Notwithstanding divisions (A)(1), (B)(1), and 43245
(C) of this section, except as provided in division (A)(2)(h) of 43246
this section, any student enrolled in kindergarten more than half 43247
time shall be reported as one half student under this section. The 43248
information certified and verified under this section shall be 43249
used to calculate payments under this chapter and Chapter 3306. of 43250
the Revised Code. 43251~~

(A) The superintendent of each city, local, and exempted 43252
village school district ~~and of each educational service center 43253
shall, for the schools under the superintendent's supervision, 43254
certify to the state board of education on or before the fifteenth 43255
day of October in each year for the first full school week in 43256
October the average daily membership of students receiving 43257
services from schools under the superintendent's supervision, and 43258
the numbers of other students entitled to attend school in the 43259
district under section 3313.64 or 3313.65 of the Revised Code the 43260
superintendent is required to report under this section, so that 43261~~

~~the department of education can calculate the district's formula~~ 43262
~~ADM. Beginning in fiscal year 2007, each superintendent also shall~~ 43263
~~certify to the state board, for the schools under the~~ 43264
~~superintendent's supervision, the formula ADM for the first full~~ 43265
~~week in February.~~ If a school under the superintendent's 43266
supervision is closed for one or more days during that week due to 43267
hazardous weather conditions or other circumstances described in 43268
the first paragraph of division (A)(2) of section 3306.01 and the 43269
first paragraph of division (B) of section 3317.01 of the Revised 43270
Code, the superintendent may apply to the superintendent of public 43271
instruction for a waiver, under which the superintendent of public 43272
instruction may exempt the district superintendent from certifying 43273
the ~~formula ADM~~ average daily membership for that school for that 43274
week and specify an alternate week for certifying the ~~formula ADM~~ 43275
average daily membership of that school. 43276

The ~~formula ADM shall consist of the~~ average daily membership 43278
during such week shall consist of the sum of the following: 43279

(1) On an FTE basis, the number of students in grades 43280
kindergarten through twelve receiving any educational services 43281
from the district, except that the following categories of 43282
students shall not be included in the determination: 43283

(a) Students enrolled in adult education classes; 43284

(b) ~~Adjacent or other district students enrolled in the~~ 43285
~~district under an open enrollment policy pursuant to section~~ 43286
~~3313.98 of the Revised Code;~~ 43287

~~(c)~~ Students receiving services in the district pursuant to a 43288
compact, cooperative education agreement, or a contract, but who 43289
are entitled to attend school in another district pursuant to 43290
section 3313.64 or 3313.65 of the Revised Code; 43291

~~(d)~~(c) Students for whom tuition is payable pursuant to 43292

sections 3317.081 and 3323.141 of the Revised Code; 43293

~~(e)~~(d) Students receiving services in the district through a 43294
scholarship awarded under section 3310.41 of the Revised Code. 43295

(2) On an FTE basis, ~~except as provided in division (A)(2)(h)~~ 43296
~~of this section~~, the number of students entitled to attend school 43297
in the district pursuant to section 3313.64 or 3313.65 of the 43298
Revised Code, but receiving educational services in grades 43299
kindergarten through twelve from one or more of the following 43300
entities: 43301

(a) ~~A community school pursuant to Chapter 3314. of the~~ 43302
~~Revised Code, including any participation in a college pursuant to~~ 43303
~~Chapter 3365. of the Revised Code while enrolled in such community~~ 43304
~~school;~~ 43305

~~(b)~~ An alternative school pursuant to sections 3313.974 to 43306
3313.979 of the Revised Code as described in division (I)(2)(a) or 43307
(b) of this section; 43308

~~(e)~~(b) A college pursuant to Chapter 3365. of the Revised 43309
Code, except when the student is enrolled in the college while 43310
also enrolled in a ~~community school pursuant to Chapter 3314. or a~~ 43311
science, technology, engineering, and mathematics school 43312
~~established under Chapter 3326. that is governed as provided in~~ 43313
section 3326.51 of the Revised Code; 43314

~~(d)~~ An adjacent or other school district under an open 43315
enrollment policy adopted pursuant to ~~section 3313.98 of the~~ 43316
~~Revised Code;~~ 43317

~~(e)~~(c) An educational service center or cooperative education 43318
district; 43319

~~(f)~~(d) Another school district under a cooperative education 43320
agreement, compact, or contract; 43321

~~(g)~~(e) A chartered nonpublic school with a scholarship paid 43322

under section 3310.08 of the Revised Code; 43323

~~(h)(f)~~ An alternative public provider or a registered private 43324
provider with a scholarship awarded under section 3310.41 of the 43325
Revised Code. ~~Each such scholarship student who is enrolled in~~ 43326
~~kindergarten shall be counted as one full time equivalent student.~~ 43327
43328

As used in this section, "alternative public provider" and 43329
"registered private provider" have the same meanings as in section 43330
3310.41 of the Revised Code~~7~~. 43331

~~(i)(g)~~ A science, technology, engineering, and mathematics 43332
school ~~established under Chapter 3326. that is governed as~~ 43333
provided in section 3326.51 of the Revised Code, including any 43334
participation in a college pursuant to Chapter 3365. of the 43335
Revised Code while enrolled in the school. 43336

(3) ~~Twenty per cent of the~~ The number of students enrolled in 43337
a joint vocational school district ~~or under a vocational education~~ 43338
~~compact~~, excluding any students entitled to attend school in the 43339
district under section 3313.64 or 3313.65 of the Revised Code who 43340
are enrolled in another school district through an open enrollment 43341
policy ~~as reported under division (A)(2)(d) of this section~~ and 43342
then enroll in a joint vocational school district or under a 43343
vocational education compact; 43344

(4) The number of children with disabilities, other than 43345
preschool children with disabilities, entitled to attend school in 43346
the district pursuant to section 3313.64 or 3313.65 of the Revised 43347
Code who are placed by the district with a county MR/DD board, 43348
minus the number of such children placed with a county MR/DD board 43349
in fiscal year 1998. If this calculation produces a negative 43350
number, the number reported under division (A)(4) of this section 43351
shall be zero. 43352

~~(5) Beginning in fiscal year 2007, in the case of the report~~ 43353

~~submitted for the first full week in February, or the alternative 43354
week if specified by the superintendent of public instruction, the 43355
number of students reported under division (A)(1) or (2) of this 43356
section for the first full week of the preceding October but who 43357
since that week have received high school diplomas. 43358~~

(B) To enable the department of education to obtain the data 43359
needed to complete the calculation of payments pursuant to this 43360
chapter and Chapter 3306. of the Revised Code, in addition to the 43361
~~formula ADM~~ average daily membership, each superintendent shall 43362
report separately the following student counts for the same week 43363
for which ~~formula ADM~~ average daily membership is certified: 43364

(1) The total average daily membership in regular learning 43365
day classes included in the report under division (A)(1) or (2) of 43366
this section for each of the individual grades kindergarten, ~~and~~ 43367
~~each of grades one~~ through twelve in schools under the 43368
superintendent's supervision; 43369

(2) The number of all preschool children with disabilities 43370
enrolled as of the first day of December in classes in the 43371
district that are eligible for approval under division (B) of 43372
section 3317.05 of the Revised Code and the number of those 43373
classes, which shall be reported not later than the fifteenth day 43374
of December, in accordance with rules adopted under that section; 43375

(3) The number of children entitled to attend school in the 43376
district pursuant to section 3313.64 or 3313.65 of the Revised 43377
Code who are: 43378

(a) Participating in a pilot project scholarship program 43379
established under sections 3313.974 to 3313.979 of the Revised 43380
Code as described in division (I)(2)(a) or (b) of this section; 43381

(b) Enrolled in a college under Chapter 3365. of the Revised 43382
Code, except when the student is enrolled in the college while 43383
also enrolled in a ~~community school pursuant to Chapter 3314. or a~~ 43384

science, technology, engineering, and mathematics school 43385
~~established under Chapter 3326. that is governed as provided in~~ 43386
section 3326.51 of the Revised Code; 43387

(c) Enrolled in an adjacent or other school district under 43388
section 3313.98 of the Revised Code; 43389

(d) Enrolled in a community school established under Chapter 43390
3314. of the Revised Code that is not an internet- or 43391
computer-based community school as defined in section 3314.02 of 43392
the Revised Code, including any participation in a college 43393
pursuant to Chapter 3365. of the Revised Code while enrolled in 43394
such community school; 43395

(e) Enrolled in an internet- or computer-based community 43396
school, as defined in section 3314.02 of the Revised Code, 43397
including any participation in a college pursuant to Chapter 3365. 43398
of the Revised Code while enrolled in the school; 43399

(f) Enrolled in a chartered nonpublic school with a 43400
scholarship paid under section 3310.08 of the Revised Code; 43401

(g) Enrolled in kindergarten through grade twelve in an 43402
alternative public provider or a registered private provider with 43403
a scholarship awarded under section 3310.41 of the Revised Code; 43404

(h) Enrolled as a preschool child with a disability in an 43405
alternative public provider or a registered private provider with 43406
a scholarship awarded under section 3310.41 of the Revised Code; 43407

(i) Participating in a program operated by a county MR/DD 43408
board or a state institution; 43409

(j) Enrolled in a science, technology, engineering, and 43410
mathematics school ~~established under Chapter 3326. that is~~ 43411
governed as provided in section 3326.51 of the Revised Code, 43412
including any participation in a college pursuant to Chapter 3365. 43413
of the Revised Code while enrolled in the school. 43414

(4) The number of pupils enrolled in joint vocational schools;	43415 43416
(5) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A)(C)(1) of section 3317.013 <u>3306.02</u> of the Revised Code;	43417 43418 43419 43420 43421
(6) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B)(C)(2) of section 3317.013 <u>3306.02</u> of the Revised Code;	43422 43423 43424 43425 43426
(7) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C)(3) of section 3317.013 <u>3306.02</u> of the Revised Code;	43427 43428 43429 43430 43431
(8) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D)(C)(4) of section 3317.013 <u>3306.02</u> of the Revised Code;	43432 43433 43434 43435 43436
(9) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category five disabilities described in division (E)(C)(5) of section 3317.013 <u>3306.02</u> of the Revised Code;	43437 43438 43439 43440 43441
(10) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six disabilities described in division	43442 43443 43444 43445

~~(F)(C)(6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code, 43446
including children attending a special education program operated 43447
by an alternative public provider or a registered private provider 43448
with a scholarship awarded under section 3310.41 of the Revised 43449
Code; 43450

(11) The average daily membership of pupils reported under 43451
division (A)(1) or (2) of this section enrolled in category one 43452
vocational education programs or classes, described in division 43453
(A) of section 3317.014 of the Revised Code, operated by the 43454
school district or by another district, other than a joint 43455
vocational school district, or by an educational service center, 43456
excluding any student reported under division (B)(3)(e) of this 43457
section as enrolled in an internet- or computer-based community 43458
school, notwithstanding division (C) of section 3317.02 of the 43459
Revised Code and division (C)(3) of this section; 43460

(12) The average daily membership of pupils reported under 43461
division (A)(1) or (2) of this section enrolled in category two 43462
vocational education programs or services, described in division 43463
(B) of section 3317.014 of the Revised Code, operated by the 43464
school district or another school district, other than a joint 43465
vocational school district, or by an educational service center, 43466
excluding any student reported under division (B)(3)(e) of this 43467
section as enrolled in an internet- or computer-based community 43468
school, notwithstanding division (C) of section 3317.02 of the 43469
Revised Code and division (C)(3) of this section; 43470

Beginning with fiscal year 2010, vocational education ADM 43471
shall not be used to calculate a district's funding but shall be 43472
reported under divisions (B)(11) and (12) of this section for 43473
statistical purposes. 43474

(13) The average number of children transported by the school 43475
district on board-owned or contractor-owned and -operated buses, 43476
reported in accordance with rules adopted by the department of 43477

education; 43478

(14)(a) The number of children, other than preschool children 43479
with disabilities, the district placed with a county MR/DD board 43480
in fiscal year 1998; 43481

(b) The number of children with disabilities, other than 43482
preschool children with disabilities, placed with a county MR/DD 43483
board in the current fiscal year to receive special education 43484
services for the category one disability described in division 43485
~~(A)~~(C)(1) of section ~~3317.013~~ 3306.02 of the Revised Code; 43486

(c) The number of children with disabilities, other than 43487
preschool children with disabilities, placed with a county MR/DD 43488
board in the current fiscal year to receive special education 43489
services for category two disabilities described in division 43490
~~(B)~~(C)(2) of section ~~3317.013~~ 3306.02 of the Revised Code; 43491

(d) The number of children with disabilities, other than 43492
preschool children with disabilities, placed with a county MR/DD 43493
board in the current fiscal year to receive special education 43494
services for category three disabilities described in division 43495
(C)(3) of section ~~3317.013~~ 3306.02 of the Revised Code; 43496

(e) The number of children with disabilities, other than 43497
preschool children with disabilities, placed with a county MR/DD 43498
board in the current fiscal year to receive special education 43499
services for category four disabilities described in division 43500
~~(D)~~(C)(4) of section ~~3317.013~~ 3306.02 of the Revised Code; 43501

(f) The number of children with disabilities, other than 43502
preschool children with disabilities, placed with a county MR/DD 43503
board in the current fiscal year to receive special education 43504
services for the category five disabilities described in division 43505
~~(E)~~(C)(5) of section ~~3317.013~~ 3306.02 of the Revised Code; 43506

(g) The number of children with disabilities, other than 43507
preschool children with disabilities, placed with a county MR/DD 43508

board in the current fiscal year to receive special education 43509
services for category six disabilities described in division 43510
~~(F)(C)(6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code. 43511

(15) For the students reported under division (A)(1) of this 43512
section, the identity of the school district in which the student 43513
is entitled to attend school under section 3313.64 or 3313.65 of 43514
the Revised Code, by name of district or by a district identifying 43515
code or both, as required by the department for purposes of this 43516
division. 43517

(C)(1) ~~Except as otherwise provided in this section for 43518
kindergarten students, the~~ The average daily membership in 43519
divisions (B)(1) to (12) of this section shall be based upon the 43520
number of full-time equivalent students. The state board of 43521
education shall adopt rules defining full-time equivalent students 43522
and for determining the average daily membership therefrom for the 43523
purposes of divisions (A), (B), and (D) of this section. Each 43524
student enrolled in kindergarten shall be counted as one full-time 43525
equivalent student regardless of whether the student is enrolled 43526
in a part-day or all-day kindergarten class. 43527

(2) A student enrolled in ~~a community school established 43528
under Chapter 3314. or a science, technology, engineering, and 43529
mathematics school established under Chapter 3326. that is 43530
governed as provided in section 3326.51~~ of the Revised Code shall 43531
be counted in the formula ADM and, if applicable, the category 43532
one, two, three, four, five, or six special education ADM of the 43533
school district in which the student is entitled to attend school 43534
under section 3313.64 or 3313.65 of the Revised Code for the same 43535
proportion of the school year that the student is counted in the 43536
enrollment of ~~the community school or the science, technology, 43537
engineering, and mathematics school for purposes of section 43538
3314.08 or 3326.33~~ of the Revised Code. Notwithstanding the number 43539
of students reported pursuant to division (B)(3)~~(d), (e), or (j)~~ 43540

of this section, the department may adjust the formula ADM of a 43541
school district to account for students entitled to attend school 43542
in the district under section 3313.64 or 3313.65 of the Revised 43543
Code who are enrolled in ~~a community school~~ or such a science, 43544
technology, engineering, and mathematics school for only a portion 43545
of the school year. 43546

43547

(3) No child shall be counted as more than a total of one 43548
child in the sum of the average daily memberships of a school 43549
district under division (A), divisions (B)(1) to (12), or division 43550
(D) of this section, except as follows: 43551

(a) A child with a disability described in division (C) of 43552
section ~~3317.013~~ 3306.02 of the Revised Code may be counted both 43553
in formula ADM and in category one, two, three, four, five, or six 43554
special education ADM and, if applicable, in category one or two 43555
vocational education ADM. As provided in division (C) of section 43556
3317.02 of the Revised Code, such a child shall be counted in 43557
category one, two, three, four, five, or six special education ADM 43558
in the same proportion that the child is counted in formula ADM. 43559

43560

(b) A child enrolled in vocational education programs or 43561
classes described in section 3317.014 of the Revised Code may be 43562
counted both in formula ADM and category one or two vocational 43563
education ADM and, if applicable, in category one, two, three, 43564
four, five, or six special education ADM. Such a child shall be 43565
counted in category one or two vocational education ADM in the 43566
same proportion as the percentage of time that the child spends in 43567
the vocational education programs or classes. 43568

(4) Based on the information reported under this section, the 43569
department of education shall determine the total student count, 43570
as defined in section 3301.011 of the Revised Code, for each 43571
school district. 43572

(D)(1) The superintendent of each joint vocational school 43573
district shall certify to the superintendent of public instruction 43574
on or before the fifteenth day of October in each year for the 43575
first full school week in October the formula ADM, for purposes of 43576
section 3318.42 of the Revised Code and for any other purpose 43577
prescribed by law for which "formula ADM" of the joint vocational 43578
district is a factor. Beginning in fiscal year 2007, each 43579
~~superintendent also shall certify to the state superintendent the~~ 43580
~~formula ADM for the first full week in February.~~ If a school 43581
operated by the joint vocational school district is closed for one 43582
or more days during that week due to hazardous weather conditions 43583
or other circumstances described in the first paragraph of 43584
division (A)(2) of section 3306.01 or the first paragraph of 43585
division (B) of section 3317.01 of the Revised Code, the 43586
superintendent may apply to the superintendent of public 43587
instruction for a waiver, under which the superintendent of public 43588
instruction may exempt the district superintendent from certifying 43589
the formula ADM for that school for that week and specify an 43590
alternate week for certifying the formula ADM of that school. 43591

The formula ADM, except as otherwise provided in this 43593
division, shall consist of the average daily membership during 43594
such week, on an FTE basis, of the number of students receiving 43595
any educational services from the district, including students 43596
enrolled in a community school established under Chapter 3314. or 43597
a science, technology, engineering, and mathematics school 43598
established under Chapter 3326. of the Revised Code who are 43599
attending the joint vocational district under an agreement between 43600
the district board of education and the governing authority of the 43601
community school or the governing body of the science, technology, 43602
engineering, and mathematics school and are entitled to attend 43603
school in a city, local, or exempted village school district whose 43604
territory is part of the territory of the joint vocational 43605

~~district. Beginning in fiscal year 2007, in the case of the report 43606
submitted for the first week in February, or the alternative week 43607
if specified by the superintendent of public instruction, the 43608
superintendent of the joint vocational school district may include 43609
the number of students reported under division (D)(1) of this 43610
section for the first full week of the preceding October but who 43611
since that week have received high school diplomas. 43612~~

43613

The following categories of students shall not be included in 43614
the determination made under division (D)(1) of this section: 43615

(a) Students enrolled in adult education classes; 43616

~~(b) Adjacent or other district joint vocational students 43617
enrolled in the district under an open enrollment policy pursuant 43618
to section 3313.98 of the Revised Code; 43619~~

~~(c) Students receiving services in the district pursuant to a 43620
compact, cooperative education agreement, or a contract, but who 43621
are entitled to attend school in a city, local, or exempted 43622
village school district whose territory is not part of the 43623
territory of the joint vocational district; 43624~~

~~(d)~~(c) Students for whom tuition is payable pursuant to 43625
sections 3317.081 and 3323.141 of the Revised Code. 43626

~~(2) To enable the department of education to obtain the data 43627
needed to complete the calculation of payments pursuant to this 43628
chapter, in In addition to the formula ADM, each superintendent 43629
shall report separately the average daily membership included in 43630
the report under division (D)(1) of this section for each of the 43631
following categories of students for the same week for which 43632
formula ADM is certified: 43633~~

(a) Students enrolled in each individual grade included in 43634
the joint vocational district schools; 43635

(b) Children with disabilities receiving special education services for the category one disability described in division ~~(A)~~(C)(1) of section ~~3317.013~~ 3306.02 of the Revised Code; 43636
43637
43638

(c) Children with disabilities receiving special education services for the category two disabilities described in division ~~(B)~~(C)(2) of section ~~3317.013~~ 3306.02 of the Revised Code; 43639
43640
43641

(d) Children with disabilities receiving special education services for category three disabilities described in division (C)(3) of section ~~3317.013~~ 3306.02 of the Revised Code; 43642
43643
43644

(e) Children with disabilities receiving special education services for category four disabilities described in division ~~(D)~~(C)(4) of section ~~3317.013~~ 3306.02 of the Revised Code; 43645
43646
43647

(f) Children with disabilities receiving special education services for the category five disabilities described in division ~~(E)~~(C)(5) of section ~~3317.013~~ 3306.02 of the Revised Code; 43648
43649
43650

(g) Children with disabilities receiving special education services for category six disabilities described in division ~~(F)~~(C)(6) of section ~~3317.013~~ 3306.02 of the Revised Code; 43651
43652
43653

(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code; 43654
43655
43656

(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code. 43657
43658
43659

The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 43660
43661
43662
43663
43664

(E) In each school of each city, local, exempted village, 43665

joint vocational, and cooperative education school district there 43666
shall be maintained a record of school membership, which record 43667
shall accurately show, for each day the school is in session, the 43668
actual membership enrolled in regular day classes. For the purpose 43669
of determining average daily membership, the membership figure of 43670
any school shall not include any pupils except those pupils 43671
described by division (A) of this section. The record of 43672
membership for each school shall be maintained in such manner that 43673
no pupil shall be counted as in membership prior to the actual 43674
date of entry in the school and also in such manner that where for 43675
any cause a pupil permanently withdraws from the school that pupil 43676
shall not be counted as in membership from and after the date of 43677
such withdrawal. There shall not be included in the membership of 43678
any school any of the following: 43679

(1) Any pupil who has graduated from the twelfth grade of a 43680
public or nonpublic high school; 43681

(2) Any pupil who is not a resident of the state; 43682

(3) Any pupil who was enrolled in the schools of the district 43683
during the previous school year when ~~tests~~ assessments were 43684
administered under section 3301.0711 of the Revised Code but did 43685
not take one or more of the ~~tests~~ assessments required by that 43686
section and was not excused pursuant to division (C)(1) or (3) of 43687
that section; 43688

(4) Any pupil who has attained the age of twenty-two years, 43689
except for veterans of the armed services whose attendance was 43690
interrupted before completing the recognized twelve-year course of 43691
the public schools by reason of induction or enlistment in the 43692
armed forces and who apply for reenrollment in the public school 43693
system of their residence not later than four years after 43694
termination of war or their honorable discharge. 43695

If, however, any veteran described by division (E)(4) of this 43696

section elects to enroll in special courses organized for veterans 43697
for whom tuition is paid under the provisions of federal laws, or 43698
otherwise, that veteran shall not be included in average daily 43699
membership. 43700

Notwithstanding division (E)(3) of this section, the 43701
membership of any school may include a pupil who did not take a 43702
~~test~~ an assessment required by section 3301.0711 of the Revised 43703
Code if the superintendent of public instruction grants a waiver 43704
from the requirement to take the ~~test~~ assessment to the specific 43705
pupil and a parent is not paying tuition for the pupil pursuant to 43706
section 3313.6410 of the Revised Code. The superintendent may 43707
grant such a waiver only for good cause in accordance with rules 43708
adopted by the state board of education. 43709

Except as provided in divisions (B)(2) and (F) of this 43710
section, the average daily membership figure of any local, city, 43711
exempted village, or joint vocational school district shall be 43712
determined by dividing the figure representing the sum of the 43713
number of pupils enrolled during each day the school of attendance 43714
is actually open for instruction during the week for which the 43715
~~formula ADM~~ average daily membership is being certified by the 43716
total number of days the school was actually open for instruction 43717
during that week. For purposes of state funding, "enrolled" 43718
persons are only those pupils who are attending school, those who 43719
have attended school during the current school year and are absent 43720
for authorized reasons, and those children with disabilities 43721
currently receiving home instruction. 43722

The average daily membership figure of any cooperative 43723
education school district shall be determined in accordance with 43724
rules adopted by the state board of education. 43725

(F)(1) If the formula ADM for the first full school week in 43726
February is at least three per cent greater than that certified 43727
for the first full school week in the preceding October, the 43728

superintendent of schools of any city, exempted village, or joint 43729
vocational school district or educational service center shall 43730
certify such increase to the superintendent of public instruction. 43731
Such certification shall be submitted no later than the fifteenth 43732
day of February. For the balance of the fiscal year, beginning 43733
with the February payments, the superintendent of public 43734
instruction shall use the increased formula ADM in calculating or 43735
recalculating the amounts to be allocated in accordance with 43736
section 3317.022 or 3317.16 of the Revised Code. In no event shall 43737
the superintendent use an increased membership certified to the 43738
superintendent after the fifteenth day of February. Division 43739
(F)(1) of this section does not apply after fiscal year 2006. 43740
43741

(2) If on the first school day of April the total number of 43742
classes or units for preschool children with disabilities that are 43743
eligible for approval under division (B) of section 3317.05 of the 43744
Revised Code exceeds the number of units that have been approved 43745
for the year under that division, the superintendent of schools of 43746
any city, exempted village, or cooperative education school 43747
district or educational service center shall make the 43748
certifications required by this section for that day. If the 43749
department determines additional units can be approved for the 43750
fiscal year within any limitations set forth in the acts 43751
appropriating moneys for the funding of such units, the department 43752
shall approve additional units for the fiscal year on the basis of 43753
such average daily membership. For each unit so approved, the 43754
department shall pay an amount computed in the manner prescribed 43755
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 43756
Code. 43757

(3) If a student attending ~~a community school under Chapter~~ 43758
~~3314. or~~ a science, technology, engineering, and mathematics 43759
school ~~established under Chapter 3326. that is governed as~~ 43760

provided in section 3326.51 of the Revised Code is not included in 43761
the formula ADM certified for the school district in which the 43762
student is entitled to attend school under section 3313.64 or 43763
3313.65 of the Revised Code, the department of education shall 43764
adjust the formula ADM of that school district to include the 43765
student in accordance with division (C)(2) of this section, and 43766
shall recalculate the school district's payments under this 43767
chapter and Chapter 3306. of the Revised Code for the entire 43768
fiscal year on the basis of that adjusted formula ADM. This 43769
requirement applies regardless of whether the student was 43770
enrolled, as defined in division (E) of this section, in ~~the~~ 43771
~~community school~~ or the science, technology, engineering, and 43772
mathematics school during the week for which the formula ADM is 43773
being certified. 43774

(4) If a student awarded an educational choice scholarship is 43775
not included in the formula ADM of the school district from which 43776
the department deducts funds for the scholarship under section 43777
3310.08 of the Revised Code, the department shall adjust the 43778
formula ADM of that school district to include the student to the 43779
extent necessary to account for the deduction, and shall 43780
recalculate the school district's payments under this chapter and 43781
Chapter 3306. of the Revised Code for the entire fiscal year on 43782
the basis of that adjusted formula ADM. This requirement applies 43783
regardless of whether the student was enrolled, as defined in 43784
division (E) of this section, in the chartered nonpublic school, 43785
the school district, or a community school during the week for 43786
which the formula ADM is being certified. 43787

(G)(1)(a) The superintendent of an institution operating a 43788
special education program pursuant to section 3323.091 of the 43789
Revised Code shall, for the programs under such superintendent's 43790
supervision, certify to the state board of education, in the 43791
manner prescribed by the superintendent of public instruction, 43792

both of the following: 43793

(i) The average daily membership of all children with 43794
disabilities other than preschool children with disabilities 43795
receiving services at the institution for each category of 43796
disability described in divisions ~~(A) to (F)~~(C)(1) to (6) of 43797
section ~~3317.013~~ 3306.02 of the Revised Code; 43798

(ii) The average daily membership of all preschool children 43799
with disabilities in classes or programs approved annually by the 43800
department of education for unit funding under section 3317.05 of 43801
the Revised Code. 43802

(b) The superintendent of an institution with vocational 43803
education units approved under division (A) of section 3317.05 of 43804
the Revised Code shall, for the units under the superintendent's 43805
supervision, certify to the state board of education the average 43806
daily membership in those units, in the manner prescribed by the 43807
superintendent of public instruction. 43808

(2) The superintendent of each county MR/DD board that 43809
maintains special education classes under section 3317.20 of the 43810
Revised Code or units approved pursuant to section 3317.05 of the 43811
Revised Code shall do both of the following: 43812

(a) Certify to the state board, in the manner prescribed by 43813
the board, the average daily membership in classes under section 43814
3317.20 of the Revised Code for each school district that has 43815
placed children in the classes; 43816

(b) Certify to the state board, in the manner prescribed by 43817
the board, the number of all preschool children with disabilities 43818
enrolled as of the first day of December in classes eligible for 43819
approval under division (B) of section 3317.05 of the Revised 43820
Code, and the number of those classes. 43821

(3)(a) If on the first school day of April the number of 43822
classes or units maintained for preschool children with 43823

disabilities by the county MR/DD board that are eligible for 43824
approval under division (B) of section 3317.05 of the Revised Code 43825
is greater than the number of units approved for the year under 43826
that division, the superintendent shall make the certification 43827
required by this section for that day. 43828

(b) If the department determines that additional classes or 43829
units can be approved for the fiscal year within any limitations 43830
set forth in the acts appropriating moneys for the funding of the 43831
classes and units described in division (G)(3)(a) of this section, 43832
the department shall approve and fund additional units for the 43833
fiscal year on the basis of such average daily membership. For 43834
each unit so approved, the department shall pay an amount computed 43835
in the manner prescribed in sections 3317.052 and 3317.053 of the 43836
Revised Code. 43837

(H) Except as provided in division (I) of this section, when 43838
any city, local, or exempted village school district provides 43839
instruction for a nonresident pupil whose attendance is 43840
unauthorized attendance as defined in section 3327.06 of the 43841
Revised Code, that pupil's membership shall not be included in 43842
that district's membership figure used in the calculation of that 43843
district's formula ADM or included in the determination of any 43844
unit approved for the district under section 3317.05 of the 43845
Revised Code. The reporting official shall report separately the 43846
average daily membership of all pupils whose attendance in the 43847
district is unauthorized attendance, and the membership of each 43848
such pupil shall be credited to the school district in which the 43849
pupil is entitled to attend school under division (B) of section 43850
3313.64 or section 3313.65 of the Revised Code as determined by 43851
the department of education. 43852

(I)(1) A city, local, exempted village, or joint vocational 43853
school district admitting a scholarship student of a pilot project 43854
district pursuant to division (C) of section 3313.976 of the 43855

Revised Code may count such student in its average daily membership. 43856
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(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership: 43858
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(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code; 43863
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(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school. 43866
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(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 43869
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(K) If the superintendent of public instruction determines that a component of the ~~formula-ADM~~ average daily membership certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error. 43877
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Sec. 3317.031. A membership record shall be kept by grade level in each city, local, exempted village, joint vocational, and 43884
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cooperative education school district and such a record shall be 43886
kept by grade level in each educational service center that 43887
provides academic instruction to pupils, classes for pupils with 43888
disabilities, or any other direct instructional services to 43889
pupils. Such membership record shall show the following 43890
information for each pupil enrolled: Name, date of birth, name of 43891
parent, date entered school, date withdrawn from school, days 43892
present, days absent, and the number of days school was open for 43893
instruction while the pupil was enrolled. At the end of the school 43894
year this membership record shall show the total days present, the 43895
total days absent, and the total days due for all pupils in each 43896
grade. Such membership record shall show the pupils that are 43897
transported to and from school and it shall also show the pupils 43898
that are transported living within one mile of the school 43899
attended. This membership record shall also show any other 43900
information prescribed by the state board of education. 43901

This membership record shall be kept intact for at least five 43902
years and shall be made available to the state board of education 43903
or its representative in making an audit of the average daily 43904
membership or the transportation of the district or educational 43905
service center. The membership records of local school districts 43906
shall be filed at the close of each school year in the office of 43907
the educational service center superintendent. 43908

The state board of education may withhold any money due any 43909
school district or educational service center under ~~sections~~ 43910
~~3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, or 3317.19~~ this 43911
chapter and Chapter 3306. of the Revised Code until it has 43912
satisfactory evidence that the board of education or educational 43913
service center governing board has fully complied with all of the 43914
provisions of this section. 43915

Nothing in this section shall require any person to release, 43916
or to permit access to, public school records in violation of 43917

section 3319.321 of the Revised Code. 43918

Sec. 3317.04. The amount paid to school districts in each 43919
fiscal year under ~~Chapter~~ Chapters 3306. and 3317. of the Revised 43920
Code shall not be less than the following: 43921

(A) In the case of a district created under section 3311.26 43922
or 3311.37 of the Revised Code, the amount paid shall not be less, 43923
in any of the three succeeding fiscal years following the 43924
creation, than the sum of the amounts allocated under ~~Chapter~~ 43925
Chapters 3306. and 3317. of the Revised Code to the districts 43926
separately in the year of the creation. 43927

(B) In the case of a school district which is transferred to 43928
another school district or districts, pursuant to section 3311.22, 43929
3311.231, or 3311.38 of the Revised Code, the amount paid to the 43930
district accepting the transferred territory shall not be less, in 43931
any of the three succeeding fiscal years following the transfer, 43932
than the sum of the amounts allocated under ~~Chapter~~ Chapters 3306. 43933
and 3317. of the Revised Code to the districts separately in the 43934
year of the consummation of the transfer. 43935

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 43936
and 3311.38 of the Revised Code, the minimum guarantees prescribed 43937
by divisions (A) and (B) of this section shall not affect the 43938
amount of aid received by a school district for more than three 43939
consecutive years. 43940

Sec. 3317.05. (A) For the purpose of calculating payments 43941
under sections 3317.052 and 3317.053 of the Revised Code, the 43942
department of education shall determine for each institution, by 43943
the last day of January of each year and based on information 43944
certified under section 3317.03 of the Revised Code, the number of 43945
vocational education units or fractions of units approved by the 43946
department on the basis of standards and rules adopted by the 43947

state board of education. As used in this division, "institution" 43948
means an institution operated by a department specified in section 43949
3323.091 of the Revised Code and that provides vocational 43950
education programs under the supervision of the division of 43951
vocational education of the department that meet the standards and 43952
rules for these programs, including licensure of professional 43953
staff involved in the programs, as established by the state board. 43954

(B) For the purpose of calculating payments under sections 43955
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 43956
department shall determine, based on information certified under 43957
section 3317.03 of the Revised Code, the following by the last day 43958
of January of each year for each educational service center, for 43959
each school district, including each cooperative education school 43960
district, for each institution eligible for payment under section 43961
3323.091 of the Revised Code, and for each county MR/DD board: the 43962
number of classes operated by the school district, service center, 43963
institution, or county MR/DD board for preschool children with 43964
disabilities, or fraction thereof, including in the case of a 43965
district or service center that is a funding agent, classes taught 43966
by a licensed teacher employed by that district or service center 43967
under section 3313.841 of the Revised Code, approved annually by 43968
the department on the basis of standards and rules adopted by the 43969
state board. 43970

(C) For the purpose of calculating payments under sections 43971
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 43972
department shall determine, based on information certified under 43973
section 3317.03 of the Revised Code, the following by the last day 43974
of January of each year for each school district, including each 43975
cooperative education school district, for each institution 43976
eligible for payment under section 3323.091 of the Revised Code, 43977
and for each county MR/DD board: the number of units for related 43978
43979

services, as defined in section 3323.01 of the Revised Code, for 43980
preschool children with disabilities approved annually by the 43981
department on the basis of standards and rules adopted by the 43982
state board. 43983

(D) All of the arithmetical calculations made under this 43984
section shall be carried to the second decimal place. The total 43985
number of units for school districts, service centers, and 43986
institutions approved annually under this section shall not exceed 43987
the number of units included in the estimate of cost for these 43988
units and appropriations made for them by the general assembly. 43989

In the case of units for preschool children with disabilities 43990
described in division (B) of this section, the department shall 43991
approve only preschool units for children who are under age six on 43992
the thirtieth day of September of the academic year, or on the 43993
first day of August of the academic year if the school district in 43994
which the child is enrolled has adopted a resolution under 43995
division (A)(3) of section 3321.01 of the Revised Code, but not 43996
less than age three on the first day of December of the academic 43997
year, except that such a unit may include one or more children who 43998
are under age three or are age six or over on the applicable date, 43999
as reported under division (B)(2) or (G)(2)(b) of section 3317.03 44000
of the Revised Code, if such children have been admitted to the 44001
unit pursuant to rules of the state board. The number of units for 44002
county MR/DD boards and institutions eligible for payment under 44003
section 3323.091 of the Revised Code approved under this section 44004
shall not exceed the number that can be funded with appropriations 44005
made for such purposes by the general assembly. 44006

44007
No unit shall be approved under divisions (B) and (C) of this 44008
section unless a plan has been submitted and approved under 44009
Chapter 3323. of the Revised Code. 44010

~~(E) The department shall approve units or fractions thereof~~ 44011

~~for gifted children on the basis of standards and rules adopted by~~ 44012
~~the state board.~~ 44013

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 44014
3317.11 of the Revised Code, a unit funded pursuant to ~~division~~ 44015
~~(L) of section 3317.024 or~~ division (A)(2) of section 3317.052 of 44016
the Revised Code shall not be approved for state funding in one 44017
school district, including any cooperative education school 44018
district or any educational service center, to the extent that 44019
such unit provides programs in or services to another district 44020
which receives payment pursuant to section 3317.04 of the Revised 44021
Code. 44022

(2) Any city, local, exempted village, or cooperative 44023
education school district or any educational service center may 44024
combine partial unit eligibility for programs for preschool 44025
children with disabilities pursuant to section 3317.05 of the 44026
Revised Code, and such combined partial units may be approved for 44027
state funding in one school district or service center. 44028

(B) After units have been initially approved for any fiscal 44029
year under section 3317.05 of the Revised Code, no unit shall be 44030
subsequently transferred from a school district or educational 44031
service center to another city, exempted village, local, or 44032
cooperative education school district or educational service 44033
center or to an institution or county MR/DD board solely for the 44034
purpose of reducing the financial obligations of the school 44035
district in a fiscal year it receives payment pursuant to section 44036
3317.04 of the Revised Code. 44037

Sec. 3317.053. (A) As used in this section: 44038

(1) ~~"State share percentage" has the same meaning as in~~ 44039
~~section 3317.022 of the Revised Code.~~ 44040

(2) "Dollar amount" means the amount shown in the following 44041

table for the corresponding type of unit: 44042

TYPE OF UNIT	DOLLAR AMOUNT	
Division (B) of section 3317.05		44044
of the Revised Code	\$8,334	44045
Division (C) of that section	\$3,234	44046
Division (E) of that section	\$5,550	44047

~~(3)~~(2) "Average unit amount" means the amount shown in the 44048
 following table for the corresponding type of unit: 44049

TYPE OF UNIT	AVERAGE UNIT AMOUNT	
Division (B) of section 3317.05		44051
of the Revised Code	\$7,799	44052
Division (C) of that section	\$2,966	44053
Division (E) of that section	\$5,251	44054

(B) In the case of each unit described in division (B) ~~or~~ or 44055
 (C) ~~or (E)~~ of section 3317.05 of the Revised Code and allocated 44056
 to a city, local, or exempted village school district, the 44057
 department of education, in addition to the amounts specified in 44058
~~division (E) of section 3317.024 and~~ sections 3317.052 and 3317.19 44059
 of the Revised Code, shall pay a supplemental unit allowance equal 44060
 to the sum of the following amounts: 44061

(1) An amount equal to 50% of the average unit amount for the 44062
 unit; 44063

(2) An amount equal to the percentage of the dollar amount 44064
 for the unit that equals the district's state share percentage. 44065

If, prior to the fifteenth day of May of a fiscal year, a 44066
 school district's aid ~~computed under section 3317.022 of the~~ 44067
~~Revised Code~~ is recomputed pursuant to section 3317.027 or 44068
 3317.028 of the Revised Code, the department shall also recompute 44069
 the district's entitlement to payment under this section utilizing 44070
 a new state share percentage. Such new state share percentage 44071
 shall be determined using the district's recomputed basic aid 44072

amount pursuant to section 3317.027 or 3317.028 of the Revised Code. During the last six months of the fiscal year, the department shall pay the district a sum equal to one-half of the recomputed payment in lieu of one-half the payment otherwise calculated under this section.

(C)(1) In the case of each unit allocated to an institution pursuant to division (A) of section 3317.05 of the Revised Code, the department, in addition to the amount specified in section 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,227.

(2) In the case of each unit described in division (B) of section 3317.05 of the Revised Code that is allocated to any entity other than a city, exempted village, or local school district, the department, in addition to the amount specified in section 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,799.

(3) In the case of each unit described in division (C) of section 3317.05 of the Revised Code and allocated to any entity other than a city, exempted village, or local school district, the department, in addition to the amounts specified in section 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$2,966.

~~(4) In the case of each unit described in division (E) of section 3317.05 of the Revised Code and allocated to an educational service center, the department, in addition to the amounts specified in division (L) of section 3317.024 of the Revised Code, shall pay a supplemental unit allowance of \$5,251.~~

Sec. 3317.061. The superintendent of each school district, including each cooperative education and joint vocational school district and the superintendent of each educational service center, shall, on forms prescribed and furnished by the state

board of education, certify to the state board of education, on or 44104
before the fifteenth day of October of each year, the name of each 44105
licensed employee employed, on an annual salary, in each school 44106
under such superintendent's supervision during the first full 44107
school week of said month of October, the number of years of 44108
recognized college training such licensed employee has completed, 44109
the college degrees from a recognized college earned by such 44110
licensed employee, the type of teaching license held by such 44111
licensed employee, the number of months such licensed employee is 44112
employed in the school district, the annual salary of such 44113
licensed employee, and such other information as the state board 44114
of education may request. For the purposes of ~~Chapter~~ Chapters 44115
3306. and 3317. of the Revised Code, a licensed employee is any 44116
employee in a position that requires a license issued pursuant to 44117
sections 3319.22 to 3319.31 of the Revised Code. 44118

Pursuant to standards adopted by the state board of 44119
education, experience of vocational teachers in trade and industry 44120
shall be recognized by such board for the purpose of complying 44121
with the requirements of recognized college training provided by 44122
~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. 44123

Sec. 3317.063. The superintendent of public instruction, in 44124
accordance with rules adopted by the department of education, 44125
shall annually reimburse each chartered nonpublic school for the 44126
actual mandated service administrative and clerical costs incurred 44127
by such school during the preceding school year in preparing, 44128
maintaining, and filing reports, forms, and records, and in 44129
providing such other administrative and clerical services that are 44130
not an integral part of the teaching process as may be required by 44131
state law or rule or by requirements duly promulgated by city, 44132
exempted village, or local school districts. The mandated service 44133
costs reimbursed pursuant to this section shall include, but are 44134
not limited to, the preparation, filing and maintenance of forms, 44135

reports, or records and other clerical and administrative services 44136
relating to state chartering or approval of the nonpublic school, 44137
pupil attendance, pupil health and health testing, transportation 44138
of pupils, federally funded education programs, pupil appraisal, 44139
pupil progress, educator licensure, unemployment and workers' 44140
compensation, transfer of pupils, and such other education related 44141
data which are now or hereafter shall be required of such 44142
nonpublic school by state law or rule, or by requirements of the 44143
state department of education, other state agencies, or city, 44144
exempted village, or local school districts. 44145

The reimbursement required by this section shall be for 44146
school years beginning on or after July 1, 1981. 44147

Each nonpublic school which seeks reimbursement pursuant to 44148
this section shall submit to the superintendent of public 44149
instruction an application together with such additional reports 44150
and documents as the department of education may require. Such 44151
application, reports, and documents shall contain such information 44152
as the department of education may prescribe in order to carry out 44153
the purposes of this section. No payment shall be made until the 44154
superintendent of public instruction has approved such 44155
application. 44156

Each nonpublic school which applies for reimbursement 44157
pursuant to this section shall maintain a separate account or 44158
system of accounts for the expenses incurred in rendering the 44159
required services for which reimbursement is sought. Such accounts 44160
shall contain such information as is required by the department of 44161
education and shall be maintained in accordance with rules adopted 44162
by the department of education. 44163

Reimbursement payments to a nonpublic school pursuant to this 44164
section shall not exceed an amount for each school year equal to 44165
three hundred twenty-five dollars per pupil enrolled in that 44166
nonpublic school. 44167

The superintendent of public instruction may, from time to time, examine any and all accounts and records of a nonpublic school which have been maintained pursuant to this section in support of an application for reimbursement, for the purpose of determining the costs to such school of rendering the services for which reimbursement is sought. If after such audit it is determined that any school has received funds in excess of the actual cost of providing such services, said school shall immediately reimburse the state in such excess amount.

Any payments made to chartered nonpublic schools under this section may be disbursed without submission to and approval of the controlling board.

Sec. 3317.08. A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child.

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a preschool child with a disability described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the district's formula ADM.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section 5748.03 or 5748.08 of the Revised Code that are disbursed to the

district during the fiscal year, excluding any income tax receipts 44198
allocated for the project cost, debt service, or maintenance 44199
set-aside associated with a state-assisted classroom facilities 44200
project as authorized by section 3318.052 of the Revised Code. On 44201
or before the first day of June of each year, the tax commissioner 44202
shall certify the amount to be used in the calculation under this 44203
division for the next fiscal year to the department of education 44204
and the office of budget and management for each city, local, and 44205
exempted village school district that levies a school district 44206
income tax. 44207

(B) For any preschool child with a disability not included in 44208
a unit approved under division (B) of section 3317.05 of the 44209
Revised Code, an amount computed for the school year as follows: 44210

(1) For each type of special education service provided to 44211
the child for whom tuition is being calculated, determine the 44212
amount of the district's operating expenses in providing that type 44213
of service to all preschool children with disabilities not 44214
included in units approved under division (B) of section 3317.05 44215
of the Revised Code; 44216

(2) For each type of special education service for which 44217
operating expenses are determined under division (B)(1) of this 44218
section, determine the amount of such operating expenses that was 44219
paid from any state funds received under this chapter; 44220

(3) For each type of special education service for which 44221
operating expenses are determined under division (B)(1) of this 44222
section, divide the difference between the amount determined under 44223
division (B)(1) of this section and the amount determined under 44224
division (B)(2) of this section by the total number of preschool 44225
children with disabilities not included in units approved under 44226
division (B) of section 3317.05 of the Revised Code who received 44227
that type of service; 44228

(4) Determine the sum of the quotients obtained under 44229
division (B)(3) of this section for all types of special education 44230
services provided to the child for whom tuition is being 44231
calculated. 44232

The state board of education shall adopt rules defining the 44233
types of special education services and specifying the operating 44234
expenses to be used in the computation under this section. 44235

If any child for whom a tuition charge is computed under this 44236
section for any school year is enrolled in a district for only 44237
part of that school year, the amount of the district's tuition 44238
charge for the child for the school year shall be computed in 44239
proportion to the number of school days the child is enrolled in 44240
the district during the school year. 44241

Except as otherwise provided in division (J) of section 44242
3313.64 of the Revised Code, whenever a district admits a child to 44243
its schools for whom tuition computed in accordance with this 44244
section is an obligation of another school district, the amount of 44245
the tuition shall be certified by the treasurer of the board of 44246
education of the district of attendance, to the board of education 44247
of the district required to pay tuition for its approval and 44248
payment. If agreement as to the amount payable or the district 44249
required to pay the tuition cannot be reached, or the board of 44250
education of the district required to pay the tuition refuses to 44251
pay that amount, the board of education of the district of 44252
attendance shall notify the superintendent of public instruction. 44253
The superintendent shall determine the correct amount and the 44254
district required to pay the tuition and shall deduct that amount, 44255
if any, under division (G) of section 3317.023 of the Revised 44256
Code, from the district required to pay the tuition and add that 44257
amount to the amount allocated to the district attended under such 44258
division. The superintendent of public instruction shall send to 44259
the district required to pay the tuition an itemized statement 44260

showing such deductions at the time of such deduction. 44261

When a political subdivision owns and operates an airport, 44262
welfare, or correctional institution or other project or facility 44263
outside its corporate limits, the territory within which the 44264
facility is located is exempt from taxation by the school district 44265
within which such territory is located, and there are school age 44266
children residing within such territory, the political subdivision 44267
owning such tax exempt territory shall pay tuition to the district 44268
in which such children attend school. The tuition for these 44269
children shall be computed as provided for in this section. 44270

Sec. 3317.081. (A) Tuition shall be computed in accordance 44271
with this section if: 44272

(1) The tuition is required by division (C)(3)(b) of section 44273
3313.64 of the Revised Code; or 44274

(2) Neither the child nor the child's parent resides in this 44275
state and tuition is required by section 3327.06 of the Revised 44276
Code. 44277

(B) Tuition computed in accordance with this section shall 44278
equal the attendance district's tuition rate computed under 44279
section 3317.08 of the Revised Code plus the amount that district 44280
would have received for the child pursuant to Chapter 3306. and 44281
sections ~~3317.022~~, 3317.023~~7~~ and 3317.025 to 3317.0211 of the 44282
Revised Code during the school year had the attendance district 44283
been authorized to count the child in its formula ADM for that 44284
school year under section 3317.03 of the Revised Code. 44285

Sec. 3317.082. As used in this section, "institution" means a 44286
residential facility that receives and cares for children 44287
maintained by the department of youth services and that operates a 44288
school chartered by the state board of education under section 44289
3301.16 of the Revised Code. 44290

(A) On or before the thirty-first day of each January and 44291
July, the superintendent of each institution that during the 44292
six-month period immediately preceding each January or July 44293
provided an elementary or secondary education for any child, other 44294
than a child receiving special education under section 3323.091 of 44295
the Revised Code, shall prepare and submit to the department of 44296
education, a statement for each such child indicating the child's 44297
name, any school district responsible to pay tuition for the child 44298
as determined by the superintendent in accordance with division 44299
(C)(2) or (3) of section 3313.64 of the Revised Code, and the 44300
period of time during that six-month period that the child 44301
received an elementary or secondary education. If any school 44302
district is responsible to pay tuition for any such child, the 44303
department of education, no later than the immediately succeeding 44304
last day of February or August, as applicable, shall calculate the 44305
amount of the tuition of the district under section 3317.08 of the 44306
Revised Code for the period of time indicated on the statement and 44307
do one of the following: 44308

(1) If the tuition amount is equal to or less than the amount 44309
of state basic aid funds payable to the district under ~~sections~~ 44310
~~3317.022 and Chapter 3306. and section~~ 3317.023 of the Revised 44311
Code, pay to the institution submitting the statement an amount 44312
equal to the tuition amount, as provided under division (M) of 44313
section 3317.024 of the Revised Code, and deduct the tuition 44314
amount from the state basic aid funds payable to the district, as 44315
provided under division (F)(2) of section 3317.023 of the Revised 44316
Code; 44317

(2) If the tuition amount is greater than the amount of state 44318
basic aid funds payable to the district under ~~sections 3317.022~~ 44319
~~and Chapter 3306. and section~~ 3317.023 of the Revised Code, 44320
require the district to pay to the institution submitting the 44321
statement an amount equal to the tuition amount. 44322

(B) In the case of any disagreement about the school district responsible to pay tuition for a child pursuant to this section, the superintendent of public instruction shall make the determination in any such case in accordance with division (C)(2) or (3) of section 3313.64 of the Revised Code.

Sec. 3317.12. Any board of education participating in funds distributed under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code shall annually adopt a salary schedule for nonteaching school employees based upon training, experience, and qualifications with initial salaries no less than the salaries in effect on October 13, 1967. Each board of education shall prepare and may amend from time to time, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the classifications of employees required to perform the duties specified in the salary schedule. All nonteaching school employees are to be notified of the position classification to which they are assigned and the salary for the classification. The compensation of all employees working for a particular school board shall be uniform for like positions except as compensation would be affected by salary increments based upon length of service.

On the fifteenth day of October each year the salary schedule and the list of job classifications and salaries in effect on that date shall be filed by each board of education with the superintendent of public instruction. If such salary schedule and classification plan is not filed the superintendent of public instruction shall order the board to file such schedules forthwith. If this condition is not corrected within ten days after receipt of the order from the superintendent of public instruction, no money shall be distributed to the district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code until the superintendent has satisfactory evidence of the board of

education's full compliance with such order. 44355

Sec. 3317.16. (A) As used in this section: 44356

(1) ~~"State share percentage" means the percentage calculated for a joint vocational school district as follows:~~ 44357
44358

~~(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.~~ 44359
44360
44361
44362

~~(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:~~ 44363
44364
44365

~~the formula amount X~~ 44366

~~formula ADM~~ 44367

~~The resultant number is the district's state share percentage.~~ 44368
44369

~~(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.~~ 44370
44371
44372
44373

~~(3)(2) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(4) of section 3317.022 of the Revised Code.~~ 44374
44375
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44377

~~(4)(3) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts that were subject to the joint vocational school district's tax levies for both the current and preceding tax years.~~ 44378
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44380
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44382

~~(5)(4) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend~~ 44383
44384

school under section 3313.64 or 3313.65 of the Revised Code. 44385

~~(6)~~(5) "Community school" means a community school 44386
established under Chapter 3314. of the Revised Code. 44387

(B) The department of education shall compute and distribute 44388
state base cost funding to each joint vocational school district 44389
for the fiscal year in accordance with the following formula: 44390

(formula amount X formula ADM) - 44391

(.0005 X total recognized valuation) 44392

If the difference obtained under this division is a negative 44393
number, the district's computation shall be zero. 44394

(C)(1) The department shall compute and distribute state 44395
vocational education additional weighted costs funds to each joint 44396
vocational school district in accordance with the following 44397
formula: 44398

state share percentage X formula amount X 44399

total vocational education weight 44400

In each fiscal year, a joint vocational school district 44401
receiving funds under division (C)(1) of this section shall spend 44402
those funds only for the purposes the department designates as 44403
approved for vocational education expenses. Vocational educational 44404
expenses approved by the department shall include only expenses 44405
connected to the delivery of career-technical programming to 44406
career-technical students. The department shall require the joint 44407
vocational school district to report data annually so that the 44408
department may monitor the district's compliance with the 44409
requirements regarding the manner in which funding received under 44410
division (C)(1) of this section may be spent. 44411

(2) The department shall compute for each joint vocational 44412
school district state funds for vocational education associated 44413
services costs in accordance with the following formula: 44414

state share percentage X .05 X 44415

the formula amount X the sum of 44416
categories one and two vocational 44417
education ADM 44418

In any fiscal year, a joint vocational school district 44419
receiving funds under division (C)(2) of this section, or through 44420
a transfer of funds pursuant to division (L) of section 3317.023 44421
of the Revised Code, shall spend those funds only for the purposes 44422
that the department designates as approved for vocational 44423
education associated services expenses, which may include such 44424
purposes as apprenticeship coordinators, coordinators for other 44425
vocational education services, vocational evaluation, and other 44426
purposes designated by the department. The department may deny 44427
payment under division (C)(2) of this section to any district that 44428
the department determines is not operating those services or is 44429
using funds paid under division (C)(2) of this section, or through 44430
a transfer of funds pursuant to division (L) of section 3317.023 44431
of the Revised Code, for other purposes. 44432

(D)(1) The department shall compute and distribute state 44433
special education and related services additional weighted costs 44434
funds to each joint vocational school district in accordance with 44435
the following formula: 44436

state share percentage X formula amount X 44437
total special education weight 44438

(2)(a) As used in this division, the "personnel allowance" 44439
means thirty thousand dollars in fiscal years 2008 and 2009. 44440

(b) For the provision of speech language pathology services 44441
to students, including students who do not have individualized 44442
education programs prepared for them under Chapter 3323. of the 44443
Revised Code, and for no other purpose, the department shall pay 44444
each joint vocational school district an amount calculated under 44445
the following formula: 44446

(formula ADM divided by 2000) X the personnel 44447

allowance X state share percentage 44448

(3) In any fiscal year, a joint vocational school district 44449
shall spend for purposes that the department designates as 44450
approved for special education and related services expenses at 44451
least the amount calculated as follows: 44452

(formula amount X 44453
the sum of categories one through 44454
six special education ADM) + 44455
(total special education weight X 44456
formula amount) 44457

The purposes approved by the department for special education 44458
expenses shall include, but shall not be limited to, compliance 44459
with state rules governing the education of children with 44460
disabilities, providing services identified in a student's 44461
individualized education program as defined in section 3323.01 of 44462
the Revised Code, provision of speech language pathology services, 44463
and the portion of the district's overall administrative and 44464
overhead costs that are attributable to the district's special 44465
education student population. 44466

The department shall require joint vocational school 44467
districts to report data annually to allow for monitoring 44468
compliance with division (D)(3) of this section. The department 44469
shall annually report to the governor and the general assembly the 44470
amount of money spent by each joint vocational school district for 44471
special education and related services. 44472

(4) In any fiscal year, a joint vocational school district 44473
shall spend for the provision of speech language pathology 44474
services not less than the sum of the amount calculated under 44475
division (D)(1) of this section for the students in the district's 44476
category one special education ADM and the amount calculated under 44477
division (D)(2) of this section. 44478

(E)(1) If a joint vocational school district's costs for a 44479

fiscal year for a student in its categories two through six 44480
special education ADM exceed the threshold catastrophic cost for 44481
serving the student, as specified in division (C)(3)(b) of section 44482
3317.022 of the Revised Code, the district may submit to the 44483
superintendent of public instruction documentation, as prescribed 44484
by the superintendent, of all of its costs for that student. Upon 44485
submission of documentation for a student of the type and in the 44486
manner prescribed, the department shall pay to the district an 44487
amount equal to the sum of the following: 44488

(a) One-half of the district's costs for the student in 44489
excess of the threshold catastrophic cost; 44490

(b) The product of one-half of the district's costs for the 44491
student in excess of the threshold catastrophic cost multiplied by 44492
the district's state share percentage. 44493

(2) The district shall only report under division (E)(1) of 44494
this section, and the department shall only pay for, the costs of 44495
educational expenses and the related services provided to the 44496
student in accordance with the student's individualized education 44497
program. Any legal fees, court costs, or other costs associated 44498
with any cause of action relating to the student may not be 44499
included in the amount. 44500

(F) Each fiscal year, the department shall pay each joint 44501
vocational school district an amount for adult technical and 44502
vocational education and specialized consultants. 44503

(G)(1) A joint vocational school district's local share of 44504
special education and related services additional weighted costs 44505
equals: 44506

(1 - state share percentage) X 44507
Total special education weight X 44508
the formula amount 44509

(2) For each student with a disability receiving special 44510

education and related services under an individualized education 44511
program, as defined in section 3323.01 of the Revised Code, at a 44512
joint vocational district, the resident district or, if the 44513
student is enrolled in a community school, the community school 44514
shall be responsible for the amount of any costs of providing 44515
those special education and related services to that student that 44516
exceed the sum of the amount calculated for those services 44517
attributable to that student under divisions (B), (D), (E), and 44518
(G)(1) of this section. 44519

Those excess costs shall be calculated by subtracting the sum 44520
of the following from the actual cost to provide special education 44521
and related services to the student: 44522

(a) The formula amount; 44523

(b) The product of the formula amount times the applicable 44524
multiple specified in section ~~3317.013~~ 3306.11 of the Revised 44525
Code; 44526

(c) Any funds paid under division (E) of this section for the 44527
student; 44528

(d) Any other funds received by the joint vocational school 44529
district under this chapter to provide special education and 44530
related services to the student, not including the amount 44531
calculated under division (G)(2) of this section. 44532

(3) The board of education of the joint vocational school 44533
district may report the excess costs calculated under division 44534
(G)(2) of this section to the department of education. 44535

(4) If the board of education of the joint vocational school 44536
district reports excess costs under division (G)(3) of this 44537
section, the department shall pay the amount of excess cost 44538
calculated under division (G)(2) of this section to the joint 44539
vocational school district and shall deduct that amount as 44540
provided in division (G)(4)(a) or (b) of this section, as 44541

applicable: 44542

(a) If the student is not enrolled in a community school, the 44543
department shall deduct the amount from the account of the 44544
student's resident district pursuant to division (M) of section 44545
3317.023 of the Revised Code. 44546

(b) If the student is enrolled in a community school, the 44547
department shall deduct the amount from the account of the 44548
community school pursuant to section 3314.083 of the Revised Code. 44549
44550

Sec. 3317.18. (A) As used in this section, the terms "Chapter 44551
133. securities," "credit enhancement facilities," "debt charges," 44552
"general obligation," "legislation," "public obligations," and 44553
"securities" have the same meanings as in section 133.01 of the 44554
Revised Code. 44555

(B) The board of education of any school district authorizing 44556
the issuance of securities under section 133.10, 133.301, or 44557
3313.372 of the Revised Code or general obligation Chapter 133. 44558
securities may adopt legislation requesting the state department 44559
of education to approve, and enter into an agreement with the 44560
school district and the primary paying agent or fiscal agent for 44561
such securities providing for, the withholding and deposit of 44562
funds, otherwise due the district under ~~Chapter~~ Chapters 3306. and 44563
3317. of the Revised Code, for the payment of debt service charges 44564
on such securities. 44565

The board of education shall deliver to the state department 44566
a copy of such resolution and any additional pertinent information 44567
the state department may require. 44568

The department of education and the office of budget and 44569
management shall evaluate each request received from a school 44570
district under this section and the department, with the advice 44571

and consent of the director of budget and management, shall 44572
approve or deny each request based on all of the following: 44573

(1) Whether approval of the request will enhance the 44574
marketability of the securities for which the request is made; 44575

(2) Any other pertinent factors or limitations established in 44576
rules made under division (I) of this section, including: 44577

(a) Current and projected obligations of funds due to the 44578
requesting school district under ~~Chapter~~ Chapters 3306. and 3317. 44579
of the Revised Code including obligations of those funds to public 44580
obligations or relevant credit enhancement facilities under this 44581
section, Chapter 133. and section 3313.483 of the Revised Code, 44582
and under any other similar provisions of law; 44583

(b) Whether the department of education or the office of 44584
budget and management has any reason to believe the requesting 44585
school district will be unable to pay when due the debt charges on 44586
the securities for which the request is made. 44587

The department may require a school district to establish 44588
schedules for the payment of all debt charges that take into 44589
account the amount and timing of anticipated distributions of 44590
funds to the district under Chapter 3317. of the Revised Code. 44591

(C) If the department approves the request of a school 44592
district to withhold and deposit funds pursuant to this section, 44593
the department shall enter into a written agreement with the 44594
district and the primary paying agent or fiscal agent for the 44595
securities which shall provide for the withholding of funds 44596
pursuant to this section for the payment of debt charges on those 44597
securities, and may include both of the following: 44598

(1) Provisions for certification by the district to the 44599
department, at a time prior to any date for the payment of 44600
applicable debt charges, whether the district is able to pay those 44601
debt charges when due; 44602

(2) Requirements that the district deposit amounts for the 44603
payment of debt charges on the securities with the primary paying 44604
agent or fiscal agent for the securities prior to the date on 44605
which those debt charge payments are due to the owners or holders 44606
of the securities. 44607

(D) Whenever a district notifies the department of education 44608
that it will be unable to pay debt charges when they are due, 44609
subject to the withholding provisions of this section, or whenever 44610
the applicable paying agent or fiscal agent notifies the 44611
department that it has not timely received from a school district 44612
the full amount needed for the payment when due of those debt 44613
charges to the holders or owners of such securities, the 44614
department shall immediately contact the school district and the 44615
paying agent or fiscal agent to confirm or determine whether the 44616
district is unable to make the required payment by the date on 44617
which it is due. 44618

Upon demand of the treasurer of state while holding a school 44619
district obligation purchased under division (G)(1) of section 44620
135.143 of the Revised Code, the state department of education, 44621
without a request of the school district, shall withhold and 44622
deposit funds pursuant to this section for payment of debt service 44623
charges on that obligation. 44624

If the department confirms or determines that the district 44625
will be unable to make such payment and payment will not be made 44626
pursuant to a credit enhancement facility, the department shall 44627
promptly pay to the applicable primary paying agent or fiscal 44628
agent the lesser of the amount due for debt charges or the amount 44629
due the district for the remainder of the fiscal year under 44630
Chapter 3317. of the Revised Code. If this amount is insufficient 44631
to pay the total amount then due the agent for the payment of debt 44632
charges, the department shall pay to the agent each fiscal year 44633
thereafter, and until the full amount due the agent for unpaid 44634

debt charges is paid in full, the lesser of the remaining amount 44635
due the agent for debt charges or the amount due the district for 44636
the fiscal year under Chapter 3317. of the Revised Code. 44637

(E) The state department may make any payments under this 44638
division by direct deposit of funds by electronic transfer. 44639

Any amount received by a paying agent or fiscal agent under 44640
this section shall be applied only to the payment of debt charges 44641
on the securities of the school district subject to this section 44642
or to the reimbursement to the provider of a credit enhancement 44643
facility that has paid such debt charges. 44644

(F) To the extent a school district whose securities are 44645
subject to this section is unable to pay applicable debt charges 44646
because of the failure to collect property taxes levied for the 44647
payment of those debt charges, the district may transfer to or 44648
deposit into any fund that would have received payments under 44649
~~Chapter 3306.~~ or 3317. of the Revised Code that were withheld 44650
under this section any such delinquent property taxes when later 44651
collected, provided that transfer or deposit shall be limited to 44652
the amounts withheld from that fund under this section. 44653

(G) The department may make payments under this section to 44654
paying agents or fiscal agents only from and to the extent that 44655
money is appropriated by the general assembly for Chapter 3317. of 44656
the Revised Code or for the purposes of this section. No 44657
securities of a school district to which this section is made 44658
applicable constitute an obligation or a debt or a pledge of the 44659
faith, credit, or taxing power of the state, and the holders or 44660
owners of such securities have no right to have taxes levied or 44661
appropriations made by the general assembly for the payment of 44662
debt charges on those securities, and those securities, if the 44663
department requires, shall contain a statement to that effect. The 44664
agreement for or the actual withholding and payment of moneys 44665
under this section does not constitute the assumption by the state 44666

of any debt of a school district. 44667

(H) In the case of securities subject to the withholding 44668
provisions of this section, the issuing board of education shall 44669
appoint a paying agent or fiscal agent who is not an officer or 44670
employee of the school district. 44671

(I) The department of education, with the advice of the 44672
office of budget and management, may adopt reasonable rules not 44673
inconsistent with this section for the implementation of this 44674
section and division (B) of section 133.25 of the Revised Code as 44675
it relates to the withholding and depositing of payments under 44676
~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to secure 44677
payment of debt charges on school district securities. Those rules 44678
shall include criteria for the evaluation and approval or denial 44679
of school district requests for withholding under this section and 44680
limits on the obligation for the purpose of paying debt charges or 44681
reimbursing credit enhancement facilities of funds otherwise to be 44682
paid to school districts under Chapter 3317. of the Revised Code. 44683

(J) The authority granted by this section is in addition to 44684
and not a limitation on any other authorizations granted by or 44685
pursuant to law for the same or similar purposes. 44686

Sec. 3317.20. This section does not apply to preschool 44687
children with disabilities. 44688

(A) As used in this section: 44689

(1) "Applicable weight" means the multiple specified in 44690
section ~~3317.013~~ 3306.11 of the Revised Code for a disability 44691
described in that section. 44692

(2) "Child's school district" means the school district in 44693
which a child is entitled to attend school pursuant to section 44694
3313.64 or 3313.65 of the Revised Code. 44695

~~(3) "State share percentage" means the state share percentage~~ 44696

~~of the child's school district as defined in section 3317.022 of
the Revised Code.~~ 44697
44698

(B) Except as provided in division (C) of this section, the 44699
department shall annually pay each county MR/DD board for each 44700
child with a disability, other than a preschool child with a 44701
disability, for whom the county MR/DD board provides special 44702
education and related services an amount equal to the formula 44703
amount + (state share percentage X formula amount X the applicable 44704
weight). 44705

(C) If any school district places with a county MR/DD board 44706
more children with disabilities than it had placed with a county 44707
MR/DD board in fiscal year 1998, the department shall not make a 44708
payment under division (B) of this section for the number of 44709
children exceeding the number placed in fiscal year 1998. The 44710
department instead shall deduct from the district's payments under 44711
this chapter and Chapter 3306. of the Revised Code, and pay to the 44712
county MR/DD board, an amount calculated in accordance with the 44713
formula prescribed in division (B) of this section for each child 44714
over the number of children placed in fiscal year 1998. 44715
44716

(D) The department shall calculate for each county MR/DD 44717
board receiving payments under divisions (B) and (C) of this 44718
section the following amounts: 44719

(1) The amount received by the county MR/DD board for 44720
approved special education and related services units, other than 44721
units for preschool children with disabilities, in fiscal year 44722
1998, divided by the total number of children served in the units 44723
that year; 44724

(2) The product of the quotient calculated under division 44725
(D)(1) of this section times the number of children for whom 44726
payments are made under divisions (B) and (C) of this section. 44727

If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.

(E) Each county MR/DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county MR/DD board provides special education and related services and the child's school district.

(F)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county MR/DD board:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (F)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (F) of this section to any person except as provided by law. 44759
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44761

(G) Any document relative to special education and related services provided by a county MR/DD board that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 44762
44763
44764
44765
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44767

Sec. 3317.201. This section does not apply to preschool children with disabilities. 44768
44769

(A) As used in this section, the "total special education weight" for an institution means the sum of the following amounts: 44770
44771

(1) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division ~~(A)(C)(1)~~ of section ~~3317.013~~ 3306.02 of the Revised Code multiplied by the multiple specified in that division; 44772
44773
44774
44775
44776

(2) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division ~~(B)(C)(2)~~ of section ~~3317.013~~ 3306.02 of the Revised Code multiplied by the multiple specified in that division; 44777
44778
44779
44780
44781

(3) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C)(~~3~~) of section ~~3317.013~~ 3306.02 of the Revised Code multiplied by the multiple specified in that division; 44782
44783
44784
44785
44786

(4) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 44787
44788

receiving services for a disability described in division 44789
~~(D)~~(C)(4) of section ~~3317.013~~ 3306.02 of the Revised Code 44790
multiplied by the multiple specified in that division; 44791

(5) The number of children reported by the institution under 44792
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 44793
receiving services for a disability described in division 44794
~~(E)~~(C)(5) of section ~~3317.013~~ 3306.02 of the Revised Code 44795
multiplied by the multiple specified in that division; 44796

(6) The number of children reported by the institution under 44797
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 44798
receiving services for a disability described in division 44799
~~(F)~~(C)(6) of section ~~3317.013~~ 3306.02 of the Revised Code 44800
multiplied by the multiple specified in that division. 44801

(B) For each fiscal year, the department of education shall 44802
pay each state institution required to provide special education 44803
services under division (A) of section 3323.091 of the Revised 44804
Code an amount equal to the greater of: 44805

(1) The formula amount times the institution's total special 44806
education weight; 44807

(2) The aggregate amount of special education and related 44808
services unit funding the institution received for all children 44809
with disabilities other than preschool children with disabilities 44810
in fiscal year 2005 under sections 3317.052 and 3317.053 of the 44811
Revised Code, as those sections existed prior to June 30, 2005. 44812

Sec. 3318.011. For purposes of providing assistance under 44813
sections 3318.01 to 3318.20 of the Revised Code, the department of 44814
education shall annually do all of the following: 44815

(A) Calculate the adjusted valuation per pupil of each city, 44816
local, and exempted village school district according to the 44817
following formula: 44818

The district's valuation per pupil - 44819
[\$30,000 X (1 - the district's income factor)]. 44820

For purposes of this calculation: 44821

(1)(a) ~~Except for a district with an open enrollment net gain~~ 44822
~~that is ten per cent or more of its formula ADM as provided in~~ 44823
~~division (A)(1)(b) of this section,~~ "valuation per pupil" for a 44824
district means its average taxable value, divided by its formula 44825
ADM for the previous fiscal year. ~~"Valuation per pupil,"~~ 44826

(b) For calculations in which the formula ADM reported for 44827
fiscal year 2009 or earlier is a factor, for a district with an 44828
open enrollment net gain that is ten per cent or more of its 44829
formula ADM, "valuation per pupil" means its average taxable 44830
value, divided by the sum of its formula ADM for the previous 44831
fiscal year plus its open enrollment net gain for the previous 44832
fiscal year. 44833

Consideration of net open enrollment gain is not added to the 44834
calculation of valuation per pupil for calculations in which the 44835
formula ADM is reported for a fiscal year after fiscal year 2009, 44836
to account for the fact that beginning with the report of formula 44837
ADM in October 2009 open enrollment students are counted in the 44838
formula ADM of the school districts in which they are enrolled. 44839

(2) "Average taxable value" means the average of the amounts 44840
certified for a district in the second, third, and fourth 44841
preceding fiscal years under divisions (A)(1) and (2) of section 44842
3317.021 of the Revised Code. 44843

(3) "Entitled to attend school" means entitled to attend 44844
school in a city, local, or exempted village school district under 44845
section 3313.64 or 3313.65 of the Revised Code. 44846

(4) "Formula ADM" and "income factor" have the same meanings 44847
as in section 3317.02 of the Revised Code. 44848

(5) "Native student" has the same meaning as in section 44849

3313.98 of the Revised Code. 44850

(6) "Open enrollment net gain" for a district means (a) the 44851
number of the students entitled to attend school in another 44852
district but who are enrolled in the schools of the district under 44853
its open enrollment policy minus (b) the number of the district's 44854
native students who are enrolled in the schools of another 44855
district under the other district's open enrollment policy, both 44856
numbers as certified to the department under section 3313.981 of 44857
the Revised Code. If the difference is a negative number, the 44858
district's "open enrollment net gain" is zero. 44859

(7) "Open enrollment policy" means an interdistrict open 44860
enrollment policy adopted under section 3313.98 of the Revised 44861
Code. 44862

(B) Calculate for each district the three-year average of the 44863
adjusted valuations per pupil calculated for the district for the 44864
current and two preceding fiscal years; 44865

(C) Rank all such districts in order of adjusted valuation 44866
per pupil from the district with the lowest three-year average 44867
adjusted valuation per pupil to the district with the highest 44868
three-year average adjusted valuation per pupil; 44869

(D) Divide such ranking into percentiles with the first 44870
percentile containing the one per cent of school districts having 44871
the lowest three-year average adjusted valuations per pupil and 44872
the one-hundredth percentile containing the one per cent of school 44873
districts having the highest three-year average adjusted 44874
valuations per pupil; 44875

(E) Determine the school districts that have three-year 44876
average adjusted valuations per pupil that are greater than the 44877
median three-year average adjusted valuation per pupil for all 44878
school districts in the state; 44879

(F) On or before the first day of September, certify the 44880

information described in divisions (A) to (E) of this section to 44881
the Ohio school facilities commission. 44882

Sec. 3318.051. (A) Any city, exempted village, or local 44883
school district that commences a project under sections 3318.01 to 44884
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 44885
after ~~the effective date of this section~~ September 5, 2006, need 44886
not levy the tax otherwise required under division (B) of section 44887
3318.05 of the Revised Code, if the district board of education 44888
adopts a resolution petitioning the Ohio school facilities 44889
commission to approve the transfer of money in accordance with 44890
this section and the commission approves that transfer. If so 44891
approved, the commission and the district board shall enter into 44892
an agreement under which the board, in each of twenty-three 44893
consecutive years beginning in the year in which the board and the 44894
commission enter into the project agreement under section 3318.08 44895
of the Revised Code, shall transfer into the maintenance fund 44896
required by division (D) of section 3318.05 of the Revised Code 44897
not less than an amount equal to one-half mill for each dollar of 44898
the district's valuation unless and until the agreement to make 44899
those transfers is rescinded by the district board pursuant to 44900
division (F) of this section. 44901

(B) On the first day of July each year, or on an alternative 44902
date prescribed by the commission, the district treasurer shall 44903
certify to the commission and the auditor of state that the amount 44904
required for the year has been transferred. The auditor of state 44905
shall include verification of the transfer as part of any audit of 44906
the district under section 117.11 of the Revised Code. If the 44907
auditor of state finds that less than the required amount has been 44908
deposited into a district's maintenance fund, the auditor of state 44909
shall notify the district board of education in writing of that 44910
fact and require the board to deposit into the fund, within ninety 44911
days after the date of the notice, the amount by which the fund is 44912

deficient for the year. If the district board fails to demonstrate 44913
to the auditor of state's satisfaction that the board has made the 44914
deposit required in the notice, the auditor of state shall notify 44915
the department of education. At that time, the department shall 44916
withhold an amount equal to ten per cent of the district's funds 44917
calculated for the current fiscal year under ~~Chapter~~ Chapters 44918
3306. and 3317. of the Revised Code until the auditor of state 44919
notifies the department that the auditor of state is satisfied 44920
that the board has made the required transfer. 44921

(C) Money transferred to the maintenance fund shall be used 44922
for the maintenance of the facilities acquired under the 44923
district's project. 44924

(D) The transfers to the maintenance fund under this section 44925
does not affect a district's obligation to establish and maintain 44926
a capital and maintenance fund under section 3315.18 of the 44927
Revised Code. 44928

(E) Any decision by the commission to approve or not approve 44929
the transfer of money under this section is final and not subject 44930
to appeal. The commission shall not be responsible for errors or 44931
miscalculations made in deciding whether to approve a petition to 44932
make transfers under this section. 44933

(F) If the district board determines that it no longer can 44934
continue making the transfers agreed to under this section, the 44935
board may rescind the agreement only so long as the electors of 44936
the district have approved, in accordance with section 3318.063 of 44937
the Revised Code, the levy of a tax for the maintenance of the 44938
classroom facilities acquired under the district's project and 44939
that levy continues to be collected as approved by the electors. 44940
That levy shall be for a number of years that is equal to the 44941
difference between twenty-three years and the number of years that 44942
the district made transfers under this section and shall be at the 44943
rate of not less than one-half mill for each dollar of the 44944

district's valuation. The district board shall continue to make 44945
the transfers agreed to under this section until that levy has 44946
been approved by the electors. 44947

Sec. 3318.061. This section applies only to school districts 44948
eligible to receive additional assistance under division (B)(2) of 44949
section 3318.04 of the Revised Code ~~and to big eight districts~~ 44950
~~segmenting projects under section 3318.38 of the Revised Code.~~ 44951

The board of education of a school district in which a tax 44952
described by division (B) of section 3318.05 and levied under 44953
section 3318.06 of the Revised Code is in effect, may adopt a 44954
resolution by vote of a majority of its members to extend the term 44955
of that tax beyond the expiration of that tax as originally 44956
approved under that section. The school district board may include 44957
in the resolution a proposal to extend the term of that tax at the 44958
rate of not less than one-half mill for each dollar of valuation 44959
for a period of twenty-three years from the year in which the 44960
school district board and the Ohio school facilities commission 44961
enter into an agreement under division (B)(2) of section 3318.04 44962
of the Revised Code or in the following year, as specified in the 44963
resolution ~~or, as applicable in the case of a district segmenting~~ 44964
~~a project under section 3318.38 of the Revised Code, from the year~~ 44965
~~in which the last segment is undertaken.~~ Such a resolution may be 44966
adopted at any time before such an agreement is entered into and 44967
before the tax levied pursuant to section 3318.06 of the Revised 44968
Code expires. If the resolution is combined with a resolution to 44969
issue bonds to pay the school district's portion of the basic 44970
project cost, it shall conform with the requirements of divisions 44971
(A)(1), (2), and (3) of section 3318.06 of the Revised Code, 44972
except that the resolution also shall state that the tax levy 44973
proposed in the resolution is an extension of an existing tax 44974
levied under that section. A resolution proposing an extension 44975
adopted under this section does not take effect until it is 44976

approved by a majority of electors voting in favor of the 44977
resolution at a general, primary, or special election as provided 44978
in this section. 44979

A tax levy extended under this section is subject to the same 44980
terms and limitations to which the original tax levied under 44981
section 3318.06 of the Revised Code is subject under that section, 44982
except the term of the extension shall be as specified in this 44983
section. 44984

The school district board shall certify a copy of the 44985
resolution adopted under this section to the proper county board 44986
of elections not later than seventy-five days before the date set 44987
in the resolution as the date of the election at which the 44988
question will be submitted to electors. The notice of the election 44989
shall conform with the requirements of division (A)(3) of section 44990
3318.06 of the Revised Code, except that the notice also shall 44991
state that the maintenance tax levy is an extension of an existing 44992
tax levy. 44993

The form of the ballot shall be as follows: 44994

"Shall the existing tax levied to pay the cost of maintaining 44995
classroom facilities constructed with the proceeds of the 44996
previously issued bonds at the rate of (here insert the 44997
number of mills, which shall not be less than one-half mill) mills 44998
per dollar of tax valuation, be extended until (here 44999
insert the year that is twenty-three years after the year in which 45000
the district and commission will enter into an agreement under 45001
division (B)(2) of section 3318.04 of the Revised Code or the 45002
following year)? 45003

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

45004
45005
45006
45007

Section 3318.07 of the Revised Code applies to ballot 45008
questions under this section. 45009

Sec. 3318.08. Except in the case of a joint vocational school 45010
district that receives assistance under sections 3318.40 to 45011
3318.45 of the Revised Code, if the requisite favorable vote on 45012
the election is obtained, or if the school district board has 45013
resolved to apply the proceeds of a property tax levy or the 45014
proceeds of an income tax, or a combination of proceeds from such 45015
taxes, as authorized in section 3318.052 of the Revised Code, the 45016
Ohio school facilities commission, upon certification to it of 45017
either the results of the election or the resolution under section 45018
3318.052 of the Revised Code, shall enter into a written agreement 45019
with the school district board for the construction and sale of 45020
the project. In the case of a joint vocational school district 45021
that receives assistance under sections 3318.40 to 3318.45 of the 45022
Revised Code, if the school district board of education and the 45023
school district electors have satisfied the conditions prescribed 45024
in division (D)(1) of section 3318.41 of the Revised Code, the 45025
commission shall enter into an agreement with the school district 45026
board for the construction and sale of the project. In either 45027
case, the agreement shall include, but need not be limited to, the 45028
following provisions: 45029

(A) The sale and issuance of bonds or notes in anticipation 45030
thereof, as soon as practicable after the execution of the 45031
agreement, in an amount equal to the school district's portion of 45032
the basic project cost, including any securities authorized under 45033
division (J) of section 133.06 of the Revised Code and dedicated 45034
by the school district board to payment of the district's portion 45035
of the basic project cost of the project; provided, that if at 45036
that time the county treasurer of each county in which the school 45037
district is located has not commenced the collection of taxes on 45038
the general duplicate of real and public utility property for the 45039

year in which the controlling board approved the project, the 45040
school district board shall authorize the issuance of a first 45041
installment of bond anticipation notes in an amount specified by 45042
the agreement, which amount shall not exceed an amount necessary 45043
to raise the net bonded indebtedness of the school district as of 45044
the date of the controlling board's approval to within five 45045
thousand dollars of the required level of indebtedness for the 45046
preceding year. In the event that a first installment of bond 45047
anticipation notes is issued, the school district board shall, as 45048
soon as practicable after the county treasurer of each county in 45049
which the school district is located has commenced the collection 45050
of taxes on the general duplicate of real and public utility 45051
property for the year in which the controlling board approved the 45052
project, authorize the issuance of a second and final installment 45053
of bond anticipation notes or a first and final issue of bonds. 45054

The combined value of the first and second installment of 45055
bond anticipation notes or the value of the first and final issue 45056
of bonds shall be equal to the school district's portion of the 45057
basic project cost. The proceeds of any such bonds shall be used 45058
first to retire any bond anticipation notes. Otherwise, the 45059
proceeds of such bonds and of any bond anticipation notes, except 45060
the premium and accrued interest thereon, shall be deposited in 45061
the school district's project construction fund. In determining 45062
the amount of net bonded indebtedness for the purpose of fixing 45063
the amount of an issue of either bonds or bond anticipation notes, 45064
gross indebtedness shall be reduced by moneys in the bond 45065
retirement fund only to the extent of the moneys therein on the 45066
first day of the year preceding the year in which the controlling 45067
board approved the project. Should there be a decrease in the tax 45068
valuation of the school district so that the amount of 45069
indebtedness that can be incurred on the tax duplicates for the 45070
year in which the controlling board approved the project is less 45071
than the amount of the first installment of bond anticipation 45072

notes, there shall be paid from the school district's project 45073
construction fund to the school district's bond retirement fund to 45074
be applied against such notes an amount sufficient to cause the 45075
net bonded indebtedness of the school district, as of the first 45076
day of the year following the year in which the controlling board 45077
approved the project, to be within five thousand dollars of the 45078
required level of indebtedness for the year in which the 45079
controlling board approved the project. The maximum amount of 45080
indebtedness to be incurred by any school district board as its 45081
share of the cost of the project is either an amount that will 45082
cause its net bonded indebtedness, as of the first day of the year 45083
following the year in which the controlling board approved the 45084
project, to be within five thousand dollars of the required level 45085
of indebtedness, or an amount equal to the required percentage of 45086
the basic project costs, whichever is greater. All bonds and bond 45087
anticipation notes shall be issued in accordance with Chapter 133. 45088
of the Revised Code, and notes may be renewed as provided in 45089
section 133.22 of the Revised Code. 45090

(B) The transfer of such funds of the school district board 45091
available for the project, together with the proceeds of the sale 45092
of the bonds or notes, except premium, accrued interest, and 45093
interest included in the amount of the issue, to the school 45094
district's project construction fund; 45095

(C) For all school districts except joint vocational school 45096
districts that receive assistance under sections 3318.40 to 45097
3318.45 of the Revised Code, the following provisions as 45098
applicable: 45099

(1) If section 3318.052 of the Revised Code applies, the 45100
earmarking of the proceeds of a tax levied under section 5705.21 45101
of the Revised Code for general permanent improvements or under 45102
section 5705.218 of the Revised Code for the purpose of permanent 45103
improvements, or the proceeds of a school district income tax 45104

levied under Chapter 5748. of the Revised Code, or the proceeds 45105
from a combination of those two taxes, in an amount to pay all or 45106
part of the service charges on bonds issued to pay the school 45107
district portion of the project and an amount equivalent to all or 45108
part of the tax required under division (B) of section 3318.05 of 45109
the Revised Code; 45110

(2) If section 3318.052 of the Revised Code does not apply, 45111
one of the following: 45112

(a) The levy of the tax authorized at the election for the 45113
payment of maintenance costs, as specified in division (B) of 45114
section 3318.05 of the Revised Code; 45115

(b) If the school district electors have approved a 45116
continuing tax for general permanent improvements under section 45117
5705.21 of the Revised Code and that tax can be used for 45118
maintenance, the earmarking of an amount of the proceeds from such 45119
tax for maintenance of classroom facilities as specified in 45120
division (B) of section 3318.05 of the Revised Code; 45121

(c) If, in lieu of the tax otherwise required under division 45122
(B) of section 3318.05 of the Revised Code, the commission has 45123
approved the transfer of money to the maintenance fund in 45124
accordance with section 3318.051 of the Revised Code, a 45125
requirement that the district board comply with the provisions 45126
prescribed under that section. The district board may rescind the 45127
provision prescribed under division (C)(2)(c) of this section only 45128
so long as the electors of the district have approved, in 45129
accordance with section 3318.063 of the Revised Code, the levy of 45130
a tax for the maintenance of the classroom facilities acquired 45131
under the district's project and that levy continues to be 45132
collected as approved by the electors. 45133

(D) For joint vocational school districts that receive 45134
assistance under sections 3318.40 to 3318.45 of the Revised Code, 45135

provision for deposit of school district moneys dedicated to 45136
maintenance of the classroom facilities acquired under those 45137
sections as prescribed in section 3318.43 of the Revised Code; 45138

(E) Dedication of any local donated contribution as provided 45139
for under section 3318.084 of the Revised Code, including a 45140
schedule for depositing such moneys applied as an offset of the 45141
district's obligation to levy the tax described in division (B) of 45142
section 3318.05 of the Revised Code as required under division 45143
(D)(2) of section 3318.084 of the Revised Code; 45144

(F) Ownership of or interest in the project during the period 45145
of construction, which shall be divided between the commission and 45146
the school district board in proportion to their respective 45147
contributions to the school district's project construction fund; 45148

(G) Maintenance of the state's interest in the project until 45149
any obligations issued for the project under section 3318.26 of 45150
the Revised Code are no longer outstanding; 45151

(H) The insurance of the project by the school district from 45152
the time there is an insurable interest therein and so long as the 45153
state retains any ownership or interest in the project pursuant to 45154
division (F) of this section, in such amounts and against such 45155
risks as the commission shall require; provided, that the cost of 45156
any required insurance until the project is completed shall be a 45157
part of the basic project cost; 45158

(I) The certification by the director of budget and 45159
management that funds are available and have been set aside to 45160
meet the state's share of the basic project cost as approved by 45161
the controlling board pursuant to either section 3318.04 or 45162
division (B)(1) of section 3318.41 of the Revised Code; 45163

(J) Authorization of the school district board to advertise 45164
for and receive construction bids for the project, for and on 45165
behalf of the commission, and to award contracts in the name of 45166

the state subject to approval by the commission; 45167

(K) Provisions for the disbursement of moneys from the school 45168
district's project account upon issuance by the commission or the 45169
commission's designated representative of vouchers for work done 45170
to be certified to the commission by the treasurer of the school 45171
district board; 45172

(L) Disposal of any balance left in the school district's 45173
project construction fund upon completion of the project; 45174

(M) Limitations upon use of the project or any part of it so 45175
long as any obligations issued to finance the project under 45176
section 3318.26 of the Revised Code are outstanding; 45177

(N) Provision for vesting the state's interest in the project 45178
to the school district board when the obligations issued to 45179
finance the project under section 3318.26 of the Revised Code are 45180
outstanding; 45181

(O) Provision for deposit of an executed copy of the 45182
agreement in the office of the commission; 45183

(P) Provision for termination of the contract and release of 45184
the funds encumbered at the time of the conditional approval, if 45185
the proceeds of the sale of the bonds of the school district board 45186
are not paid into the school district's project construction fund 45187
and if bids for the construction of the project have not been 45188
taken within such period after the execution of the agreement as 45189
may be fixed by the commission; 45190

(Q) Provision for the school district to maintain the project 45191
in accordance with a plan approved by the commission; 45192

(R)(1) For all school districts except a district undertaking 45193
a project under section 3318.38 of the Revised Code or a joint 45194
vocational school district undertaking a project under sections 45195
3318.40 to 3318.45 of the Revised Code, provision that all state 45196

funds reserved and encumbered to pay the state share of the cost 45197
of the project pursuant to section 3318.03 of the Revised Code be 45198
spent on the construction or acquisition of the project prior to 45199
the expenditure of any funds provided by the school district to 45200
pay for its share of the project cost, unless the school district 45201
certifies to the commission that expenditure by the school 45202
district is necessary to maintain the tax-exempt status of notes 45203
or bonds issued by the school district to pay for its share of the 45204
project cost or to comply with applicable temporary investment 45205
periods or spending exceptions to rebate as provided for under 45206
federal law in regard to those notes or bonds, in which cases, the 45207
school district may commit to spend, or spend, a portion of the 45208
funds it provides; 45209

(2) For a school district undertaking a project under section 45210
3318.38 of the Revised Code or a joint vocational school district 45211
undertaking a project under sections 3318.40 to 3318.45 of the 45212
Revised Code, provision that the state funds reserved and 45213
encumbered and the funds provided by the school district to pay 45214
the basic project cost of any segment of the project, or of the 45215
entire project if it is not divided into segments, be spent on the 45216
construction and acquisition of the project simultaneously in 45217
proportion to the state's and the school district's respective 45218
shares of that basic project cost as determined under section 45219
3318.032 of the Revised Code or, if the district is a joint 45220
vocational school district, under section 3318.42 of the Revised 45221
Code. 45222

(S) A provision stipulating that the commission may prohibit 45223
the district from proceeding with any project if the commission 45224
determines that the site is not suitable for construction 45225
purposes. The commission may perform soil tests in its 45226
determination of whether a site is appropriate for construction 45227
purposes. 45228

(T) A provision stipulating that, unless otherwise authorized 45229
by the commission, any contingency reserve portion of the 45230
construction budget prescribed by the commission shall be used 45231
only to pay costs resulting from unforeseen job conditions, to 45232
comply with rulings regarding building and other codes, to pay 45233
costs related to design clarifications or corrections to contract 45234
documents, and to pay the costs of settlements or judgments 45235
related to the project as provided under section 3318.086 of the 45236
Revised Code. 45237

~~(U) Provision stipulating that for continued release of 45238
project funds the school district board shall comply with section 45239
3313.41 of the Revised Code throughout the project and shall 45240
notify the department of education and the Ohio community school 45241
association when the board plans to dispose of facilities by sale 45242
under that section. 45243~~

~~(V) Provision that the commission shall not approve a 45244
contract for demolition of a facility until the school district 45245
board has complied with section 3313.41 of the Revised Code 45246
relative to that facility, unless demolition of that facility is 45247
to clear a site for construction of a replacement facility 45248
included in the district's project. 45249~~

Sec. 3318.312. After the superintendent of public instruction 45250
adopts rules under section 3306.25 of the Revised Code 45251
establishing expenditure and reporting standards for operating 45252
funds paid under Chapter 3306. of the Revised Code, the Ohio 45253
school facilities commission shall conduct a study of demands upon 45254
and other issues related to existing classroom facilities that may 45255
arise due to new operating requirements. The commission shall 45256
report its findings to the governor and general assembly, in 45257
accordance with section 101.68 of the Revised Code. 45258

Sec. 3318.36. (A)(1) As used in this section: 45259

(a) "Ohio school facilities commission," "classroom 45260
facilities," "school district," "school district board," "net 45261
bonded indebtedness," "required percentage of the basic project 45262
costs," "basic project cost," "valuation," and "percentile" have 45263
the same meanings as in section 3318.01 of the Revised Code. 45264

(b) "Required level of indebtedness" means five per cent of 45265
the school district's valuation for the year preceding the year in 45266
which the commission and school district enter into an agreement 45267
under division (B) of this section, plus [two one-hundredths of 45268
one per cent multiplied by (the percentile in which the district 45269
ranks minus one)]. 45270

(c) "Local resources" means any moneys generated in any 45271
manner permitted for a school district board to raise the school 45272
district portion of a project undertaken with assistance under 45273
sections 3318.01 to 3318.20 of the Revised Code. 45274

(2) For purposes of determining ~~either~~ the required level of 45275
indebtedness, ~~as defined in division (A)(1)(b) of this section, or~~ 45276
the required percentage of the basic project costs, ~~under division~~ 45277
(C)(1) of this section, and priority for assistance under sections 45278
3318.01 to 3318.20 of the Revised Code, the percentile ranking of 45279
a school district with which the commission has entered into an 45280
agreement under this section between the first day of July and the 45281
thirty-first day of August in each fiscal year is the percentile 45282
ranking calculated for that district for the immediately preceding 45283
fiscal year, and the percentile ranking of a school district with 45284
which the commission has entered into such agreement between the 45285
first day of September and the thirtieth day of June in each 45286
fiscal year is the percentile ranking calculated for that district 45287
for the current fiscal year. 45288

(B)(1) There is hereby established the school building 45289

assistance expedited local partnership program. Under the program, 45290
the Ohio school facilities commission may enter into an agreement 45291
with the school district board of any school district under which 45292
the school district board may proceed with the new construction or 45293
major repairs of a part of the school district's classroom 45294
facilities needs, as determined under sections 3318.01 to 3318.20 45295
of the Revised Code, through the expenditure of local resources 45296
prior to the school district's eligibility for state assistance 45297
under those sections ~~3318.01 to 3318.20~~ of the Revised Code and 45298
may apply that expenditure toward meeting the school district's 45299
portion of the basic project cost of the total of the school 45300
district's classroom facilities needs, as determined under 45301
sections 3318.01 to 3318.20 of the Revised Code and as 45302
recalculated under division (E) of this section, that are eligible 45303
for state assistance under sections 3318.01 to 3318.20 of the 45304
Revised Code when the school district becomes eligible for ~~such~~ 45305
~~state~~ that assistance. Any school district that is reasonably 45306
expected to receive assistance under sections 3318.01 to 3318.20 45307
of the Revised Code within two fiscal years from the date the 45308
school district adopts its resolution under division (B) of this 45309
section shall not be eligible to participate in the program 45310
established under this section. 45311

(2) To participate in the program, a school district board 45312
shall first adopt a resolution certifying to the commission the 45313
board's intent to participate in the program. 45314

The resolution shall specify the approximate date that the 45315
board intends to seek elector approval of any bond or tax measures 45316
or to apply other local resources to use to pay the cost of 45317
classroom facilities to be constructed under this section. The 45318
resolution may specify the application of local resources or 45319
elector-approved bond or tax measures after the resolution is 45320
adopted by the board, and in such case the board may proceed with 45321

a discrete portion of its project under this section as soon as 45322
the commission and the controlling board have approved the basic 45323
project cost of the district's classroom facilities needs as 45324
specified in division (D) of this section. The board shall submit 45325
its resolution to the commission not later than ten days after the 45326
date the resolution is adopted by the board. 45327

The commission shall not consider any resolution that is 45328
submitted pursuant to division (B)(2) of this section, as amended 45329
by this amendment, sooner than September 14, 2000. 45330

(3) For purposes of determining when a district that enters 45331
into an agreement under this section becomes eligible for 45332
assistance under sections 3318.01 to 3318.20 of the Revised Code, 45333
the commission shall use the district's percentile ranking 45334
determined at the time the district entered into the agreement 45335
under this section, as prescribed by division (A)(2) of this 45336
section. 45337

(4) Any project under this section shall comply with section 45338
3318.03 of the Revised Code and with any specifications for plans 45339
and materials for classroom facilities adopted by the commission 45340
under section 3318.04 of the Revised Code. 45341

~~(4)~~(5) If a school district that enters into an agreement 45342
under this section has not begun a project applying local 45343
resources as provided for under that agreement at the time the 45344
district is notified by the commission that it is eligible to 45345
receive state assistance under sections 3318.01 to 3318.20 of the 45346
Revised Code, all assessment and agreement documents entered into 45347
under this section are void. 45348

~~(5)~~(6) Only construction of or repairs to classroom 45349
facilities that have been approved by the commission and have been 45350
therefore included as part of a district's basic project cost 45351
qualify for application of local resources under this section. 45352

(C) Based on the results of ~~the~~ on-site visits and assessment 45353
~~conducted under division (B)(2) of this section,~~ the commission 45354
shall determine the basic project cost of the school district's 45355
classroom facilities needs. The commission shall determine the 45356
school district's portion of such basic project cost, which shall 45357
be the greater of: 45358

(1) The required percentage of the basic project costs, 45359
determined based on the school district's percentile ranking; 45360

(2) An amount necessary to raise the school district's net 45361
bonded indebtedness, as of the fiscal year the commission and the 45362
school district enter into the agreement under division (B) of 45363
this section, to within five thousand dollars of the required 45364
level of indebtedness. 45365

(D)(1) When the commission determines the basic project cost 45366
of the classroom facilities needs of a school district and the 45367
school district's portion of that basic project cost under 45368
division (C) of this section, the project shall be conditionally 45369
approved. Such conditional approval shall be submitted to the 45370
controlling board for approval thereof. The controlling board 45371
shall forthwith approve or reject the commission's determination, 45372
conditional approval, and the amount of the state's portion of the 45373
basic project cost; however, no state funds shall be encumbered 45374
under this section. Upon approval by the controlling board, the 45375
school district board may identify a discrete part of its 45376
classroom facilities needs, which shall include only new 45377
construction of or additions or major repairs to a particular 45378
building, to address with local resources. Upon identifying a part 45379
of the school district's basic project cost to address with local 45380
resources, the school district board may allocate any available 45381
school district moneys to pay the cost of that identified part, 45382
including the proceeds of an issuance of bonds if approved by the 45383
electors of the school district. 45384

All local resources utilized under this division shall first 45385
be deposited in the project construction account required under 45386
section 3318.08 of the Revised Code. 45387

(2) Unless the school district board exercises its option 45388
under division (D)(3) of this section, for a school district to 45389
qualify for participation in the program authorized under this 45390
section, one of the following conditions shall be satisfied: 45391

(a) The electors of the school district by a majority vote 45392
shall approve the levy of taxes outside the ten-mill limitation 45393
for a period of twenty-three years at the rate of not less than 45394
one-half mill for each dollar of valuation to be used to pay the 45395
cost of maintaining the classroom facilities included in the basic 45396
project cost as determined by the commission. The form of the 45397
ballot to be used to submit the question whether to approve the 45398
tax required under this division to the electors of the school 45399
district shall be the form for an additional levy of taxes 45400
prescribed in section 3318.361 of the Revised Code, which may be 45401
combined in a single ballot question with the questions prescribed 45402
under section 5705.218 of the Revised Code. 45403

(b) As authorized under division (C) of section 3318.05 of 45404
the Revised Code, the school district board shall earmark from the 45405
proceeds of a permanent improvement tax levied under section 45406
5705.21 of the Revised Code, an amount equivalent to the 45407
additional tax otherwise required under division (D)(2)(a) of this 45408
section for the maintenance of the classroom facilities included 45409
in the basic project cost as determined by the commission. 45410

(c) As authorized under section 3318.051 of the Revised Code, 45411
the school district board shall, if approved by the commission, 45412
annually transfer into the maintenance fund required under section 45413
3318.05 of the Revised Code the amount prescribed in section 45414
3318.051 of the Revised Code in lieu of the tax otherwise required 45415
under division (D)(2)(a) of this section for the maintenance of 45416

the classroom facilities included in the basic project cost as 45417
determined by the commission. 45418

(d) If the school district board has rescinded the agreement 45419
to make transfers under section 3318.051 of the Revised Code, as 45420
provided under division (F) of that section, the electors of the 45421
school district, in accordance with section 3318.063 of the 45422
Revised Code, first shall approve the levy of taxes outside the 45423
ten-mill limitation for the period specified in that section at a 45424
rate of not less than one-half mill for each dollar of valuation. 45425

(e) The school district board shall apply the proceeds of a 45426
tax to leverage bonds as authorized under section 3318.052 of the 45427
Revised Code or dedicate a local donated contribution in the 45428
manner described in division (B) of section 3318.084 of the 45429
Revised Code in an amount equivalent to the additional tax 45430
otherwise required under division (D)(2)(a) of this section for 45431
the maintenance of the classroom facilities included in the basic 45432
project cost as determined by the commission. 45433

(3) A school district board may opt to delay taking any of 45434
the actions described in division (D)(2) of this section until 45435
~~such time as~~ the school district becomes eligible for state 45436
assistance under sections 3318.01 to 3318.20 of the Revised Code. 45437
In order to exercise this option, the board shall certify to the 45438
commission a resolution indicating the board's intent to do so 45439
prior to entering into an agreement under division (B) of this 45440
section. 45441

(4) If pursuant to division (D)(3) of this section a district 45442
board opts to delay levying an additional tax until the district 45443
becomes eligible for state assistance, it shall submit the 45444
question of levying that tax to the district electors as follows: 45445

(a) In accordance with section 3318.06 of the Revised Code if 45446
it will also be necessary pursuant to division (E) of this section 45447

to submit a proposal for approval of a bond issue; 45448

(b) In accordance with section 3318.361 of the Revised Code 45449
if it is not necessary to also submit a proposal for approval of a 45450
bond issue pursuant to division (E) of this section. 45451

(5) No state assistance under sections 3318.01 to 3318.20 of 45452
the Revised Code shall be released until a school district board 45453
that adopts and certifies a resolution under division (D) of this 45454
section also demonstrates to the satisfaction of the commission 45455
compliance with the provisions of division (D)(2) of this section. 45456

Any amount required for maintenance under division (D)(2) of 45457
this section shall be deposited into a separate fund as specified 45458
in division (B) of section 3318.05 of the Revised Code. 45459

(E)(1) If the school district becomes eligible for state 45460
assistance under sections 3318.01 to 3318.20 of the Revised Code 45461
based on its percentile ranking ~~as determined~~ under division 45462
(B)(3) of this section, the commission shall conduct a new 45463
assessment of the school district's classroom facilities needs and 45464
shall recalculate the basic project cost based on this new 45465
assessment. The basic project cost recalculated under this 45466
division shall include the amount of expenditures made by the 45467
school district board under division (D)(1) of this section. The 45468
commission shall then recalculate the school district's portion of 45469
the new basic project cost, which shall be the percentage of the 45470
original basic project cost assigned to the school district as its 45471
portion under division (C) of this section. The commission shall 45472
deduct the expenditure of school district moneys made under 45473
division (D)(1) of this section from the school district's portion 45474
of the basic project cost as recalculated under this division. If 45475
the amount of school district resources applied by the school 45476
district board to the school district's portion of the basic 45477
project cost under this section is less than the total amount of 45478
such portion as recalculated under this division, the school 45479

district board by a majority vote of all of its members shall, if 45480
it desires to seek state assistance under sections 3318.01 to 45481
3318.20 of the Revised Code, adopt a resolution as specified in 45482
section 3318.06 of the Revised Code to submit to the electors of 45483
the school district the question of approval of a bond issue in 45484
order to pay any additional amount of school district portion 45485
required for state assistance. Any tax levy approved under 45486
division (D) of this section satisfies the requirements to levy 45487
the additional tax under section 3318.06 of the Revised Code. 45488

45489

(2) If the amount of school district resources applied by the 45490
school district board to the school district's portion of the 45491
basic project cost under this section is more than the total 45492
amount of such portion as recalculated under this division, within 45493
one year after the school district's portion is recalculated under 45494
division (E)(1) of this section the commission may grant to the 45495
school district the difference between the two calculated 45496
portions, but at no time shall the commission expend any state 45497
funds on a project in an amount greater than the state's portion 45498
of the basic project cost as recalculated under this division. 45499

Any reimbursement under this division shall be only for local 45500
resources the school district has applied toward construction cost 45501
expenditures for the classroom facilities approved by the 45502
commission, which shall not include any financing costs associated 45503
with that construction. 45504

The school district board shall use any moneys reimbursed to 45505
the district under this division to pay off any debt service the 45506
district owes for classroom facilities constructed under its 45507
project under this section before such moneys are applied to any 45508
other purpose. However, the district board first may deposit 45509
moneys reimbursed under this division into the district's general 45510
fund or a permanent improvement fund to replace local resources 45511

the district withdrew from those funds, as long as, and to the extent that, those local resources were used by the district for constructing classroom facilities included in the district's basic project cost.

Sec. 3318.38. (A) As used in this section, "big-eight school district" has the same meaning as in section 3314.02 of the Revised Code.

(B) There is hereby established the accelerated urban school building assistance program. Under the program, notwithstanding section 3318.02 of the Revised Code, any big-eight school district that has not been approved to receive assistance under sections 3318.01 to 3318.20 of the Revised Code by July 1, 2002, may beginning on that date apply for approval of and be approved for such assistance. Except as otherwise provided in this section, any project approved and undertaken pursuant to this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code.

The Ohio school facilities commission shall provide assistance to any big-eight school district eligible for assistance under this section in the following manner:

(1) Notwithstanding section 3318.02 of the Revised Code:

(a) Not later than June 30, 2002, the commission shall conduct an on-site visit and shall assess the classroom facilities needs of each big-eight school district eligible for assistance under this section;

(b) Beginning July 1, 2002, any big-eight school district eligible for assistance under this section may apply to the commission for conditional approval of its project as determined by the assessment conducted under division (B)(1)(a) of this section. The commission may conditionally approve that project and

submit it to the controlling board for approval pursuant to 45542
section 3318.04 of the Revised Code. 45543

(2) If the controlling board approves the project of a 45544
big-eight school district eligible for assistance under this 45545
section, the commission and the school district shall enter into 45546
an agreement as prescribed in section 3318.08 of the Revised Code. 45547
Any agreement executed pursuant to this division shall include any 45548
applicable segmentation provisions as approved by the commission 45549
under division (B)(3) of this section. 45550

(3) Notwithstanding any provision to the contrary in sections 45551
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 45552
school district eligible for assistance under this section may 45553
with the approval of the commission opt to divide the project as 45554
approved under division (B)(1)(b) of this section into discrete 45555
segments to be completed sequentially. Any project divided into 45556
segments shall comply with all other provisions of sections 45557
3318.05, 3318.06, and 3318.08 of the Revised Code except as 45558
otherwise specified in this division. 45559

If a project is divided into segments under this division: 45560

(a) The school district need raise only the amount equal to 45561
its proportionate share, as determined under section 3318.032 of 45562
the Revised Code, of each segment at any one time and may seek 45563
voter approval of each segment separately; 45564

(b) The state's proportionate share, as determined under 45565
section 3318.032 of the Revised Code, of only the segment which 45566
has been approved by the school district electors or for which the 45567
district has applied a local donated contribution under section 45568
3318.084 of the Revised Code shall be encumbered in accordance 45569
with section 3318.11 of the Revised Code. Encumbrance of 45570
additional amounts to cover the state's proportionate share of 45571
later segments shall be approved separately as they are approved 45572

by the school district electors or as the district applies a local 45573
donated contribution to the segments under section 3318.084 of the 45574
Revised Code. 45575

~~(c) If it is necessary to levy the additional tax for 45576
maintenance under division (B) of section 3318.05 of the Revised 45577
Code with respect to any segment of the project, the district may 45578
utilize the provisions of section 3318.061 of the Revised Code to 45579
ensure that the maintenance tax extends for twenty three years 45580
after the last segment of the project is undertaken The school 45581
district's maintenance levy requirement, as defined in section 45582
3318.18 of the Revised Code, shall run for twenty-three years from 45583
the date the first segment is undertaken. 45584~~

(4) For any project under this section, the state funds 45585
reserved and encumbered and the funds provided by the school 45586
district to pay the basic project cost of any segment of the 45587
project, or of the entire project if it is not divided into 45588
segments, shall be spent on the construction and acquisition of 45589
the project simultaneously in proportion to the state's and the 45590
school district's respective shares of that basic project cost as 45591
determined under section 3318.032 of the Revised Code. 45592

Sec. 3318.44. (A) A joint vocational school district board of 45593
education may generate the school district's portion of the basic 45594
project cost of its project under sections 3318.40 to 3318.45 of 45595
the Revised Code using any combination of the following means if 45596
lawfully employed for the acquisition of classroom facilities: 45597

(1) The issuance of securities in accordance with Chapter 45598
133. and section 3311.20 of the Revised Code; 45599

(2) Local donated contributions as authorized under section 45600
3318.084 of the Revised Code; 45601

(3) A levy for permanent improvements under section 3311.21 45602

or 5705.21 of the Revised Code; 45603

(4) Bonds issued pursuant to division (B) of this section. 45604

(B) By resolution adopted by a majority of all its members, a 45605
school district board, in order to pay all or part of the school 45606
district's portion of its basic project cost, may apply the 45607
proceeds of a tax levied under section 5705.21 of the Revised Code 45608
for general permanent improvements if the proceeds of that levy 45609
lawfully may be used for general construction, renovation, repair, 45610
or maintenance of classroom facilities to ~~leverage~~ pay debt 45611
charges on and financing costs related to bonds adequate issued to 45612
pay all or part of the school district portion of the basic 45613
project cost of the school district's project under sections 45614
3318.40 to 3318.45 of the Revised Code or to generate an amount 45615
equivalent to all or part of the amount required under section 45616
3318.43 of the Revised Code to be used for maintenance of 45617
classroom facilities acquired under the project. Bonds issued 45618
under this division shall be Chapter 133. securities, and may be 45619
issued as general obligation securities, but the issuance of the 45620
bonds shall not be subject to a vote of the electors of the school 45621
district as long as the tax proceeds earmarked for payment of the 45622
~~service debt~~ charges on the bonds may lawfully be used for that 45623
purpose. Such bonds shall not be included in the calculation of 45624
net indebtedness under section 133.06 of the Revised Code if the 45625
resolution authorizing their issuance includes covenants to 45626
appropriate annually, from lawfully available proceeds of a 45627
property tax levied under section 5705.21 of the Revised Code, and 45628
to continue to levy that tax in amounts necessary to pay the debt 45629
charges on and financing costs related to the bonds as they become 45630
due. No property tax levied under section 5705.21 of the Revised 45631
Code that is pledged, or that the school district has covenanted 45632
to levy, collect, and appropriate annually to pay the debt charges 45633
on and financing costs related to the bonds under this section may 45634

be repealed while those bonds are outstanding. If such a tax is 45635
reduced by electors of the district or by the board of education 45636
while the bonds are outstanding, the board of education shall 45637
continue to levy and collect the tax under the authority of the 45638
original election authorizing the tax at a rate in each year that 45639
the board reasonably estimates will produce an amount in that year 45640
equal to the debt charges on the bonds in that year. 45641

No state moneys shall be released for a project to which this 45642
division applies until the proceeds of any bonds issued under this 45643
division that are dedicated for payment of the school district's 45644
portion of the basic project cost are first deposited into the 45645
school district's project construction fund. 45646

(C) A school district board of education may adopt a 45647
resolution proposing that any of the following questions be 45648
combined with a question specified in section 3318.45 of the 45649
Revised Code: 45650

(1) A bond issue question under section 133.18 of the Revised 45651
Code; 45652

(2) A tax levy question under section 3311.21 of the Revised 45653
Code; 45654

(3) A tax levy question under section 5705.21 of the Revised 45655
Code. 45656

Any question described in divisions (C)(1) to (3) of this 45657
section that is combined with a question proposed under section 45658
3318.45 of the Revised Code shall be for the purpose of either 45659
paying for any permanent improvement, as defined in section 133.01 45660
of the Revised Code, or generating operating revenue specifically 45661
for the facilities acquired under the school district's project 45662
under Chapter 3318. of the Revised Code or for both to the extent 45663
such purposes are permitted by the sections of law under which 45664
each is proposed. 45665

(D) The board of education of a joint vocational school 45666
district that receives assistance under this section may enter 45667
into an agreement for joint issuance of bonds as provided for in 45668
section 3318.085 of the Revised Code. 45669

Sec. 3319.073. ~~(A)~~ The board of education of each city and 45670
exempted village school district and the governing board of each 45671
educational service center shall adopt or adapt the curriculum 45672
developed by the department of education for, or shall develop, in 45673
consultation with public or private agencies or persons involved 45674
in child abuse prevention or intervention programs, a program of 45675
in-service training ~~for persons employed by any school district or~~ 45676
~~service center to work in an elementary school as a nurse,~~ 45677
~~teacher, counselor, school psychologist, or administrator~~ in the 45678
prevention of child abuse, violence, and substance abuse and the 45679
promotion of positive youth development. Each person employed by 45680
any school district or service center to work in ~~an elementary a~~ 45681
school as a nurse, teacher, counselor, school psychologist, or 45682
administrator shall complete at least four hours of the in-service 45683
training ~~in the prevention of child abuse, violence, and substance~~ 45684
~~abuse and the promotion of positive youth development~~ within two 45685
years of commencing employment with the district or center, and 45686
every five years thereafter. A person who is employed by any 45687
school district or service center to work in an elementary school 45688
as a nurse, teacher, counselor, school psychologist, or 45689
administrator on ~~the effective date of this amendment~~ March 30, 45690
2007, shall complete at least four hours of the in-service 45691
training ~~required by this section within two years of the~~ 45692
~~effective date of this amendment~~ not later than March 30, 2009, 45693
and every five years thereafter. A person who is employed by any 45694
school district or service center to work in a middle or high 45695
school as a nurse, teacher, counselor, school psychologist, or 45696
administrator on the effective date of this amendment shall 45697

complete at least four hours of the in-service training not later 45698
than two years after the effective date of this amendment and 45699
every five years thereafter. 45700

(B) Each board shall incorporate training in school safety 45701
and violence prevention into the in-service training required by 45702
division (A) of this section. For this purpose, the board shall 45703
adopt or adapt the curriculum developed by the department or shall 45704
develop its own curriculum in consultation with public or private 45705
agencies or persons involved in school safety and violence 45706
prevention programs. 45707

Sec. 3319.08. (A) The board of education of each city, 45708
exempted village, local, and joint vocational school district and 45709
the governing board of each educational service center shall enter 45710
into written contracts for the employment and reemployment of all 45711
teachers. Contracts for the employment of teachers shall be of two 45712
types, limited contracts and continuing contracts. The board of 45713
each ~~such~~ school district or service center that authorizes 45714
compensation in addition to the base salary stated in the 45715
teachers' salary schedule for the performance of duties by a 45716
teacher that are in addition to the teacher's regular teaching 45717
duties, shall enter into a supplemental written contract with each 45718
teacher who is to perform additional duties. Such supplemental 45719
written contracts shall be limited contracts. Such written 45720
contracts and supplemental written contracts shall set forth the 45721
teacher's duties and shall specify the salaries and compensation 45722
to be paid for regular teaching duties and additional teaching 45723
duties, respectively, either or both of which may be increased but 45724
not diminished during the term for which the contract is made, 45725
except as provided in section 3319.12 of the Revised Code. 45726

If a board adopts a motion or resolution to employ a teacher 45727
under a limited or continuing contract and the teacher accepts 45728

such employment, the failure of such parties to execute a written 45729
contract shall not void such employment contract. 45730

(B) Teachers must be paid for all time lost when the schools 45731
in which they are employed are closed due to an epidemic or other 45732
public calamity, and for time lost due to illness or otherwise for 45733
not less than five days annually as authorized by regulations 45734
which each board shall adopt. 45735

~~Contracts for the employment of teachers shall be of two 45736
types, limited contracts and continuing contracts. 45737~~

~~(A)~~(C) A limited contract is: 45738

(1) For a superintendent, a contract for such term as 45739
authorized by section 3319.01 of the Revised Code; 45740

(2) For an assistant superintendent, principal, assistant 45741
principal, or other administrator, a contract for such term as 45742
authorized by section 3319.02 of the Revised Code; 45743

(3) For all other teachers, a contract for a term not to 45744
exceed five years. 45745

~~(B)~~(D) A continuing contract is a contract that remains in 45746
effect until the teacher resigns, elects to retire, or is retired 45747
pursuant to former section 3307.37 of the Revised Code, or until 45748
it is terminated or suspended and shall be granted only to the 45749
following: 45750

(1) Any teacher holding a professional, permanent, or life 45751
teacher's certificate; 45752

(2) Any teacher ~~holding a professional educator license~~ who 45753
meets the following conditions: 45754

(a) The teacher was initially issued a teacher's certificate 45755
or educator license prior to January 1, 2011. 45756

(b) The teacher holds a professional educator license issued 45757
under section 3319.22 or 3319.222 or former section 3319.22 of the 45758

Revised Code or a senior professional educator license or lead professional educator license issued under section 3319.22 of the Revised Code. 45759
45760
45761

(c) The teacher has completed the applicable one of the following: 45762
45763

~~(a)~~(i) If the teacher did not hold a ~~masters~~ master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt; 45764
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~~(b)~~(ii) If the teacher held a ~~masters~~ master's degree at the time of initially receiving a teacher's certificate under former law or an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board ~~of education~~ shall adopt. 45771
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45777

~~This~~ (3) Any teacher who meets the following conditions: 45778

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011. 45779
45780

(b) The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code. 45781
45782
45783

(c) The teacher has held an educator license for at least five years. 45784
45785

(d) The teacher has completed the applicable one of the following: 45786
45787

(i) If the teacher did not hold a master's degree at the time 45788

of initially receiving an educator license, thirty semester hours 45789
of coursework in the area of licensure or in an area related to 45790
the teaching field since the initial issuance of that license, as 45791
specified in rules which the state board shall adopt; 45792

(ii) If the teacher held a master's degree at the time of 45793
initially receiving an educator license, six semester hours of 45794
graduate coursework in the area of licensure or in an area related 45795
to the teaching field since the initial issuance of that license, 45796
as specified in rules which the state board shall adopt. 45797

(E) Division (D) of this section applies only to continuing 45798
contracts entered into on or after August 18, 1969 the effective 45799
date of this amendment. Nothing in that division shall be 45800
construed to void or otherwise affect a continuing contract 45801
entered into prior to that date. 45802

Notwithstanding any provision to the contrary in Chapter 45803
4117. of the Revised Code, the requirements of division (D)(3) of 45804
this section prevail over any conflicting provisions of a 45805
collective bargaining agreement entered into on or after the 45806
effective date of this amendment. 45807

(F) Wherever the term "educator license" is used in this 45808
section without reference to a specific type of educator license, 45809
the term does not include an educator license for substitute 45810
teaching issued under section 3319.226 of the Revised Code. 45811

Sec. 3319.081. Except as otherwise provided in division (G) 45812
of this section, in all school districts wherein the provisions of 45813
Chapter 124. of the Revised Code do not apply, the following 45814
employment contract system shall control for employees whose 45815
contracts of employment are not otherwise provided by law: 45816

(A) Newly hired regular nonteaching school employees, 45817
including regular hourly rate and per diem employees, shall enter 45818

into written contracts for their employment which shall be for a 45819
period of not more than one year. If such employees are rehired, 45820
their subsequent contract shall be for a period of two years. 45821

(B) After the termination of the two-year contract provided 45822
in division (A) of this section, if the contract of a nonteaching 45823
employee is renewed, the employee shall be continued in 45824
employment, and the salary provided in the contract may be 45825
increased but not reduced unless such reduction is a part of a 45826
uniform plan affecting the nonteaching employees of the entire 45827
district. 45828

(C) The contracts as provided for in this section may be 45829
terminated by a majority vote of the board of education. Except as 45830
provided in ~~sections 3319.0810 and~~ section 3319.172 of the Revised 45831
Code, the contracts may be terminated only for violation of 45832
written rules and regulations as set forth by the board of 45833
education or for incompetency, inefficiency, dishonesty, 45834
drunkenness, immoral conduct, insubordination, discourteous 45835
treatment of the public, neglect of duty, or any other acts of 45836
misfeasance, malfeasance, or nonfeasance. In addition to the right 45837
of the board of education to terminate the contract of an 45838
employee, the board may suspend an employee for a definite period 45839
of time or demote the employee for the reasons set forth in this 45840
division. The action of the board of education terminating the 45841
contract of an employee or suspending or demoting the employee 45842
shall be served upon the employee by certified mail. Within ten 45843
days following the receipt of such notice by the employee, the 45844
employee may file an appeal, in writing, with the court of common 45845
pleas of the county in which such school board is situated. After 45846
hearing the appeal the common pleas court may affirm, disaffirm, 45847
or modify the action of the school board. 45848

A violation of division (A)(7) of section 2907.03 of the 45849
Revised Code is grounds for termination of employment of a 45850

nonteaching employee under this division. 45851

(D) All employees who have been employed by a school district 45852
where the provisions of Chapter 124. of the Revised Code do not 45853
apply, for a period of at least three years on November 24, 1967, 45854
shall hold continuing contracts of employment pursuant to this 45855
section. 45856

(E) Any nonteaching school employee may terminate the 45857
nonteaching school employee's contract of employment thirty days 45858
subsequent to the filing of a written notice of such termination 45859
with the treasurer of the board. 45860

(F) A person hired exclusively for the purpose of replacing a 45861
nonteaching school employee while such employee is on leave of 45862
absence granted under section 3319.13 of the Revised Code is not a 45863
regular nonteaching school employee under this section. 45864

(G) All nonteaching employees employed pursuant to this 45865
section and Chapter 124. of the Revised Code shall be paid for all 45866
time lost when the schools in which they are employed are closed 45867
owing to an epidemic or other public calamity. Nothing in this 45868
division shall be construed as requiring payment in excess of an 45869
employee's regular wage rate or salary for any time worked while 45870
the school in which the employee is employed is officially closed 45871
for the reasons set forth in this division. 45872

Sec. 3319.088. As used in this section, "educational 45873
assistant" means any nonteaching employee in a school district who 45874
directly assists a teacher as defined in section 3319.09 of the 45875
Revised Code, by performing duties for which a license issued 45876
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 45877
required. 45878

(A) The state board of education shall issue educational aide 45879
permits and educational paraprofessional licenses for educational 45880

assistants and shall adopt rules for the issuance and renewal of 45881
such permits and licenses which shall be consistent with the 45882
provisions of this section. Educational aide permits and 45883
educational paraprofessional licenses may be of several types and 45884
the rules shall prescribe the minimum qualifications of education, 45885
health, and character for the service to be authorized under each 45886
type. The prescribed minimum qualifications may require special 45887
training or educational courses designed to qualify a person to 45888
perform effectively the duties authorized under an educational 45889
aide permit or educational paraprofessional license. 45890

(B)(1) Any application for a permit or license, or a renewal 45891
or duplicate of a permit or license, under this section shall be 45892
accompanied by the payment of a fee in the amount established 45893
under division (A) of section 3319.51 of the Revised Code. Any 45894
fees received under this division shall be paid into the state 45895
treasury to the credit of the state board of education licensure 45896
fund established under division (B) of section 3319.51 of the 45897
Revised Code. 45898

(2) Any person applying for or holding a permit or license 45899
pursuant to this section is subject to sections 3123.41 to 3123.50 45900
of the Revised Code and any applicable rules adopted under section 45901
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 45902
the Revised Code. 45903

(C) Educational assistants shall at all times while in the 45904
performance of their duties be under the supervision and direction 45905
of a teacher as defined in section 3319.09 of the Revised Code. 45906
Educational assistants may assist a teacher to whom assigned in 45907
the supervision of pupils, in assisting with instructional tasks, 45908
and in the performance of duties which, in the judgment of the 45909
teacher to whom the assistant is assigned, may be performed by a 45910
person not licensed pursuant to sections 3319.22 to 3319.30 of the 45911
Revised Code and for which a teaching license, issued pursuant to 45912

sections 3319.22 to 3319.30 of the Revised Code is not required. 45913
The duties of an educational assistant shall not include the 45914
assignment of grades to pupils. The duties of an educational 45915
~~assistants~~ assistant need not be performed in the physical 45916
presence of the teacher to whom assigned, but the activity of an 45917
educational assistant shall at all times be under the direction of 45918
the teacher to whom assigned. The assignment of an educational 45919
assistant need not be limited to assisting a single teacher. In 45920
the event an educational assistant is assigned to assist more than 45921
one teacher the assignments shall be clearly delineated and so 45922
arranged that the educational assistant shall never be subject to 45923
simultaneous supervision or direction by more than one teacher. 45924

Educational assistants assigned to supervise children shall, 45925
when the teacher to whom assigned is not physically present, 45926
maintain the degree of control and discipline ~~which~~ that would be 45927
maintained by the teacher, ~~but an educational assistant may not~~ 45928
~~render corporal punishment.~~ 45929

~~Except when expressly permitted solely for the purposes of~~ 45930
~~section 3317.029 of the Revised Code, educational~~ Educational 45931
assistants may not be used in place of classroom teachers or other 45932
employees and any payment of compensation by boards of education 45933
to educational assistants for such services is prohibited. The 45934
ratio between the number of licensed teachers and the pupils in a 45935
school district may not be decreased by utilization of educational 45936
assistants and no grouping, or other organization of pupils, for 45937
utilization of educational assistants shall be established which 45938
is inconsistent with sound educational practices and procedures. A 45939
school district may employ up to one full time equivalent 45940
educational assistant for each six full time equivalent licensed 45941
employees of the district. Educational assistants shall not be 45942
counted as licensed employees for purposes of state support in the 45943
school foundation program and no grouping or regrouping of pupils 45944

with educational assistants may be counted as a class or unit for 45945
school foundation program purposes. Neither special courses 45946
required by the regulations of the state board of education, 45947
prescribing minimum qualifications of education for an educational 45948
assistant, nor years of service as an educational assistant shall 45949
be counted in any way toward qualifying for a teacher license, for 45950
a teacher contract of any type, or for determining placement on a 45951
salary schedule in a school district as a teacher. 45952

45953

(D) Educational assistants employed by a board of education 45954
shall have all rights, benefits, and legal protection available to 45955
other nonteaching employees in the school district, except that 45956
provisions of Chapter 124. of the Revised Code shall not apply to 45957
any person employed as an educational assistant, and shall be 45958
members of the school employees retirement system. Educational 45959
assistants shall be compensated according to a salary plan adopted 45960
annually by the board. 45961

Except as provided in this section nonteaching employees 45962
shall not serve as educational assistants without first obtaining 45963
an appropriate educational aide permit or educational 45964
paraprofessional license from the state board of education. A 45965
nonteaching employee who is the holder of a valid educational aide 45966
permit or educational paraprofessional license shall neither 45967
render nor be required to render services inconsistent with the 45968
type of services authorized by the permit or license held. No 45969
person shall receive compensation from a board of education for 45970
services rendered as an educational assistant in violation of this 45971
provision. 45972

Nonteaching employees whose functions are solely 45973
secretarial-clerical and who do not perform any other duties as 45974
educational assistants, even though they assist a teacher and work 45975
under the direction of a teacher shall not be required to hold a 45976

permit or license issued pursuant to this section. Students 45977
preparing to become licensed teachers or educational assistants 45978
shall not be required to hold an educational aide permit or 45979
paraprofessional license for such periods of time as such students 45980
are assigned, as part of their training program, to work with a 45981
teacher in a school district. Such students shall not be 45982
compensated for such services. 45983

Following the determination of the assignment and general job 45984
description of an educational assistant and subject to supervision 45985
by the teacher's immediate administrative officer, a teacher to 45986
whom an educational assistant is assigned shall make all final 45987
determinations of the duties to be assigned to such assistant. 45988
Teachers shall not be required to hold a license designated for 45989
being a supervisor or administrator in order to perform the 45990
necessary supervision of educational assistants. 45991

(E) No person who is, or who has been employed as an 45992
educational assistant shall divulge, except to the teacher to whom 45993
assigned, or the administrator of the school in the absence of the 45994
teacher to whom assigned, or when required to testify in a court 45995
or proceedings, any personal information concerning any pupil in 45996
the school district which was obtained or obtainable by the 45997
educational assistant while so employed. Violation of this 45998
provision is grounds for disciplinary action or dismissal, or 45999
both. 46000

Sec. 3319.11. (A) As used in this section: 46001

(1) "Evaluation procedures" means the procedures adopted 46002
pursuant to division (B) of section 3319.111 of the Revised Code. 46003

(2) "Limited contract" means a limited contract, as described 46004
in section 3319.08 of the Revised Code, that a school district 46005
board of education or governing board of an educational service 46006
center enters into with a teacher who is not eligible for 46007

continuing service status. 46008

(3) "Extended limited contract" means a limited contract, as 46009
described in section 3319.08 of the Revised Code, that a board of 46010
education or governing board enters into with a teacher who is 46011
eligible for continuing service status. 46012

(B) Teachers eligible for continuing service status in any 46013
city, exempted village, local, or joint vocational school district 46014
or educational service center shall be those teachers qualified as 46015
described in division ~~(B)(1) or (2)~~(D) of section 3319.08 of the 46016
Revised Code, who within the last five years have taught for at 46017
least three years in the district or center, and those teachers 46018
who, having attained continuing contract status elsewhere, have 46019
served two years in the district or center, but the board, upon 46020
the recommendation of the superintendent, may at the time of 46021
employment or at any time within such two-year period, declare any 46022
of the latter teachers eligible. 46023

(1) Upon the recommendation of the superintendent that a 46024
teacher eligible for continuing service status be reemployed, a 46025
continuing contract shall be entered into between the board and 46026
the teacher unless the board by a three-fourths vote of its full 46027
membership rejects the recommendation of the superintendent. If 46028
the board rejects by a three-fourths vote of its full membership 46029
the recommendation of the superintendent that a teacher eligible 46030
for continuing service status be reemployed and the superintendent 46031
makes no recommendation to the board pursuant to division (C) of 46032
this section, the board may declare its intention not to reemploy 46033
the teacher by giving the teacher written notice on or before the 46034
thirtieth day of April of its intention not to reemploy the 46035
teacher. If evaluation procedures have not been complied with 46036
pursuant to division (A) of section 3319.111 of the Revised Code 46037
or the board does not give the teacher written notice on or before 46038
the thirtieth day of April of its intention not to reemploy the 46039

teacher, the teacher is deemed reemployed under an extended 46040
limited contract for a term not to exceed one year at the same 46041
salary plus any increment provided by the salary schedule. The 46042
teacher is presumed to have accepted employment under the extended 46043
limited contract for a term not to exceed one year unless such 46044
teacher notifies the board in writing to the contrary on or before 46045
the first day of June, and an extended limited contract for a term 46046
not to exceed one year shall be executed accordingly. Upon any 46047
subsequent reemployment of the teacher only a continuing contract 46048
may be entered into. 46049

(2) If the superintendent recommends that a teacher eligible 46050
for continuing service status not be reemployed, the board may 46051
declare its intention not to reemploy the teacher by giving the 46052
teacher written notice on or before the thirtieth day of April of 46053
its intention not to reemploy the teacher. If evaluation 46054
procedures have not been complied with pursuant to division (A) of 46055
section 3319.111 of the Revised Code or the board does not give 46056
the teacher written notice on or before the thirtieth day of April 46057
of its intention not to reemploy the teacher, the teacher is 46058
deemed reemployed under an extended limited contract for a term 46059
not to exceed one year at the same salary plus any increment 46060
provided by the salary schedule. The teacher is presumed to have 46061
accepted employment under the extended limited contract for a term 46062
not to exceed one year unless such teacher notifies the board in 46063
writing to the contrary on or before the first day of June, and an 46064
extended limited contract for a term not to exceed one year shall 46065
be executed accordingly. Upon any subsequent reemployment of a 46066
teacher only a continuing contract may be entered into. 46067

(3) Any teacher receiving written notice of the intention of 46068
a board not to reemploy such teacher pursuant to this division is 46069
entitled to the hearing provisions of division (G) of this 46070
section. 46071

(C)(1) If a board rejects the recommendation of the 46072
superintendent for reemployment of a teacher pursuant to division 46073
(B)(1) of this section, the superintendent may recommend 46074
reemployment of the teacher, if continuing service status has not 46075
previously been attained elsewhere, under an extended limited 46076
contract for a term not to exceed two years, provided that written 46077
notice of the superintendent's intention to make such 46078
recommendation has been given to the teacher with reasons directed 46079
at the professional improvement of the teacher on or before the 46080
thirtieth day of April. Upon subsequent reemployment of the 46081
teacher only a continuing contract may be entered into. 46082

(2) If a board of education takes affirmative action on a 46083
superintendent's recommendation, made pursuant to division (C)(1) 46084
of this section, of an extended limited contract for a term not to 46085
exceed two years but the board does not give the teacher written 46086
notice of its affirmative action on the superintendent's 46087
recommendation of an extended limited contract on or before the 46088
thirtieth day of April, the teacher is deemed reemployed under a 46089
continuing contract at the same salary plus any increment provided 46090
by the salary schedule. The teacher is presumed to have accepted 46091
employment under such continuing contract unless such teacher 46092
notifies the board in writing to the contrary on or before the 46093
first day of June, and a continuing contract shall be executed 46094
accordingly. 46095

(3) A board shall not reject a superintendent's 46096
recommendation, made pursuant to division (C)(1) of this section, 46097
of an extended limited contract for a term not to exceed two years 46098
except by a three-fourths vote of its full membership. If a board 46099
rejects by a three-fourths vote of its full membership the 46100
recommendation of the superintendent of an extended limited 46101
contract for a term not to exceed two years, the board may declare 46102
its intention not to reemploy the teacher by giving the teacher 46103

written notice on or before the thirtieth day of April of its 46104
intention not to reemploy the teacher. If evaluation procedures 46105
have not been complied with pursuant to division (A) of section 46106
3319.111 of the Revised Code or if the board does not give the 46107
teacher written notice on or before the thirtieth day of April of 46108
its intention not to reemploy the teacher, the teacher is deemed 46109
reemployed under an extended limited contract for a term not to 46110
exceed one year at the same salary plus any increment provided by 46111
the salary schedule. The teacher is presumed to have accepted 46112
employment under the extended limited contract for a term not to 46113
exceed one year unless such teacher notifies the board in writing 46114
to the contrary on or before the first day of June, and an 46115
extended limited contract for a term not to exceed one year shall 46116
be executed accordingly. Upon any subsequent reemployment of the 46117
teacher only a continuing contract may be entered into. 46118

Any teacher receiving written notice of the intention of a 46119
board not to reemploy such teacher pursuant to this division is 46120
entitled to the hearing provisions of division (G) of this 46121
section. 46122

(D) A teacher eligible for continuing contract status 46123
employed under an extended limited contract pursuant to division 46124
(B) or (C) of this section, is, at the expiration of such extended 46125
limited contract, deemed reemployed under a continuing contract at 46126
the same salary plus any increment granted by the salary schedule, 46127
unless evaluation procedures have been complied with pursuant to 46128
division (A) of section 3319.111 of the Revised Code and the 46129
employing board, acting on the superintendent's recommendation 46130
that the teacher not be reemployed, gives the teacher written 46131
notice on or before the thirtieth day of April of its intention 46132
not to reemploy such teacher. A teacher who does not have 46133
evaluation procedures applied in compliance with division (A) of 46134
section 3319.111 of the Revised Code or who does not receive 46135

notice on or before the thirtieth day of April of the intention of 46136
the board not to reemploy such teacher is presumed to have 46137
accepted employment under a continuing contract unless such 46138
teacher notifies the board in writing to the contrary on or before 46139
the first day of June, and a continuing contract shall be executed 46140
accordingly. 46141

Any teacher receiving a written notice of the intention of a 46142
board not to reemploy such teacher pursuant to this division is 46143
entitled to the hearing provisions of division (G) of this 46144
section. 46145

(E) A limited contract may be entered into by each board with 46146
each teacher who has not been in the employ of the board for at 46147
least three years and shall be entered into, regardless of length 46148
of previous employment, with each teacher employed by the board 46149
who ~~holds a provisional, temporary, or associate license, or who~~ 46150
~~holds a professional license and~~ is not eligible to be considered 46151
for a continuing contract. 46152

Any teacher employed under a limited contract, and not 46153
eligible to be considered for a continuing contract, is, at the 46154
expiration of such limited contract, considered reemployed under 46155
the provisions of this division at the same salary plus any 46156
increment provided by the salary schedule unless evaluation 46157
procedures have been complied with pursuant to division (A) of 46158
section 3319.111 of the Revised Code and the employing board, 46159
acting upon the superintendent's written recommendation that the 46160
teacher not be reemployed, gives such teacher written notice of 46161
its intention not to reemploy such teacher on or before the 46162
thirtieth day of April. A teacher who does not have evaluation 46163
procedures applied in compliance with division (A) of section 46164
3319.111 of the Revised Code or who does not receive notice of the 46165
intention of the board not to reemploy such teacher on or before 46166
the thirtieth day of April is presumed to have accepted such 46167

employment unless such teacher notifies the board in writing to 46168
the contrary on or before the first day of June, and a written 46169
contract for the succeeding school year shall be executed 46170
accordingly. 46171

Any teacher receiving a written notice of the intention of a 46172
board not to reemploy such teacher pursuant to this division is 46173
entitled to the hearing provisions of division (G) of this 46174
section. 46175

(F) The failure of a superintendent to make a recommendation 46176
to the board under any of the conditions set forth in divisions 46177
(B) to (E) of this section, or the failure of the board to give 46178
such teacher a written notice pursuant to divisions (C) to (E) of 46179
this section shall not prejudice or prevent a teacher from being 46180
deemed reemployed under either a limited or continuing contract as 46181
the case may be under the provisions of this section. A failure of 46182
the parties to execute a written contract shall not void any 46183
automatic reemployment provisions of this section. 46184

(G)(1) Any teacher receiving written notice of the intention 46185
of a board of education not to reemploy such teacher pursuant to 46186
division (B), (C)(3), (D), or (E) of this section may, within ten 46187
days of the date of receipt of the notice, file with the treasurer 46188
of the board a written demand for a written statement describing 46189
the circumstances that led to the board's intention not to 46190
reemploy the teacher. 46191

(2) The treasurer of a board, on behalf of the board, shall, 46192
within ten days of the date of receipt of a written demand for a 46193
written statement pursuant to division (G)(1) of this section, 46194
provide to the teacher a written statement describing the 46195
circumstances that led to the board's intention not to reemploy 46196
the teacher. 46197

(3) Any teacher receiving a written statement describing the 46198

circumstances that led to the board's intention not to reemploy 46199
the teacher pursuant to division (G)(2) of this section may, 46200
within five days of the date of receipt of the statement, file 46201
with the treasurer of the board a written demand for a hearing 46202
before the board pursuant to divisions (G)(4) to (6) of this 46203
section. 46204

(4) The treasurer of a board, on behalf of the board, shall, 46205
within ten days of the date of receipt of a written demand for a 46206
hearing pursuant to division (G)(3) of this section, provide to 46207
the teacher a written notice setting forth the time, date, and 46208
place of the hearing. The board shall schedule and conclude the 46209
hearing within forty days of the date on which the treasurer of 46210
the board receives a written demand for a hearing pursuant to 46211
division (G)(3) of this section. 46212

(5) Any hearing conducted pursuant to this division shall be 46213
conducted by a majority of the members of the board. The hearing 46214
shall be held in executive session of the board unless the board 46215
and the teacher agree to hold the hearing in public. The 46216
superintendent, assistant superintendent, the teacher, and any 46217
person designated by either party to take a record of the hearing 46218
may be present at the hearing. The board may be represented by 46219
counsel and the teacher may be represented by counsel or a 46220
designee. A record of the hearing may be taken by either party at 46221
the expense of the party taking the record. 46222

(6) Within ten days of the conclusion of a hearing conducted 46223
pursuant to this division, the board shall issue to the teacher a 46224
written decision containing an order affirming the intention of 46225
the board not to reemploy the teacher reported in the notice given 46226
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 46227
this section or an order vacating the intention not to reemploy 46228
and expunging any record of the intention, notice of the 46229
intention, and the hearing conducted pursuant to this division. 46230

(7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section ~~3319.11~~ or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D), or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to division (A) of section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher pursuant to division (B), (C)(3), (D), or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was not warranted by any statement given pursuant to division (G)(2) of this section.

No appeal of an order of a board may be made except as specified in this division.

(H)(1) In giving a teacher any notice required by division (B), (C), (D), or (E) of this section, the board or the superintendent shall do either of the following:

- (a) Deliver the notice by personal service upon the teacher; 46263
- (b) Deliver the notice by certified mail, return receipt 46264
requested, addressed to the teacher at the teacher's place of 46265
employment and deliver a copy of the notice by certified mail, 46266
return receipt requested, addressed to the teacher at the 46267
teacher's place of residence. 46268
- (2) In giving a board any notice required by division (B), 46269
(C), (D), or (E) of this section, the teacher shall do either of 46270
the following: 46271
- (a) Deliver the notice by personal delivery to the office of 46272
the superintendent during regular business hours; 46273
- (b) Deliver the notice by certified mail, return receipt 46274
requested, addressed to the office of the superintendent and 46275
deliver a copy of the notice by certified mail, return receipt 46276
requested, addressed to the president of the board at the 46277
president's place of residence. 46278
- (3) When any notice and copy of the notice are mailed 46279
pursuant to division (H)(1)(b) or (2)(b) of this section, the 46280
notice or copy of the notice with the earlier date of receipt 46281
shall constitute the notice for the purposes of division (B), (C), 46282
(D), or (E) of this section. 46283
- (I) The provisions of this section shall not apply to any 46284
supplemental written contracts entered into pursuant to section 46285
3319.08 of the Revised Code. 46286
- Sec. 3319.151.** (A) No person shall reveal to any student any 46287
specific question that the person knows is part of ~~a test~~ an 46288
assessment to be administered under section 3301.0711 of the 46289
Revised Code or in any other way assist a pupil to cheat on such a 46290
~~test~~ an assessment. 46291
- (B) On a finding by the state board of education, after 46292

investigation, that a school employee who holds a license issued 46293
under sections 3319.22 to 3319.31 of the Revised Code has violated 46294
division (A) of this section, the license of such teacher shall be 46295
suspended for one year. Prior to commencing an investigation, the 46296
board shall give the teacher notice of the allegation and an 46297
opportunity to respond and present a defense. 46298

(C)(1) Violation of division (A) of this section is grounds 46299
for termination of employment of a nonteaching employee under 46300
division (C) of section 3319.081 or section 124.34 of the Revised 46301
Code. 46302

(2) Violation of division (A) of this section is grounds for 46303
termination of a teacher contract under section 3319.16 of the 46304
Revised Code. 46305

Sec. 3319.16. The contract of any teacher employed by the 46306
board of education of any city, exempted village, local, county, 46307
or joint vocational school district may not be terminated except 46308
~~for gross inefficiency or immorality; for willful and persistent~~ 46309
~~violations of reasonable regulations of the board of education; or~~ 46310
for ~~other~~ good and just cause. Before Notwithstanding any 46311
provision to the contrary in Chapter 4117. of the Revised Code, 46312
the provisions of this section relating to the grounds for 46313
termination of the contract of a teacher prevail over any 46314
conflicting provisions of a collective bargaining agreement 46315
entered into after the effective date of this amendment. 46316

Before terminating any contract, the employing board shall 46317
furnish the teacher a written notice signed by its treasurer of 46318
its intention to consider the termination of ~~his~~ the teacher's 46319
contract with full specification of the grounds for such 46320
consideration. The board shall not proceed with formal action to 46321
terminate the contract until after the tenth day after receipt of 46322
the notice by the teacher. Within ten days after receipt of the 46323

notice from the treasurer of the board, the teacher may file with 46324
the treasurer a written demand for a hearing before the board or 46325
before a referee, and the board shall set a time for the hearing 46326
which shall be within thirty days from the date of receipt of the 46327
written demand, and the treasurer shall give the teacher at least 46328
twenty days' notice in writing of the time and place of the 46329
hearing. If a referee is demanded by either the teacher or board, 46330
the treasurer also shall give twenty days' notice to the 46331
superintendent of public instruction. No hearing shall be held 46332
during the summer vacation without the teacher's consent. The 46333
hearing shall be private unless the teacher requests a public 46334
hearing. The hearing shall be conducted by a referee appointed 46335
pursuant to section 3319.161 of the Revised Code, if demanded; 46336
otherwise, it shall be conducted by a majority of the members of 46337
the board and shall be confined to the grounds given for the 46338
termination. The board shall provide for a complete stenographic 46339
record of the proceedings, a copy of the record to be furnished to 46340
the teacher. The board may suspend a teacher pending final action 46341
to terminate ~~his~~ the teacher's contract if, in its judgment, the 46342
character of the charges warrants such action. 46343

Both parties may be present at such hearing, be represented 46344
by counsel, require witnesses to be under oath, cross-examine 46345
witnesses, take a record of the proceedings, and require the 46346
presence of witnesses in their behalf upon subpoena to be issued 46347
by the treasurer of the board. In case of the failure of any 46348
person to comply with a subpoena, a judge of the court of common 46349
pleas of the county in which the person resides, upon application 46350
of any interested party, shall compel attendance of the person by 46351
attachment proceedings as for contempt. Any member of the board or 46352
the referee may administer oaths to witnesses. After a hearing by 46353
a referee, the referee shall file ~~his~~ a report within ten days 46354
after the termination of the hearing. After consideration of the 46355
referee's report, the board, by a majority vote, may accept or 46356

reject the referee's recommendation on the termination of the 46357
teacher's contract. After a hearing by the board, the board, by 46358
majority vote, may enter its determination upon its minutes. Any 46359
order of termination of a contract shall state the grounds for 46360
termination. If the decision, after hearing, is against 46361
termination of the contract, the charges and the record of the 46362
hearing shall be physically expunged from the minutes, and, if the 46363
teacher has suffered any loss of salary by reason of being 46364
suspended, ~~he~~ the teacher shall be paid ~~his~~ the teacher's full 46365
salary for the period of such suspension. 46366

Any teacher affected by an order of termination of contract 46367
may appeal to the court of common pleas of the county in which the 46368
school is located within thirty days after receipt of notice of 46369
the entry of such order. The appeal shall be an original action in 46370
the court and shall be commenced by the filing of a complaint 46371
against the board, in which complaint the facts shall be alleged 46372
upon which the teacher relies for a reversal or modification of 46373
such order of termination of contract. Upon service or waiver of 46374
summons in that appeal, the board immediately shall transmit to 46375
the clerk of the court for filing a transcript of the original 46376
papers filed with the board, a certified copy of the minutes of 46377
the board into which the termination finding was entered, and a 46378
certified transcript of all evidence adduced at the hearing or 46379
hearings before the board or a certified transcript of all 46380
evidence adduced at the hearing or hearings before the referee, 46381
whereupon the cause shall be at issue without further pleading and 46382
shall be advanced and heard without delay. The court shall examine 46383
the transcript and record of the hearing and shall hold such 46384
additional hearings as it considers advisable, at which it may 46385
consider other evidence in addition to the transcript and record. 46386

Upon final hearing, the court shall grant or deny the relief 46387
prayed for in the complaint as may be proper in accordance with 46388

the evidence adduced in the hearing. Such an action is a special proceeding, and either the teacher or the board may appeal from the decision of the court of common pleas pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code.

In any court action, the board may utilize the services of the prosecuting attorney, village solicitor, city director of law, or other chief legal officer of a municipal corporation as authorized by section 3313.35 of the Revised Code, or may employ other legal counsel.

A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of a teacher contract under this section.

Sec. 3319.17. (A) As used in this section, "interdistrict contract" means any contract or agreement entered into by an educational service center governing board and another board or other public entity pursuant to section 3313.17, 3313.841, 3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the Revised Code, including any such contract or agreement for the provision of services funded under division (I) of section 3317.024 of the Revised Code or provided in any unit approved under section 3317.05 of the Revised Code.

(B) When, for any of the following reasons that apply to any city, exempted village, local, or joint vocational school district or any educational service center, the board decides that it will be necessary to reduce the number of teachers it employs, it may make a reasonable reduction:

(1) In the case of any district or service center, return to duty of regular teachers after leaves of absence including leaves provided pursuant to division (B) of section 3314.10 of the Revised Code, suspension of schools, or territorial changes

affecting the district or center, ~~or financial reasons;~~ 46420

(2) In the case of any city, exempted village, local, or 46421
joint vocational school district, decreased enrollment of pupils 46422
in the district; 46423

(3) In the case of any governing board of a service center 46424
providing any particular service directly to pupils pursuant to 46425
one or more interdistrict contracts requiring such service, 46426
reduction in the total number of pupils the governing board is 46427
required to provide with the service under all interdistrict 46428
contracts as a result of the termination or nonrenewal of one or 46429
more of these interdistrict contracts; 46430

(4) In the case of any governing board providing any 46431
particular service that it does not provide directly to pupils 46432
pursuant to one or more interdistrict contracts requiring such 46433
service, reduction in the total level of the service the governing 46434
board is required to provide under all interdistrict contracts as 46435
a result of the termination or nonrenewal of one or more of these 46436
interdistrict contracts. 46437

(C) In making any such reduction, any city, exempted village, 46438
local, or joint vocational school board shall proceed to suspend 46439
contracts in accordance with the recommendation of the 46440
superintendent of schools who shall, within each teaching field 46441
affected, give preference first to teachers on continuing 46442
contracts and then to teachers who have greater seniority. In 46443
making any such reduction, any governing board of a service center 46444
shall proceed to suspend contracts in accordance with the 46445
recommendation of the superintendent who shall, within each 46446
teaching field or service area affected, give preference first to 46447
teachers on continuing contracts and then to teachers who have 46448
greater seniority. 46449

On a case-by-case basis, in lieu of suspending a contract in 46450

whole, a board may suspend a contract in part, so that an 46451
individual is required to work a percentage of the time the 46452
employee otherwise is required to work under the contract and 46453
receives a commensurate percentage of the full compensation the 46454
employee otherwise would receive under the contract. 46455

The teachers whose continuing contracts are suspended by any 46456
board pursuant to this section shall have the right of restoration 46457
to continuing service status by that board in the order of 46458
seniority of service in the district or service center if and when 46459
teaching positions become vacant or are created for which any of 46460
such teachers are or become qualified. No teacher whose continuing 46461
contract has been suspended pursuant to this section shall lose 46462
that right of restoration to continuing service status by reason 46463
of having declined recall to a position that is less than 46464
full-time or, if the teacher was not employed full-time just prior 46465
to suspension of the teacher's continuing contract, to a position 46466
requiring a lesser percentage of full-time employment than the 46467
position the teacher last held while employed in the district or 46468
service center. 46469

~~(D) Notwithstanding any provision to the contrary in Chapter 46470
4117. of the Revised Code, the requirements of this section 46471
prevail over any conflicting provisions of agreements between 46472
employee organizations and public employers entered into after 46473
September 29, 2005. 46474~~

Sec. 3319.172. The board of education of each school district 46475
wherein the provisions of Chapter 124. of the Revised Code do not 46476
apply and the governing board of each educational service center 46477
may adopt a resolution ordering reasonable reductions in the 46478
number of nonteaching employees for any of the reasons for which 46479
the board of education or governing board may make reductions in 46480
teaching employees, as set forth in division (B) of section 46481

3319.17 of the Revised Code. 46482

In making any reduction under this section, the board of 46483
education or governing board shall proceed to suspend contracts in 46484
accordance with the recommendation of the superintendent of the 46485
district or service center who shall, within each pay 46486
classification affected, give preference first to employees under 46487
continuing contracts and then to employees on the basis of 46488
seniority. On a case-by-case basis, in lieu of suspending a 46489
contract in whole, a board may suspend a contract in part, so that 46490
an individual is required to work a percentage of the time the 46491
employee otherwise is required to work under the contract and 46492
receives a commensurate percentage of the full compensation the 46493
employee otherwise would receive under the contract. 46494

Any nonteaching employee whose continuing contract is 46495
suspended under this section shall have the right of restoration 46496
to continuing service status by the board of education or 46497
governing board that suspended that contract in order of seniority 46498
of service in the district or service center, if and when a 46499
nonteaching position for which the employee is qualified becomes 46500
vacant or is created. No nonteaching employee whose continuing 46501
contract has been suspended under this section shall lose that 46502
right of restoration to continuing service status by reason of 46503
having declined recall to a position requiring fewer regularly 46504
scheduled hours of work than required by the position the employee 46505
last held while employed in the district or service center. 46506

~~Notwithstanding any provision to the contrary in Chapter 46507
4117. of the Revised Code, the requirements of this section 46508
prevail over any conflicting provisions of agreements between 46509
employee organizations and public employers entered into after the 46510
effective date of this section. 46511~~

Sec. 3319.22. (A)(1) The state board of education shall ~~adopt~~ 46512

~~rules establishing the standards and requirements for obtaining~~ 46513
~~temporary, associate, provisional, and professional~~ issue the 46514
following educator licenses: 46515

(a) A resident educator license, which shall be valid for 46516
four years and shall not be renewable; 46517

(b) A professional educator license, which shall be valid for 46518
five years and shall be renewable; 46519

(c) A senior professional educator license, which shall be 46520
valid for five years and shall be renewable; 46521

(d) A lead professional educator license, which shall be 46522
valid for five years and shall be renewable. 46523

(2) The state board may issue any additional educator 46524
licenses of ~~any~~ categories, types, and levels the board elects to 46525
provide. ~~However, no educator license shall be required for~~ 46526
~~teaching children two years old or younger.~~ 46527

~~(2)~~(3) The state board shall adopt rules establishing the 46528
standards and requirements for obtaining each educator license 46529
issued under this section. 46530

(B) The rules adopted under this section shall require at 46531
least the following standards and qualifications for the educator 46532
licenses described in division (A)(1) of this section: 46533

(1) An applicant for a resident educator license shall hold 46534
at least a bachelor's degree from an accredited teacher 46535
preparation program. 46536

(2) An applicant for a professional educator license shall: 46537

(a) Hold at least a bachelor's degree from an accredited 46538
institution of higher education; 46539

(b) Have successfully completed the Ohio teacher residency 46540
program established under section 3319.223 of the Revised Code, if 46541
the applicant's current or most recently issued license is a 46542

resident educator license issued under this section or an 46543
alternative resident educator license issued under section 3319.26 46544
of the Revised Code. 46545

(3) An applicant for a senior professional educator license 46546
shall: 46547

(a) Hold at least a master's degree from an accredited 46548
institution of higher education; 46549

(b) Have previously held a professional educator license 46550
issued under this section or section 3319.222 or under former 46551
section 3319.22 of the Revised Code; 46552

(c) Meet the criteria for the accomplished or distinguished 46553
level of performance, as described in the standards for teachers 46554
adopted by the state board under section 3319.61 of the Revised 46555
Code. 46556

(4) An applicant for a lead professional educator license 46557
shall: 46558

(a) Hold at least a master's degree from an accredited 46559
institution of higher education; 46560

(b) Have previously held a professional educator license or a 46561
senior professional educator license issued under this section or 46562
a professional educator license issued under section 3319.222 or 46563
former section 3319.22 of the Revised Code; 46564

(c) Meet the criteria for the distinguished level of 46565
performance, as described in the standards for teachers adopted by 46566
the state board under section 3319.61 of the Revised Code; 46567

(d) Either hold a valid certificate issued by the national 46568
board for professional teaching standards or meet the criteria for 46569
a lead teacher adopted by the educator standards board under 46570
section 3319.61 of the Revised Code. 46571

(C) The state board shall align the standards and 46572

qualifications for obtaining a principal license with the 46573
standards for principals adopted by the state board under section 46574
3319.61 of the Revised Code. 46575

(D) If the state board requires any examinations for educator 46576
licensure, the department of education shall provide the results 46577
of such examinations received by the department to the chancellor 46578
of the Ohio board of regents, in the manner and to the extent 46579
permitted by state and federal law. 46580

~~(B)~~(E) Any rules the state board of education adopts, amends, 46581
or rescinds for educator licenses under this section, division (D) 46582
of section 3301.07 of the Revised Code, or any other law shall be 46583
adopted, amended, or rescinded under Chapter 119. of the Revised 46584
Code except as follows: 46585

(1) Notwithstanding division (D) of section 119.03 and 46586
division (A)(1) of section 119.04 of the Revised Code, in the case 46587
of the adoption of any rule or the amendment or rescission of any 46588
rule that necessitates institutions' offering ~~teacher~~ preparation 46589
programs for educators and other school personnel that are 46590
approved by the ~~state board of education~~ chancellor of the Ohio 46591
board of regents under section ~~3319.23~~ 3333.048 of the Revised 46592
Code to revise the curriculum of those programs, the effective 46593
date shall not be as prescribed in division (D) of section 119.03 46594
and division (A)(1) of section 119.04 of the Revised Code. 46595
Instead, the effective date of such rules, or the amendment or 46596
rescission of such rules, shall be the date prescribed by section 46597
~~3319.23~~ 3333.048 of the Revised Code. 46598

(2) Notwithstanding the authority to adopt, amend, or rescind 46599
emergency rules in division (F) of section 119.03 of the Revised 46600
Code, this authority shall not apply to the state board of 46601
education with regard to rules for educator licenses. 46602

~~(C)~~(F)(1) The rules adopted under this section establishing 46603

standards requiring additional coursework for the renewal of any 46604
educator license shall require a school district and a chartered 46605
nonpublic school to establish local professional development 46606
committees. In a nonpublic school, the chief administrative 46607
officer shall establish the committees in any manner acceptable to 46608
such officer. The committees established under this division shall 46609
determine whether coursework that a district or chartered 46610
nonpublic school teacher proposes to complete meets the 46611
requirement of the rules. The department of education shall 46612
provide technical assistance and support to committees as the 46613
committees incorporate the professional development standards 46614
adopted by the state board of education pursuant to section 46615
3319.61 of the Revised Code into their review of coursework that 46616
is appropriate for license renewal. The rules shall establish a 46617
procedure by which a teacher may appeal the decision of a local 46618
professional development committee. 46619

(2) In any school district in which there is no exclusive 46620
representative established under Chapter 4117. of the Revised 46621
Code, the professional development committees shall be established 46622
as described in division ~~(C)~~(F)(2) of this section. 46623

Not later than the effective date of the rules adopted under 46624
this section, the board of education of each school district shall 46625
establish the structure for one or more local professional 46626
development committees to be operated by such school district. The 46627
committee structure so established by a district board shall 46628
remain in effect unless within thirty days prior to an anniversary 46629
of the date upon which the current committee structure was 46630
established, the board provides notice to all affected district 46631
employees that the committee structure is to be modified. 46632
Professional development committees may have a district-level or 46633
building-level scope of operations, and may be established with 46634
regard to particular grade or age levels for which an educator 46635

license is designated. 46636

Each professional development committee shall consist of at 46637
least three classroom teachers employed by the district, one 46638
principal employed by the district, and one other employee of the 46639
district appointed by the district superintendent. For committees 46640
with a building-level scope, the teacher and principal members 46641
shall be assigned to that building, and the teacher members shall 46642
be elected by majority vote of the classroom teachers assigned to 46643
that building. For committees with a district-level scope, the 46644
teacher members shall be elected by majority vote of the classroom 46645
teachers of the district, and the principal member shall be 46646
elected by a majority vote of the principals of the district, 46647
unless there are two or fewer principals employed by the district, 46648
in which case the one or two principals employed shall serve on 46649
the committee. If a committee has a particular grade or age level 46650
scope, the teacher members shall be licensed to teach such grade 46651
or age levels, and shall be elected by majority vote of the 46652
classroom teachers holding such a license and the principal shall 46653
be elected by all principals serving in buildings where any such 46654
teachers serve. The district superintendent shall appoint a 46655
replacement to fill any vacancy that occurs on a professional 46656
development committee, except in the case of vacancies among the 46657
elected classroom teacher members, which shall be filled by vote 46658
of the remaining members of the committee so selected. 46659

Terms of office on professional development committees shall 46660
be prescribed by the district board establishing the committees. 46661
The conduct of elections for members of professional development 46662
committees shall be prescribed by the district board establishing 46663
the committees. A professional development committee may include 46664
additional members, except that the majority of members on each 46665
such committee shall be classroom teachers employed by the 46666
district. Any member appointed to fill a vacancy occurring prior 46667

to the expiration date of the term for which a predecessor was 46668
appointed shall hold office as a member for the remainder of that 46669
term. 46670

The initial meeting of any professional development 46671
committee, upon election and appointment of all committee members, 46672
shall be called by a member designated by the district 46673
superintendent. At this initial meeting, the committee shall 46674
select a chairperson and such other officers the committee deems 46675
necessary, and shall adopt rules for the conduct of its meetings. 46676
Thereafter, the committee shall meet at the call of the 46677
chairperson or upon the filing of a petition with the district 46678
superintendent signed by a majority of the committee members 46679
calling for the committee to meet. 46680

(3) In the case of a school district in which an exclusive 46681
representative has been established pursuant to Chapter 4117. of 46682
the Revised Code, professional development committees shall be 46683
established in accordance with any collective bargaining agreement 46684
in effect in the district that includes provisions for such 46685
committees. 46686

If the collective bargaining agreement does not specify a 46687
different method for the selection of teacher members of the 46688
committees, the exclusive representative of the district's 46689
teachers shall select the teacher members. 46690

If the collective bargaining agreement does not specify a 46691
different structure for the committees, the board of education of 46692
the school district shall establish the structure, including the 46693
number of committees and the number of teacher and administrative 46694
members on each committee; the specific administrative members to 46695
be part of each committee; whether the scope of the committees 46696
will be district levels, building levels, or by type of grade or 46697
age levels for which educator licenses are designated; the lengths 46698
of terms for members; the manner of filling vacancies on the 46699

committees; and the frequency and time and place of meetings. 46700
However, in all cases, except as provided in division ~~(C)~~(F)(4) of 46701
this section, there shall be a majority of teacher members of any 46702
professional development committee, there shall be at least five 46703
total members of any professional development committee, and the 46704
exclusive representative shall designate replacement members in 46705
the case of vacancies among teacher members, unless the collective 46706
bargaining agreement specifies a different method of selecting 46707
such replacements. 46708

(4) Whenever an administrator's coursework plan is being 46709
discussed or voted upon, the local professional development 46710
committee shall, at the request of one of its administrative 46711
members, cause a majority of the committee to consist of 46712
administrative members by reducing the number of teacher members 46713
voting on the plan. 46714

~~(D)~~(G)(1) The department of education, educational service 46715
centers, county boards of mental retardation and developmental 46716
disabilities, regional professional development centers, special 46717
education regional resource centers, college and university 46718
departments of education, head start programs, the eTech Ohio 46719
commission, and the Ohio education computer network may establish 46720
local professional development committees to determine whether the 46721
coursework proposed by their employees who are licensed or 46722
certificated under this section or section 3319.222 of the Revised 46723
Code, or under the former version of either section as it existed 46724
prior to the effective date of this amendment, meet the 46725
requirements of the rules adopted under this section. They may 46726
establish local professional development committees on their own 46727
or in collaboration with a school district or other agency having 46728
authority to establish them. 46729

Local professional development committees established by 46730
county boards of mental retardation and developmental disabilities 46731

shall be structured in a manner comparable to the structures 46732
prescribed for school districts in divisions ~~(C)~~(F)(2) and (3) of 46733
this section, as shall the committees established by any other 46734
entity specified in division ~~(D)~~(G)(1) of this section that 46735
provides educational services by employing or contracting for 46736
services of classroom teachers licensed or certificated under this 46737
section or section 3319.222 of the Revised Code, or under the 46738
former version of either section as it existed prior to the 46739
effective date of this amendment. All other entities specified in 46740
division ~~(D)~~(G)(1) of this section shall structure their 46741
committees in accordance with guidelines which shall be issued by 46742
the state board. 46743

(2) Any public agency that is not specified in division 46744
~~(D)~~(G)(1) of this section but provides educational services and 46745
employs or contracts for services of classroom teachers licensed 46746
or certificated under this section or section 3319.222 of the 46747
Revised Code, or under the former version of either section as it 46748
existed prior to the effective date of this amendment, may 46749
establish a local professional development committee, subject to 46750
the approval of the department of education. The committee shall 46751
be structured in accordance with guidelines issued by the state 46752
board. 46753

Sec. 3319.221. (A) The state board of education shall adopt 46754
rules establishing the standards and requirements for obtaining a 46755
school nurse license and a school nurse wellness coordinator 46756
license. At a minimum, the rules shall require that an applicant 46757
for a school nurse license be licensed as a registered nurse under 46758
Chapter 4723. of the Revised Code. 46759

(B) If the state board requires any examinations for 46760
licensure under this section, the department of education shall 46761
provide the examination results received by the department to the 46762

chancellor of the Ohio board of regents, in the manner and to the 46763
extent permitted by state and federal law. 46764

(C) Any rules for licenses described in this section that the 46765
state board adopts, amends, or rescinds under this section, 46766
division (D) of section 3301.07 of the Revised Code, or any other 46767
law shall be adopted, amended, or rescinded under Chapter 119. of 46768
the Revised Code, except that the authority to adopt, amend, or 46769
rescind emergency rules under division (F) of section 119.03 of 46770
the Revised Code shall not apply to the state board with respect 46771
to rules for licenses described in this section. 46772

(D) Any registered nurse employed by a school district in the 46773
capacity of school nurse on January 1, 1973, or any registered 46774
nurse employed by a city or general health district on January 1, 46775
1973, to serve full-time in the capacity of school nurse in one or 46776
more school districts, shall be considered to have fulfilled the 46777
requirements for the issuance of a school nurse license under this 46778
section ~~3319.22 of the Revised Code.~~ 46779

Sec. 3319.222. (A) Notwithstanding the amendments to and 46780
repeal of statutes by the act that enacted this section, the state 46781
board of education shall accept applications for new, and renewal 46782
and upgrade of, temporary, associate, provisional, and 46783
professional educator licenses, alternative educator licenses, 46784
one-year conditional teaching permits, and school nurse licenses 46785
through December 31, 2010, and issue them on the basis of the 46786
applications received by that date in accordance with the former 46787
statutes in effect immediately prior to amendment or repeal by the 46788
act that enacted this section. 46789

(B) A permanent teacher's certificate issued under former 46790
sections 3319.22 to 3319.31 of the Revised Code prior to October 46791
29, 1996, or under former section 3319.222 of the Revised Code as 46792
it existed prior to the effective date of this section, shall be 46793

valid for teaching in the subject areas and grades for which the 46794
certificate was issued, except as the certificate is limited, 46795
suspended, or revoked under section 3319.31 of the Revised Code. 46796

(C) The following certificates, permits, or licenses shall be 46797
valid until the certificate, permit, or license expires for 46798
teaching in the subject areas and grades for which the 46799
certificate, permit, or license was issued, except as the 46800
certificate, permit, or license is limited, suspended, or revoked 46801
under section 3319.31 of the Revised Code: 46802

(1) Any professional teacher's certificate issued under 46803
former section 3319.222 of the Revised Code, as it existed prior 46804
to the effective date of this section; 46805

(2) Any temporary, associate, provisional, or professional 46806
educator license issued under former section 3319.22 of the 46807
Revised Code, as it existed prior to the effective date of this 46808
section, or under division (A) of this section; 46809

(3) Any alternative educator license issued under former 46810
section 3319.26 of the Revised Code, as it existed prior to the 46811
effective date of this section, or under division (A) of this 46812
section; 46813

(4) Any one-year conditional teaching permit issued under 46814
former section 3319.302 or 3319.304 of the Revised Code, as it 46815
existed prior to the effective date of this section, or under 46816
division (A) of this section. 46817

(D) Any school nurse license issued under former section 46818
3319.22 of the Revised Code, as it existed prior to the effective 46819
date of this section, or under division (A) of this section shall 46820
be valid until the license expires for employment as a school 46821
nurse, except as the license is limited, suspended, or revoked 46822
under section 3319.31 of the Revised Code. 46823

(E) Nothing in this section shall be construed to prohibit a 46824

person from applying to the state board for an educator license 46825
issued under section 3319.22 of the Revised Code, a school nurse 46826
license or a school nurse wellness coordinator license issued 46827
under section 3319.221 of the Revised Code, or an alternative 46828
resident educator license issued under section 3319.26 of the 46829
Revised Code, as the section exists on and after the effective 46830
date of this section. 46831

(F) On and after the effective date of this section, any 46832
reference in the Revised Code to educator licensing is hereby 46833
deemed to refer also to certification or licensure under divisions 46834
(A) to (D) of this section. 46835

Sec. 3319.223. (A) Not later than January 1, 2011, the 46836
superintendent of public instruction and the chancellor of the 46837
Ohio board of regents jointly shall establish the Ohio teacher 46838
residency program, which shall be a four-year, entry-level program 46839
for classroom teachers. The teacher residency program shall 46840
include at least the following components: 46841

(1) Mentoring by teachers who hold a lead professional 46842
educator license issued under section 3319.22 of the Revised Code; 46843

(2) Counseling to ensure that program participants receive 46844
needed professional development; 46845

(3) Measures of appropriate progression through the program. 46846

(B) The teacher residency program shall be aligned with the 46847
standards for teachers adopted by the state board of education 46848
under section 3319.61 of the Revised Code and best practices 46849
identified by the superintendent of public instruction. 46850

(C) Each person who holds a resident educator license issued 46851
under section 3319.22 of the Revised Code or an alternative 46852
resident educator license issued under section 3319.26 of the 46853
Revised Code shall participate in the teacher residency program. 46854

Successful completion of the program shall be required to qualify 46855
any such person for a professional educator license issued under 46856
section 3319.22 of the Revised Code. 46857

Sec. 3319.234. The teacher quality partnership, a consortium 46858
of teacher preparation programs that have been approved by the 46859
~~state board of education~~ chancellor of the Ohio board of regents 46860
under section ~~3319.23~~ 3333.048 of the Revised Code, shall study 46861
the relationship of teacher performance on educator licensure 46862
assessments, as adopted by the state board of education under 46863
section 3319.22 of the Revised Code, to teacher effectiveness in 46864
the classroom. Not later than September 1, 2008, the partnership 46865
shall begin submitting annual data reports along with any other 46866
data on teacher effectiveness the partnership determines 46867
appropriate to the governor, the president and minority leader of 46868
the senate, the speaker and minority leader of the house of 46869
representatives, the chairpersons and ranking minority members of 46870
the standing committees of the senate and the house of 46871
representatives that consider education legislation, the 46872
superintendent of public instruction, the state board of 46873
education, the chancellor of the Ohio board of regents, and the 46874
partnership for continued learning. 46875

Sec. 3319.235. (A) The standards for the preparation of 46876
teachers adopted under section ~~3319.23~~ 3333.048 of the Revised 46877
Code shall require any institution that provides a course of study 46878
for the training of teachers to ensure that graduates of such 46879
course of study are skilled at integrating educational technology 46880
in the instruction of children, as evidenced by the graduate 46881
having either demonstrated proficiency in such skills in a manner 46882
prescribed by the department of education or completed a course 46883
that includes training in such skills. 46884

(B) The eTech Ohio commission shall establish model 46885

professional development programs to assist teachers who completed 46886
their teacher preparation prior to the effective date of division 46887
(A) of this section to become skilled at integrating educational 46888
technology in the instruction of children. The commission shall 46889
provide technical assistance to school districts wishing to 46890
establish such programs. 46891

Sec. 3319.24. This section does not apply to any applicant 46892
for an educator license that is designed for persons specializing 46893
in teaching children in kindergarten through twelfth grade, or the 46894
equivalent, in the area of dance, drama, theater, music, visual 46895
arts, or physical education or a specialty area substantially 46896
equivalent to any of these when such applicant will be teaching 46897
children in the specialty area specified in the license. 46898

(A) As used in this section: 46899

(1) "Coursework in the teaching of reading" means coursework 46900
that includes training in a range of instructional strategies for 46901
teaching reading, in the assessment of reading skills, and in the 46902
diagnosis and remediation of reading difficulties; 46903

(2) "Phonics" means the techniques and strategies used to 46904
teach children to match, blend, and translate letters of the 46905
alphabet into the sounds they represent, which techniques and 46906
strategies are systematically integrated and thoroughly practiced 46907
in a developmentally appropriate instructional program to assist 46908
the child in learning to read, write, and spell; 46909

(3) "Course in the teaching of phonics" means a course 46910
providing the background necessary for effectively teaching and 46911
assessing phonics, phonemic awareness, and word recognition, 46912
including, but not limited to, the following topics: 46913

(a) Phonological and morphological underpinnings of English 46914
spellings and the history thereof; 46915

(b) The nature and role of word recognition in proficient reading; 46916
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(c) Methods and rationale for the instruction of phonemic awareness, decoding, spelling, and the application thereof in reading and writing; 46918
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(d) Methods and rationale for the assessment of phonemic awareness, decoding, spelling, and the application thereof in reading and writing; 46921
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(e) The relation of deficits in phonemic awareness, decoding, spelling, and word recognition to reading disabilities; 46924
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(4) "Phonemic awareness" means the awareness of sounds that make up spoken words and the ability to use this awareness of sounds in reading. 46926
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(B) The rules adopted under ~~division (A)~~ of section 3319.22 of the Revised Code shall require an applicant for ~~an initial provisional~~ a resident educator license designated for teaching children in grades kindergarten through six or the equivalent to have successfully completed at least six semester hours, or the equivalent, of coursework in the teaching of reading that includes at least one separate course of at least three semester hours, or the equivalent, in the teaching of phonics in the context of reading, writing, and spelling. In addition, such rules shall require that such license be granted for a period of not more than ~~two~~ four years, and shall require that the ~~first renewal~~ subsequent issuance of ~~such a professional educator~~ license be contingent upon the ~~license holder~~ applicant having completed six additional semester hours or the equivalent of coursework in the teaching of reading. The rules shall permit ~~a license holder~~ an applicant to apply undergraduate coursework in order to meet ~~such renewal~~ this requirement for additional coursework. 46929
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Sec. 3319.25. Any teacher performance assessment entity with 46946
which the department of education or the state board of education 46947
contracts or any independent agent with whom such entity, the 46948
department, or the state board contracts to provide services as a 46949
teacher performance assessor, trainer of assessors, or assessment 46950
coordinator is not liable for damages in a civil action concerning 46951
the actions of such entity or agent made in the conduct of a 46952
teacher performance assessment unless those actions were conducted 46953
with malicious purpose, in bad faith, or in a wanton or reckless 46954
manner. 46955

As used in this section, "teacher performance assessment" 46956
means an assessment prescribed by the state board of education to 46957
measure the classroom performance of a teacher who is a candidate 46958
for a ~~professional educator license~~ licensure based on 46959
observations conducted by a trained assessor while the teacher is 46960
engaged in actual classroom instruction. 46961

Sec. 3319.26. (A) The state board of education shall adopt 46962
rules establishing the standards and requirements for obtaining an 46963
alternative resident educator license for teaching in grades ~~seven~~ 46964
four to twelve, or the equivalent, in a designated subject area. 46965
However, an alternative resident educator license in the area of 46966
intervention specialist, as defined by rule of the state board, 46967
shall be valid for teaching in grades kindergarten to twelve. 46968

(B)(1) The superintendent of public instruction and the 46969
chancellor of the Ohio board of regents jointly shall develop an 46970
intensive pedagogical training institute to provide instruction in 46971
the principles and practices of teaching for individuals seeking 46972
an alternative resident educator license. The instruction shall 46973
cover such topics as student development and learning, pupil 46974
assessment procedures, curriculum development, classroom 46975
management, and teaching methodology. 46976

(C) The rules adopted under this section shall require 46977
applicants for the alternative resident educator license to 46978
satisfy the following conditions prior to issuance of the license: 46979
46980

~~(a)~~(1) Hold a minimum of a baccalaureate degree; 46981

~~(b)~~(2) Successfully complete ~~three semester hours or the~~ 46982
~~equivalent of college coursework in the developmental~~ 46983
~~characteristics of adolescent youths and three semester hours or~~ 46984
~~the equivalent in teaching methods~~ the pedagogical training 46985
institute described in division (B) of this section; 46986

~~(e)~~(3) Pass an examination in the subject area for which 46987
application is being made. 46988

~~(2)~~(D) An alternative resident educator license shall be 46989
valid for ~~two~~ four years and shall not be renewable. 46990

~~(3)~~(E) The rules shall require the holder of an alternative 46991
resident educator license, as a condition of continuing to hold 46992
the license, to ~~show~~ do all of the following: 46993

(1) Participate in the Ohio teacher residency program 46994
established under section 3319.223 of the Revised Code; 46995

(2) Show satisfactory progress in taking and successfully 46996
completing within ~~two~~ four years at least twelve additional 46997
semester hours, or the equivalent, of college coursework in the 46998
principles and practices of teaching in such topics as student 46999
development and learning, pupil assessment procedures, curriculum 47000
development, classroom management, and teaching methodology; 47001

(3) Take an assessment of professional knowledge in the 47002
second year of teaching under the license. 47003

~~(C)~~(F) The rules shall provide for the granting of a 47004
~~provisional~~ professional educator license to a holder of an 47005
alternative resident educator license upon successfully completing 47006

all of the following: 47007

(1) ~~Two~~ Four years of teaching under the alternative license; 47008

(2) The twelve semester hours, or the equivalent, of the 47009
additional college coursework described in division ~~(B)(3)~~(E)(2) 47010
of this section; 47011

(3) The assessment of professional knowledge ~~that is required~~ 47012
~~of other applicants for a provisional educator license described~~ 47013
in division (E)(3) of this section. The standards for successfully 47014
completing this assessment and the manner of conducting the 47015
assessment shall be the same as for any other ~~applicant for a~~ 47016
provisional educator license individual who is required to take 47017
the assessment pursuant to rules adopted by the state board under 47018
section 3319.22 of the Revised Code. 47019

(4) The Ohio teacher residency program; 47020

(5) All other requirements for a professional educator 47021
license adopted by the state board under section 3319.22 of the 47022
Revised Code. 47023

Sec. 3319.261. An individual who otherwise qualifies for an 47024
alternative resident educator license for employment as an 47025
intervention specialist as authorized under section 3319.26 of the 47026
Revised Code shall be issued such license without successful 47027
completion of the examination specified in division 47028
~~(B)(1)(e)~~(C)(3) of section 3319.26 of the Revised Code. The 47029
individual to whom the alternative resident educator license is 47030
issued under this section shall be required to successfully 47031
complete that examination prior to issuance of a ~~provisional~~ 47032
professional educator license as provided in division ~~(C)~~(F) of 47033
section 3319.26 of the Revised Code only after completing the 47034
coursework prescribed in division ~~(B)(3)~~(E)(2) of that section. 47035

Sec. 3319.28. (A) As used in this section, "STEM school" 47036

means a science, technology, engineering, and mathematics school 47037
established under Chapter 3326. of the Revised Code. 47038

(B) Notwithstanding any other provision of the Revised Code 47039
or any rule adopted by the state board of education to the 47040
contrary, the state board shall issue a two-year provisional 47041
educator license for teaching science, technology, engineering, or 47042
mathematics in grades six through twelve in a STEM school to any 47043
applicant who meets the following conditions: 47044

(1) Holds a bachelor's degree from an accredited institution 47045
of higher education in a field related to the subject area to be 47046
taught; 47047

(2) Has passed an examination prescribed by the state board 47048
in the subject area to be taught. 47049

(C) The holder of a provisional educator license issued under 47050
this section shall complete a structured apprenticeship program 47051
provided by an educational service center or a teacher preparation 47052
program approved under section ~~3319.23~~ 3333.048 of the Revised 47053
Code, in partnership with the STEM school that employs the license 47054
holder. The apprenticeship program shall include the following: 47055

47056

(1) Mentoring by a teacher or administrator who regularly 47057
observes the license holder's classroom instruction, provides 47058
feedback on the license holder's teaching strategies and classroom 47059
management, and engages the license holder in discussions about 47060
methods for fostering and measuring student learning; 47061

(2) Regularly scheduled seminars or meetings that address the 47062
following topics: 47063

(a) The statewide academic standards adopted by the state 47064
board under section 3301.079 of the Revised Code and the 47065
importance of aligning curriculum with those standards; 47066

(b) The achievement tests <u>assessments</u> prescribed by section 3301.0710 of the Revised Code;	47067 47068
(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;	47069 47070
(d) Instructional methods and strategies;	47071
(e) Student development;	47072
(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;	47073 47074
(g) Classroom management and record keeping.	47075
(D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:	47076 47077 47078 47079 47080 47081
(1) The applicant completed the apprenticeship program described in division (C) of this section.	47082 47083
(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:	47084 47085 47086
(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;	47087 47088
(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant.	47089 47090 47091
<u>(3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.</u>	47092 47093 47094
(E) The department of education shall evaluate the	47095

experiences of STEM schools with classroom teachers holding 47096
provisional educator licenses issued under this section. The 47097
evaluation shall cover the first two school years for which 47098
licenses are issued and shall consider at least the schools' 47099
satisfaction with the teachers and the operation of the 47100
apprenticeship programs. 47101

Sec. 3319.291. (A) The state board of education shall require 47102
each of the following persons, at the times prescribed by division 47103
(A) of this section, to submit two complete sets of fingerprints 47104
and written permission that authorizes the superintendent of 47105
public instruction to forward the fingerprints to the bureau of 47106
criminal identification and investigation pursuant to division (F) 47107
of section 109.57 of the Revised Code and that authorizes that 47108
bureau to forward the fingerprints to the federal bureau of 47109
investigation for purposes of obtaining any criminal records that 47110
the federal bureau maintains on the person: 47111

(1) Any person initially applying for any certificate, 47112
license, or permit described in this chapter or in division (B) of 47113
section 3301.071 or in section 3301.074 of the Revised Code at the 47114
time that application is made; 47115

(2) Any person applying for renewal of any certificate, 47116
license, or permit described in division (A)(1) of this section at 47117
the time that application is made; 47118

(3) Any person who is teaching under a professional teaching 47119
certificate issued under former ~~section 3319.22 or under~~ section 47120
3319.222 of the Revised Code upon a date prescribed by the state 47121
board; 47122

(4) Any person who is teaching under a permanent teaching 47123
certificate issued under former section 3319.22 as it existed 47124
prior to October 29, 1996, or under former section 3319.222 of the 47125
Revised Code upon a date prescribed by the state board and every 47126

five years thereafter. 47127

(B) Except as provided in division (C) of this section, prior 47128
to issuing or renewing any certificate, license, or permit 47129
described in division (A)(1) or (2) of this section and in the 47130
case of a person required to submit fingerprints and written 47131
permission under division (A)(3) or (4) of this section, the state 47132
board or the superintendent of public instruction shall request 47133
the superintendent of the bureau of criminal identification and 47134
investigation to investigate and determine whether the bureau has 47135
any information, gathered pursuant to division (A) of section 47136
109.57 of the Revised Code, pertaining to any person submitting 47137
fingerprints and written permission under this section and to 47138
obtain any criminal records that the federal bureau of 47139
investigation has on the person. 47140

(C) The state board or the superintendent of public 47141
instruction may choose not to request any information required by 47142
division (B) of this section if the person applying for the 47143
issuance or renewal of a certificate, license, or permit described 47144
in division (A)(1) or (2) of this section or the person required 47145
to submit fingerprints and written permission under division 47146
(A)(3) or (4) of this section provides proof that a criminal 47147
records check was conducted on the person as a condition of 47148
employment pursuant to section 3319.39 of the Revised Code within 47149
the immediately preceding year. The state board or the 47150
superintendent of public instruction may accept a certified copy 47151
of records that were issued by the bureau of criminal 47152
identification and investigation and that are presented by a 47153
person applying for the issuance or renewal of a certificate, 47154
license, or permit described in this section in lieu of requesting 47155
that information under division (B) of this section if the records 47156
were issued by the bureau within the immediately preceding year. 47157

(D)(1) If a person described in division (A)(3) or (4) of 47158

this section fails to submit fingerprints and written permission 47159
by the date specified in the applicable division, and the state 47160
board or the superintendent of public instruction does not apply 47161
division (C) of this section to the person, the superintendent 47162
shall prepare a written notice stating that if the person does not 47163
submit the fingerprints and written permission within fifteen days 47164
after the date the notice was mailed, the person's professional or 47165
permanent teaching certificate will be inactivated. The 47166
superintendent shall send the notification by regular mail to the 47167
person's last known residence address or last known place of 47168
employment, as indicated in the department of education's records, 47169
or both. 47170

If the person fails to submit the fingerprints and written 47171
permission within fifteen days after the date the notice was 47172
mailed, the superintendent of public instruction, on behalf of the 47173
state board, shall issue a written order inactivating the person's 47174
professional or permanent teaching certificate. The inactivation 47175
shall remain in effect until the person submits the fingerprints 47176
and written permission. The superintendent shall send the order by 47177
regular mail to the person's last known residence address or last 47178
known place of employment, as indicated in the department's 47179
records, or both. The order shall state the reason for the 47180
inactivation and shall explain that the inactivation remains in 47181
effect until the person complies with division (A) of this 47182
section. 47183

The inactivation of a professional or permanent teaching 47184
certificate under division (D)(1) of this section does not 47185
constitute a suspension or revocation of the certificate by the 47186
state board under section 3319.31 of the Revised Code and the 47187
state board and the superintendent of public instruction need not 47188
provide the person with an opportunity for a hearing with respect 47189
to the inactivation. 47190

(2) If a person whose professional or permanent teaching certificate has been inactivated under division (D)(1) of this section submits fingerprints and written permission as required by division (A) of this section, the superintendent of public instruction, on behalf of the state board, shall issue a written order reactivating the certificate. The superintendent shall send the order to the person by regular mail.

(E) Notwithstanding divisions (A) and (B) of this section, if a person holds more than one certificate, license, or permit described in division (A)(1) of this section, the following shall apply:

(1) If the certificates, licenses, or permits are of different durations, the person shall be subject to divisions (A)(2) and (B) of this section only when applying for renewal of the certificate, license, or permit that is of the longest duration. Prior to renewing any certificate, license, or permit with a shorter duration, the state board or the superintendent of public instruction shall determine whether the department of education has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to division (A)(2) or (B) of this section as long as the person's certificate, license, or permit with the longest duration is valid.

(2) If the certificates, licenses, or permits are of the same duration but do not expire in the same year, the person shall designate one of the certificates, licenses, or permits as the person's primary certificate, license, or permit and shall notify the department of that designation. The person shall be subject to divisions (A)(2) and (B) of this section only when applying for renewal of the person's primary certificate, license, or permit. Prior to renewing any certificate, license, or permit that is not the person's primary certificate, license, or permit, the state

board or the superintendent of public instruction shall determine 47223
whether the department has received any information about the 47224
person pursuant to section 109.5721 of the Revised Code, but the 47225
person shall not be subject to division (A)(2) or (B) of this 47226
section as long as the person's primary certificate, license, or 47227
permit is valid. 47228

(3) If the certificates, licenses, or permits are of the same 47229
duration and expire in the same year and the person applies for 47230
renewal of the certificates, licenses, or permits at the same 47231
time, the state board or the superintendent of public instruction 47232
shall request only one criminal records check of the person under 47233
division (B) of this section. 47234

Sec. 3319.303. (A) The state board of education shall adopt 47235
rules establishing standards and requirements for obtaining a 47236
pupil-activity program permit for any individual who does not hold 47237
a valid educator license, certificate, or permit issued by the 47238
state board under section 3319.22, 3319.26, or 3319.27, ~~3319.302,~~ 47239
~~or 3319.304~~ of the Revised Code. The permit issued under this 47240
section shall be valid for coaching, supervising, or directing a 47241
pupil-activity program under section 3313.53 of the Revised Code. 47242
Subject to the provisions of section 3319.31 of the Revised Code, 47243
a permit issued under this section shall be valid for three years 47244
and shall be renewable. 47245

(B) The state board shall adopt rules applicable to 47246
individuals who hold valid educator licenses, certificates, or 47247
permits issued by the state board under section 3319.22, 3319.26, 47248
or 3319.27, ~~3319.302,~~ ~~or 3319.304~~ of the Revised Code setting 47249
forth standards to assure any such individual's competence to 47250
direct, supervise, or coach a pupil-activity program. The rules 47251
adopted under this division shall not be more stringent than the 47252
standards set forth in rules applicable to individuals who do not 47253

hold such licenses, certificates, or permits adopted under 47254
division (A) of this section. 47255

Sec. 3319.36. (A) No treasurer of a board of education or 47256
educational service center shall draw a check for the payment of a 47257
teacher for services until the teacher files with the treasurer 47258
both of the following: 47259

(1) Such reports as are required by the state board of 47260
education, the school district board of education, or the 47261
superintendent of schools; 47262

(2) Except for a teacher who is engaged pursuant to section 47263
3319.301 of the Revised Code, a written statement from the city, 47264
exempted village, or local school district superintendent or the 47265
educational service center superintendent that the teacher has 47266
filed with the treasurer a legal educator license, or true copy of 47267
it, to teach the subjects or grades taught, with the dates of its 47268
validity. The state board of education shall prescribe the record 47269
and administration for such filing of educator licenses in 47270
educational service centers. 47271

(B) Notwithstanding division (A) of this section, the 47272
treasurer may pay either of the following: 47273

(1) Any teacher for services rendered during the first two 47274
months of the teacher's initial employment with the school 47275
district or educational service center, provided such teacher is 47276
the holder of a bachelor's degree or higher and has filed with the 47277
state board of education an application for the issuance of a 47278
~~provisional or professional~~ an educator license described in 47279
division (A)(1) of section 3319.22 of the Revised Code. 47280

(2) Any substitute teacher for services rendered while 47281
conditionally employed under section 3319.101 of the Revised Code. 47282

(C) Upon notice to the treasurer given by the state board of 47283

education or any superintendent having jurisdiction that reports 47284
required of a teacher have not been made, the treasurer shall 47285
withhold the salary of the teacher until the required reports are 47286
completed and furnished. 47287

Sec. 3319.41. (A)~~(1) Beginning September 1, 1994, and except~~ 47288
~~as provided in division (C) of this section, no~~ No person employed 47289
or engaged as a teacher, principal, administrator, nonlicensed 47290
school employee, or bus driver in a public or chartered nonpublic 47291
school may inflict or cause to be inflicted corporal punishment as 47292
a means of discipline upon a pupil attending such school,~~unless~~ 47293
~~the board of education of the school district in which the school~~ 47294
~~is located adopts a resolution no later than September 1, 1994, to~~ 47295
~~permit corporal punishment as a means of discipline and does not~~ 47296
~~adopt a resolution prohibiting corporal punishment pursuant to~~ 47297
~~division (B) of this section. No board shall adopt a resolution~~ 47298
~~permitting corporal punishment before receiving and studying the~~ 47299
~~report of the local discipline task force appointed under division~~ 47300
~~(A)(2) of this section.~~ 47301

~~(2) The board of education of each city, local, exempted~~ 47302
~~village, and joint vocational school district that has not adopted~~ 47303
~~a rule prohibiting corporal punishment under section 3313.20 of~~ 47304
~~the Revised Code prior to the effective date of this amendment~~ 47305
~~shall appoint, and any board that has adopted a rule under that~~ 47306
~~section prior to the effective date of this amendment may appoint,~~ 47307
~~no later than April 1, 1994, a local discipline task force to~~ 47308
~~conduct a study of effective discipline measures that are~~ 47309
~~appropriate for that school district. Members of the task force~~ 47310
~~shall include teachers, administrators, nonlicensed school~~ 47311
~~employees, school psychologists, members of the medical~~ 47312
~~profession, pediatricians when available, and representatives of~~ 47313
~~parents' organizations.~~ 47314

~~The task force shall hold meetings regularly. All meetings of the task force shall be open to the public and at least one of the meetings shall be for the purpose of inviting public participation. The board of education shall provide public notice of any public meeting of the task force in newspapers or other periodicals of general circulation in the school district. The task force shall report its findings and recommendations in writing to the board of education no later than July 15, 1994. The task force's written report must be available for inspection by the public at the board's offices for at least five years after being submitted to the board.~~

~~(B)(1) At any time after September 1, 1996, the board of education of any city, local, exempted village, or joint vocational school district in which corporal punishment is permitted may adopt a resolution to prohibit corporal punishment. After the adoption of a resolution prohibiting corporal punishment pursuant to division (B)(1) of this section, the board of education of any city, local, exempted village, or joint vocational school district may adopt a resolution permitting corporal punishment after complying with division (B)(3) of this section.~~

~~(2) At any time after September 1, 1998, the board of education of any city, local, exempted village, or joint vocational school district that did not adopt a resolution permitting corporal punishment as a means of discipline pursuant to division (A)(1) of this section may adopt a resolution permitting corporal punishment after complying with division (B)(3) of this section.~~

~~(3)(a) The board of education of each city, local, exempted village, and joint vocational school district that intends to adopt a resolution permitting corporal punishment as a means of discipline pursuant to division (B)(1) or (2) of this section may~~

~~adopt that resolution permitting corporal punishment as a means of discipline only after receiving and studying the report of the secondary local discipline task force appointed under division (B)(3)(b) of this section.~~

~~(b) Any board of education described in division (B)(1) or (2) of this section that intends to adopt a resolution permitting corporal punishment as a means of discipline shall appoint a secondary local discipline task force to conduct a study of effective discipline measures that are appropriate for that school district. Membership on the secondary local discipline task force shall consist of the same types of persons that are required to be included as members of the local discipline task force pursuant to division (A)(2) of this section. The secondary local discipline task force shall follow the same procedures with respect to holding meetings, the provision of public notice, and the production and inspection of a written report of findings and recommendations that are applicable to the local discipline task force pursuant to division (A)(2) of this section, except that the secondary local discipline task force is not required to present its written report to the board of education on a date that is no later than July 15, 1994.~~

~~(C) The prohibition of corporal punishment by division (A) of this section or by a resolution adopted under division (B) of this section does not prohibit the use of reasonable force or restraint in accordance with division (C) of this section.~~

~~(D) If the board of education of any city, local, exempted village, or joint vocational school district does not prohibit corporal punishment on the effective date of this amendment but at any time after that date corporal punishment will be prohibited in the district pursuant to division (A)(1) or (B) of this section, the board shall do both of the following prior to the date on which the prohibition takes effect:~~

~~(1) Adopt a disciplinary policy for the district that includes alternative disciplinary measures;~~ 47379
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~~(2) Consider what in-service training, if any, school district employees might need as part of implementing the policy adopted under division (D)(1) of this section.~~ 47381
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47383

~~(E) A person employed or otherwise engaged as a teacher, principal, or administrator by a board of education permitting corporal punishment pursuant to division (A)(1) of this section or by a nonpublic school, except as otherwise provided by the governing authority of the nonpublic school, may inflict or cause to be inflicted reasonable corporal punishment upon a pupil attending the school to which the person is assigned whenever such punishment is reasonably necessary in order to preserve discipline while the student is subject to school authority.~~ 47384
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~~(F) A board of education of a school district that permits the use of corporal punishment as a means of discipline pursuant to a resolution adopted by the board pursuant to division (A)(1) of this section shall permit as part of its discipline policy the parents, guardian, or custodian of a child that is attending any school within the school district to request that corporal punishment not be used as a means of discipline on that child; upon the receipt of a request of that nature, shall ensure that an alternative disciplinary measure is applied with respect to that child; and shall include a procedure for the exercise of that option in the resolution adopted pursuant to division (A)(1) of this section.~~ 47393
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~~(G) Persons employed or engaged as teachers, principals, or administrators in a school, whether public or private, and nonlicensed school employees and school bus drivers may, within the scope of their employment, use and apply such amount of force and restraint as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain~~ 47405
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possession of weapons or other dangerous objects upon the person 47411
or within the control of the pupil, for the purpose of 47412
self-defense, or for the protection of persons or property. 47413

Sec. 3319.51. (A) The state board of education shall annually 47414
establish the amount of the fees required to be paid for any 47415
license, certificate, or permit issued under this chapter or 47416
division (B) of section 3301.071, ~~under sections or section~~ 47417
3301.074, ~~3319.088, 3319.29, 3319.302, and 3319.304, and under~~ 47418
~~division (A) of section 3319.303~~ of the Revised Code. The amount 47419
of these fees shall be such that they, along with any 47420
appropriation made to the fund established under division (B) of 47421
this section, will be sufficient to cover the annual estimated 47422
cost of administering the ~~sections of law listed~~ requirements 47423
described under division (B) of this section. 47424

(B) There is hereby established in the state treasury the 47425
state board of education licensure fund, which shall be used by 47426
the state board of education solely to pay the cost of 47427
administering requirements related to the issuance and renewal of 47428
licenses, certificates, and permits described in this chapter and 47429
sections 3301.071, and 3301.074, ~~3319.088, 3319.22, 3319.29,~~ 47430
~~3319.291, 3319.301, 3319.302, 3319.303, 3319.304, and 3319.31~~ of 47431
the Revised Code. The fund shall consist of the amounts paid into 47432
the fund pursuant to division (B) of section 3301.071, and 47433
sections 3301.074, ~~3319.088,~~ and 3319.29, ~~3319.302, and 3319.304,~~ 47434
~~and division (A) of section 3319.303~~ of the Revised Code and any 47435
appropriations to the fund by the general assembly. 47436

Sec. 3319.56. The department of education shall identify 47437
promising practices in Ohio and throughout the country for 47438
engaging teachers certified by the national board for professional 47439
teaching standards, and other master lead teachers, as defined who 47440
meet the criteria adopted by the educator standards board pursuant 47441

to section 3319.61 of the Revised Code, in ways that add value 47442
beyond their own classrooms. Practices identified by the 47443
department as promising may include placing national board 47444
certified and ~~master~~ lead teachers in key roles in peer review 47445
programs; having such teachers serve as coaches, mentors, and 47446
trainers for other teachers; or having such teachers develop 47447
curricula or instructional integration strategies. 47448

Once the department has identified promising practices, the 47449
department shall inform all school districts of the practices by 47450
posting such information on the department's world wide web site. 47451

Sec. 3319.57. (A) A grant program is hereby established under 47452
which the department of education shall award grants to assist 47453
certain schools in a city, exempted village, local, or joint 47454
vocational school district in implementing one of the following 47455
innovations: 47456

(1) The use of instructional specialists to mentor and 47457
support classroom teachers; 47458

(2) The use of building managers to supervise the 47459
administrative functions of school operation so that a school 47460
principal can focus on supporting instruction, providing 47461
instructional leadership, and engaging teachers as part of the 47462
instructional leadership team; 47463

(3) The reconfiguration of school leadership structure in a 47464
manner that allows teachers to serve in leadership roles so that 47465
teachers may share the responsibility for making and implementing 47466
school decisions; 47467

(4) The adoption of new models for restructuring the school 47468
day or school year, such as including teacher planning and 47469
collaboration time as part of the school day; 47470

(5) The creation of smaller schools or smaller units within 47471

larger schools for the purpose of facilitating teacher 47472
collaboration to improve and advance the professional practice of 47473
teaching; 47474

(6) The implementation of "grow your own" recruitment 47475
strategies that are designed to assist individuals who show a 47476
commitment to education become licensed teachers, to assist 47477
experienced teachers obtain licensure in subject areas for which 47478
there is need, and to assist teachers in becoming principals; 47479

(7) The provision of better conditions for new teachers, such 47480
as reduced teaching load and reduced class size; 47481

(8) The provision of incentives to attract qualified 47482
mathematics, science, or special education teachers; 47483

(9) The development and implementation of a partnership with 47484
teacher preparation programs at colleges and universities to help 47485
attract teachers qualified to teach in shortage areas; 47486

(10) The implementation of a program to increase the cultural 47487
competency of both new and veteran teachers; 47488

(11) The implementation of a program to increase the subject 47489
matter competency of veteran teachers. 47490

(B) To qualify for a grant to implement one of the 47491
innovations described in division (A) of this section, a school 47492
must meet both of the following criteria: 47493

(1) Be hard to staff, as defined by the department. 47494

(2) Use existing school district funds for the implementation 47495
of the innovation in an amount equal to the grant amount 47496
multiplied by (1 - the district's state share percentage for the 47497
fiscal year in which the grant is awarded). 47498

For purposes of division (B)(2) of this section, "state share 47499
percentage" ~~shall be as calculated under section 3317.022 of the~~ 47500
~~Revised Code, in the case of a city, local, or exempted village~~ 47501

~~school district, or as calculated under section 3317.16 has the~~ 47502
~~same meaning as in section 3306.02 of the Revised Code, in the~~ 47503
~~case of a joint vocational school district.~~ 47504

(C) The amount and number of grants awarded under this 47505
section shall be determined by the department based on any 47506
appropriations made by the general assembly for grants under this 47507
section. 47508

(D) The state board of education shall adopt rules for the 47509
administration of this grant program. 47510

Sec. 3319.60. There is hereby established the educator 47511
standards board. The board shall develop and recommend to the 47512
state board of education standards for entering and continuing in 47513
the ~~teaching and principalship~~ educator professions and standards 47514
for educator professional development. The board membership shall 47515
reflect the diversity of the state in terms of gender, race, 47516
ethnic background, and geographic distribution. 47517

(A) The board shall consist of the following members: 47518

(1) The following eighteen members appointed by the state 47519
board of education ~~within sixty days of the effective date of this~~ 47520
~~section:~~ 47521

~~(1) Eight~~ (a) Ten persons employed as teachers in a school 47522
district. ~~Two~~ Three persons appointed under this division shall be 47523
employed as teachers in a secondary school, two persons shall be 47524
employed as teachers in a middle school, ~~two~~ three persons shall 47525
be employed as teachers in an elementary school, one person shall 47526
be employed as a teacher in a pre-kindergarten classroom, and one 47527
person shall be a teacher who serves on a local professional 47528
development committee pursuant to section 3319.22 of the Revised 47529
Code. At least one person appointed under this division shall hold 47530
a teaching certificate or license issued by the national board for 47531

professional teaching standards. The Ohio education association 47532
shall submit a list of ~~twelve~~ fourteen nominees for these 47533
appointments and the state board shall appoint ~~six~~ seven members 47534
to the educator standards board from that list. The Ohio 47535
federation of teachers shall submit a list of ~~four~~ six nominees 47536
for these appointments and the state board shall appoint ~~two~~ three 47537
members to the educator standards board from that list. If there 47538
is an insufficient number of nominees from both lists to satisfy 47539
the membership requirements of this division, the state board 47540
shall request additional nominees who satisfy those requirements. 47541

~~(2)~~(b) One person employed as a teacher in a chartered, 47542
nonpublic school. Stakeholder groups selected by the state board 47543
shall submit a list of two nominees for this appointment. 47544
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~~(3)~~ ~~Four~~ (c) Five persons employed as school administrators 47546
in a school district. Of ~~the four~~ those five persons ~~appointed~~ 47547
~~under this division~~, one person shall be employed as a secondary 47548
school principal, one person shall be employed as a middle school 47549
principal, one person shall be employed as an elementary school 47550
principal, one person shall be employed as a school district 47551
treasurer or business manager, and one person shall be employed as 47552
a school district superintendent. The buckeye association of 47553
school administrators shall submit a list of two nominees for the 47554
school district superintendent, the Ohio association of school 47555
business officials shall submit a list of two nominees for the 47556
school district treasurer or business manager, the Ohio 47557
association of elementary school administrators shall submit a 47558
list of two nominees for the elementary school principal, and the 47559
Ohio association of secondary school administrators shall submit a 47560
list of two nominees for the middle school principal and a list of 47561
two nominees for the secondary school principal. 47562

~~(4)~~(d) One person who is a member of a school district board 47563

of education. The Ohio school boards association shall submit a 47564
list of two nominees for this appointment. 47565

~~(5) Three persons employed by institutions of higher 47566
education that offer teacher preparation programs approved under 47567
section 3319.23 of the Revised Code. One person appointed under 47568
this division shall be employed by an institution of higher 47569
education that has a certificate of authorization under Chapter 47570
1713. of the Revised Code; one person shall be employed by a state 47571
university, as defined in section 3345.011 of the Revised Code, or 47572
a university branch; and one person shall be employed by a state 47573
community college, community college, or technical college. Of the 47574
two persons appointed under this division from an institution of 47575
higher education that has a certificate of authorization under 47576
Chapter 1713. of the Revised Code and from a state university or 47577
university branch, one shall be employed in a college of education 47578
and one shall be employed in a college of arts and sciences. The 47579
chancellor of the Ohio board of regents shall submit two slates of 47580
nominees for these appointments and the state board shall appoint 47581
one slate as members of the educator standards board. 47582~~

~~(6)(e) One person who is a parent of a student currently 47583
enrolled in a school operated by a school district. The Ohio 47584
parent teacher association shall submit a list of two nominees for 47585
this appointment. 47586~~

(2) The chancellor of the Ohio board of regents shall appoint 47587
three persons employed by institutions of higher education that 47588
offer teacher preparation programs. One person shall be employed 47589
by an institution of higher education that has a certificate of 47590
authorization under Chapter 1713. of the Revised Code; one person 47591
shall be employed by a state university, as defined in section 47592
3345.011 of the Revised Code, or a university branch; and one 47593
person shall be employed by a state community college, community 47594
college, or technical college. Of the two persons appointed from 47595

an institution of higher education that has a certificate of 47596
authorization under Chapter 1713. of the Revised Code and from a 47597
state university or university branch, one shall be employed in a 47598
college of education and one shall be employed in a college of 47599
arts and sciences. 47600

(3) The superintendent of public instruction or a designee of 47601
the superintendent, the chancellor of the Ohio board of regents or 47602
a designee of the chancellor, and the chairpersons and the ranking 47603
minority members of the education committees of the senate and 47604
house of representatives shall serve as nonvoting, ex officio 47605
members. 47606

(B) ~~Initial terms of office for nine members shall be for two~~ 47607
~~years and three years for eight members, beginning on the day all~~ 47608
~~members are appointed to the board. At the first meeting of the~~ 47609
~~board, members shall draw lots to determine the length of the term~~ 47610
~~each member shall serve. Thereafter terms~~ Terms of office shall be 47611
for two years. Each member shall hold office from the date of the 47612
member's appointment until the end of the term for which the 47613
member was appointed. At the first meeting, appointed members 47614
shall select a chairperson and a vice-chairperson. Vacancies on 47615
the board shall be filled in the same manner as ~~the original~~ 47616
prescribed for appointments under division (A) of this section. 47617
Any member appointed to fill a vacancy occurring prior to the 47618
expiration of the term for which the member's predecessor was 47619
appointed shall hold office for the remainder of such term. Any 47620
member shall continue in office subsequent to the expiration date 47621
of the member's term until the member's successor takes office, or 47622
until a period of sixty days has elapsed, whichever occurs first. 47623
The terms of office of members are renewable. 47624

(C) Members shall receive no compensation for their services. 47625

(D) The board shall establish guidelines for its operation. 47626
These guidelines shall require the creation of a standing 47627

subcommittee on higher education, and shall permit the creation of 47628
other standing subcommittees when necessary. The board shall 47629
determine the membership of any subcommittee it creates. The board 47630
may select persons who are not members of the board to participate 47631
in the deliberations of any subcommittee as representatives of 47632
stakeholder groups, but no such person shall vote on any issue 47633
before the subcommittee. 47634

Sec. 3319.61. (A) The educator standards board, in 47635
consultation with the chancellor of the Ohio board of regents, 47636
shall do all of the following: 47637

(1) Develop state standards for teachers and principals that 47638
reflect what teachers and principals are expected to know and be 47639
able to do at all stages of their careers. These standards shall 47640
be aligned with the statewide academic content standards for 47641
students adopted pursuant to section 3301.079 of the Revised Code, 47642
be primarily based on educator performance instead of years of 47643
experience or certain courses completed, and rely on 47644
evidence-based factors. These standards shall also be aligned with 47645
the operating standards adopted under division (D)(3) of section 47646
3301.07 of the Revised Code. 47647

(a) The standards for teachers shall reflect the following 47648
additional criteria: 47649

(i) Alignment with the interstate new teacher assessment and 47650
support consortium standards; 47651

(ii) Differentiation among novice, experienced, and advanced 47652
teachers; 47653

(iii) Reliance on competencies that can be measured; 47654

(iv) Reliance on content knowledge, teaching skills, 47655
discipline-specific teaching methods, and requirements for 47656
professional development; 47657

(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;
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(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based real world learning, differentiated instruction, and community service learning;
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(vii) The Ohio leadership framework.
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(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.
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(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.
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(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.
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(4) Develop standards for the renewal of ~~educator~~ licenses under ~~section~~ sections 3319.22 and 3301.074 of the Revised Code;
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~~(3)~~(5) Develop standards for educator professional development;
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(6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies. 47688
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The superintendent of public instruction, the chancellor of the Ohio board of regents, or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section. 47691
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(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students. 47695
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(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups. 47704
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(D) In developing the standards under division (A) of this section, the educator standards board shall ensure ~~that~~ both of the following: 47708
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(1) That teachers and principals have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed; 47711
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(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide 47717
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principled, collaborative, foresighted, and data-based leadership 47719
that will provide learning opportunities for all children to 47720
succeed. 47721

(E) The standards for educator professional development 47722
developed under division (A)~~(3)~~(5) of this section shall include 47723
standards that address the crucial link between academic 47724
achievement and mental health issues. 47725

(F) The educator standards board shall also perform the 47726
following functions: 47727

~~(1) Collaborate with colleges and universities that offer~~ 47728
~~teacher preparation programs approved pursuant to section 3319.23~~ 47729
~~of the Revised Code to align teacher and principal preparation~~ 47730
~~courses with the standards developed under division (A) of this~~ 47731
~~section and with student academic content standards adopted under~~ 47732
~~section 3301.079 of the Revised Code. The educator standards board~~ 47733
~~shall study the model developed by the college of food,~~ 47734
~~agricultural, and environmental sciences and the college of~~ 47735
~~education of the Ohio state university for aligning teacher~~ 47736
~~preparation programs in agricultural education with recognized~~ 47737
~~standards for this purpose.~~ 47738

~~(2)~~ Monitor compliance with the ~~teacher and principal~~ 47739
standards developed under division (A) of this section and make 47740
recommendations to the state board of education for appropriate 47741
corrective action if such standards are not met; 47742

~~(3)~~(2) Research, develop, and recommend policies on the 47743
professions of teaching and school administration; 47744

~~(4)~~(3) Recommend policies to close the achievement gap 47745
between students of different subgroups; 47746

~~(5) Define a "master teacher" in a manner that can be used~~ 47747
~~uniformly by all school districts~~ (4) Adopt criteria that a 47748
candidate for a lead professional educator license under section 47749

3319.22 of the Revised Code who does not hold a valid certificate 47750
issued by the national board for professional teaching standards 47751
must meet to be considered a lead teacher for purposes of division 47752
(B)(4)(d) of that section. It is the intent of the general 47753
assembly that ~~when defining "master teacher,"~~ the educator 47754
standards board shall adopt multiple, equal-weighted criteria to 47755
use in determining whether a person is a ~~master~~ lead teacher. ~~Such~~ 47756
The criteria shall be in addition to the other standards and 47757
qualifications prescribed in division (B)(4) of section 3319.22 of 47758
the Revised Code. The criteria may include, but shall not be 47759
limited to, ~~attainment of a master's degree in an appropriate~~ 47760
~~subject area,~~ completion of ~~other~~ educational levels beyond a 47761
master's degree or other professional development courses, 47762
~~certification by the national board for professional teaching~~ 47763
~~standards,~~ or demonstration of a leadership role in the teacher's 47764
school building or district. The board shall determine the number 47765
of criteria that a teacher shall satisfy to be recognized as a 47766
~~master~~ lead teacher, which shall not be the total number of 47767
criteria adopted by the board. 47768

(5) Develop model teacher and principal evaluation 47769
instruments and processes. The models shall be based on the 47770
standards developed under division (A) of this section. 47771

(G) The educator standards board shall submit recommendations 47772
of standards developed under division (A) of this section to the 47773
state board of education ~~within one year after the educator~~ 47774
~~standards board first convenes~~ not later than September 1, 2010. 47775
The state board of education shall review those recommendations at 47776
the state board's regular meeting that next succeeds the date that 47777
the recommendations are submitted to the state board. At that 47778
meeting, the state board of education shall vote to either adopt 47779
standards based on those recommendations or request that the 47780
educator standards board reconsider its recommendations. The state 47781

board of education shall articulate reasons for requesting 47782
reconsideration of the recommendations but shall not direct the 47783
content of the recommendations. The educator standards board shall 47784
reconsider its recommendations if the state board of education so 47785
requests, may revise the recommendations, and shall resubmit the 47786
recommendations, whether revised or not, to the state board not 47787
later than two weeks prior to the state board's regular meeting 47788
that next succeeds the meeting at which the state board requested 47789
reconsideration of the initial recommendations. The state board of 47790
education shall review the recommendations as resubmitted by the 47791
educator standards board at the state board's regular meeting that 47792
next succeeds the meeting at which the state board requested 47793
reconsideration of the initial recommendations and may adopt the 47794
standards as resubmitted or, if the resubmitted standards have not 47795
addressed the state board's concerns, the state board may modify 47796
the standards prior to adopting them. The final responsibility to 47797
determine whether to adopt standards as described in division (A) 47798
of this section and the content of those standards, if adopted, 47799
belongs solely to the state board of education. 47800

Sec. 3319.611. The subcommittee on standards for 47801
superintendents of the education standards board is hereby 47802
established. The subcommittee shall consist of the following 47803
members: 47804

(A) The school district superintendent appointed to the 47805
educator standards board under section 3319.60 of the Revised 47806
Code, who shall act as chairperson of the subcommittee; 47807

(B) Three additional school district superintendents 47808
appointed by the state board of education, for terms of two years. 47809
The buckeye association of school administrators shall submit a 47810
list of six nominees for appointments under this section. 47811

(C) Three additional members of the educator standards board, 47812

appointed by the chairperson of the educator standards board; 47813

(D) The superintendent of public instruction and the 47814
chancellor of the Ohio board of regents, or their designees, who 47815
shall serve as nonvoting, ex officio members of the subcommittee. 47816

Members of the subcommittee shall receive no compensation for 47817
their services. The members appointed under divisions (B) and (C) 47818
of this section may be reappointed. 47819

The subcommittee shall assist the educator standards board in 47820
developing the standards for superintendents and with any 47821
additional matters the educator standards board directs the 47822
subcommittee to examine. 47823

Sec. 3319.612. The subcommittee on standards for school 47824
treasurers and business managers of the educator standards board 47825
is hereby established. The subcommittee shall consist of the 47826
following members: 47827

(A) The school district treasurer or business manager 47828
appointed to the educator standards board under section 3319.60 of 47829
the Revised Code, who shall act as chairperson of the 47830
subcommittee; 47831

(B) Three additional school district treasurers or business 47832
managers appointed by the state board of education for terms of 47833
two years. The Ohio association of school business officials shall 47834
submit a list of six nominees for appointments under this section. 47835

(C) Three additional members of the educator standards board, 47836
appointed by the chairperson of the educator standards board; 47837

(D) The superintendent of public instruction and the 47838
chancellor of the Ohio board of regents, or their designees, who 47839
shall serve as nonvoting, ex officio members of the subcommittee. 47840

Members of the subcommittee shall receive no compensation for 47841
their services. The members appointed under divisions (B) and (C) 47842

of this section may be reappointed. 47843

The subcommittee shall assist the educator standards board in 47844
developing the standards for school treasurers and business 47845
managers and with any additional matters the educator standards 47846
board directs the subcommittee to examine. 47847

Sec. 3319.63. The board of education of a school district 47848
that employs any person who is appointed to serve as a member of 47849
the educator standards board under division (A)(1)(a) or ~~(3)(c)~~ of 47850
section 3319.60, as a member of the subcommittee on standards for 47851
superintendents under division (B) or (C) of section 3319.611, or 47852
as a member of the subcommittee on standards for school treasurers 47853
and business managers under division (B) or (C) of section 47854
3319.612 of the Revised Code shall grant that person paid 47855
professional leave for the purpose of attending meetings and 47856
conducting official business of the educator standards board and 47857
the subcommittees. 47858

Sec. 3319.70. (A) The school health services advisory council 47859
is hereby established. The council shall consist of the following 47860
members: 47861

(1) A registered nurse licensed under Chapter 4723. of the 47862
Revised Code who also is licensed as a school nurse pursuant to 47863
section 3319.221 or former section 3319.22 of the Revised Code and 47864
is a member of the Ohio association of school nurses, appointed by 47865
the governor; 47866

(2) A representative of the board of nursing, appointed by 47867
the governor; 47868

(3) A representative of the department of health who has 47869
expertise in school and adolescent health services, appointed by 47870
the director of health; 47871

(4) A representative of the department of education, 47872

appointed by the superintendent of public instruction; 47873

(5) A representative of the chancellor of the Ohio board of regents, appointed by the chancellor; 47874
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(6) A representative of a nurse education program, appointed by the chancellor; 47876
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(7) A representative of the department of development who has expertise in workforce development, appointed by the director of development; 47878
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(8) A representative of the department of job and family services who has expertise in child and adolescent care, appointed by the director of job and family services; 47881
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(9) A representative of the public, appointed by the governor. 47884
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(B) Initial appointments to the council shall be made within thirty days after the effective date of this section. Members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the same manner as the original appointment. Members shall receive no compensation for their services, except to the extent that service on the council is part of their regular employment duties. 47886
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(C) The representative of the department of education shall call the first meeting of the council. At that meeting, the members shall select a chairperson and vice-chairperson. Subsequent meetings of the council shall be held at the call of the chairperson. 47893
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Sec. 3319.71. (A) The school health services advisory council shall make recommendations on the following topics: 47898
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(1) The content of the course of instruction required to obtain a school nurse license under section 3319.221 of the Revised Code; 47900
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(2) The content of the course of instruction required to obtain a school nurse wellness coordinator license under section 3319.221 of the Revised Code; 47903
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(3) Best practices for the use of school nurses and school nurse wellness coordinators in providing health and wellness programs for students and employees of school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. 47906
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(B) The council shall issue its initial recommendations not later than March 31, 2010, and may issue subsequent recommendations as it considers necessary. Copies of all recommendations shall be provided to the state board of education, the chancellor of the Ohio board of regents, the board of nursing, and the health care coverage and quality council. 47911
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Sec. 3321.01. (A)(1) As used in this chapter, "parent," 47917
"guardian," or "other person having charge or care of a child" 47918
means either parent unless the parents are separated or divorced 47919
or their marriage has been dissolved or annulled, in which case 47920
"parent" means the parent who is the residential parent and legal 47921
custodian of the child. If the child is in the legal or permanent 47922
custody of a person or government agency, "parent" means that 47923
person or government agency. When a child is a resident of a home, 47924
as defined in section 3313.64 of the Revised Code, and the child's 47925
parent is not a resident of this state, "parent," "guardian," or 47926
"other person having charge or care of a child" means the head of 47927
the home. 47928

A child between six and eighteen years of age is "of 47929
compulsory school age" for the purpose of sections 3321.01 to 47930
3321.13 of the Revised Code. A child under six years of age who 47931
has been enrolled in kindergarten also shall be considered "of 47932
compulsory school age" for the purpose of sections 3321.01 to 47933

3321.13 of the Revised Code unless at any time the child's parent 47934
or guardian, at the parent's or guardian's discretion and in 47935
consultation with the child's teacher and principal, formally 47936
withdraws the child from kindergarten. The compulsory school age 47937
of a child shall not commence until the beginning of the term of 47938
such schools, or other time in the school year fixed by the rules 47939
of the board of the district in which the child resides. 47940

(2) No child shall be admitted to a kindergarten or a first 47941
grade of a public school in a district in which all children are 47942
admitted to kindergarten and the first grade in August or 47943
September unless the child is five or six years of age, 47944
respectively, by the thirtieth day of September of the year of 47945
admittance, or by the first day of a term or semester other than 47946
one beginning in August or September in school districts granting 47947
admittance at the beginning of such term or semester, except that 47948
in those school districts using or obtaining educationally 47949
accepted standardized testing programs for determining entrance, 47950
as approved by the board of education of such districts, the board 47951
shall admit a child to kindergarten or the first grade who fails 47952
to meet the age requirement, provided the child meets necessary 47953
standards as determined by such standardized testing programs. If 47954
the board of education has not established a standardized testing 47955
program, the board shall designate the necessary standards and a 47956
testing program it will accept for the purpose of admitting a 47957
child to kindergarten or first grade who fails to meet the age 47958
requirement. Each child who will be the proper age for entrance to 47959
kindergarten or first grade by the first day of January of the 47960
school year for which admission is requested shall be so tested 47961
upon the request of the child's parent. 47962

(3) Notwithstanding divisions (A)(2) and (D) of this section, 47963
beginning with the school year that starts in 2001 and continuing 47964
thereafter the board of education of any district may adopt a 47965

resolution establishing the first day of August in lieu of the 47966
thirtieth day of September as the required date by which students 47967
must have attained the age specified in those divisions. 47968

(B) As used in divisions (C) and (D) of this section, 47969
"successfully completed kindergarten" and "successful completion 47970
of kindergarten" mean that the child has completed the 47971
kindergarten requirements at one of the following: 47972

(1) A public or chartered nonpublic school; 47973

(2) A kindergarten class that is both of the following: 47974

(a) Offered by a day-care provider licensed under Chapter 47975
5104. of the Revised Code; 47976

(b) If offered after July 1, 1991, is directly taught by a 47977
teacher who holds one of the following: 47978

(i) A valid educator license issued under section 3319.22 of 47979
the Revised Code; 47980

(ii) A Montessori preprimary credential or age-appropriate 47981
diploma granted by the American Montessori society or the 47982
association Montessori internationale; 47983

(iii) Certification determined under division (G) of this 47984
section to be equivalent to that described in division 47985
(B)(2)(b)(ii) of this section; 47986

(iv) Certification for teachers in nontax-supported schools 47987
pursuant to section 3301.071 of the Revised Code. 47988

(C) Except as provided in division (D) of this section, no 47989
school district shall admit to the first grade any child who has 47990
not successfully completed kindergarten. 47991

(D) Upon request of a parent, the requirement of division (C) 47992
of this section may be waived by the district's pupil personnel 47993
services committee in the case of a child who is at least six 47994
years of age by the thirtieth day of September of the year of 47995

admittance and who demonstrates to the satisfaction of the 47996
committee the possession of the social, emotional, and cognitive 47997
skills necessary for first grade. 47998

The board of education of each city, local, and exempted 47999
village school district shall establish a pupil personnel services 48000
committee. The committee shall be composed of all of the following 48001
to the extent such personnel are either employed by the district 48002
or employed by the governing board of the educational service 48003
center within whose territory the district is located and the 48004
educational service center generally furnishes the services of 48005
such personnel to the district: 48006

- (1) The director of pupil personnel services; 48007
- (2) An elementary school counselor; 48008
- (3) An elementary school principal; 48009
- (4) A school psychologist; 48010
- (5) A teacher assigned to teach first grade; 48011
- (6) A gifted coordinator. 48012

The responsibilities of the pupil personnel services 48013
committee shall be limited to the issuing of waivers allowing 48014
admittance to the first grade without the successful completion of 48015
kindergarten. The committee shall have no other authority except 48016
as specified in this section. 48017

(E) The scheduling of times for kindergarten classes and 48018
length of the school day for kindergarten shall be determined by 48019
the board of education of a city, exempted village, or local 48020
school district, subject to section 3321.05 of the Revised Code. 48021

(F) Any kindergarten class offered by a day-care provider or 48022
school described by division (B)(1) or (B)(2)(a) of this section 48023
shall be developmentally appropriate. 48024

(G) Upon written request of a day-care provider described by 48025

division (B)(2)(a) of this section, the department of education 48026
shall determine whether certification held by a teacher employed 48027
by the provider meets the requirement of division (B)(2)(b)(iii) 48028
of this section and, if so, shall furnish the provider a statement 48029
to that effect. 48030

~~(H) As used in this division, "all day kindergarten" has the 48031
same meaning as in section 3317.029 of the Revised Code. 48032~~

~~(1) Any school district that is not eligible to receive 48033
poverty based assistance for all day kindergarten under division 48034
(D) of section 3317.029 of the Revised Code may charge fees or 48035
tuition for students enrolled in all day kindergarten. If a 48036
district charges fees or tuition for all day kindergarten under 48037
this division, the district shall develop a sliding fee scale 48038
based on family incomes. 48039~~

~~(2) The department of education shall conduct an annual 48040
survey of each school district described in division (H)(1) of 48041
this section to determine the following: 48042~~

~~(a) Whether the district charges fees or tuition for students 48043
enrolled in all day kindergarten; 48044~~

~~(b) The amount of the fees or tuition charged; 48045~~

~~(c)(1) How many of the students for whom tuition is charged 48046
are eligible for free lunches under the "National School Lunch 48047
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 48048
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 48049
amended, and how many of the students for whom tuition is charged 48050
are eligible for reduced price lunches under those acts; 48051~~

~~(d)(2) How many students are enrolled in traditional half-day 48052
kindergarten rather than and how many students are enrolled in 48053
all-day kindergarten, as defined in section 3321.05 of the Revised 48054
Code. 48055~~

Each district shall report to the department, in the manner 48056
prescribed by the department, the information ~~described in~~ 48057
~~divisions (H)(2)(a) to (d) of this section~~ required by this 48058
division. 48059

The department shall issue an annual report on the results of 48060
the survey and shall post the report on its web site. The 48061
department shall issue the first report not later than April 30, 48062
2008, and shall issue a report not later than the thirtieth day of 48063
April each year thereafter. 48064

Sec. 3321.041. (A) As used in this section, "extracurricular 48065
activity" means a pupil activity program that a school or school 48066
district operates and is not included in the school district's 48067
graded course of study, including an interscholastic 48068
extracurricular activity that a school or school district sponsors 48069
or participates in and that has participants from more than one 48070
school or school district. 48071

(B) Beginning in the 2009-2010 school year, if a student 48072
enrolled in a school district is absent from school for the sole 48073
purpose of traveling out of the state to participate in an 48074
enrichment activity approved by the district board of education or 48075
in an extracurricular activity, the district shall count that 48076
absence as an excused absence, up to a maximum of four days per 48077
school year. The district shall require any such student to 48078
complete any classroom assignments that the student misses because 48079
of the absence. 48080

(C) If a student will be absent from school for four or more 48081
consecutive school days for a purpose described in division (B) of 48082
this section, a classroom teacher employed by the school district 48083
shall accompany the student during the travel period to provide 48084
the student with instructional assistance. 48085

Sec. 3321.05. (A) As used in this section, "all-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for students in grades one through six. 48086
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(B) Any school district may operate all-day kindergarten or extended kindergarten, but ~~no~~ beginning in fiscal year 2011, each city, local, and exempted village school district shall provide all-day kindergarten to each student enrolled in kindergarten, except as specified in divisions (C) and (D) of this section. 48090
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(C) The board of education of a school district may apply to the superintendent of public instruction for a waiver of the requirement to provide all-day kindergarten for all kindergarten students. In making the determination to grant or deny the waiver, the state superintendent may consider space concerns or alternative delivery approaches used by the school district. 48095
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(D) No district shall require any student to attend kindergarten for more than one-half of the number of clock hours required each day for ~~traditional kindergarten~~ grades one through six by the minimum standards adopted under division (D) of section 3301.07 of the Revised Code. Each school district ~~that operates all-day or extended kindergarten~~ shall accommodate kindergarten students whose parents or guardians elect to enroll them for one-half of the minimum number of hours required each day for grades one through six. 48101
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(E) A school district may use space in child day-care centers licensed under Chapter 5104. of the Revised Code to provide all-day kindergarten under this section. 48110
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Sec. 3323.05. The state board of education shall establish procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards under this chapter 48113
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with respect to a free appropriate public education. 48116

The procedures shall include, but need not be limited to: 48117

(A) An opportunity for the parents of a child with a 48118
disability to examine all records related to the child and to 48119
participate in meetings with respect to identification, 48120
evaluation, and educational placement of the child, and to obtain 48121
an independent educational evaluation of the child; 48122

(B) Procedures to protect the rights of the child whenever 48123
the parents of the child are not known, an agency after making 48124
reasonable efforts cannot find the parents, or the child is a ward 48125
of the state, including the assignment, ~~in accordance with section~~ 48126
~~3323.051 of the Revised Code,~~ of an individual to act as a 48127
surrogate for the parents+ made by the school district or other 48128
educational agency responsible for educating the child or by the 48129
court with jurisdiction over the child's custody. Such assignment 48130
shall be made in accordance with section 3323.051 of the Revised 48131
Code. 48132

(C) Prior written notice to the child's parents of a school 48133
district's proposal or refusal to initiate or change the 48134
identification, evaluation, or educational placement of the child 48135
or the provision of a free appropriate education for the child. 48136
The procedures established under this division shall: 48137

(1) Be designed to ensure that the written prior notice is in 48138
the native language of the parents, unless it clearly is not 48139
feasible to do so. 48140

(2) Specify that the prior written notice shall include: 48141

(a) A description of the action proposed or refused by the 48142
district; 48143

(b) An explanation of why the district proposes or refuses to 48144
take the action and a description of each evaluation procedure, 48145

assessment, record, or report the district used as a basis for the 48146
proposed or refused action; 48147

(c) A statement that the parents of a child with a disability 48148
have protection under the procedural safeguards and, if the notice 48149
is not in regard to an initial referral for evaluation, the means 48150
by which a copy of a description of the procedural safeguards can 48151
be obtained; 48152

(d) Sources for parents to contact to obtain assistance in 48153
understanding the provisions of Part B of the "Individuals with 48154
Disabilities Education Improvement Act of 2004"; 48155

(e) A description of other options considered by the IEP team 48156
and the reason why those options were rejected; 48157

(f) A description of the factors that are relevant to the 48158
agency's proposal or refusal. 48159

(D) An opportunity for the child's parents to present 48160
complaints to the superintendent of the child's school district of 48161
residence with respect to any matter relating to the 48162
identification, evaluation, or educational placement of the child, 48163
or the provision of a free appropriate public education under this 48164
chapter. 48165

Within twenty school days after receipt of a complaint, the 48166
district superintendent or the superintendent's designee, without 48167
undue delay and at a time and place convenient to all parties, 48168
shall review the case, may conduct an administrative review, and 48169
shall notify all parties in writing of the superintendent's or 48170
designee's decision. Where the child is placed in a program 48171
operated by a county MR/DD board or other educational agency, the 48172
superintendent shall consult with the administrator of that county 48173
MR/DD board or agency. 48174

Any party aggrieved by the decision of the district 48175
superintendent or the superintendent's designee may file a 48176

complaint with the state board as provided under division (E) of 48177
this section, request mediation as provided under division (F) of 48178
this section, or present a due process complaint notice and 48179
request for a due process hearing in writing to the superintendent 48180
of the district, with a copy to the state board, as provided under 48181
division (G) of this section. 48182

(E) An opportunity for a party to file a complaint with the 48183
state board of education with respect to the identification, 48184
evaluation, or educational placement of the child, or the 48185
provision of a free appropriate public education to such child. 48186
The department of education shall review and, where appropriate, 48187
investigate the complaint and issue findings. 48188

(F) An opportunity for parents and a school district to 48189
resolve through mediation disputes involving any matter. 48190

(1) The procedures established under this section shall 48191
ensure that the mediation process is voluntary on the part of the 48192
parties, is not used to deny or delay a parent's right to a due 48193
process hearing or to deny any other rights afforded under this 48194
chapter, and is conducted by a qualified and impartial mediator 48195
who is trained in effective mediation techniques. 48196

(2) A school district may establish procedures to offer to 48197
parents and schools that choose not to use the mediation process, 48198
an opportunity to meet, at a time and location convenient to the 48199
parents, with a disinterested party to encourage the use, and 48200
explain the benefits, of the mediation process to the parents. The 48201
disinterested party shall be an individual who is under contract 48202
with a parent training and information center or community parent 48203
resource center in the state or is under contract with an 48204
appropriate alternative dispute resolution entity. 48205

(3) The department shall maintain a list of individuals who 48206
are qualified mediators and knowledgeable in laws and regulations 48207

relating to the provision of special education and related services. 48208
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(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F)(2) of this section. 48210
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(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. 48213
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(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. 48216
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(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that: 48219
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(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding; 48223
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(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district; 48227
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(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States. 48229
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(G)(1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. The party presenting the due process complaint and request for a due process hearing 48231
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shall provide due process complaint notice to the other party and 48238
forward a copy of the notice to the state board. The due process 48239
complaint notice shall include: 48240

(a) The name of the child, the address of the residence of 48241
the child, or the available contact information in the case of a 48242
homeless child, and the name of the school the child is attending; 48243

(b) A description of the nature of the problem of the child 48244
relating to the proposed initiation or change, including facts 48245
relating to the problem; 48246

(c) A proposed resolution of the problem to the extent known 48247
and available to the party at the time. 48248

A party shall not have a due process hearing until the party, 48249
or the attorney representing the party, files a notice that meets 48250
the requirement for filing a due process complaint notice. 48251

A due process hearing shall be conducted by an impartial 48252
hearing officer in accordance with standards and procedures 48253
adopted by the state board. A hearing officer shall not be an 48254
employee of the state board or any agency involved in the 48255
education or care of the child or a person having a personal or 48256
professional interest that conflicts with the person's objectivity 48257
in the hearing. A hearing officer shall possess knowledge of, and 48258
the ability to understand, the provisions of the "Individuals with 48259
Disabilities Education Improvement Act of 2004," federal and state 48260
regulations pertaining to that act, and legal interpretations of 48261
that act by federal and state courts; possess the knowledge and 48262
ability to conduct hearings in accordance with appropriate 48263
standard legal practice; and possess the knowledge and ability to 48264
render and write decisions in accordance with appropriate standard 48265
legal practice. The due process requirements of section 615 of the 48266
"Individuals with Disabilities Education Improvement Act of 2004," 48267
20 U.S.C. 1415, apply to due process complaint notices and 48268

requests for due process hearings and to due process hearings held 48269
under division (G) of this section, including, but not limited to, 48270
timelines for requesting hearings, requirements for sufficient 48271
complaint notices, resolution sessions, and sufficiency and 48272
hearing decisions. 48273

(2) Discussions that occur during a resolution session shall 48274
be confidential and shall not be used as evidence in any 48275
subsequent due process hearing or civil proceeding. If a 48276
resolution to the dispute is reached at a resolution session, the 48277
parties must execute a legally binding written settlement 48278
agreement which shall state that all discussions that occurred 48279
during the resolution process shall be confidential and shall not 48280
be used as evidence in any subsequent due process hearing or civil 48281
proceeding. 48282

(3) A party to a hearing under division (G) of this section 48283
shall be accorded: 48284

(a) The right to be accompanied and advised by counsel and by 48285
individuals with special knowledge or training with respect to the 48286
problems of children with disabilities; 48287

(b) The right to present evidence and confront, 48288
cross-examine, and compel the attendance of witnesses; 48289

(c) The right to a written or electronic verbatim record of 48290
the hearing; 48291

(d) The right to written findings of fact and decisions, 48292
which findings of fact and decisions shall be made available to 48293
the public consistent with the requirements relating to the 48294
confidentiality of personally identifiable data, information, and 48295
records collected and maintained by state educational agencies and 48296
local educational agencies; and shall be transmitted to the 48297
advisory panel established and maintained by the department for 48298
the purpose of providing policy guidance with respect to special 48299

education and related services for children with disabilities in 48300
the state. 48301

(H) An opportunity for any party aggrieved by the findings 48302
and decision rendered in a hearing under division (G) of this 48303
section to appeal within forty-five days of notification of the 48304
decision to the state board, which shall appoint a state level 48305
officer who shall review the case and issue a final order. The 48306
state level officer shall be appointed and shall review the case 48307
in accordance with standards and procedures adopted by the state 48308
board. 48309

Any party aggrieved by the final order of the state level 48310
officer may appeal the final order, in accordance with Chapter 48311
119. of the Revised Code, within forty-five days after 48312
notification of the order to the court of common pleas of the 48313
county in which the child's school district of residence is 48314
located, or to a district court of the United States within ninety 48315
days after the date of the decision of the state level review 48316
officer, as provided in section 615(i)(2) of the "Individuals with 48317
Disabilities Education Improvement Act of 2004," 20 U.S.C. 48318
1415(i)(2). 48319

Sec. 3323.091. (A) The department of mental health, the 48320
department of mental retardation and developmental disabilities, 48321
the department of youth services, and the department of 48322
rehabilitation and correction shall establish and maintain special 48323
education programs for children with disabilities in institutions 48324
under their jurisdiction according to standards adopted by the 48325
state board of education. 48326

(B) The superintendent of each state institution required to 48327
provide services under division (A) of this section, and each 48328
county MR/DD board, providing special education for preschool 48329
children with disabilities under this chapter may apply to the 48330

state department of education for unit funding, which shall be 48331
paid in accordance with sections 3317.052 and 3317.053 of the 48332
Revised Code. 48333

The superintendent of each state institution required to 48334
provide services under division (A) of this section may apply to 48335
the department of education for special education and related 48336
services weighted funding for children with disabilities other 48337
than preschool children with disabilities, calculated in 48338
accordance with section 3317.201 of the Revised Code. 48339

Each county MR/DD board providing special education for 48340
children with disabilities other than preschool children with 48341
disabilities may apply to the department of education for base 48342
cost and special education and related services weighted funding 48343
calculated in accordance with section 3317.20 of the Revised Code. 48344

(C) In addition to the authorization to apply for state 48346
funding described in division (B) of this section, each state 48347
institution required to provide services under division (A) of 48348
this section is entitled to tuition payments calculated in the 48349
manner described in division (C) of this section. 48350

On or before the thirtieth day of June of each year, the 48351
superintendent of each institution that during the school year 48352
provided special education pursuant to this section shall prepare 48353
a statement for each child with a disability under twenty-two 48354
years of age who has received special education. The statement 48355
shall contain the child's data verification code assigned pursuant 48356
to division (D)(2) of section 3301.0714 of the Revised Code and 48357
the name of the child's school district of residence. Within sixty 48358
days after receipt of such statement, the department of education 48359
shall perform one of the following: 48360

(1) For any child except a preschool child with a disability 48361

described in division (C)(2) of this section, pay to the 48362
institution submitting the statement an amount equal to the 48363
tuition calculated under division (A) of section 3317.08 of the 48364
Revised Code for the period covered by the statement, and deduct 48365
the same from the amount of state funds, if any, payable under 48366
sections ~~3317.022~~ 3306.13 and 3317.023 of the Revised Code, to the 48367
child's school district of residence or, if the amount of such 48368
state funds is insufficient, require the child's school district 48369
of residence to pay the institution submitting the statement an 48370
amount equal to the amount determined under this division. 48371

(2) For any preschool child with a disability not included in 48372
a unit approved under division (B) of section 3317.05 of the 48373
Revised Code, perform the following: 48374

(a) Pay to the institution submitting the statement an amount 48375
equal to the tuition calculated under division (B) of section 48376
3317.08 of the Revised Code for the period covered by the 48377
statement, except that in calculating the tuition under that 48378
section the operating expenses of the institution submitting the 48379
statement under this section shall be used instead of the 48380
operating expenses of the school district of residence; 48381

(b) Deduct from the amount of state funds, if any, payable 48382
under sections ~~3317.022~~ 3306.13 and 3317.023 of the Revised Code 48383
to the child's school district of residence an amount equal to the 48384
amount paid under division (C)(2)(a) of this section. 48385

Sec. 3323.14. This section does not apply to any preschool 48386
child with a disability except if included in a unit approved 48387
under division (B) of section 3317.05 of the Revised Code. 48388

(A) Where a child who is a school resident of one school 48389
district receives special education from another district and the 48390
per capita cost to the educating district for that child exceeds 48391
the sum of the amount received by the educating district for that 48392

child under division (A) of section 3317.08 of the Revised Code 48393
and the amount received by the district from the state board of 48394
education for that child, then the board of education of the 48395
district of residence shall pay to the board of the school 48396
district that is providing the special education such excess cost 48397
as is determined by using a formula approved by the department of 48398
education and agreed upon in contracts entered into by the boards 48399
of the districts concerned at the time the district providing such 48400
special education accepts the child for enrollment. The department 48401
shall certify the amount of the payments under ~~Chapter~~ Chapters 48402
3306. and 3317. of the Revised Code for such pupils with 48403
disabilities for each school year ending on the thirtieth day of 48404
July. 48405

(B) In the case of a child described in division (A) of this 48406
section who has been placed in a home, as defined in section 48407
3313.64 of the Revised Code, pursuant to the order of a court and 48408
who is not subject to section 3323.141 of the Revised Code, the 48409
district providing the child with special education and related 48410
services may charge to the child's district of residence the 48411
excess cost determined by formula approved by the department, 48412
regardless of whether the district of residence has entered into a 48413
contract with the district providing the services. If the district 48414
providing the services chooses to charge excess costs, the 48415
district may report the amount calculated under this division to 48416
the department. 48417

(C) If a district providing special education for a child 48418
reports an amount for the excess cost of those services, as 48419
authorized and calculated under division (A) or (B) of this 48420
section, the department shall pay that amount of excess cost to 48421
the district providing the services and shall deduct that amount 48422
from the child's district of residence in accordance with division 48423
(N) of section 3317.023 of the Revised Code. 48424

Sec. 3323.142. This section does not apply to any preschool 48425
child with a disability except if included in a unit approved 48426
under division (B) of section 3317.05 of the Revised Code. 48427

As used in this section, "per pupil amount" for a preschool 48428
child with a disability included in such an approved unit means 48429
the amount determined by dividing the amount received for the 48430
classroom unit in which the child has been placed by the number of 48431
children in the unit. For any other child, "per pupil amount" 48432
means the amount paid for the child under section 3317.20 of the 48433
Revised Code. 48434

When a school district places or has placed a child with a 48435
county MR/DD board for special education, but another district is 48436
responsible for tuition under section 3313.64 or 3313.65 of the 48437
Revised Code and the child is not a resident of the territory 48438
served by the county MR/DD board, the board may charge the 48439
district responsible for tuition with the educational costs in 48440
excess of the per pupil amount received by the board under ~~Chapter~~ 48441
Chapters 3306. and 3317. of the Revised Code. The amount of the 48442
excess cost shall be determined by the formula established by rule 48443
of the department of education under section 3323.14 of the 48444
Revised Code, and the payment for such excess cost shall be made 48445
by the school district directly to the county MR/DD board. 48446

A school district board of education and the county MR/DD 48447
board that serves the school district may negotiate and contract, 48448
at or after the time of placement, for payments by the board of 48449
education to the county MR/DD board for additional services 48450
provided to a child placed with the county MR/DD board and whose 48451
individualized education program established pursuant to section 48452
3323.08 of the Revised Code requires additional services that are 48453
not routinely provided children in the county MR/DD board's 48454
program but are necessary to maintain the child's enrollment and 48455

participation in the program. Additional services may include, but 48456
are not limited to, specialized supplies and equipment for the 48457
benefit of the child and instruction, training, or assistance 48458
provided by staff members other than staff members for which 48459
funding is received under Chapter 3306. or 3317. of the Revised 48460
Code. 48461

Sec. 3324.05. (A) Each school district shall submit an annual 48462
report to the department of education specifying the number of 48463
students in each of grades kindergarten through twelfth screened, 48464
the number assessed, and the number identified as gifted in each 48465
category specified in section 3324.03 of the Revised Code. 48466

(B) The department of education shall audit each school 48467
district's identification numbers at least once every three years 48468
and may select any district at random or upon complaint or 48469
suspicion of noncompliance for a further audit to determine 48470
compliance with sections 3324.03 to 3324.06 of the Revised Code. 48471

(C) The department shall provide technical assistance to any 48472
district found in noncompliance under division (B) of this 48473
section. The department may reduce funds received by the district 48474
under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code by any 48475
amount if the district continues to be noncompliant. 48476

Sec. 3325.08. (A) A diploma shall be granted by the 48477
superintendent of the state school for the blind and the 48478
superintendent of the state school for the deaf to any student 48479
enrolled in one of these state schools to whom all of the 48480
following apply: 48481

(1) The student has successfully completed the individualized 48482
education program developed for the student for the student's high 48483
school education pursuant to section 3323.08 of the Revised Code; 48484

(2) Subject to section 3313.614 of the Revised Code, the 48485

student has met the assessment requirements of division (A)(2)(a) 48486
or (b) of this section, as applicable. 48487

(a) If the student entered the ninth grade prior to the date 48488
prescribed by rule of the state board of education under division 48489
(E)(2) of section 3301.0712 of the Revised Code, the student 48490
either: 48491

~~(a)~~(i) Has attained at least the applicable scores designated 48492
under division (B)(1) of section 3301.0710 of the Revised Code on 48493
all the ~~tests~~ assessments prescribed by that division unless 48494
division (L) of section 3313.61 of the Revised Code applies to the 48495
student; 48496

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 48497
in section 3313.615 of the Revised Code. 48498

(b) If the student entered the ninth grade on or after the 48499
date prescribed by rule of the state board under division (E)(2) 48500
of section 3301.0712 of the Revised Code, the student has attained 48501
on the entire assessment system prescribed under division (B)(2) 48502
of section 3301.0710 of the Revised Code at least the required 48503
passing composite score, designated under division (C)(1) of 48504
section 3301.0712 of the Revised Code, except to the extent that 48505
division (L) of section 3313.61 of the Revised Code applies to the 48506
student. 48507

(3) The student is not eligible to receive an honors diploma 48508
granted pursuant to division (B) of this section. 48509

No diploma shall be granted under this division to anyone 48510
except as provided under this division. 48511

(B) In lieu of a diploma granted under division (A) of this 48512
section, the superintendent of the state school for the blind and 48513
the superintendent of the state school for the deaf shall grant an 48514
honors diploma, in the same manner that the boards of education of 48515
school districts grant such diplomas under division (B) of section 48516

3313.61 of the Revised Code, to any student enrolled in one of these state schools who accomplishes all of the following:

(1) Successfully completes the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable.

(a) If the student entered the ninth grade prior to the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the student either:

~~(a)~~(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ assessments prescribed under that division;

~~(b)~~(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the student has attained on the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C)(1) of section 3301.0712 of the Revised Code.

(3) Has met additional criteria for granting an honors diploma.

These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone

failing to comply with this division and not more than one honors diploma shall be granted to any student under this division. 48547
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(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of the state school for the blind or the superintendent of the state school for the deaf, as applicable. Each diploma shall bear the date of its issue and be in such form as the school superintendent prescribes. 48549
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(D) Upon granting a diploma to a student under this section, the superintendent of the state school in which the student is enrolled shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted. 48555
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Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with division (A)(9) of section 3313.60 of the Revised Code and sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, ~~3301.0712~~, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.605, 3313.607, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.801, 3313.82, 3313.821, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 48563
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5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 48578
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 48579
as if it were a school district. 48580

Sec. 3326.14. Each science, technology, engineering, and 48581
mathematics school and its governing body shall administer the 48582
~~tests~~ assessments required by sections 3301.0710 ~~and~~ 3301.0711, 48583
and 3301.0712 of the Revised Code, as if it were a school 48584
district, except that, notwithstanding any provision of those 48585
sections to the contrary, any student enrolled in a grade lower 48586
than the tenth grade in a STEM school may take one or more of the 48587
Ohio graduation tests prescribed under division (B)(1) of section 48588
3301.0710 of the Revised Code on any of the dates prescribed ~~in~~ 48589
~~division (C)(3) of that section~~ for that assessment. 48590
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Sec. 3326.21. (A) Each science, technology, engineering, and 48592
mathematics school shall have a treasurer who is licensed under 48593
section 3301.074 of the Revised Code. The governing body of the 48594
school and the treasurer shall comply with sections 3301.072, 48595
3313.22 to 3313.32, 3313.51, and 3315.08 of the Revised Code in 48596
the same manner as a school district board of education and a 48597
district treasurer. 48598

(B) Each STEM school shall comply with the financial 48599
reporting standards adopted by the state board of education under 48600
division (B)(2) of section 3301.07 of the Revised Code. Financial 48601
records of each STEM school shall be maintained in the same manner 48602
as are financial records of school districts, pursuant to rules of 48603
the auditor of state. 48604

Sec. 3326.23. The governing body of each science, technology, 48605
engineering, and mathematics school annually shall provide the 48606
following assurances in writing to the department of education not 48607

later than ten business days prior to the opening of the school: 48608
48609

(A) That the school has a plan for providing special 48610
education and related services to students with disabilities and 48611
has demonstrated the capacity to provide those services in 48612
accordance with Chapter 3323. of the Revised Code and federal law; 48613
48614

(B) That the school has a plan and procedures for 48615
administering the achievement ~~tests~~ and diagnostic assessments 48616
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 48617
Revised Code; 48618

(C) That school personnel have the necessary training, 48619
knowledge, and resources to properly use and submit information to 48620
all databases maintained by the department for the collection of 48621
education data, including the education management information 48622
system established under section 3301.0714 of the Revised Code; 48623

(D) That all required information about the school has been 48624
submitted to the Ohio education directory system or any successor 48625
system; 48626

(E) That all classroom teachers are licensed in accordance 48627
with sections 3319.22 to 3319.31 of the Revised Code or are 48628
engaged to teach pursuant to section 3319.301 of the Revised Code; 48629

(F) That the school's treasurer is in compliance with section 48630
3326.21 of the Revised Code; 48631

(G) That the school has complied with sections 3319.39 and 48632
3319.391 of the Revised Code with respect to all employees and 48633
that the school has conducted a criminal records check of each of 48634
its governing body members; 48635

(H) That the school holds all of the following: 48636

(1) Proof of property ownership or a lease for the facilities 48637

used by the school;	48638
(2) A certificate of occupancy;	48639
(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;	48640 48641
(4) A satisfactory health and safety inspection;	48642
(5) A satisfactory fire inspection;	48643
(6) A valid food permit, if applicable.	48644
(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	48645 48646 48647
(J) That the school has designated a date it will open for the school year for which the assurances are provided;	48648 48649
(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.	48650 48651 48652
Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code:	48653 48654
(A) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.	48655 48656 48657
(B) "Applicable vocational education weight" means the multiple specified in section 3317.014 of the Revised Code for vocational education programs or classes described in that section.	48658 48659 48660 48661
(C) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	48662 48663
(D) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.	48664 48665

~~(E) A student is "included in the poverty student count of the student's resident district" if the student's family receives assistance under the Ohio works first program.~~

~~(F)~~(B) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

~~(G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.~~

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school;

(B) The number of students who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions ~~(A) to (F)~~(C)(1) to (6) of section ~~3317.013~~ 3306.02 of the Revised Code applies to the student;

(D) The full-time equivalent number of students who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The resident district of each student;

(F) Any additional information the department determines necessary to make payments ~~under this chapter~~ to the school.

Sec. 3326.33. For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter other than a school that is governed as provided in

~~section 3326.51 of the Revised Code, the department of education 48695
annually shall deduct from the state education aid of a student's 48696
resident school district and, if necessary, from the payment made 48697
to the district under sections 321.24 and 323.156 of the Revised 48698
Code and pay to the school the sum of the following: 48699~~

~~(A) The sum of the formula amount plus the per pupil amount 48700
of the base funding supplements specified in divisions (C)(1) to 48701
(4) of section 3317.012 of the Revised Code. 48702~~

~~(B) If the student is receiving special education and related 48703
services pursuant to an IEP, the product of the applicable special 48704
education weight times the formula amount; 48705~~

~~(C) If the student is enrolled in vocational education 48706
programs or classes that are described in section 3317.014 of the 48707
Revised Code, are provided by the school, and are comparable as 48708
determined by the superintendent of public instruction to school 48709
district vocational education programs and classes eligible for 48710
state weighted funding under section 3317.014 of the Revised Code, 48711
the product of the applicable vocational education weight times 48712
the formula amount times the percentage of time the student spends 48713
in the vocational education programs or classes; 48714~~

~~(D) If the student is included in the poverty student count 48715
of the student's resident district, the per pupil amount of the 48716
district's payment under division (C) of section 3317.029 of the 48717
Revised Code; 48718~~

~~(E) If the student is identified as limited English 48719
proficient and the student's resident district receives a payment 48720
for services to limited English proficient students under division 48721
(F) of section 3317.029 of the Revised Code, the per pupil amount 48722
of the district's payment under that division, calculated in the 48723
same manner as per pupil payments are calculated under division 48724
(C)(6) of section 3314.08 of the Revised Code; 48725~~

~~(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of the Revised Code;~~

~~(G) If the student's resident district receives a parity aid payment under section 3317.0217 of the Revised Code, the per pupil amount calculated for the district under division (C) or (D) of that section amount calculated for the school under section 3306.17 of the Revised Code.~~

Sec. 3326.34. If a science, technology, engineering, and mathematics school established under this chapter, other than a school that is governed as provided in section 3326.51 of the Revised Code, incurs costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions ~~(B)(C)(1)~~ to ~~(F)(6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code that exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the STEM school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department of education shall pay to the school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

The school shall only report under this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's IEP. Any legal fees, court costs, or other

costs associated with any cause of action relating to the student 48757
may not be included in the amount. 48758

Sec. 3326.36. The department of education shall reduce the 48759
amounts paid to a science, technology, engineering, and 48760
mathematics school under section 3326.33 of the Revised Code to 48761
reflect payments made to colleges under division (B) of section 48762
3365.07 of the Revised Code or through alternative funding 48763
agreements entered into under rules adopted under section 3365.12 48764
of the Revised Code. A student shall be considered enrolled in the 48765
school for any portion of the school year the student is attending 48766
a college under Chapter 3365. of the Revised Code. 48767

Sec. 3326.37. The department of education shall not pay to a 48768
science, technology, engineering, and mathematics school any 48769
amount for any of the following: 48770

(A) Any student who has graduated from the twelfth grade of a 48771
public or nonpublic school; 48772

(B) Any student who is not a resident of the state; 48773

(C) Any student who was enrolled in a STEM school during the 48774
previous school year when ~~tests~~ assessments were administered 48775
under section 3301.0711 of the Revised Code but did not take one 48776
or more of the ~~tests~~ assessments required by that section and was 48777
not excused pursuant to division (C)(1) or (3) of that section, 48778
unless the superintendent of public instruction grants the student 48779
a waiver from the requirement to take the ~~test~~ assessment. The 48780
superintendent may grant a waiver only for good cause in 48781
accordance with rules adopted by the state board of education. 48782

48783

(D) Any student who has attained the age of twenty-two years, 48784
except for veterans of the armed services whose attendance was 48785
interrupted before completing the recognized twelve-year course of 48786

the public schools by reason of induction or enlistment in the 48787
armed forces and who apply for enrollment in a STEM school not 48788
later than four years after termination of war or their honorable 48789
discharge. If, however, any such veteran elects to enroll in 48790
special courses organized for veterans for whom tuition is paid 48791
under federal law, or otherwise, the department shall not pay to 48792
the school any amount for that veteran. 48793

Sec. 3326.38. A science, technology, engineering, and 48794
mathematics school may do all of the following: 48795

~~(A) Apply to the department of education for gifted unit 48796
funding; 48797~~

~~(B) Apply to any state or federal agency for grants that a 48798
school district or public school may receive under federal or 48799
state law or any appropriations act of the general assembly; 48800~~

~~(C)(B) Apply to any private entity or foundation for 48801
additional funds. 48802~~

Sec. 3326.51. (A) As used in this section: 48803

(1) "Resident district" has the same meaning as in section 48804
3326.31 of the Revised Code. 48805

(2) "STEM school sponsoring district" means a municipal, 48806
city, local, exempted village, or joint vocational school district 48807
that governs and controls a STEM school pursuant to this section. 48808

(B) Notwithstanding any other provision of this chapter to 48809
the contrary: 48810

(1) If a proposal for a STEM school submitted under section 48811
3326.03 of the Revised Code proposes that the governing body of 48812
the school be the board of education of a municipal, city, local, 48813
exempted village, or joint vocational school district that is one 48814
of the partners submitting the proposal, and the partnership for 48815

continued learning approves that proposal, that school district 48816
board shall govern and control the STEM school as one of the 48817
schools of its district. 48818

(2) The STEM school sponsoring district shall maintain a 48819
separate accounting for the STEM school as a separate and distinct 48820
operational unit within the district's finances. The auditor of 48821
state, in the course of an annual or biennial audit of the school 48822
district serving as the STEM school sponsoring district, shall 48823
audit that school district for compliance with the financing 48824
requirements of this section. 48825

(3) With respect to students enrolled in a STEM school whose 48826
resident district is the STEM school sponsoring district: 48827

~~(a) The department of education shall make no deductions 48828
under section 3326.33 of the Revised Code from the STEM school 48829
sponsoring district's state payments. 48830~~

~~(b) The STEM school sponsoring district shall ensure that it 48831
allocates to the STEM school funds equal to or exceeding the 48832
amount that would be calculated pursuant to division (B) of 48833
section 3313.981 Chapter 3306. of the Revised Code for the 48834
students attending the school whose resident district is the STEM 48835
school sponsoring district. 48836~~

~~(e)(b)~~ The STEM school sponsoring district is responsible for 48837
providing children with disabilities with a free appropriate 48838
public education under Chapter 3323. of the Revised Code. 48839

~~(d)(c)~~ The STEM school sponsoring district shall provide 48840
student transportation in accordance with laws and policies 48841
generally applicable to the district. 48842

(4) With respect to students enrolled in the STEM school 48843
whose resident district is another school district, ~~the department 48844
shall make no payments or deductions under sections 3326.31 to 48845
3326.49 of the Revised Code. Instead,~~ the students shall be 48846

considered ~~as~~ open enrollment students and the ~~department shall~~ 48847
~~make payments and deductions in accordance with~~ STEM school 48848
sponsoring district shall include those students in its formula 48849
ADM reported under section ~~3313.981~~ 3317.03 of the Revised Code. 48850
The STEM school sponsoring district shall allocate ~~the state~~ 48851
payments received under Chapter 3306. of the Revised Code that are 48852
attributable to those students to the STEM school. The STEM school 48853
sponsoring district may enter into financial agreements with the 48854
students' resident districts, which agreements may provide 48855
financial support in addition to the funds received ~~from the open~~ 48856
~~enrollment calculation~~ under Chapter 3306. of the Revised Code. 48857
The STEM school sponsoring district shall allocate all such 48858
additional funds to the STEM school. 48859

(5) Where the department is required to make, deny, reduce, 48860
or adjust payments to a STEM school sponsoring district pursuant 48861
to this section, it shall do so in such a manner that the STEM 48862
school sponsoring district may allocate that action to the STEM 48863
school. 48864

(6) A STEM school sponsoring district and its board may 48865
assign its district employees to the STEM school, in which case 48866
section 3326.18 of the Revised Code shall not apply. The district 48867
and board may apply any other resources of the district to the 48868
STEM school in the same manner that it applies district resources 48869
to other district schools. 48870

(7) Provisions of this chapter requiring a STEM school and 48871
its governing body to comply with specified laws as if it were a 48872
school district and in the same manner as a board of education 48873
shall instead require such compliance by the STEM school 48874
sponsoring district and its board of education, respectively, with 48875
respect to the STEM school. Where a STEM school or its governing 48876
body is required to perform a specific duty or permitted to take a 48877
specific action under this chapter, that duty is required to be 48878

performed or that action is permitted to be taken by the STEM 48879
school sponsoring district or its board of education, 48880
respectively, with respect to the STEM school. 48881

(8) No provision of this chapter limits the authority, as 48882
provided otherwise by law, of a school district and its board of 48883
education to levy taxes and issue bonds secured by tax revenues. 48884

(9) The treasurer of the STEM school sponsoring district or, 48885
if the STEM school sponsoring district is a municipal school 48886
district, the chief financial officer of the district, shall have 48887
all of the respective rights, authority, exemptions, and duties 48888
otherwise conferred upon the treasurer or chief financial officer 48889
by the Revised Code. 48890

Sec. 3327.02. (A) After considering each of the following 48891
factors, the board of education of a city, exempted village, or 48892
local school district may determine that it is impractical to 48893
transport a pupil who is eligible for transportation to and from a 48894
school under section 3327.01 of the Revised Code: 48895

(1) The time and distance required to provide the 48896
transportation; 48897

(2) The number of pupils to be transported; 48898

(3) The cost of providing transportation in terms of 48899
equipment, maintenance, personnel, and administration; 48900

(4) Whether similar or equivalent service is provided to 48901
other pupils eligible for transportation; 48902

(5) Whether and to what extent the additional service 48903
unavoidably disrupts current transportation schedules; 48904

(6) Whether other reimbursable types of transportation are 48905
available. 48906

(B)(1) Based on its consideration of the factors established 48907

in division (A) of this section, the board may pass a resolution 48908
declaring the impracticality of transportation. The resolution 48909
shall include each pupil's name and the reason for impracticality. 48910

(2) The board shall report its determination to the state 48911
board of education in a manner determined by the state board. 48912

(3) The board of education of a local school district 48913
additionally shall submit the resolution for concurrence to the 48914
educational service center that contains the local district's 48915
territory. If the educational service center governing board 48916
considers transportation by school conveyance practicable, it 48917
shall so inform the local board and transportation shall be 48918
provided by such local board. If the educational service center 48919
board agrees with the view of the local board, the local board may 48920
offer payment in lieu of transportation as provided in this 48921
section. 48922

(C) After passing the resolution declaring the impracticality 48923
of transportation, the district board shall offer to provide 48924
payment in lieu of transportation by doing the following: 48925

(1) In accordance with guidelines established by the 48926
department of education, informing the pupil's parent, guardian, 48927
or other person in charge of the pupil of both of the following: 48928

(a) The board's resolution; 48929

(b) The right of the pupil's parent, guardian, or other 48930
person in charge of the pupil to accept the offer of payment in 48931
lieu of transportation or to reject the offer and instead request 48932
the department to initiate mediation procedures. 48933

(2) Issuing the pupil's parent, guardian, or other person in 48934
charge of the pupil a contract or other form on which the parent, 48935
guardian, or other person in charge of the pupil is given the 48936
option to accept or reject the board's offer of payment in lieu of 48937
transportation. 48938

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board shall pay the parent, guardian, or other person in charge of the child an amount that shall be not less than the amount determined by the department of education as the minimum for payment in lieu of transportation, and not more than the amount determined by the department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures.

(b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the board of education to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.

(F)(1) If the department determines that a school district board has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to the state average daily cost of transportation

as determined by the state board of education for the previous 48971
year. The school district board shall make payments on a schedule 48972
ordered by the department. 48973

(2) If the department subsequently finds that a school 48974
district board is not in compliance with an order issued under 48975
division (F)(1) of this section and the affected pupils are 48976
enrolled in a nonpublic or community school, the department shall 48977
deduct the amount that the board is required to pay under that 48978
order from any payments the department makes to the school 48979
district board under ~~division (D) of section 3317.022~~ 3306.12 of 48980
the Revised Code. The department shall use the moneys so deducted 48981
to make payments to the nonpublic or community school attended by 48982
the pupil. The department shall continue to make the deductions 48983
and payments required under this division until the school 48984
district board either complies with the department's order issued 48985
under division (F)(1) of this section or begins providing 48986
transportation. 48987

(G) A nonpublic or community school that receives payments 48988
from the department under division (F)(2) of this section shall do 48989
either of the following: 48990

(1) Disburse the entire amount of the payments to the parent, 48991
guardian, or other person in control of the pupil affected by the 48992
failure of the school district of residence to provide 48993
transportation; 48994

(2) Use the entire amount of the payments to provide 48995
acceptable transportation for the affected pupil. 48996

Sec. 3327.04. (A) The board of education of any city, 48997
exempted village, or local school district may contract with the 48998
board of another district for the admission or transportation, or 48999
both, of pupils into any school in such other district, on terms 49000
agreed upon by such boards. 49001

(B) The boards of two school districts may enter into a contract under this section to share the provision of transportation to a child who resides in one school district and attends school in the other district. Under such an agreement, one district may claim the total transportation subsidy available for such child under ~~division (D) of section 3317.022~~ 3306.12 of the Revised Code and may agree to pay any portion of such subsidy to the other district sharing the provision of transportation to that child. The contract shall delineate the transportation responsibilities of each district.

A school district that enters into a contract under this section is not liable for any injury, death, or loss to the person or property of a student that may occur while the student is being furnished transportation by the other school district that is a party to the contract.

(C) Whenever a board not maintaining a high school enters into an agreement with one or more boards maintaining such school for the schooling of all its high school pupils, the board making such agreement is exempt from the payment of tuition at other high schools of pupils living within three miles of the school designated in the agreement. In case no such agreement is entered into, the high school to be attended can be selected by the pupil holding an eighth grade diploma, and the tuition shall be paid by the board of the district of school residence.

Sec. 3327.05. (A) Except as provided in division (B) of this section, no board of education of any school district shall provide transportation for any pupil who is a school resident of another school district unless the pupil is enrolled pursuant to section 3313.98 of the Revised Code or the board of the other district has given its written consent thereto. If the board of any school district files with the state board of education a

written complaint that transportation for resident pupils is being 49033
provided by the board of another school district contrary to this 49034
division, the state board of education shall make an investigation 49035
of such complaint. If the state board of education finds that 49036
transportation is being provided contrary to this section, it may 49037
withdraw from state funds due the offending district any part of 49038
the amount that has been approved for transportation pursuant to 49039
~~division (D) of section 3317.022~~ 3306.12 of the Revised Code. 49040

(B) Notwithstanding division (D) of section 3311.19 and 49041
division (D) of section 3311.52 of the Revised Code, this division 49042
does not apply to any joint vocational or cooperative education 49043
school district. 49044

A board of education may provide transportation to and from 49045
the nonpublic school of attendance if both of the following apply: 49046

(1) The parent, guardian, or other person in charge of the 49047
pupil agrees to pay the board for all costs incurred in providing 49048
the transportation that are not reimbursed pursuant to Chapter 49049
3306. or 3317. of the Revised Code; 49050

(2) The pupil's school district of residence does not provide 49051
transportation for public school pupils of the same grade as the 49052
pupil being transported under this division, or that district is 49053
not required under section 3327.01 of the Revised Code to 49054
transport the pupil to and from the nonpublic school because the 49055
direct travel time to the nonpublic school is more than thirty 49056
minutes. 49057

Upon receipt of the request to provide transportation, the 49058
board shall review the request and determine whether the board 49059
will accommodate the request. If the board agrees to transport the 49060
pupil, the board may transport the pupil to and from the nonpublic 49061
school and a collection point in the district, as determined by 49062
the board. If the board transports the pupil, the board may 49063

include the pupil in the district's transportation ADM reported to 49064
the department of education under section 3317.03 of the Revised 49065
Code and, accordingly, may receive a state payment under ~~division~~ 49066
(D) of section ~~3317.022~~ 3306.12 of the Revised Code for 49067
transporting the pupil. 49068

If the board declines to transport the pupil, the board, in a 49069
written communication to the parent, guardian, or other person in 49070
charge of the pupil, shall state the reasons for declining the 49071
request. 49072

Sec. 3329.16. If the superintendent of public instruction 49073
determines that a school district has expended for other purposes 49074
any moneys appropriated by the general assembly for the specific 49075
purpose of purchasing textbooks or other instructional materials, 49076
the superintendent shall notify the school district of this 49077
determination within seven days and shall deduct the amount so 49078
expended from payments otherwise due to the district under Chapter 49079
3306. or 3317. of the Revised Code. 49080

Sec. 3333.04. The chancellor of the Ohio board of regents 49081
shall: 49082

(A) Make studies of state policy in the field of higher 49083
education and formulate a master plan for higher education for the 49084
state, considering the needs of the people, the needs of the 49085
state, and the role of individual public and private institutions 49086
within the state in fulfilling these needs; 49087

(B)(1) Report annually to the governor and the general 49088
assembly on the findings from the chancellor's studies and the 49089
master plan for higher education for the state; 49090

(2) Report at least semiannually to the general assembly and 49091
the governor the enrollment numbers at each state-assisted 49092
institution of higher education. 49093

(C) Approve or disapprove the establishment of new branches	49094
or academic centers of state colleges and universities;	49095
(D) Approve or disapprove the establishment of state	49096
technical colleges or any other state institution of higher	49097
education;	49098
(E) Recommend the nature of the programs, undergraduate,	49099
graduate, professional, state-financed research, and public	49100
services which should be offered by the state colleges,	49101
universities, and other state-assisted institutions of higher	49102
education in order to utilize to the best advantage their	49103
facilities and personnel;	49104
(F) Recommend to the state colleges, universities, and other	49105
state-assisted institutions of higher education graduate or	49106
professional programs, including, but not limited to, doctor of	49107
philosophy, doctor of education, and juris doctor programs, that	49108
could be eliminated because they constitute unnecessary	49109
duplication, as shall be determined using the process developed	49110
pursuant to this division, or for other good and sufficient cause.	49111
Prior to recommending a program for elimination, the chancellor	49112
shall request the board of regents to hold at least one public	49113
hearing on the matter and advise the chancellor on whether the	49114
program should be recommended for elimination. The board shall	49115
provide notice of each hearing within a reasonable amount of time	49116
prior to its scheduled date. Following the hearing, the board	49117
shall issue a recommendation to the chancellor. The chancellor	49118
shall consider the board's recommendation but shall not be	49119
required to accept it.	49120
For purposes of determining the amounts of any state	49121
instructional subsidies paid to state colleges, universities, and	49122
other state-assisted institutions of higher education, the	49123
chancellor may exclude students enrolled in any program that the	49124
chancellor has recommended for elimination pursuant to this	49125

division except that the chancellor shall not exclude any such 49126
student who enrolled in the program prior to the date on which the 49127
chancellor initially commences to exclude students under this 49128
division. 49129

The chancellor and state colleges, universities, and other 49130
state-assisted institutions of higher education shall jointly 49131
develop a process for determining which existing graduate or 49132
professional programs constitute unnecessary duplication. 49133

(G) Recommend to the state colleges, universities, and other 49134
state-assisted institutions of higher education programs which 49135
should be added to their present programs; 49136

(H) Conduct studies for the state colleges, universities, and 49137
other state-assisted institutions of higher education to assist 49138
them in making the best and most efficient use of their existing 49139
facilities and personnel; 49140

(I) Make recommendations to the governor and general assembly 49141
concerning the development of state-financed capital plans for 49142
higher education; the establishment of new state colleges, 49143
universities, and other state-assisted institutions of higher 49144
education; and the establishment of new programs at the existing 49145
state colleges, universities, and other institutions of higher 49146
education; 49147

(J) Review the appropriation requests of the public community 49148
colleges and the state colleges and universities and submit to the 49149
office of budget and management and to the chairpersons of the 49150
finance committees of the house of representatives and of the 49151
senate the chancellor's recommendations in regard to the biennial 49152
higher education appropriation for the state, including 49153
appropriations for the individual state colleges and universities 49154
and public community colleges. For the purpose of determining the 49155
amounts of instructional subsidies to be paid to state-assisted 49156

colleges and universities, the chancellor shall define "full-time
equivalent student" by program per academic year. The definition
may take into account the establishment of minimum enrollment
levels in technical education programs below which support
allowances will not be paid. Except as otherwise provided in this
section, the chancellor shall make no change in the definition of
"full-time equivalent student" in effect on November 15, 1981,
which would increase or decrease the number of subsidy-eligible
full-time equivalent students, without first submitting a fiscal
impact statement to the president of the senate, the speaker of
the house of representatives, the legislative service commission,
and the director of budget and management. The chancellor shall
work in close cooperation with the director of budget and
management in this respect and in all other matters concerning the
expenditures of appropriated funds by state colleges,
universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and
trustees of both public and private colleges, universities, and
other institutions of higher education in the state in performing
the chancellor's duties and making the chancellor's plans,
studies, and recommendations;

(L) Appoint advisory committees consisting of persons
associated with public or private secondary schools, members of
the state board of education, or personnel of the state department
of education;

(M) Appoint advisory committees consisting of college and
university personnel, or other persons knowledgeable in the field
of higher education, or both, in order to obtain their advice and
assistance in defining and suggesting solutions for the problems
and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree
programs at all state colleges, universities, and other

state-assisted institutions of higher education; 49189

(O) Adopt such rules as are necessary to carry out the 49190
chancellor's duties and responsibilities. The rules shall 49191
prescribe procedures for the chancellor to follow when taking 49192
actions associated with the chancellor's duties and 49193
responsibilities and shall indicate which types of actions are 49194
subject to those procedures. The procedures adopted under this 49195
division shall be in addition to any other procedures prescribed 49196
by law for such actions. However, if any other provision of the 49197
Revised Code or rule adopted by the chancellor prescribes 49198
different procedures for such an action, the procedures adopted 49199
under this division shall not apply to that action to the extent 49200
they conflict with the procedures otherwise prescribed by law. The 49201
procedures adopted under this division shall include at least the 49202
following: 49203

(1) Provision for public notice of the proposed action; 49204

(2) An opportunity for public comment on the proposed action, 49205
which may include a public hearing on the action by the board of 49206
regents; 49207

(3) Methods for parties that may be affected by the proposed 49208
action to submit comments during the public comment period; 49209

(4) Submission of recommendations from the board of regents 49210
regarding the proposed action, at the request of the chancellor; 49211

(5) Written publication of the final action taken by the 49212
chancellor and the chancellor's rationale for the action; 49213

(6) A timeline for the process described in divisions (O)(1) 49214
to (5) of this section. 49215

(P) Establish and submit to the governor and the general 49216
assembly a clear and measurable set of goals and timetables for 49217
their achievement for each program under the chancellor's 49218

supervision that is designed to accomplish any of the following:	49219
(1) Increased access to higher education;	49220
(2) Job training;	49221
(3) Adult literacy;	49222
(4) Research;	49223
(5) Excellence in higher education;	49224
(6) Reduction in the number of graduate programs within the same subject area.	49225 49226
In July of each odd-numbered year, the chancellor shall submit to the governor and the general assembly a report on progress made toward these goals.	49227 49228 49229
(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27 <u>3333.26</u> , and 5910.02 of the Revised Code;	49230 49231 49232 49233
(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	49234 49235 49236 49237
(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.27 <u>3333.26</u> , 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	49238 49239 49240 49241 49242
(T) Conduct enrollment audits of state-supported institutions of higher education;	49243 49244
(U) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer	49245 49246 49247

center, the Ohio academic resources network, OhioLink, and the 49248
Ohio learning network. For each consortium, the chancellor shall 49249
designate a college or university to serve as that consortium's 49250
fiscal agent, financial officer, and employer. Any funds 49251
appropriated for the consortia shall be distributed to the fiscal 49252
agents for the operation of the consortia. A consortium shall 49253
follow the rules of the college or university that serves as its 49254
fiscal agent. The chancellor may restructure existing consortia, 49255
appointed under this division, in accordance with procedures 49256
adopted under divisions (D)(1) to (6) of this section. 49257

(V) Adopt rules establishing advisory duties and 49258
responsibilities of the board of regents not otherwise prescribed 49259
by law; 49260

(W) Respond to requests for information about higher 49261
education from members of the general assembly and direct staff to 49262
conduct research or analysis as needed for this purpose. 49263

Sec. 3333.048. (A) Not later than one year after the 49264
effective date of this section, the chancellor of the Ohio board 49265
of regents and the superintendent of public instruction jointly 49266
shall do the following: 49267

(1) In accordance with Chapter 119. of the Revised Code, 49268
establish metrics and courses of study for the preparation of 49269
educators and other school personnel and the institutions of 49270
higher education that are engaged in their preparation. The 49271
metrics and courses of study shall be aligned with the standards 49272
and qualifications for educator licenses adopted by the state 49273
board of education under section 3319.22 of the Revised Code and 49274
the requirements of the Ohio teacher residency program established 49275
under section 3319.223 of the Revised Code. The metrics and 49276
courses of study also shall ensure that educators and other school 49277
personnel are adequately prepared to use the value-added progress 49278

dimension prescribed by section 3302.021 of the Revised Code. 49279

(2) Provide for the inspection of institutions of higher 49280
education desiring to prepare educators and other school 49281
personnel. 49282

(B) Not later than one year after the effective date of this 49283
section, the chancellor shall approve institutions of higher 49284
education engaged in the preparation of educators and other school 49285
personnel that maintain satisfactory training procedures and 49286
records of performance, as determined by the chancellor. 49287

(C) If the metrics established under division (A)(1) of this 49288
section require an institution of higher education that prepares 49289
teachers to satisfy the standards of an independent accreditation 49290
organization, the chancellor shall permit each institution to 49291
satisfy the standards of either the national council for 49292
accreditation of teacher education or the teacher education 49293
accreditation council. 49294

(D) The metrics and courses of study established under 49295
division (A)(1) of this section may require an institution of 49296
higher education, as a condition of approval by the chancellor, to 49297
make changes in the curricula of its preparation programs for 49298
educators and other school personnel. 49299

Notwithstanding division (D) of section 119.03 and division 49300
(A)(1) of section 119.04 of the Revised Code, any metrics, courses 49301
of study, rules, and regulations, or any amendment or rescission 49302
of such metrics, courses of study, rules, and regulations, adopted 49303
under this section that necessitate institutions offering 49304
preparation programs for educators and other school personnel 49305
approved by the chancellor to revise the curricula of those 49306
programs shall not be effective for at least one year after the 49307
first day of January next succeeding the publication of the said 49308
change. 49309

Each institution shall allocate money from its existing appropriations to pay the cost of making the curricular changes. 49310
49311

(E) The chancellor shall notify the state board of the metrics and courses of study established under division (A)(1) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, courses of study, and approved institutions with the standards and qualifications for each type of educator license. 49312
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(F) The graduates of institutions of higher education approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code. 49318
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Sec. ~~3319.233~~ 3333.049. The state board of education chancellor of the Ohio board of regents, in collaboration with the Ohio board of regents state board of education, shall issue an annual report on the quality of institutions approved for the preparation of teachers pursuant to section ~~3319.23~~ 3333.048 of the Revised Code. The ~~state board~~ chancellor shall prepare the report in collaboration with the state board of regents and the teacher quality partnership and shall use data collected by the partnership and other educational agencies as the basis for the information contained in the report. The report shall include at least the following information: 49322
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(A) Identification of best practices in the preparation of teachers drawn from research conducted by the teacher quality partnership and other regional and national educational research efforts; 49333
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49336

(B) A plan for implementing best practices in approved teacher preparation institutions; 49337
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(C) The number of graduates of approved teacher preparation 49339

institutions who graduated with a subject area specialty and teach 49340
grades seven through twelve. The number shall be disaggregated 49341
according to the subject areas of mathematics, science, foreign 49342
language, special education and related services, and any other 49343
subject area determined by the ~~state board~~ chancellor. 49344

(D) A plan to be implemented by the teacher preparation 49345
programs approved by the ~~state board~~ chancellor under section 49346
~~3319.23~~ 3333.048 of the Revised Code for increasing the number of 49347
classroom teachers in science, mathematics, and foreign language 49348
toward meeting the identified needs for teachers in those subject 49349
areas throughout the state but especially in hard-to-staff 49350
schools. 49351

The ~~state board~~ chancellor shall submit the report to the 49352
governor, the speaker and minority leader of the house of 49353
representatives, the president and minority leader of the senate, 49354
the chairpersons and ranking minority members of the standing 49355
committees of the house of representatives and the senate that 49356
consider education legislation, and the ~~chancellor of the state~~ 49357
~~board of regents~~. 49358

Sec. 3333.122. (A) ~~As used in this section:~~ 49359

~~(1) "Eligible student" means a student who is:~~ 49360

~~(a) An Ohio resident who first enrolls in an undergraduate 49361
program in the 2006-2007 academic year or thereafter;~~ 49362

~~(b) If the student first enrolled in an undergraduate program 49363
in the 2006-2007 or 2007-2008 academic year, the student is 49364
enrolled in one of the following:~~ 49365

~~(i) An accredited institution of higher education in this 49366
state that meets the requirements of Title VI of the Civil Rights 49367
Act of 1964 and is state-assisted, is nonprofit and has a 49368
certificate of authorization pursuant to Chapter 1713. of the 49369~~

~~Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.~~

~~(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964;~~

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~

~~(c) If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in one of the following:~~

~~(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;~~

~~(ii) An education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights~~

~~Act of 1964 and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;~~

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~

~~(2) A student who participated in either the early college high school program administered by the department of education or in the post secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a needs based financial aid grant under this section.~~

~~(3) The chancellor of the Ohio board of regents shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" shall be defined by rules adopted by the chancellor of the Ohio board of regents for the purpose of those sections.~~

~~(B)(1) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this division:~~

~~(a) The resident has an expected family contribution of two thousand one hundred ninety or less;~~

~~(b) The resident enrolls in an undergraduate program or in a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a state-assisted state institution of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964.~~

(2) The chancellor shall establish and administer a 49432
needs-based financial aid grants program based on the United 49433
States department of education's method of determining financial 49434
need ~~and may adopt rules to carry out this section~~. The program 49435
shall be known as the Ohio college opportunity grant program. The 49436
general assembly shall support the needs-based financial aid 49437
program by such sums and in such manner as it may provide, but the 49438
chancellor also may ~~also~~ receive funds from other sources to 49439
support the program. If, for any academic year, the amounts 49440
available for support of the program are inadequate to provide 49441
grants to all eligible students, the chancellor shall do one of 49442
the following: 49443

(a) Give preference in the payment of grants ~~shall be given~~ 49444
~~in terms of~~ based upon expected family contribution, beginning 49445
with the lowest expected family contribution category and 49446
proceeding upward by category to the highest expected family 49447
contribution category; 49448

(b) Proportionately reduce the amount of each grant to be 49449
awarded for the academic year under division (B) of this section; 49450

(c) Use an alternate formula for such grants that addresses 49451
the shortage of available funds and has been submitted to and 49452
approved by the controlling board. 49453

~~A~~ (3) The needs-based financial aid grant shall be paid to ~~an~~ 49454
the eligible student through the institution in which the student 49455
is enrolled, except that no needs-based financial aid grant shall 49456
be paid to any person serving a term of imprisonment. Applications 49457
for ~~such~~ the grants shall be made as prescribed by the chancellor, 49458
and such applications may be made in conjunction with and upon the 49459
basis of information provided in conjunction with student 49460
assistance programs funded by agencies of the United States 49461
government or from financial resources of the institution of 49462
higher education. The institution shall certify that the student 49463

applicant meets the requirements set forth in ~~divisions (A)(1)(a)~~ 49464
~~and (b)~~ division (B)(1) of this section. Needs-based financial aid 49465
grants shall be provided to an eligible student only as long as 49466
the student is making appropriate progress toward a nursing 49467
diploma or an associate or bachelor's degree. No student shall be 49468
eligible to receive a grant for more than ten semesters, fifteen 49469
quarters, or the equivalent of five academic years. A grant made 49470
to an eligible student on the basis of less than full-time 49471
enrollment shall be based on the number of credit hours for which 49472
the student is enrolled and shall be computed in accordance with a 49473
formula adopted by rule issued by the chancellor. No student shall 49474
receive more than one grant on the basis of less than full-time 49475
enrollment. 49476

~~A needs-based financial aid grant shall not exceed the total~~ 49477
~~instructional and general charges of the institution.~~ 49478

~~(C) The tables in this division prescribe the maximum grant~~ 49479
~~amounts covering two semesters, three quarters, or a comparable~~ 49480
~~portion of one academic year. Grant amounts for additional terms~~ 49481
~~in the same academic year shall be determined under division (D)~~ 49482
~~of this section.~~ 49483

~~As used in the tables in division (C) of this section:~~ 49484

~~(1) "Private institution" means an institution that is~~ 49485
~~nonprofit and has a certificate of authorization pursuant to~~ 49486
~~Chapter 1713. of the Revised Code.~~ 49487

~~(2) "Career college" means either an institution that holds a~~ 49488
~~certificate of registration from the state board of career~~ 49489
~~colleges and schools or a private institution exempt from~~ 49490
~~regulation under Chapter 3332. of the Revised Code as prescribed~~ 49491
~~in section 3333.046 of the Revised Code.~~ 49492

~~Full-time students shall be eligible to receive awards~~ 49493
~~according to the following table:~~ 49494

		Full Time Enrollment			49495
If the EFC	And if the	If the	If the	If the	49496
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	49497
2,001	2,100	402	798	642	49498
1,901	2,000	498	1,002	798	49499
1,801	1,900	600	1,200	960	49500
1,701	1,800	702	1,398	1,122	49501
1,601	1,700	798	1,602	1,278	49502
1,501	1,600	900	1,800	1,440	49503
1,401	1,500	1,002	1,998	1,602	49504
1,301	1,400	1,098	2,202	1,758	49505
1,201	1,300	1,200	2,400	1,920	49506
1,101	1,200	1,302	2,598	2,082	49507
1,001	1,100	1,398	2,802	2,238	49508
901	1,000	1,500	3,000	2,400	49509
801	900	1,602	3,198	2,562	49510
701	800	1,698	3,402	2,718	49511
601	700	1,800	3,600	2,280	49512
501	600	1,902	3,798	3,042	49513
401	500	1,998	4,002	3,198	49514
301	400	2,100	4,200	3,360	49515
201	300	2,202	4,398	3,522	49516
101	200	2,298	4,602	3,678	49517
1	100	2,400	4,800	3,840	49518
0	0	2,496	4,992	3,996	49519
Three quarters time students shall be eligible to receive					49520

awards according to the following table:					49521
Three-Quarters Time Enrollment					49522
If the EFC	And the	If the	If the	If the	49523
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$228	\$450	\$360	49524
2,001	2,100	300	600	480	49525
1,901	2,000	372	750	600	49526
1,801	1,900	450	900	720	49527
1,701	1,800	528	1,050	840	49528
1,601	1,700	600	1,200	960	49529
1,501	1,600	678	1,350	1,080	49530
1,401	1,500	750	1,500	1,200	49531
1,301	1,400	822	1,650	1,320	49532
1,201	1,300	900	1,800	1,440	49533
1,101	1,200	978	1,950	1,560	49534
1,001	1,100	1,050	2,100	1,680	49535
901	1,000	1,128	2,250	1,800	49536
801	900	1,200	2,400	1,920	49537
701	800	1,272	2,550	2,040	49538
601	700	1,350	2,700	2,160	49539
501	600	1,428	2,850	2,280	49540
401	500	1,500	3,000	2,400	49541
301	400	1,578	3,150	2,520	49542
201	300	1,650	3,300	2,640	49543
101	200	1,722	3,450	2,760	49544
1	100	1,800	3,600	2,880	49545
0	0	1,872	3,744	3,000	49546

Half-time students shall be eligible to receive awards					49547
according to the following table:					49548
Half-Time Enrollment					49549
If the EFC	And if the	If the	If the	If the	49550
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$150	\$300	\$240	49551
2,001	2,100	204	402	324	49552
1,901	2,000	252	504	402	49553
1,801	1,900	300	600	480	49554
1,701	1,800	354	702	564	49555
1,601	1,700	402	804	642	49556
1,501	1,600	450	900	720	49557
1,401	1,500	504	1,002	804	49558
1,301	1,400	552	1,104	882	49559
1,201	1,300	600	1,200	960	49560
1,101	1,200	654	1,302	1,044	49561
1,001	1,100	702	1,404	1,122	49562
901	1,000	750	1,500	1,200	49563
801	900	804	1,602	1,284	49564
701	800	852	1,704	1,362	49565
601	700	900	1,800	1,440	49566
501	600	954	1,902	1,524	49567
401	500	1,002	2,004	1,602	49568
301	400	1,050	2,100	1,680	49569
201	300	1,104	2,202	1,764	49570
101	200	1,152	2,304	1,842	49571
1	100	1,200	2,400	1,920	49572

	0	0	1,248	2,496	1,998	49573
One quarter time students shall be eligible to receive awards						49574
according to the following table:						49575
One Quarter Time Enrollment						49576
If the EFC	And if the	If the	If the	If the		49577
is equal	EFC is no	student	student	student		
to or	more than:	attends a	attends a	attends a		
greater		public	private	career		
than:		institution,	institution,	college,		
		the annual	the annual	the annual		
		award	award	award		
		shall be:	shall be:	shall be:		
\$2,101	\$2,190	\$78	\$150	\$120		49578
2,001	2,100	102	198	162		49579
1,901	2,000	126	252	198		49580
1,801	1,900	150	300	240		49581
1,701	1,800	174	348	282		49582
1,601	1,700	198	402	318		49583
1,501	1,600	228	450	360		49584
1,401	1,500	252	498	402		49585
1,301	1,400	276	552	438		49586
1,201	1,300	300	600	480		49587
1,101	1,200	324	648	522		49588
1,001	1,100	348	702	558		49589
901	1,000	378	750	600		49590
801	900	402	798	642		49591
701	800	426	852	678		49592
601	700	450	900	720		49593
501	600	474	948	762		49594
401	500	498	1,002	798		49595
301	400	528	1,050	840		49596
201	300	552	1,098	882		49597
101	200	576	1,152	918		49598

1	100	600	1,200	960	49599
0	0	624	1,248	1,002	49600

~~(D)~~(4)(a) Except as provided in division (B)(4)(d) of this section, no grant awarded under division (B) of this section shall exceed the total state cost of attendance. 49601
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(b) Subject to divisions (B)(4)(a), (c), and (d) of this section, the amount of a grant awarded to a student under division (B) of this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule. 49604
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(c) For a full-time student enrolled in an eligible institution a program described in division (B)(1)(b) of this section for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division ~~(C)~~(B) of this section, the maximum grant amount shall be a percentage of the maximum prescribed specified in the applicable any table of that division established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed under that division. 49618
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(d) If a student is enrolled in a two-year institution of 49630

higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under division (B) of this section may exceed the total state cost of attendance to additionally cover housing costs.

~~(E)~~(C)(1) The chancellor shall administer and may adopt rules to carry out a block grant program to provide money to support needs-based financial aid grants for Ohio resident students enrolled in nursing or undergraduate programs of nonprofit private institutions in this state holding certificates of authorization pursuant to Chapter 1713. of the Revised Code. The chancellor shall establish by rule and administer a separate block grant program to provide money for such grants to Ohio resident students enrolled in nursing or undergraduate programs of career colleges in this state that hold certificates of registration from the state board of career colleges and schools or are exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code and hold certificates of authorization pursuant to Chapter 1713. of the Revised Code. The former shall be known as the private higher education needs-based financial aid block grant program and the latter, the career college needs-based financial aid block grant program. The general assembly shall support these programs in such sums and in such manner as it may provide, but the chancellor also may receive funds from other sources to support the programs.

(2) The chancellor by rule shall determine the eligibility of the nonprofit private institutions and career colleges for, the terms and conditions of, and the manner of distributing, grants under each program, as well as determine the needs-based standard that shall apply to grants awarded to students under each program.

The rules shall include a requirement that, on the financial aid statement that it shall provide to each student aid recipient, a nonprofit private institution or career college receiving a grant under this division must note that a portion of the student's award is from the state of Ohio.

(D) No grant shall be made pursuant to division (B) or (C) of this section to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

~~(F)(E)(1)~~ Except as provided in division ~~(F)(E)(2)~~ of this section, no grant shall be made to any student ~~for enrollment during a fiscal year in an~~ under division (B) of this section if the state institution of higher education under that division has, and no grant shall be made to a nonprofit private institution or career college under division (C) of this section if the institution with or college has, a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division ~~(F)(E)(1)~~ of this section does not apply ~~to~~ in the case of either of the following:

(a) ~~Any student enrolled in an~~ The university institution ~~that under the or college pursuant to~~ federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division ~~(F)(E)(1)~~ of this section or the secretary determines due to mitigating circumstances that the institution or college may

continue to participate in federal financial aid programs. The 49695
chancellor shall adopt rules requiring ~~institutions~~ any such 49696
appellant to provide information to the chancellor regarding an 49697
appeal ~~to the chancellor~~. 49698

(b) Any student who has previously received a grant ~~under~~ 49699
pursuant to any provision of this section, including prior to the 49700
section's amendment by H.B. 1 of the 128th general assembly, and 49701
who meets all other eligibility requirements ~~of this section~~ for 49702
the respective grant under division (B) or (C) of this section. 49703

(3) The chancellor shall adopt rules for the notification of 49704
all institutions or colleges whose students will be ineligible to 49705
participate in the grant program pursuant to division ~~(F)(E)~~(1) of 49706
this section. 49707

(4) A student's attendance at ~~an~~ any institution or college 49708
whose students ~~lose eligibility~~ are ineligible for grants ~~under~~ 49709
due to division ~~(F)(E)~~(1) of this section shall not affect that 49710
student's eligibility to receive a grant when enrolled in another 49711
institution or college. 49712

~~(G) Institutions of higher education~~ (F)(1) A state 49713
university or state institution of higher education that ~~enroll~~ 49714
enrolls students receiving needs-based financial aid grants under 49715
division (B) of this section shall report to the chancellor all 49716
students who have received such needs-based financial aid grants 49717
but are no longer eligible for all or part of ~~such~~ those grants 49718
and shall refund any moneys due the state within thirty days after 49719
the beginning of the quarter or term immediately following the 49720
quarter or term in which the student was no longer eligible to 49721
receive all or part of the student's grant. There shall be an 49722
interest charge of one per cent per month on all moneys due and 49723
payable after such thirty-day period. The chancellor shall 49724
immediately notify the office of budget and management and the 49725
legislative service commission of all refunds so received. 49726

(2) A nonprofit private institution or career college that 49727
receives a grant under division (C) of this section shall report 49728
to the chancellor all students who have received a portion of that 49729
award and shall report the amount of its award not distributed to 49730
students. That amount shall be deducted from the next such grant 49731
amount received by the institution or college. 49732

Sec. 3333.123. (A) As used in this section: 49733

(1) "The Ohio college opportunity grant program" means the 49734
program established under section 3333.122 of the Revised Code. 49735

(2) "Rules for the Ohio college opportunity grant program" 49736
means the rules authorized in division (S) of section 3333.04 of 49737
the Revised Code for the implementation of the program. 49738

(B) In adopting rules for the Ohio college opportunity grant 49739
program, the chancellor of the Ohio board of regents may include 49740
provisions that give preferential or priority funding to 49741
low-income students who in their primary and secondary school work 49742
participate in or complete rigorous academic coursework, attain 49743
passing scores on the ~~tests~~ assessments prescribed in section 49744
3301.0710 of the Revised Code, or meet other high academic 49745
performance standards determined by the chancellor to reduce the 49746
need for remediation and ensure academic success at the 49747
postsecondary education level. Any such rules shall include a 49748
specification of procedures needed to certify student achievement 49749
of primary and secondary standards as well as the timeline for 49750
implementation of the provisions authorized by this section. 49751

Sec. 3333.16. As used in this section "state institution of 49752
higher education" means an institution of higher education as 49753
defined in section 3345.12 of the Revised Code. 49754

(A) The chancellor of the Ohio board of regents shall do all 49755
of the following: 49756

(1) Establish policies and procedures applicable to all state 49757
institutions of higher education that ensure that students can 49758
begin higher education at any state institution of higher 49759
education and transfer coursework and degrees to any other state 49760
institution of higher education without unnecessary duplication or 49761
institutional barriers. The purpose of this requirement is to 49762
allow students to attain their highest educational aspirations in 49763
the most efficient and effective manner for the students and the 49764
state. These policies and procedures shall require state 49765
institutions of higher education to make changes or modifications, 49766
as needed, to strengthen course content so as to ensure 49767
equivalency for that course at any state institution of higher 49768
education. 49769

(2) Develop and implement a universal course equivalency 49770
classification system for state institutions of higher education 49771
so that the transfer of students and the transfer and articulation 49772
of equivalent courses or specified learning modules or units 49773
completed by students are not inhibited by inconsistent judgment 49774
about the application of transfer credits. Coursework completed 49775
within such a system at one state institution of higher education 49776
and transferred to another institution shall be applied to the 49777
student's degree objective in the same manner as equivalent 49778
coursework completed at the receiving institution. 49779

(3) Develop a system of transfer policies that ensure that 49780
graduates with associate degrees which include completion of 49781
approved transfer modules shall be admitted to a state institution 49782
of higher education, shall be able to compete for admission to 49783
specific programs on the same basis as students native to the 49784
institution, and shall have priority over out-of-state associate 49785
degree graduates and transfer students. To assist a student in 49786
advising and transferring, all state institutions of higher 49787
education shall fully implement the ~~course applicability~~ 49788

information system for advising and transferring selected by, 49789
contracted for, or developed by the chancellor. 49790

(4) Examine the feasibility of developing a transfer 49791
marketing agenda that includes materials and interactive 49792
technology to inform the citizens of Ohio about the availability 49793
of transfer options at state institutions of higher education and 49794
to encourage adults to return to colleges and universities for 49795
additional education; 49796

(5) Study, in consultation with the state board of career 49797
colleges and schools, and in light of existing criteria and any 49798
other criteria developed by the articulation and transfer advisory 49799
council, the feasibility of credit recognition and transferability 49800
to state institutions of higher education for graduates who have 49801
received associate degrees from a career college or school with a 49802
certificate of registration from the state board of career 49803
colleges and schools under Chapter 3332. of the Revised Code. 49804

(B) All provisions of the existing articulation and transfer 49805
policy developed by the Ohio board of regents shall remain in 49806
effect except where amended by this section. 49807

Sec. 3333.28. (A) The chancellor of the Ohio board of regents 49808
shall establish the nurse education assistance program, the 49809
purpose of which shall be to make loans to students enrolled in 49810
prelicensure nurse education programs at institutions approved by 49811
the board of nursing under section 4723.06 of the Revised Code and 49812
postlicensure nurse education programs approved by the chancellor 49813
under section 3333.04 of the Revised Code or offered by an 49814
institution holding a certificate of authorization issued under 49815
Chapter 1713. of the Revised Code. The board of nursing shall 49816
assist the chancellor in administering the program. 49817

(B) There is hereby created in the state treasury the nurse 49818
education assistance fund, which shall consist of all money 49819

transferred to it pursuant to section 4743.05 of the Revised Code. 49820
The fund shall be used by the chancellor for loans made under 49821
division (A) of this section and for expenses of administering the 49822
loan program. 49823

(C) Between July 1, 2005, and January 1, 2012, the chancellor 49824
shall distribute money in the nurse education assistance fund in 49825
the following manner: 49826

(1)(a) Fifty per cent of available funds shall be awarded as 49827
loans to registered nurses enrolled in postlicensure nurse 49828
education programs described in division (A) of this section. To 49829
be eligible for a loan, the applicant shall provide the chancellor 49830
with a letter of intent to practice as a faculty member at a 49831
prelicensure or postlicensure program for nursing in this state 49832
upon completion of the applicant's academic program. 49833

(b) If the borrower of a loan under division (C)(1)(a) of 49834
this section secures employment as a faculty member of an approved 49835
nursing education program in this state within six months 49836
following graduation from an approved nurse education program, the 49837
chancellor may forgive the principal and interest of the student's 49838
loans received under division (C)(1)(a) of this section at a rate 49839
of twenty-five per cent per year, for a maximum of four years, for 49840
each year in which the borrower is so employed. A deferment of the 49841
service obligation, and other conditions regarding the forgiveness 49842
of loans may be granted as provided by the rules adopted under 49843
division (D)(7) of this section. 49844

(c) Loans awarded under division (C)(1)(a) of this section 49845
shall be awarded on the basis of the student's expected family 49846
contribution, with preference given to those applicants with the 49847
lowest expected family contribution. However, the chancellor may 49848
consider other factors the chancellor determines relevant in 49849
ranking the applications. 49850

(d) Each loan awarded to a student under division (C)(1)(a) 49851
of this section shall be not less than five thousand dollars per 49852
year. 49853

(2) Twenty-five per cent of available funds shall be awarded 49854
to students enrolled in prelicensure nurse education programs for 49855
registered nurses, as defined in section 4723.01 of the Revised 49856
Code. 49857

(3) Twenty-five per cent of available funds shall be awarded 49858
to students enrolled in ~~prelicensure professional~~ nurse education 49859
programs ~~for licensed practical nurses, as defined in section~~ 49860
4723.01 of the Revised Code as determined by the chancellor, with 49861
preference given to programs aimed at increasing enrollment in an 49862
area of need. 49863

After January 1, 2012, the chancellor shall determine the 49864
manner in which to distribute loans under this section. 49865

(D) Subject to the requirements specified in division (C) of 49866
this section, the chancellor shall adopt rules in accordance with 49867
Chapter 119. of the Revised Code establishing: 49868

(1) Eligibility criteria for receipt of a loan; 49869

(2) Loan application procedures; 49870

(3) The amounts in which loans may be made and the total 49871
amount that may be loaned to an individual; 49872

(4) The total amount of loans that can be made each year; 49873

(5) The percentage of the money in the fund that must remain 49874
in the fund at all times as a fund balance; 49875

(6) Interest and principal repayment schedules; 49876

(7) Conditions under which a portion of principal and 49877
interest obligations incurred by an individual under the program 49878
will be forgiven; 49879

(8) Ways that the program may be used to encourage 49880
individuals who are members of minority groups to enter the 49881
nursing profession; 49882

(9) Any other matters incidental to the operation of the 49883
program. 49884

(E) The obligation to repay a portion of the principal and 49885
interest on a loan made under this section shall be forgiven if 49886
the recipient of the loan meets the criteria for forgiveness 49887
established by division (C)(1)(b) of this section, in the case of 49888
loans awarded under division (C)(1)(a) of this section, or by the 49889
chancellor under the rule adopted under division (D)(7) of this 49890
section, in the case of other loans awarded under this section. 49891

(F) The receipt of a loan under this section shall not affect 49892
a student's eligibility for assistance, or the amount of that 49893
assistance, granted under section 3333.12, 3333.122, 3333.22, 49894
3333.26, ~~3333.27~~, 5910.03, 5910.032, or 5919.34 of the Revised 49895
Code, but the rules of the chancellor may provide for taking 49896
assistance received under those sections into consideration when 49897
determining a student's eligibility for a loan under this section. 49898

Sec. 3333.35. The state board of education and the chancellor 49899
of the Ohio board of regents shall strive to reduce unnecessary 49900
student remediation costs incurred by colleges and universities in 49901
this state, increase overall access for students to higher 49902
education, enhance the post-secondary enrollment options program 49903
in accordance with Chapter 3365. of the Revised Code, and enhance 49904
the alternative resident educator licensure program in accordance 49905
with section 3319.26 of the Revised Code. 49906

Sec. 3333.38. (A) As used in this section: 49907

(1) "Institution of higher education" includes all of the 49908
following: 49909

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 49910
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(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code; 49912
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(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code; 49914
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(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code. 49917
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(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.21, 3333.26, ~~3333.27~~, 3333.28, 3333.372, 3333.391, 5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds. 49920
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(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature: 49930
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(1) A violation of section 2917.02 or 2917.03 of the Revised Code; 49936
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(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree; 49938
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(3) A violation of section 2917.13 of the Revised Code that 49940
is a misdemeanor of the fourth or first degree and occurs within 49941
the proximate area where four or more others are acting in a 49942
course of conduct in violation of section 2917.11 of the Revised 49943
Code. 49944

(C) If an individual is convicted of, pleads guilty to, or is 49945
adjudicated a delinquent child for committing a violation of 49946
section 2917.02 or 2917.03 of the Revised Code, and if the 49947
individual is enrolled in a state-supported institution of higher 49948
education, the institution in which the individual is enrolled 49949
shall immediately dismiss the individual. No state-supported 49950
institution of higher education shall admit an individual of that 49951
nature for one academic year after the individual applies for 49952
admission to a state-supported institution of higher education. 49953
This division does not limit or affect the ability of a 49954
state-supported institution of higher education to suspend or 49955
otherwise discipline its students. 49956

Sec. 3333.39. The chancellor of the Ohio board of regents and 49957
the superintendent of public instruction shall establish and 49958
administer the teach Ohio program to promote and encourage 49959
citizens of this state to consider teaching as a profession. The 49960
program shall include all of the following: 49961

(A) A statewide program administered by a nonprofit 49962
corporation that has been in existence for at least fifteen years 49963
with demonstrated results in encouraging high school students from 49964
economically disadvantaged groups to enter the teaching 49965
profession. The chancellor and superintendent jointly shall select 49966
the nonprofit corporation. 49967

(B) The Ohio teaching fellows program established under 49968
sections 3333.391 and 3333.392 of the Revised Code; 49969

(C) The Ohio teacher residency program established under 49970

<u>section 3319.223 of the Revised Code;</u>	49971
<u>(D) Alternative licensure procedures established under</u>	49972
<u>section 3319.26 of the Revised Code;</u>	49973
<u>(E) Any other program as identified by the chancellor and the</u>	49974
<u>superintendent.</u>	49975
<u>Sec. 3333.391. (A) As used in this section and in section</u>	49976
<u>3333.392 of the Revised Code:</u>	49977
<u>(1) "Academic year" shall be as defined by the chancellor of</u>	49978
<u>the Ohio board of regents.</u>	49979
<u>(2) "Hard-to-staff school" and "hard-to-staff subject" shall</u>	49980
<u>be as defined by the department of education.</u>	49981
<u>(3) "Parent" means the parent, guardian, or custodian of a</u>	49982
<u>qualified student.</u>	49983
<u>(4) "Qualified service" means teaching at a qualifying</u>	49984
<u>school.</u>	49985
<u>(5) "Qualifying school" means a hard-to-staff school district</u>	49986
<u>building or a school district building that has a performance</u>	49987
<u>rating of academic watch or academic emergency under section</u>	49988
<u>3302.03 of the Revised Code at the time the recipient becomes</u>	49989
<u>employed by the district.</u>	49990
<u>(B) The chancellor of the Ohio board of regents and the</u>	49991
<u>superintendent of public instruction jointly shall develop and</u>	49992
<u>agree on a plan for the Ohio teaching fellows program to promote</u>	49993
<u>and encourage high school seniors to enter and remain in the</u>	49994
<u>teaching profession. Upon agreement of such a plan, the chancellor</u>	49995
<u>shall establish and administer the program in conjunction with the</u>	49996
<u>superintendent and with the cooperation of teacher training</u>	49997
<u>institutions. Under the program, the chancellor annually shall</u>	49998
<u>provide scholarships to students who commit to teaching in a</u>	49999
<u>qualifying school for a minimum of four years upon graduation from</u>	50000

a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code. The scholarships shall be for up to four years at the undergraduate level at an amount determined by the chancellor based on state appropriations. 50001
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(C) The chancellor shall adopt a competitive process for awarding scholarships under the teaching fellows program, which shall include minimum grade point average and scores on national standardized tests for college admission. The process shall also give additional consideration to all of the following: 50007
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(1) A person who has participated in the program described in division (A) of section 3333.39 of the Revised Code; 50012
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(2) A person who plans to specialize in teaching students with special needs; 50014
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(3) A person who plans to teach in the disciplines of science, technology, engineering, or mathematics. 50016
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The chancellor shall require that all applicants to the teaching fellows program shall file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code. 50018
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(D) Teaching fellows shall complete the four-year teaching commitment within not more than seven years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.392 of the Revised Code. 50024
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(E) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer this section and section 3333.392 of the Revised Code. 50029
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Sec. 3333.392. (A) Each recipient who accepts a scholarship 50032
under the Ohio teaching fellows program created under section 50033
3333.391 of the Revised Code, or the recipient's parent if the 50034
recipient is younger than eighteen years of age, shall sign a 50035
promissory note payable to the state in the event the recipient 50036
does not satisfy the service requirement of division (D) of 50037
section 3333.391 of the Revised Code or the scholarship is 50038
terminated. The amount payable under the note shall be the amount 50039
of total scholarships accepted by the recipient under the program 50040
plus ten per cent interest accrued annually beginning on the first 50041
day of September after graduating from the teacher training 50042
program or immediately after termination of the scholarship. The 50043
period of repayment under the note shall be determined by the 50044
chancellor of the Ohio board of regents. The note shall stipulate 50045
that the obligation to make payments under the note is canceled 50046
following completion of four years of qualified service by the 50047
recipient in accordance with division (D) of section 3333.391 of 50048
the Revised Code, or if the recipient dies, becomes totally and 50049
permanently disabled, or is unable to complete the required 50050
qualified service as a result of a reduction in force at the 50051
recipient's school of employment before the obligation under the 50052
note has been satisfied. 50053

(B) Repayment of the principal amount of the scholarship and 50054
interest accrued shall be deferred while the recipient is enrolled 50055
in an approved teaching program, while the recipient is seeking 50056
employment to fulfill the service obligation, for a period not to 50057
exceed six months, or while the recipient is engaged in qualified 50058
service. 50059

(C) During the seven-year period following the recipient's 50060
graduation from an approved teaching program, the chancellor shall 50061
deduct twenty-five per cent of the outstanding balance that may be 50062
converted to a loan for each year the recipient teaches at a 50063

qualifying school. 50064

(D) The chancellor may terminate the scholarship, in which case the scholarship shall be converted to a loan to be repaid under division (A) of this section. 50065
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(E) The scholarship shall be deemed terminated upon the recipient's withdrawal from school or the recipient's failure to meet the standards of the scholarship as determined by the chancellor and shall be converted to a loan to be repaid under division (A) of this section. 50068
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(F) The chancellor and the attorney general shall collect payments on the converted loan in accordance with section 131.02 of the Revised Code. 50073
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Sec. 3333.61. The chancellor of the Ohio board of regents shall establish and administer the Ohio innovation partnership, which shall consist of the choose Ohio first scholarship program and the Ohio research scholars program. Under the programs, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and initiatives that recruit students and scientists in the fields of science, technology, engineering, mathematics, and medicine to state universities or colleges, in order to enhance regional educational and economic strengths and meet the needs of the state's regional economies. Awards may be granted for programs and initiatives to be implemented by a state university or college alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities. If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may provide that some portion of the 50076
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award be received directly by the collaborating universities or 50095
colleges consistent with all terms of the Ohio innovation 50096
partnership. 50097

The choose Ohio first scholarship program shall assign a 50098
number of scholarships to state universities and colleges to 50099
recruit Ohio residents as undergraduate, or as provided in section 50100
3333.66 of the Revised Code graduate, students in the fields of 50101
science, technology, engineering, mathematics, and medicine, or in 50102
science, technology, engineering, mathematics, or medical 50103
education. Choose Ohio first scholarships shall be awarded to each 50104
participating eligible student as a grant to the state university 50105
or college the student is attending and shall be reflected on the 50106
student's tuition bill. Choose Ohio first scholarships are 50107
student-centered grants from the state to students to use to 50108
attend a university or college and are not grants from the state 50109
to universities or colleges. 50110

Notwithstanding any other provision of this section or 50111
sections 3333.62 to 3333.70 of the Revised Code, a nonpublic 50112
four-year Ohio institution of higher education may submit a 50113
proposal for choose Ohio first scholarships ~~if the proposal is to~~ 50114
~~be implemented in collaboration with a state university or college~~ 50115
or Ohio research scholars grants. If the chancellor ~~grants awards~~ 50116
a nonpublic institution ~~an award of~~ scholarships or grants, the 50117
nonpublic institution shall comply with all requirements of this 50118
section, sections 3333.62 to 3333.70 of the Revised Code, and the 50119
rules adopted under this section that apply to state universities 50120
or colleges awarded choose Ohio first scholarships or Ohio 50121
research scholars grants. 50122

The Ohio research scholars program shall award grants to use 50123
in recruiting scientists to the faculties of state universities or 50124
colleges. 50125

The chancellor shall adopt rules in accordance with Chapter 50126

119. of the Revised Code to administer the programs. 50127

Sec. 3333.66. (A) ~~In (1)~~ Except as provided in division 50128
(A)(2) of this section, in each academic year, no student who 50129
receives a choose Ohio first scholarship shall receive less than 50130
one thousand five hundred dollars or more than one-half of the 50131
highest in-state undergraduate instructional and general fees 50132
charged by all state universities. For this purpose, if Miami 50133
university is implementing the pilot tuition restructuring plan 50134
originally recognized in Am. Sub. H.B. 95 of the 125th general 50135
assembly, that university's instructional and general fees shall 50136
be considered to be the average full-time in-state undergraduate 50137
instructional and general fee amount after taking into account the 50138
Ohio resident and Ohio leader scholarships and any other credit 50139
provided to all Ohio residents. 50140

(2) The chancellor of the Ohio board of regents may authorize 50141
a state university or college or a nonpublic Ohio institution of 50142
higher education to award a choose Ohio first scholarship in an 50143
amount greater than one-half of the highest in-state undergraduate 50144
instructional and general fees charged by all state universities 50145
to either of the following: 50146

(a) Any undergraduate student who qualifies for a scholarship 50147
and is enrolled in a program leading to a teaching profession in 50148
science, technology, engineering, mathematics, or medicine; 50149

(b) Any graduate student who qualifies for a scholarship, if 50150
any initiatives are selected for award under division (B) of this 50151
section. 50152

(B) ~~The chancellor of the Ohio board of regents~~ shall 50153
encourage state universities and colleges, alone or in 50154
collaboration with other state institutions of higher education, 50155
nonpublic Ohio universities and colleges, or other public or 50156
private Ohio entities, to submit proposals under the choose Ohio 50157

first scholarship program for initiatives that recruit Ohio 50158
residents enrolled in colleges and universities in other states or 50159
other countries to return to Ohio and enroll in state universities 50160
or colleges as graduate students in the fields of science, 50161
technology, engineering, mathematics, and medicine, or in the 50162
fields of science, technology, engineering, mathematics, or 50163
medical education. If such proposals are submitted and meet the 50164
chancellor's competitive criteria for awards, the chancellor, 50165
subject to approval by the controlling board, shall give at least 50166
one of the proposals preference for an award. 50167

(C) The general assembly intends that money appropriated for 50168
the choose Ohio first scholarship program in each fiscal year be 50169
used for scholarships in the following academic year. 50170

Sec. 3333.83. (A) A student who is enrolled in a school 50171
operated by a school district or in a community school or STEM 50172
school may enroll in a course through the clearinghouse only if 50173
both of the following conditions are satisfied: 50174

(1) The student's enrollment in the course is approved by the 50175
student's school district, community school, or STEM school. 50176

(2) The student's school district, community school, or STEM 50177
school agrees to accept for credit the grade assigned by the 50178
course provider, if that provider is another school district, 50179
community school, or STEM school. 50180

(B) For each student enrolled in a school operated by a 50181
school district or in a community school or STEM school who is 50182
enrolling in a course provided through the clearinghouse by 50183
another school district, community school, or STEM school, the 50184
student's school district, community school, or STEM school shall 50185
transmit the student's name to the course provider. 50186

The course provider may request from the student's school 50187

district, community school, or STEM school other information from 50188
the student's school record. The district or school shall provide 50189
the requested information only in accordance with section 3319.321 50190
of the Revised Code. 50191

(C) The student's school district, community school, or STEM 50192
school shall determine the manner in which and facilities at which 50193
the student shall participate in the course consistent with 50194
specifications for technology and connectivity adopted by the 50195
chancellor of the Ohio board of regents. 50196

(D) A student may withdraw from a course prior to the end of 50197
the course only by a date and in a manner prescribed by the 50198
student's school district, community school, or STEM school. 50199

(E) A student who is enrolled in a school operated by a 50200
school district or in a ~~community school~~ or STEM school that is 50201
governed as provided in section 3326.51 of the Revised Code and 50202
who takes a course through the clearinghouse shall be counted in 50203
the formula ADM of a school district under section 3317.03 of the 50204
Revised Code as if the student were taking the course from the 50205
student's school district, ~~community school~~, or STEM school. 50206
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Sec. 3333.90. (A) As used in this section: 50208

(1) "Allocated state share of instruction" means, for any 50209
fiscal year, the amount of the state share of instruction 50210
appropriated to the Ohio board of regents by the general assembly 50211
that is allocated to a community or technical college or community 50212
or technical college district for such fiscal year. 50213

(2) "Authority" means the Ohio building authority. 50214

(3) "Bond service charges" has the same meaning as in section 50215
152.09 of the Revised Code. 50216

(4) "Chancellor" means the chancellor of the Ohio board of 50217

<u>regents.</u>	50218
<u>(5) "Community or technical college" or "college" means any</u>	50219
<u>of the following state-supported or state-assisted institutions of</u>	50220
<u>higher education:</u>	50221
<u>(a) A community college as defined in section 3354.01 of the</u>	50222
<u>Revised Code;</u>	50223
<u>(b) A technical college as defined in section 3357.01 of the</u>	50224
<u>Revised Code;</u>	50225
<u>(c) A state community college as defined in section 3358.01</u>	50226
<u>of the Revised Code.</u>	50227
<u>(6) "Community or technical college district" or "district"</u>	50228
<u>means any of the following institutions of higher education that</u>	50229
<u>are state-supported or state-assisted:</u>	50230
<u>(a) A community college district as defined in section</u>	50231
<u>3354.01 of the Revised Code;</u>	50232
<u>(b) A technical college district as defined in section</u>	50233
<u>3357.01 of the Revised Code;</u>	50234
<u>(c) A state community college district as defined in section</u>	50235
<u>3358.01 of the Revised Code.</u>	50236
<u>(7) "Credit enhancement facilities" has the same meaning as</u>	50237
<u>in section 133.01 of the Revised Code.</u>	50238
<u>(8) "Obligations" has the meaning as in section 152.09 or</u>	50239
<u>3345.12 of the Revised Code, as the context requires.</u>	50240
<u>(B) The board of trustees of any community or technical</u>	50241
<u>college district authorizing the issuance of obligations under</u>	50242
<u>section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the</u>	50243
<u>Revised Code, or for whose benefit and on whose behalf the</u>	50244
<u>authority proposes to issue obligations under division (G) of</u>	50245
<u>section 152.09 of the Revised Code, may adopt a resolution</u>	50246
<u>requesting the chancellor to enter into an agreement with the</u>	50247

community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state share of instruction, for the payment of bond service charges on such obligations. 50248
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The board of trustees shall deliver to the chancellor a copy of the resolution and any additional pertinent information the chancellor may require. 50254
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The chancellor and the office of budget and management, and the authority in the case of obligations to be issued by the authority, shall evaluate each request received from a community or technical college district under this section. The chancellor, with the advice and consent of the director of budget and management and the authority in the case of obligations to be issued by the authority, shall approve each request if all of the following conditions are met: 50257
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(1) Approval of the request will enhance the marketability of the obligations for which the request is made; 50265
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(2) The chancellor and the office of budget and management, and the authority in the case of obligations to be issued by the authority, have no reason to believe the requesting community or technical college district or the community or technical college it operates will be unable to pay when due the bond service charges on the obligations for which the request is made, and bond service charges on those obligations are therefore not anticipated to be paid pursuant to this section from the allocated state share of instruction for purposes of Section 17 of Article VIII, Ohio Constitution. 50267
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(3) Any other pertinent conditions established in rules adopted under division (H) of this section. 50277
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(C) If the chancellor approves the request of a community or technical college district to withhold and deposit funds pursuant to this section, the chancellor shall enter into a written agreement with the district and the primary paying agent or fiscal agent for the obligations, which agreement shall provide for the withholding of funds pursuant to this section for the payment of bond service charges on those obligations. The agreement may also include both of the following: 50279
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(1) Provisions for certification by the district to the chancellor, prior to the deadline for payment of the applicable bond service charges, whether the district and the community or technical college it operates are able to pay those bond service charges when due; 50287
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(2) Requirements that the district or the community or technical college it operates deposits amounts for the payment of those bond service charges with the primary paying agent or fiscal agent for the obligations prior to the date on which the bond service charges are due to the owners or holders of the obligations. 50292
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(D) Whenever a district or the community or technical college it operates notifies the chancellor that it will not be able to pay the bond service charges when they are due, subject to the withholding provisions of this section, or whenever the applicable paying agent or fiscal agent notifies the chancellor that it has not timely received from a district or from the college it operates the full amount needed for payment of the bond service charges when due to the holders or owners of such obligations, the chancellor shall immediately contact the district or college and the paying agent or fiscal agent to confirm that the district and the college are not able to make the required payment by the date on which it is due. 50298
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If the chancellor confirms that the district and the college 50310

are not able to make the payment and the payment will not be made 50311
pursuant to a credit enhancement facility, the chancellor shall 50312
promptly pay to the applicable primary paying agent or fiscal 50313
agent the lesser of the amount due for bond service charges or the 50314
amount of the next periodic distribution scheduled to be made to 50315
the district or to the college in respect of its allocated state 50316
share of instruction. If this amount is insufficient to pay the 50317
total amount then due the agent for the payment of bond service 50318
charges, the chancellor shall continue to pay to the agent from 50319
each periodic distribution thereafter, and until the full amount 50320
due the agent for unpaid bond service charges is paid in full, the 50321
lesser of the remaining amount due the agent for bond service 50322
charges or the amount of the next periodic distribution scheduled 50323
to be made to the district or college in respect of its allocated 50324
state share of instruction. 50325

(E) The chancellor may make any payments under this section 50326
by direct deposit of funds by electronic transfer. 50327

Any amount received by a paying agent or fiscal agent under 50328
this section shall be applied only to the payment of bond service 50329
charges on the obligations of the community or technical college 50330
district or community or technical college subject to this section 50331
or to the reimbursement of the provider of a credit enhancement 50332
facility that has paid the bond service charges. 50333

(F) The chancellor may make payments under this section to 50334
paying agents or fiscal agents during any fiscal biennium of the 50335
state only from and to the extent that money is appropriated to 50336
the board of regents by the general assembly for distribution 50337
during such biennium for the state share of instruction and only 50338
to the extent that a portion of the state share of instruction has 50339
been allocated to the community or technical college district or 50340
community or technical college. Obligations of the authority or of 50341
a community or technical college district to which this section is 50342

made applicable do not constitute an obligation or a debt or a 50343
pledge of the faith, credit, or taxing power of the state, and the 50344
holders or owners of those obligations have no right to have 50345
excises or taxes levied or appropriations made by the general 50346
assembly for the payment of bond service charges on the 50347
obligations, and the obligations shall contain a statement to that 50348
effect. The agreement for or the actual withholding and payment of 50349
money under this section does not constitute the assumption by the 50350
state of any debt of a community or technical college district or 50351
a community or technical college, and bond service charges on the 50352
related obligations are not anticipated to be paid from the state 50353
general revenue fund for purposes of Section 17 of Article VIII, 50354
Ohio Constitution. 50355

(G) In the case of obligations subject to the withholding 50356
provisions of this section, the issuing community or technical 50357
college district, or the authority in the case of obligations 50358
issued by the authority, shall appoint a paying agent or fiscal 50359
agent who is not an officer or employee of the district or 50360
college. 50361

(H) The chancellor, with the advice and consent of the office 50362
of budget and management, may adopt reasonable rules not 50363
inconsistent with this section for the implementation of this 50364
section to secure payment of bond service charges on obligations 50365
issued by a community or technical college district or by the 50366
authority for the benefit of a community or technical college 50367
district or the community or technical college it operates. Those 50368
rules shall include criteria for the evaluation and approval or 50369
denial of community or technical college district requests for 50370
withholding under this section. 50371

(I) The authority granted by this section is in addition to 50372
and not a limitation on any other authorizations granted by or 50373
pursuant to law for the same or similar purposes. 50374

Sec. 3333.91. (A) As used in this section, "bioscience 50375
sector" includes companies that manufacture medical devices, 50376
biopharmaceutical products, biofuel, or agricultural bioproducts; 50377
health care service companies; health care organizations; and 50378
medical research organizations. 50379

(B) The chancellor of the Ohio board of regents shall provide 50380
grants to entities that satisfy the requirements specified in this 50381
section to provide training for individuals who are not employed 50382
in the field of biotechnology or the bioscience sector and wish to 50383
receive training to be employed in that field or sector. The 50384
chancellor may provide such grants to entities engaged in any 50385
other field in which critical demands exist for certain skills. 50386

(C) The chancellor may accept applications for training grant 50388
funds awarded pursuant to this section from any of the following 50389
entities: 50390

(1) A municipal corporation that provides any of the training 50391
programs described in division (D) of this section; 50392

(2) An employer, including an intermediary or a training 50393
agent of the employer, that provides any of the training programs 50394
described in division (D) of this section; 50395

(3) Any of the following entities that sponsor multi-company 50396
employee training projects that offer programs described in 50397
division (D) of this section if those projects will address common 50398
training needs identified by employers that elect to participate 50399
in the project offered by the entity: 50400

(a) Business associations; 50401

(b) Strategic business partnerships; 50402

(c) Institutions of secondary or higher education; 50403

(d) Large manufacturers for supplier network companies; 50404

(e) Agencies of the state or of a political subdivision of the state or grant recipients under the federal "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended. 50405
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(D) The chancellor may award grants to eligible applicants described in division (C) of this section if in the application, the applicant specifies that the money received from the grant will be used for employee training programs that include, but are not limited to, any of the following: 50409
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(1) Training programs that are in response to new or changing technology introduced into the workplace; 50414
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(2) Job-linked training programs that offer special skills for career advancement or that are preparatory for, and lead directly to, a job with definite career potential and long-term job security; 50416
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(3) Training programs that are necessary to implement a total quality management system, a total quality improvement system, or both within the workplace; 50420
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(4) Training related to learning how to operate new machinery or equipment; 50423
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(5) Training for employees of companies that are expanding into new markets or expanding exports from this state and that provide jobs in this state; 50425
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(6) Basic training, remedial training, or both of employees as a prerequisite for other vocational or technical skills training or as a condition for sustained employment; 50428
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(7) Other training activities, training projects, or both, related to the support, development, or evaluation of job training programs, activities, and delivery systems, including training needs assessment and design. 50431
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(E) The chancellor shall use the same competitive process established under section 3333.73 of the Revised Code for making awards under the Ohio co-op/internship program, adapted as necessary, to award training grants under this section. 50435
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(F) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the terms and conditions under which a grant may be awarded under this section and as necessary to implement this section. The chancellor shall include in the rules a requirement that, if an entity that applies for a grant awarded under this section is not an employer, the entity must specify in the entity's application employers that will benefit from the training the entity provides to ensure that the training provided satisfies the needs of employers located in the area where the entity provides the training programs described in division (D) of this section. No grant awarded under this section shall be for an amount that exceeds fifty per cent of the allowable costs of the training programs described in division (D) of this section provided by an entity described in division (C) of this section. Under this section, allowable costs include, but are not limited to, the following costs: 50439
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(1) Administrative costs for tracking, documenting, reporting, and processing training funds or project costs; 50456
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(2) Costs for developing a curriculum; 50458

(3) Wages for instructors and if the individuals receiving training are employed by the employer who offers the program, wages for those individuals; 50459
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(4) Costs incurred for producing training materials, including scrap product costs; 50462
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(5) Trainee travel expenses; 50464

(6) Costs for rent, purchase, or lease of training equipment; 50465

(7) Other usual and customary training costs. 50466

(G) An entity described in division (C) of this section shall 50467
use money received from a grant only for the programs that the 50468
entity specified in the entity's application in accordance with 50469
division (D) of this section. A municipal corporation that 50470
receives a grant under this section may use the money received for 50471
a training program that also is funded pursuant to the federal 50472
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, 50473
as amended. 50474

(H) The chancellor shall adopt rules in accordance with 50475
Chapter 119. of the Revised Code to establish methods and 50476
procedures the chancellor shall use to identify transitional jobs 50477
and to develop and identify training strategies that will enable 50478
individuals who are not employed in the field of biotechnology or 50479
the bioscience sector to be employed in that field or sector. 50480

(I) The chancellor shall require an employee of the board of 50481
regents to conduct at least one on-site visit to monitor the 50482
application of the grant and compliance with this section and any 50483
rules the chancellor adopts pursuant to it, either during the 50484
course of the grant period or within six months after the end of 50485
the grant period. The employee shall verify that the grantee's 50486
financial management system is structured to provide for accurate, 50487
current, and complete disclosure of the financial results of the 50488
grant program in accordance with all provisions, terms, and 50489
conditions contained in the grant contract entered into by the 50490
grantee and the chancellor pursuant to this section and any rules 50491
the chancellor adopts pursuant to it. 50492

Sec. 3334.01. As used in this chapter: 50493

(A) "Aggregate original principal amount" means the aggregate 50494
of the initial offering prices to the public of college savings 50495
bonds, exclusive of accrued interest, if any. "Aggregate original 50496

principal amount" does not mean the aggregate accreted amount 50497
payable at maturity or redemption of such bonds. 50498

(B) "Beneficiary" means: 50499

(1) An individual designated by the purchaser under a tuition 50500
payment contract or through a scholarship program as the 50501
individual on whose behalf tuition units purchased under the 50502
contract or awarded through the scholarship program will be 50503
applied toward the payment of undergraduate, graduate, or 50504
professional tuition; or 50505

(2) An individual designated by the contributor under a 50506
variable college savings program contract as the individual whose 50507
tuition and other higher education expenses will be paid from a 50508
variable college savings program account. 50509

(C) "Capital appreciation bond" means a bond for which the 50510
following is true: 50511

(1) The principal amount is less than the amount payable at 50512
maturity or early redemption; and 50513

(2) No interest is payable on a current basis. 50514

(D) "Tuition unit" means a credit ~~of the Ohio tuition trust~~ 50515
~~authority~~ purchased under section 3334.09 of the Revised Code. 50516
"Tuition unit" includes a tuition credit purchased prior to July 50517
1, 1994. 50518

(E) "College savings bonds" means revenue and other 50519
obligations issued on behalf of the state or any agency or issuing 50520
authority thereof as a zero-coupon or capital appreciation bond, 50521
and designated as college savings bonds as provided in this 50522
chapter. "College savings bond issue" means any issue of bonds of 50523
which any part has been designated as college savings bonds. 50524

(F) "Institution of higher education" means a state 50525
institution of higher education, a private college, university, or 50526

other postsecondary institution located in this state that 50527
possesses a certificate of authorization issued ~~by the Ohio board~~ 50528
~~of regents~~ pursuant to Chapter 1713. of the Revised Code or a 50529
certificate of registration issued by the state board of career 50530
colleges and schools under Chapter 3332. of the Revised Code, or 50531
an accredited college, university, or other postsecondary 50532
institution located outside this state that is accredited by an 50533
accrediting organization or professional association recognized by 50534
the ~~authority~~ chancellor of the Ohio board of regents. To be 50535
considered an institution of higher education, an institution 50536
shall meet the definition of an eligible educational institution 50537
under section 529 of the Internal Revenue Code. 50538

(G) "Issuing authority" means any authority, commission, 50539
body, agency, or individual empowered by the Ohio Constitution or 50540
the Revised Code to issue bonds or any other debt obligation of 50541
the state or any agency or department thereof. "Issuer" means the 50542
issuing authority or, if so designated under division (B) of 50543
section 3334.04 of the Revised Code, the treasurer of state. 50544

(H) "Tuition" means the charges imposed to attend an 50545
institution of higher education as an undergraduate, graduate, or 50546
professional student and all fees required as a condition of 50547
enrollment, as determined by the ~~Ohio tuition trust authority~~ 50548
chancellor. "Tuition" does not include laboratory fees, room and 50549
board, or other similar fees and charges. 50550

(I) "Weighted average tuition" means the tuition cost 50551
resulting from the following calculation: 50552

(1) Add the products of the annual undergraduate tuition 50553
charged to Ohio residents at each four-year state university 50554
multiplied by that institution's total number of undergraduate 50555
fiscal year equated students; and 50556

(2) Divide the gross total of the products from division 50557

(I)(1) of this section by the total number of undergraduate fiscal 50558
year equated students attending four-year state universities. 50559

When making this calculation, the "annual undergraduate 50560
tuition charged to Ohio residents" shall not incorporate any 50561
tuition reductions that vary in amount among individual recipients 50562
and that are awarded to Ohio residents based upon their particular 50563
circumstances, beyond any minimum amount awarded uniformly to all 50564
Ohio residents. In addition, any tuition reductions awarded 50565
uniformly to all Ohio residents shall be incorporated into this 50566
calculation. 50567

(J) "Zero-coupon bond" means a bond which has a stated 50568
interest rate of zero per cent and on which no interest is payable 50569
until the maturity or early redemption of the bond, and is offered 50570
at a substantial discount from its original stated principal 50571
amount. 50572

(K) "State institution of higher education" includes the 50573
state universities listed in section 3345.011 of the Revised Code, 50574
community colleges created pursuant to Chapter 3354. of the 50575
Revised Code, university branches created pursuant to Chapter 50576
3355. of the Revised Code, technical colleges created pursuant to 50577
Chapter 3357. of the Revised Code, state community colleges 50578
created pursuant to Chapter 3358. of the Revised Code, and the 50579
northeastern Ohio universities college of medicine. 50580

(L) "Four-year state university" means those state 50581
universities listed in section 3345.011 of the Revised Code. 50582

(M) "Principal amount" refers to the initial offering price 50583
to the public of an obligation, exclusive of the accrued interest, 50584
if any. "Principal amount" does not refer to the aggregate 50585
accrued amount payable at maturity or redemption of an 50586
obligation. 50587

(N) "Scholarship program" means a program registered with the 50588

~~Ohio tuition trust authority~~ chancellor pursuant to section 50589
3334.17 of the Revised Code. 50590

(O) "Internal Revenue Code" means the "Internal Revenue Code 50591
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 50592

(P) "Other higher education expenses" means room and board 50593
and books, supplies, equipment, and nontuition-related fees 50594
associated with the cost of attendance of a beneficiary at an 50595
institution of higher education, but only to the extent that such 50596
expenses meet the definition of "qualified higher education 50597
expenses" under section 529 of the Internal Revenue Code. "Other 50598
higher education expenses" does not include tuition as defined in 50599
division (H) of this section. 50600

(Q) "Purchaser" means the person signing the tuition payment 50601
contract, who controls the account and acquires tuition units for 50602
an account under the terms and conditions of the contract. 50603

(R) "Contributor" means a person who signs a variable college 50604
savings program contract with the ~~Ohio tuition trust authority~~ 50605
chancellor and contributes to and owns the account created under 50606
the contract. 50607

(S) "Contribution" means any payment directly allocated to an 50608
account for the benefit of the designated beneficiary of the 50609
account. 50610

Sec. 3334.02. (A) In order to help make higher education 50611
affordable and accessible to all citizens of Ohio, to maintain 50612
state institutions of higher education by helping to provide a 50613
stable financial base to these institutions, to provide the 50614
citizens of Ohio with financing assistance for higher education 50615
and protection against rising tuition costs, to encourage saving 50616
to enhance the ability of citizens of Ohio to obtain financial 50617
access to institutions of higher education, to encourage 50618

elementary and secondary students in this state to achieve 50619
academic excellence, and to promote a well-educated and 50620
financially secure population to the ultimate benefit of all 50621
citizens of the state of Ohio, there is hereby created the Ohio 50622
college savings program. The program shall consist of the issuance 50623
of college savings bonds and the sale of tuition units. 50624

(B) The provisions of Chapter 1707. of the Revised Code shall 50625
not apply to tuition units or any agreement or transaction related 50626
thereto. 50627

(C) To provide the citizens of Ohio with a choice of 50628
tax-advantaged college savings programs and the opportunity to 50629
participate in more than one type of college savings program at a 50630
time, the chancellor of the Ohio tuition trust authority board of 50631
regents shall establish and administer a variable college savings 50632
program as a qualified state tuition program under section 529 of 50633
the Internal Revenue Code. The program shall allow contributors to 50634
make cash contributions to variable college savings program 50635
accounts created for the purpose of paying future tuition and 50636
other higher education expenses and providing variable rates of 50637
return on contributions. 50638

(D) A person may participate simultaneously in both the Ohio 50639
college savings program and the variable college savings program. 50640

Sec. 3334.03. (A) The chancellor of the Ohio board of regents 50641
shall operate programs under this chapter as a qualified state 50642
tuition program within the meaning of section 529 of the Internal 50643
Revenue Code. The chancellor's exercise of the chancellor's powers 50644
under this chapter shall be and is hereby declared to be an 50645
essential state government function. In exercising powers under 50646
this chapter, the chancellor is subject to all provisions of law 50647
generally applicable to state agencies that do not conflict with 50648
the provisions of this chapter. 50649

(B) The chancellor shall provide the Ohio tuition trust advisory board with administrative assistance and all necessary documentation regarding the chancellor's administration of the programs established under this chapter and the costs of that administration in order to assist the advisory board in its preparation of the annual report required under section 3334.031 of the Revised Code and its quarterly meetings. 50650
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(C) The chancellor may adopt rules establishing advisory duties and responsibilities of the advisory board not otherwise prescribed by law. 50657
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~~Sec. 3334.03 3334.031.~~ (A) ~~There is hereby created the Ohio tuition trust authority, which shall have the powers enumerated in this chapter and which shall operate as a qualified state tuition program within the meaning of section 529 of the Internal Revenue Code. The exercise by the authority of its powers shall be and is hereby declared an essential state governmental function. The authority is subject to all provisions of law generally applicable to state agencies which do not conflict with the provisions of this chapter~~ The Ohio tuition trust advisory board is hereby established to advise the chancellor of the Ohio board of regents on the chancellor's duties and responsibilities under this chapter and on other matters established by the chancellor in rules adopted under section 3334.03 of the Revised Code. 50660
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~~(B) The Ohio tuition trust authority~~ advisory board shall submit to the general assembly, in accordance with division (B) of section 101.68 of the Revised Code, and to the governor, an annual report on the chancellor's administration of the programs established under this chapter. 50673
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(C) The advisory board shall consist of eleven members, no more than six of whom shall be of the same political party. ~~Six~~ Seven members shall be appointed by the governor with the advice 50678
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and consent of the senate as follows: one shall represent state 50681
institutions of higher education, one shall represent private 50682
nonprofit colleges and universities located in Ohio, one shall 50683
have experience in the field of marketing or public relations, one 50684
shall have experience in the field of information systems design 50685
or management, and ~~two~~ three shall have experience in the field of 50686
banking, investment banking, insurance, or law. Four members shall 50687
be appointed by the speaker of the house of representatives and 50688
the president of the senate as follows: the speaker of the house 50689
of representatives shall appoint one member of the house from each 50690
political party and the president of the senate shall appoint one 50691
member of the senate from each political party. ~~The chancellor of~~ 50692
~~the board of regents shall be an ex officio voting member;~~ 50693
~~provided, however, that the chancellor may designate a~~ 50694
~~vice chancellor of the board of regents to serve as the~~ 50695
~~chancellor's representative. The political party of the chancellor~~ 50696
~~shall be deemed the political party of the designee for purposes~~ 50697
~~of determining that no more than six members are of the same~~ 50698
~~political party.~~ 50699

Initial gubernatorial appointees to the authority advisory 50700
board shall serve staggered terms, with two terms expiring on 50701
January 31, 1991, one term expiring on January 31, 1992, and one 50702
term expiring on January 31, 1993. The governor shall appoint two 50703
additional members to the authority advisory board no later than 50704
thirty days after March 30, 1999, and their initial terms shall 50705
expire January 31, 2002. The governor shall appoint an additional 50706
member to the advisory board not later than ninety days after the 50707
effective date of this amendment, and the member's initial term 50708
shall expire January 31, 2013. Thereafter, terms of office for 50709
gubernatorial appointees shall be for four years. The initial 50710
terms of the four legislative members shall expire on January 31, 50711
1991. Thereafter legislative members shall serve two-year terms, 50712
provided that legislative members may continue to serve on the 50713

authority advisory board only if they remain members of the 50714
general assembly. Any vacancy on the authority advisory board 50715
shall be filled in the same manner as the original appointment, 50716
except that any person appointed to fill a vacancy shall be 50717
appointed to the remainder of the unexpired term. Any member is 50718
eligible for reappointment. 50719

~~(C)~~(D) Any member may be removed by the appointing authority 50720
for misfeasance, malfeasance, or willful neglect of duty or for 50721
other cause after notice and a public hearing, unless the notice 50722
and hearing are waived in writing by the member. Members shall 50723
serve without compensation but shall receive their reasonable and 50724
necessary expenses incurred in the conduct of authority business. 50725

~~(D)~~(E) The speaker of the house of representatives and the 50726
president of the senate shall each designate a member of the 50727
authority advisory board to serve as co-chairpersons. The ~~six~~ 50728
~~seven~~ gubernatorial appointees ~~and the chancellor of the board of~~ 50729
~~regents or the chancellor's designee~~ shall serve as the executive 50730
committee of the authority advisory board, and shall elect an 50731
executive chairperson from among the executive committee members. 50732
The authority advisory board and the executive committee may elect 50733
such other officers as determined by the authority advisory board 50734
or the executive committee respectively. The authority advisory 50735
board shall meet at least ~~annually~~ quarterly at the call of either 50736
co-chairperson and at such other times as either co-chairperson or 50737
the authority advisory board determines necessary. In the absence 50738
of both co-chairpersons, the executive chairperson shall serve as 50739
the presiding officer of the authority advisory board. The 50740
executive committee shall meet at the call of the executive 50741
chairperson or as the executive committee determines necessary. 50742
The authority advisory board may delegate to the executive 50743
committee such duties and responsibilities as the authority 50744
advisory board determines appropriate, ~~except that the authority~~ 50745

~~may not delegate to the executive committee the final~~ 50746
~~determination of the annual price of a tuition unit, the final~~ 50747
~~designation of bonds as college savings bonds, or the employment~~ 50748
~~of an executive director of the authority.~~ Upon such delegation, 50749
the executive committee shall have the authority to act pursuant 50750
to such delegation without further approval or action by the 50751
~~authority~~ advisory board. A majority of the ~~authority~~ advisory 50752
board shall constitute a quorum of the ~~authority~~ advisory board, 50753
and the affirmative vote of a majority of the members present 50754
shall be necessary for any action taken by the ~~authority~~ advisory 50755
board. A majority of the executive committee shall constitute a 50756
quorum of the executive committee, and the affirmative vote of a 50757
majority of the members present shall be necessary for any action 50758
taken by the executive committee. No vacancy in the membership of 50759
the ~~authority~~ advisory board or the executive committee shall 50760
impair the rights of a quorum to exercise all rights and perform 50761
all duties of the ~~authority~~ advisory board or the executive 50762
committee, respectively. 50763

Sec. 3334.032. Whenever the term "Ohio tuition trust 50764
authority" is used, referred to, or designated in any statute, 50765
rule, contract, grant, or other document, the use, reference, or 50766
designation shall be construed to mean the "chancellor of the Ohio 50767
board of regents." 50768

Sec. 3334.04. (A) Any bonds authorized for issuance by any 50769
issuing authority may, with the approval of the chancellor of the 50770
Ohio ~~tuition trust authority~~ board of regents and at the option 50771
of the issuing authority, be designated as college savings bonds 50772
in accordance with this chapter. Bonds so designated shall be 50773
known as college savings bonds. The issuer shall sell as college 50774
savings bonds as many bonds from such an issue as is practical. 50775

(B) Issuing authorities designating bonds as a college 50776

savings bonds issue, with the approval of the ~~authority~~ 50777
chancellor, may delegate to the treasurer of state the powers and 50778
duties related to the issuance and retirement of the bonds as 50779
provided by law. The financing costs, including the expenses 50780
incurred by the treasurer of ~~the~~ state in performing the powers 50781
and duties, are payable as provided in the bond proceedings from 50782
the bond proceeds, special funds, or other moneys available. 50783

(C) In connection with the authority granted by division (B) 50784
of this section, the issuer, with the approval of the ~~authority~~ 50785
chancellor, may contract for services of financial consultants, 50786
accounting experts, marketing, remarketing, underwriter and 50787
administrative agents, and other consultants and independent 50788
contractors as the issuer determines necessary to carry out such 50789
powers and duties. 50790

(D) Notwithstanding any limitation to the contrary, college 50791
savings bonds may be sold at public or private sale in a manner 50792
which assures, to the extent practicable, the broadest retail 50793
distribution of the bonds to investors residing in the state. 50794

(E) Holders of college savings bonds have all of the rights 50795
and remedies accorded to such holders under the provisions of the 50796
law pursuant to which such bonds are issued, whether or not 50797
issuance of such bonds has been delegated to the treasurer of 50798
state pursuant to division (B) of this section. In addition, the 50799
bond proceedings or other documents pertaining to the bonds may 50800
contain such covenants of the issuer and other matters deemed 50801
advisable by the issuer in consultation with the ~~authority~~ 50802
chancellor, including the terms and conditions for creating and 50803
maintaining sinking funds, reserve funds, and any other special 50804
funds as may be created in the bond proceedings separate and apart 50805
from all other funds and accounts of the state or of the issuing 50806
authority. 50807

(F) In advertising or promoting the sale of college savings 50808

bonds, the issuer and the ~~authority~~ chancellor jointly may 50809
encourage purchasers to apply the value at maturity of college 50810
savings bonds toward the cost of tuition at an institution of 50811
higher education; however, neither the ~~authority~~ chancellor, the 50812
treasurer of state, nor the issuing authority or the issuer shall 50813
provide any guarantee, nor shall any guarantee be inferred, to the 50814
effect that the value at maturity of the bonds held by a person 50815
shall be an amount sufficient to pay for the cost of tuition at 50816
any institution of higher education attended by that person for 50817
such purposes as ~~he~~ the person determines. 50818

Sec. 3334.06. (A) The chancellor of the Ohio ~~tuition trust~~ 50819
authority board of regents shall, after consultation with the 50820
issuer, develop a plan for the sale of college savings bonds. The 50821
plan shall include: 50822

(1) An advertising program to inform the public about the 50823
availability of college savings bonds; 50824

(2) The estimated cost of financing and administering the 50825
plan; 50826

(3) A description of the ongoing administrative authority and 50827
responsibility for the plan. 50828

(B) The ~~authority~~ chancellor shall approve the sale of a 50829
college savings bond issue under division (A) of section 3334.04 50830
of the Revised Code only after ~~it~~ the chancellor has determined 50831
that the issuance would comply with section 3334.04 of the Revised 50832
Code. 50833

(C) The ~~authority~~ chancellor shall cooperate with all state 50834
issuing authorities in identifying potential bond issues which may 50835
be appropriate for designation as college savings bonds and shall 50836
encourage those issuing authorities to participate in the Ohio 50837
college savings program. 50838

Sec. 3334.07. (A) The chancellor of the Ohio tuition trust 50839
authority board of regents shall develop a plan for the sale of 50840
tuition units. ~~The Ohio board of regents shall cooperate with the~~ 50841
~~authority and provide technical assistance upon request.~~ 50842

(B) Annually, the authority chancellor shall determine the 50843
weighted average tuition of four-year state universities in the 50844
academic year that begins on or after the first day of August of 50845
the current calendar year, and shall establish the price of a 50846
tuition unit in the ensuing sales period. Such price shall be 50847
based on sound actuarial principles, and shall, to the extent 50848
actuarially possible, reasonably approximate one per cent of the 50849
weighted average tuition for that academic year plus the costs of 50850
administering the program that are in excess of general revenue 50851
fund appropriations for administrative costs. The sales period to 50852
which such price applies shall consist of twelve months, and the 50853
authority chancellor by rule shall establish the date on which the 50854
sales period begins. If circumstances arise during a sales period 50855
that the authority chancellor determines causes the price of 50856
tuition units to be insufficient to ensure the actuarial soundness 50857
of the Ohio tuition trust fund, the authority chancellor may 50858
adjust the price of tuition units purchased during the remainder 50859
of the sales period. To promote the purchase of tuition units and 50860
in accordance with actuarially sound principles, the authority 50861
chancellor may adjust the sales price as part of incentive 50862
programs, such as discounting for lump sum purchases and 50863
multi-year installment plans at a fixed rate of purchase. 50864

Sec. 3334.08. (A) Subject to division (B) of this section, in 50865
addition to any other powers conferred by this chapter, the 50866
chancellor of the Ohio tuition trust authority board of regents 50867
may do any of the following: 50868

(1) Impose reasonable residency requirements for 50869

beneficiaries of tuition units;	50870
(2) Impose reasonable limits on the number of tuition unit participants;	50871 50872
(3) Impose and collect administrative fees and charges in connection with any transaction under this chapter;	50873 50874
(4) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with the authority's property, assets, or activities or to further ensure the value of tuition units;	50875 50876 50877 50878
(5) Indemnify or purchase policies of insurance on behalf of members, officers, and employees of the authority <u>chancellor</u> from insurers licensed to do business in this state providing for coverage for any liability incurred in connection with any civil action, demand, or claim against a director, officer, or an employee by reason of an act or omission by the director, officer, or employee that was not manifestly outside the scope of the employment or official duties of the director, officer, or employee or with malicious purpose, in bad faith, or in a wanton or reckless manner;	50879 50880 50881 50882 50883 50884 50885 50886 50887 50888
(6) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the authority <u>chancellor</u> ;	50889 50890 50891
(7) Promote, advertise, and publicize the Ohio college savings program and the variable college savings program;	50892 50893
(8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program;	50894 50895
(9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association,	50896 50897 50898 50899

insurance company, or licensed dealer in securities if the bank, 50900
company, association, or dealer is authorized to do business in 50901
this state and information about the contract is filed with the 50902
controlling board pursuant to division (D)(6) of section 127.16 of 50903
the Revised Code; 50904

(10) Contract for other services, or for goods, needed by the 50905
~~authority~~ chancellor in the conduct of ~~its~~ the chancellor's 50906
business under this chapter, including but not limited to credit 50907
card services; 50908

~~(11) Employ an executive director and other personnel as 50909
necessary to carry out its responsibilities under this chapter, 50910
and fix the compensation of these persons. All employees of the 50911
authority shall be in the unclassified civil service and shall be 50912
eligible for membership in the public employees retirement system. 50913~~

~~(12)~~ Contract with financial consultants, actuaries, 50914
auditors, and other consultants as necessary to carry out ~~its~~ the 50915
chancellor's responsibilities under this chapter; 50916

~~(13)~~(12) Enter into agreements with any agency of the state 50917
or its political subdivisions or with private employers under 50918
which an employee may agree to have a designated amount deducted 50919
in each payroll period from the wages or salary due the employee 50920
for the purpose of purchasing tuition units pursuant to a tuition 50921
payment contract or making contributions pursuant to a variable 50922
college savings program contract; 50923

~~(14)~~(13) Enter into an agreement with the treasurer of state 50924
under which the treasurer of state will receive, and credit to the 50925
Ohio tuition trust fund or variable college savings program fund, 50926
from any bank or savings and loan association authorized to do 50927
business in this state, amounts that a depositor of the bank or 50928
association authorizes the bank or association to withdraw 50929
periodically from the depositor's account for the purpose of 50930

purchasing tuition units pursuant to a tuition payment contract or 50931
making contributions pursuant to a variable college savings 50932
program contract; 50933

~~(15)~~(14) Solicit and accept gifts, grants, and loans from any 50934
person or governmental agency and participate in any governmental 50935
program; 50936

~~(16)~~(15) Impose limits on the number of units which may be 50937
purchased on behalf of or assigned or awarded to any beneficiary 50938
and on the total amount of contributions that may be made on 50939
behalf of a beneficiary; 50940

~~(17)~~(16) Impose restrictions on the substitution of another 50941
individual for the original beneficiary under the Ohio college 50942
savings program; 50943

~~(18)~~(17) Impose a limit on the age of a beneficiary, above 50944
which tuition units may not be purchased on behalf of that 50945
beneficiary; 50946

~~(19)~~(18) Enter into a cooperative agreement with the 50947
treasurer of state to provide for the direct disbursement of 50948
payments under tuition payment or variable college savings program 50949
contracts; 50950

~~(20)~~(19) Determine the other higher education expenses for 50951
which tuition units or contributions may be used; 50952

~~(21)~~(20) Terminate any tuition payment or variable college 50953
savings program contract if no purchases or contributions are made 50954
for a period of three years or more and there are fewer than a 50955
total of five tuition units or less than a dollar amount set by 50956
rule on account, provided that notice of a possible termination 50957
shall be provided in advance, explaining any options to prevent 50958
termination, and a reasonable amount of time shall be provided 50959
within which to act to prevent a termination; 50960

~~(22)~~(21) Maintain a separate account for each tuition payment 50961
or variable college savings program contract; 50962

~~(23)~~(22) Perform all acts necessary and proper to carry out 50963
the duties and responsibilities of the ~~authority~~ chancellor 50964
pursuant to this chapter. 50965

(B) The ~~authority~~ chancellor shall adopt rules under section 50966
111.15 of the Revised Code for the implementation and 50967
administration of the variable college savings program. The rules 50968
shall provide taxpayers with the maximum tax advantages and 50969
flexibility consistent with section 529 of the Internal Revenue 50970
Code and regulations adopted thereunder with regard to disposition 50971
of contributions and earnings, designation of beneficiaries, and 50972
rollover of account assets to other programs. 50973

(C) Except as otherwise specified in this chapter, the 50974
provisions of Chapters 123., 125., and 4117. of the Revised Code 50975
shall not apply to the ~~authority~~. ~~The department of administrative~~ 50976
~~services shall, upon the request of the authority, act as the~~ 50977
~~authority's agent for the purchase of equipment, supplies,~~ 50978
~~insurance, or services, or the performance of administrative~~ 50979
~~services pursuant to Chapter 125. of the Revised Code~~ chancellor's 50980
exercise of duties and responsibilities under this chapter. 50981

Sec. 3334.09. (A) Except in the case of a scholarship program 50982
established in accordance with section 3334.17 of the Revised 50983
Code, the chancellor of the Ohio tuition trust authority board of 50984
regents may enter into a tuition payment contract with any person 50985
for the purchase of tuition units if either the purchaser or the 50986
beneficiary is a resident of this state at the time the contract 50987
is entered into. A tuition payment contract shall allow any person 50988
to purchase tuition units at the price determined by the ~~authority~~ 50989
chancellor pursuant to section 3334.07 or 3334.12 of the Revised 50990
Code for the year in which the tuition unit is purchased. The 50991

purchaser shall name in the payment contract one specific individual as the beneficiary for the tuition units.

In accordance with rules of the ~~authority~~ chancellor, units may be transferred to the credit of another beneficiary and a new beneficiary may be substituted for the beneficiary originally named in the contract.

(B) Each tuition unit shall entitle the beneficiary to an amount equal to one per cent of the weighted average tuition.

(C) Nothing in this chapter or in any tuition payment contract entered into pursuant to this chapter shall be construed as a guarantee by the state, the ~~authority~~ chancellor, or any institution of higher education that a beneficiary will be admitted to an institution of higher education, or, upon admission to an institution of higher education, will be permitted to continue to attend or will receive a degree from an institution of higher education. Nothing in this chapter or in any tuition payment contract entered into pursuant to this chapter shall be considered a guarantee that the beneficiary's cost of tuition at an institution of higher education other than a state institution of higher education will be covered in full by the proceeds of the beneficiary's tuition units.

(D) The following information shall be disclosed in writing to each purchaser of tuition units and, where appropriate, to each entity establishing a scholarship program under section 3334.17 of the Revised Code:

(1) The terms and conditions for the purchase and use of tuition units;

(2) In the case of a contract described by division (A) of this section, any restrictions on the substitution of another individual for the original beneficiary and any restrictions on

the transfer of ownership of units in the payment account; 51023

(3) The person or entity entitled to terminate the contract; 51024

(4) The terms and conditions under which the contract may be 51025
terminated and the amount of the refund, if any, to which the 51026
person or entity terminating the contract, or that person's or 51027
entity's designee, is entitled upon termination; 51028

(5) The obligation of the ~~authority~~ chancellor to make 51029
payments to a beneficiary, or an institution of higher education 51030
on behalf of a beneficiary, under division (B) of this section 51031
based upon the number of tuition units purchased on behalf of the 51032
beneficiary or awarded to the beneficiary pursuant to a 51033
scholarship program; 51034

(6) The method by which tuition units shall be applied toward 51035
payment of tuition and other higher education expenses if in any 51036
academic term the beneficiary is a part-time student; 51037

(7) The period of time during which a beneficiary may receive 51038
benefits under the contract; 51039

(8) The terms and conditions under which money may be wholly 51040
or partially withdrawn from the program, including, but not 51041
limited to, any reasonable charges and fees that may be imposed 51042
for withdrawal; 51043

(9) All other rights and obligations of the purchaser and the 51044
~~authority~~ chancellor, including the provisions of division (A) of 51045
section 3334.12 of the Revised Code, and any other terms, 51046
conditions, and provisions the ~~authority~~ chancellor considers 51047
necessary and appropriate. 51048

(E) A tuition payment contract may provide that the ~~authority~~ 51049
chancellor will pay directly to the institution of higher 51050
education in which a beneficiary is enrolled during a term the 51051
amount represented by the tuition units being used that term. 51052

(F) A tuition payment contract described by division (A) of 51053
this section may provide that if the contract has not been 51054
terminated or units purchased under the contract have not been 51055
applied toward the payment of tuition or other higher education 51056
expenses within a specified period of time, the ~~authority~~ 51057
chancellor may, after making a reasonable effort to locate the 51058
purchaser of the tuition units, the beneficiary, and any person 51059
designated in the contract to act on behalf of the purchaser of 51060
the units or the beneficiary, terminate the contract and retain 51061
the amounts payable under the contract. 51062

(G) If, at any time after tuition units are purchased on 51063
behalf of a beneficiary or awarded to a beneficiary or pursuant to 51064
a scholarship program, the beneficiary becomes a nonresident of 51065
this state, or, if the beneficiary was not a resident of this 51066
state at the time the tuition payment contract was entered into, 51067
the purchaser becomes a nonresident of this state, units purchased 51068
or awarded while the beneficiary was a resident may be applied on 51069
behalf of the beneficiary toward the payment of tuition at an 51070
institution of higher education and other higher education 51071
expenses in the manner specified in division (B) of this section, 51072
except that if the beneficiary enrolls in a state institution of 51073
higher education, the beneficiary shall be responsible for payment 51074
of all nonresident fees charged to out-of-state residents by the 51075
institution in which the beneficiary is enrolled. 51076

Sec. 3334.10. Divisions (A) and (B) of this section do not 51077
apply to scholarship programs established under section 3334.17 of 51078
the Revised Code. 51079

(A) Unless otherwise provided for in the tuition payment 51080
contract, the purchaser may rollover amounts to another qualified 51081
tuition program under section 529 of the Internal Revenue Code or 51082
terminate the contract for any reason by filing written notice 51083

with the chancellor of the Ohio ~~tuition trust authority~~ board of regents. 51084
51085

(1) If the contract is terminated and the beneficiary is 51086
under eighteen years of age, the ~~authority~~ chancellor shall use 51087
actuarially sound principles to determine the amount of the 51088
refund. 51089

(2) If the contract is terminated because of the death or 51090
permanent disability of the beneficiary, the amount of the refund 51091
shall be equal to the greater of the following: 51092

(a) One per cent of the weighted average tuition in the 51093
academic year the refund is paid, multiplied by the number of 51094
tuition units purchased and not used; 51095

(b) The total purchase price of all tuition units purchased 51096
for the beneficiary and not used. 51097

(3) If all or part of the amount accrued under the contract 51098
is liquidated for a rollover to another qualified tuition program 51099
under section 529 of the Internal Revenue Code, the rollover 51100
amount shall be determined in an actuarially sound manner. 51101

(B) The contributor of a variable college savings program 51102
account may rollover amounts to another qualified tuition program 51103
under section 529 of the Internal Revenue Code or terminate the 51104
account for any reason by filing written notice with the ~~Ohio~~ 51105
~~tuition trust authority~~ chancellor. 51106

The contributor may receive an amount equal to the account 51107
balance, less any applicable administrative fees. 51108

(C) A scholarship program may request a refund of tuition 51109
units in the program's account by filing a written request with 51110
the ~~authority~~ chancellor. The refund shall be paid to the entity 51111
that established the scholarship program or, with that entity's 51112
approval, to the ~~authority~~ chancellor if this is authorized by 51113

federal tax law. The amount of any refund shall be determined by 51114
the ~~authority~~ chancellor and shall meet the requirements for 51115
refunds made on account of scholarships under section 529 of the 51116
Internal Revenue Code. 51117

(D) The ~~authority~~ chancellor shall maintain a separate 51118
account for each variable college savings contract entered into 51119
pursuant to division (A) of section 3334.18 of the Revised Code 51120
for contributions made on behalf of a beneficiary, showing the 51121
name of the beneficiary of that contract and the amount of 51122
contributions made pursuant to that contract. Upon request of any 51123
beneficiary or contributor, the ~~authority~~ chancellor shall provide 51124
a statement indicating, in the case of a beneficiary, the amount 51125
of contributions made pursuant to that contract on behalf of the 51126
beneficiary, or, in the case of a contributor, contributions made, 51127
disbursed, or refunded pursuant to that contract. 51128

Sec. 3334.11. (A) The assets ~~of the Ohio tuition trust~~ 51129
~~authority~~ reserved for payment of the obligations ~~of the authority~~ 51130
pursuant to tuition payment contracts shall be placed in a fund, 51131
which is hereby created and shall be known as the Ohio tuition 51132
trust fund. The fund shall be in the custody of the treasurer of 51133
state, but shall not be part of the state treasury. That portion 51134
of payments received by the ~~authority~~ chancellor of the Ohio board 51135
of regents or the treasurer of state from persons purchasing 51136
tuition units under tuition payment contracts that the ~~authority~~ 51137
chancellor determines is actuarially necessary for the payment of 51138
obligations ~~of the authority~~ pursuant to tuition payment 51139
contracts, all interest and investment income earned by the fund, 51140
and all other receipts of the ~~authority~~ chancellor from any other 51141
source that the ~~authority~~ chancellor determines appropriate, shall 51142
be deposited in the fund. No purchaser or beneficiary of tuition 51143
units shall have any claim against the funds of any state 51144
institution of higher education. All investment fees and other 51145

costs incurred in connection with the exercise of the investment 51146
powers of the ~~authority~~ chancellor pursuant to divisions (D) and 51147
(E) of this section shall be paid from the assets of the fund. 51148

(B) Unless otherwise provided by the ~~authority~~ chancellor, 51149
the assets of the Ohio tuition trust fund shall be expended in the 51150
following order: 51151

(1) To make payments to beneficiaries, or institutions of 51152
higher education on behalf of beneficiaries, under division (B) of 51153
section 3334.09 of the Revised Code; 51154

(2) To make refunds as provided in divisions (A) and (C) of 51155
section 3334.10 of the Revised Code; 51156

(3) To pay the investment fees and other costs of 51157
administering the fund. 51158

(C)(1) Except as may be provided in an agreement under 51159
division (A)~~(19)~~(18) of section 3334.08 of the Revised Code, all 51160
disbursements from the Ohio tuition trust fund shall be made by 51161
the treasurer of state on order of a designee of the ~~authority~~ 51162
chancellor. 51163

(2) The treasurer of state shall deposit any portion of the 51164
Ohio tuition trust fund not needed for immediate use in the same 51165
manner as state funds are deposited. 51166

(D) The ~~authority~~ chancellor is the trustee of the Ohio 51167
tuition trust fund. The ~~authority~~ chancellor shall have full power 51168
to invest the assets of the fund and in exercising this power 51169
shall be subject to the limitations and requirements contained in 51170
divisions (K) to (M) of this section and sections 145.112 and 51171
145.113 of the Revised Code. The evidences of title of all 51172
investments shall be delivered to the treasurer of state or to a 51173
qualified trustee designated by the treasurer of state as provided 51174
in section 135.18 of the Revised Code. Assets of the fund shall be 51175
administered by the ~~authority~~ chancellor in a manner designed to 51176

be actuarially sound so that the assets of the fund will be 51177
sufficient to satisfy the obligations of ~~the authority~~ pursuant to 51178
tuition payment contracts and defray the reasonable expenses of 51179
administering the fund. 51180

(E) ~~The public employees retirement board shall, with the~~ 51181
~~approval of the authority, exercise the investment powers of the~~ 51182
~~authority as set forth~~ The chancellor may contract with any 51183
business, entity, or government agency to carry out the 51184
chancellor's investment powers provided in division (D) of this 51185
section ~~until the authority determines that assumption and~~ 51186
~~exercise by the authority of the investment powers is financially~~ 51187
~~and administratively feasible.~~ The investment powers shall be 51188
exercised by the ~~public employees retirement board~~ contractor in a 51189
manner agreed upon by the ~~authority~~ chancellor that maximizes the 51190
return on investment and minimizes the administrative expenses. 51191

(F)(1) The ~~authority~~ chancellor shall maintain a separate 51192
account for each tuition payment contract entered into pursuant to 51193
division (A) of section 3334.09 of the Revised Code for the 51194
purchase of tuition units on behalf of a beneficiary or 51195
beneficiaries showing the beneficiary or beneficiaries of that 51196
contract and the number of tuition units purchased pursuant to 51197
that contract. Upon request of any beneficiary or person who has 51198
entered into a tuition payment contract, the ~~authority~~ chancellor 51199
shall provide a statement indicating, in the case of a 51200
beneficiary, the number of tuition units purchased on behalf of 51201
the beneficiary, or in the case of a person who has entered into a 51202
tuition payment contract, the number of tuition units purchased, 51203
used, or refunded pursuant to that contract. A beneficiary and 51204
person that have entered into a tuition payment contract each may 51205
file only one request under this division in any year. 51206

(2) The ~~authority~~ chancellor shall maintain an account for 51207
each scholarship program showing the number of tuition units that 51208

have been purchased for or donated to the program and the number 51209
of tuition units that have been used. Upon the request of the 51210
entity that established the scholarship program, the ~~authority~~ 51211
chancellor shall provide a statement indicating these numbers. 51212

(G) In addition to the Ohio tuition trust fund, there is 51213
hereby established a reserve fund that shall be in the custody of 51214
the treasurer of state but shall not be part of the state 51215
treasury, and shall be known as the Ohio tuition trust reserve 51216
fund, and an operating fund that shall be part of the state 51217
treasury, and shall be known as the Ohio tuition trust operating 51218
fund. That portion of payments received by the ~~authority~~ 51219
chancellor or the treasurer of state from persons purchasing 51220
tuition units under tuition payment contracts that the ~~authority~~ 51221
chancellor determines is not actuarially necessary for the payment 51222
of obligations ~~of the authority~~ pursuant to tuition payment 51223
contracts, any interest and investment income earned by the 51224
reserve fund, any administrative charges and fees imposed by the 51225
~~authority~~ chancellor on transactions under this chapter or on 51226
purchasers or beneficiaries of tuition units, and all other 51227
receipts from any other source that the ~~authority~~ chancellor 51228
determines appropriate, shall be deposited in the reserve fund to 51229
pay the operating expenses of the ~~authority~~ chancellor and the 51230
costs of administering the program. The assets of the reserve fund 51231
may be invested in the same manner and subject to the same 51232
limitations set forth in divisions (D), (E), and (K) to (M) of 51233
this section and sections 145.112 and 145.113 of the Revised Code. 51234
All investment fees and other costs incurred in connection with 51235
the exercise of the investment powers shall be paid from the 51236
assets of the reserve fund. Except as otherwise provided for in 51237
this chapter, all operating expenses of the ~~authority~~ chancellor 51238
and costs of administering the program shall be paid from the 51239
operating fund. The treasurer shall, upon request of the ~~authority~~ 51240
chancellor, transfer funds from the reserve fund to the operating 51241

fund as the ~~authority~~ chancellor determines appropriate to pay 51242
those current operating expenses ~~of the authority~~ and costs of 51243
administering the program as the ~~authority~~ chancellor designates. 51244
Any interest or investment income earned on the assets of the 51245
operating fund shall be deposited in the operating fund. 51246

(H) In January of each year the ~~authority~~ chancellor shall 51247
report to each person who received any payments or refunds under 51248
this chapter from the ~~authority~~ chancellor during the preceding 51249
year information relative to the value of the payments or refunds 51250
to assist in determining that person's tax liability. 51251

(I) The ~~authority~~ chancellor shall report to the tax 51252
commissioner any information, and at the times, as the tax 51253
commissioner requires to determine any tax liability that a person 51254
may have incurred during the preceding year as a result of having 51255
received any payments or refunds from the ~~authority~~ chancellor. 51256

(J) All records of the ~~authority~~ chancellor indicating the 51257
identity of purchasers and beneficiaries of tuition units or 51258
college savings bonds, the number of tuition units purchased, 51259
used, or refunded under a tuition payment contract, and the number 51260
of college savings bonds purchased, held, or redeemed are not 51261
public records within the meaning of section 149.43 of the Revised 51262
Code. 51263

(K) The ~~authority~~ chancellor and other fiduciaries shall 51264
discharge their duties with respect to the funds with care, skill, 51265
prudence, and diligence under the circumstances then prevailing 51266
that a prudent person acting in a like capacity and familiar with 51267
such matters would use in the conduct of an enterprise of a like 51268
character and with like aims; and by diversifying the investments 51269
of the assets of the funds so as to minimize the risk of large 51270
losses, unless under the circumstances it is clearly prudent not 51271
to do so. 51272

To facilitate investment of the funds, the ~~authority~~ 51273
chancellor may establish a partnership, trust, limited liability 51274
company, corporation, including a corporation exempt from taxation 51275
under the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 51276
amended, or any other legal entity authorized to transact business 51277
in this state. 51278

(L) In exercising ~~its~~ the chancellor's fiduciary 51279
responsibility with respect to the investment of the assets of the 51280
funds, it shall be the intent of the ~~authority~~ chancellor to give 51281
consideration to investments that enhance the general welfare of 51282
the state and its citizens where the investments offer quality, 51283
return, and safety comparable to other investments currently 51284
available to the ~~authority~~ chancellor. In fulfilling this intent, 51285
equal consideration shall also be given to investments otherwise 51286
qualifying under this section that involve minority owned and 51287
controlled firms and firms owned and controlled by women, either 51288
alone or in joint venture with other firms. 51289

The ~~authority~~ chancellor shall ~~adopt, in regular meeting,~~ 51290
establish policies, objectives, or criteria for the operation of 51291
the investment program that include asset allocation targets and 51292
ranges, risk factors, asset class benchmarks, time horizons, total 51293
return objectives, and performance evaluation guidelines. In 51294
~~adopting~~ establishing policies and criteria for the selection of 51295
agents and investment managers with whom the ~~authority~~ chancellor 51296
may contract for the administration of the assets of the funds, 51297
the ~~authority shall give equal consideration to~~ chancellor may set 51298
aside approximately fifteen per cent of the contracts for minority 51299
owned and controlled firms, firms owned and controlled by women, 51300
and ventures involving minority owned and controlled firms and 51301
firms owned and controlled by women that otherwise meet the 51302
policies and criteria established by the ~~authority~~ chancellor. 51303
~~Amendments and additions to the policies and criteria shall be~~ 51304

~~adopted in regular meeting.~~ The ~~authority~~ chancellor shall publish 51305
~~its~~ the policies, objectives, and criteria under this provision no 51306
less often than annually and shall make copies available to 51307
interested parties. 51308

When reporting on the performance of investments, the 51309
~~authority~~ chancellor shall comply with the performance 51310
presentation standards established by the association for 51311
investment management and research. 51312

(M) All investments shall be purchased at current market 51313
prices and the evidences of title of the investments shall be 51314
placed in the hands of the treasurer of state, who is hereby 51315
designated as custodian thereof, or in the hands of the treasurer 51316
of state's authorized agent. The treasurer of state or the agent 51317
shall collect the principal, dividends, distributions, and 51318
interest thereon as they become due and payable and place them 51319
when so collected into the custodial funds. 51320

The treasurer of state shall pay for investments purchased by 51321
the ~~authority~~ chancellor on receipt of written or electronic 51322
instructions from the ~~authority~~ chancellor or the ~~authority's~~ 51323
chancellor's designated agent authorizing the purchase and pending 51324
receipt of the evidence of title of the investment by the 51325
treasurer of state or the treasurer of state's authorized agent. 51326
The ~~authority~~ chancellor may sell investments held by the 51327
~~authority~~ chancellor, and the treasurer of state or the treasurer 51328
of state's authorized agent shall accept payment from the 51329
purchaser and deliver evidence of title of the investment to the 51330
purchaser on receipt of written or electronic instructions from 51331
the ~~authority~~ chancellor or the ~~authority's~~ chancellor's 51332
designated agent authorizing the sale, and pending receipt of the 51333
moneys for the investments. The amount received shall be placed in 51334
the custodial funds. The ~~authority~~ chancellor and the treasurer of 51335
state may enter into agreements to establish procedures for the 51336

purchase and sale of investments under this division and the 51337
custody of the investments. 51338

No purchase or sale of any investment shall be made under 51339
this section except as authorized by the ~~authority~~ chancellor. 51340

Any statement of financial position distributed by the 51341
~~authority~~ chancellor shall include fair value, as of the statement 51342
date, of all investments held by the ~~authority~~ chancellor under 51343
this section. 51344

Sec. 3334.111. (A) As used in this section: 51345

(1) "Minority business enterprise" has the meaning defined in 51346
section 122.71 of the Revised Code. 51347

(2) "Women's business enterprise" means a business, or a 51348
partnership, corporation, limited liability company, or joint 51349
venture of any kind, that is owned and controlled by women who are 51350
United States citizens and residents of this state. 51351

(B) The chancellor of the board of regents shall submit 51352
annually to the governor and to the general assembly (under 51353
section 101.68 of the Revised Code) a report containing the 51354
following information: 51355

(1) The name of each investment manager that is a minority 51356
business enterprise or a women's business enterprise with which 51357
the chancellor contracts; 51358

(2) The amount of assets managed by investment managers that 51359
are minority business enterprises or women's business enterprises, 51360
expressed as a percentage of assets managed by investment managers 51361
with which the chancellor has contracted; 51362

(3) Efforts by the chancellor to increase utilization of 51363
investment managers that are minority business enterprises or 51364
women's business enterprises. 51365

Sec. 3334.12. Notwithstanding anything to the contrary in 51366
sections 3334.07 and 3334.09 of the Revised Code: 51367

(A) Annually, the chancellor of the Ohio tuition trust 51368
~~authority~~ board of regents shall have the actuarial soundness of 51369
the Ohio tuition trust fund evaluated by a nationally recognized 51370
actuary and shall determine whether additional assets are 51371
necessary to defray ~~the obligations of the authority~~. If, after 51372
the ~~authority~~ chancellor sets the price for tuition units, 51373
circumstances arise that the ~~executive director~~ chancellor 51374
determines necessitate an additional evaluation of the actuarial 51375
soundness of the fund, the ~~executive director~~ chancellor shall 51376
have a nationally recognized actuary conduct the necessary 51377
evaluation. If the assets of the fund are insufficient to ensure 51378
the actuarial soundness of the fund, the ~~authority~~ chancellor 51379
shall adjust the price of subsequent purchases of tuition units to 51380
the extent necessary to help restore the actuarial soundness of 51381
the fund. If, at any time, the adjustment is likely, in the 51382
opinion of the ~~authority~~ chancellor, to diminish the marketability 51383
of tuition units to an extent that the continued sale of the units 51384
likely would not restore the actuarial soundness of the fund and 51385
external economic factors continue to negatively impact the 51386
soundness of the program, the ~~authority~~ chancellor may suspend 51387
sales, either permanently or temporarily, of tuition units. During 51388
any suspension, the ~~authority~~ chancellor shall continue to service 51389
existing college savings program accounts. 51390

(B) Upon termination of the program or liquidation of the 51391
Ohio tuition trust fund, the Ohio tuition trust reserve fund, and 51392
the Ohio tuition trust operating fund, any remaining assets of the 51393
funds after all obligations of the funds have been satisfied 51394
pursuant to division (B) of section 3334.11 of the Revised Code 51395
shall be transferred to the general revenue fund of the state. 51396

(C) The ~~authority~~ chancellor shall prepare and cause to have 51397
audited an annual financial report on all financial activity of 51398
the ~~Ohio tuition trust authority~~ chancellor under this chapter 51399
within ninety days of the end of the fiscal year. The ~~authority~~ 51400
chancellor shall transmit a copy of the audited financial report 51401
to the governor, the president of the senate, the speaker of the 51402
house of representatives, and the minority leaders of the senate 51403
and the house of representatives. Copies of the audited financial 51404
report also shall be made available, upon request, to the persons 51405
entering into contracts with the ~~authority~~ chancellor and to 51406
prospective purchasers of tuition units and prospective 51407
contributors to variable college savings program accounts. 51408

Sec. 3334.16. The general assembly hereby finds that the 51409
prepaid tuition program providing for the sale of tuition ~~credits~~ 51410
units by the chancellor of the Ohio ~~tuition trust authority~~ board 51411
of regents is an official state function, offered through an 51412
agency of this state, which agency receives state appropriations. 51413
Therefore, the ~~authority~~ chancellor is directed by the state of 51414
Ohio to assume ~~it~~ the program is exempt from federal tax 51415
liability. 51416

Sec. 3334.17. (A) The state, any political subdivision of the 51417
state, and any organization that is exempt from federal income 51418
taxation under section 501 (a) and described in section 501 (c)(3) 51419
of the Internal Revenue Code, including the chancellor of the Ohio 51420
~~tuition trust authority~~ board of regents if this is authorized 51421
under federal tax law, may establish a scholarship program to 51422
award scholarships consisting of contributions made to any college 51423
savings program for students. Any scholarship program established 51424
under this section shall be registered with the ~~authority~~ 51425
chancellor. The ~~authority~~ chancellor shall be notified of the name 51426
and address of each scholarship beneficiary under the program, the 51427

amounts awarded, and the institution of higher education in which 51428
the beneficiary is enrolled. Scholarship beneficiaries shall be 51429
selected by the entity establishing the scholarship program, in 51430
accordance with criteria established by the entity. 51431

(B) Any person or governmental entity may purchase tuition 51432
units on behalf of a scholarship program that is or is to be 51433
established in accordance with division (A) of this section at the 51434
same price as is established for the purchase of units for named 51435
beneficiaries pursuant to this chapter. Tuition units shall have 51436
the same value to the beneficiary of a scholarship awarded 51437
pursuant to this section as they would have to any other 51438
beneficiary pursuant to division (B) of section 3334.09 of the 51439
Revised Code. 51440

(C) The entity establishing and maintaining a scholarship 51441
program shall specify whether a scholarship beneficiary may 51442
receive a refund or payment for the amount awarded under the 51443
scholarship program directly from the ~~authority~~ chancellor, or 51444
whether the amount awarded shall be paid by the ~~authority~~ 51445
chancellor only to the institution of higher education in which 51446
the student is enrolled. 51447

(D) If a scholarship beneficiary does not use the amount 51448
awarded within a length of time specified under the scholarship 51449
program, the amount may be awarded to another beneficiary. 51450

Sec. 3334.18. (A) A variable college savings program 51451
established by the chancellor of the Ohio ~~tuition trust authority~~ 51452
board of regents shall include provisions for a contract to be 51453
entered into between a contributor and the ~~authority~~ chancellor 51454
that will authorize the contributor to open an account for a 51455
beneficiary and authorize the contributor to substitute a new 51456
beneficiary for one originally named in the contract, to the 51457
extent permitted by section 529 of the Internal Revenue Code. 51458

(B) The ~~authority~~ chancellor shall provide adequate 51459
safeguards to prevent total contributions to a variable college 51460
savings program account or purchases of tuition units, either 51461
separately or combined, that are made on behalf of a beneficiary 51462
from exceeding the amount necessary to provide for the tuition and 51463
other higher education expenses of the beneficiary, consistent 51464
with the maximum contributions permitted by section 529 of the 51465
Internal Revenue Code. However, in no event shall contributions or 51466
purchases exceed the allowable limit for a qualified tuition 51467
program under section 529 of the Internal Revenue Code. 51468

(C)(1) Participation in the variable college savings program 51469
does not guarantee that contributions and the investment return on 51470
contributions, if any, will be adequate to cover future tuition 51471
and other higher education expenses or that a beneficiary will be 51472
admitted to or permitted to continue to attend an institution of 51473
higher education. 51474

(2) Returns on contributors' investments in the variable 51475
college savings program are not guaranteed by the state and the 51476
contributors to the variable college savings program assume all 51477
investment risk, including the potential loss of principal and 51478
liability for penalties such as those levied for noneducational 51479
withdrawals. 51480

(3) The state shall have no debt or obligation to any 51481
contributor, beneficiary, or any other person as a result of the 51482
establishment of the program, and the state assumes no risk or 51483
liability for funds invested in the variable college savings 51484
program. 51485

(4) Informational materials about the variable college 51486
savings program prepared by the ~~authority~~ chancellor or ~~its~~ the 51487
chancellor's agents and provided to prospective contributors shall 51488
state clearly the information set forth in division (C) of this 51489
section. 51490

Sec. 3334.19. (A) The ~~chancellor of the Ohio tuition trust~~ 51491
~~authority board of regents~~ shall adopt an investment plan that 51492
sets forth investment policies and guidelines to be utilized in 51493
administering the variable college savings program. Except as 51494
provided in section 3334.20 of the Revised Code, the ~~authority~~ 51495
~~chancellor~~ shall contract with one or more insurance companies, 51496
banks, or other financial institutions to act as its investment 51497
agents and to provide such services as the ~~authority~~ chancellor 51498
considers appropriate to the investment plan, including: 51499

(1) Purchase, control, and safekeeping of assets; 51500

(2) Record keeping and accounting for individual accounts and 51501
for the program as a whole; 51502

(3) Provision of consolidated statements of account. 51503

(B) The ~~authority~~ chancellor or ~~its~~ the chancellor's 51504
investment agents shall maintain a separate account for the 51505
beneficiary of each contract entered into under the variable 51506
college savings program. If a beneficiary has more than one such 51507
account, the ~~authority~~ chancellor or ~~its~~ the chancellor's agents 51508
shall track total contributions and earnings and provide a 51509
consolidated system of account distributions to institutions of 51510
higher education. 51511

(C) The ~~authority~~ chancellor or ~~its~~ the chancellor's 51512
investment agents may place assets of the program in savings 51513
accounts and may purchase fixed or variable life insurance or 51514
annuity contracts, securities, evidence of indebtedness, or other 51515
investment products pursuant to the investment plan. 51516

(D) Contributors shall not direct the investment of their 51517
contributions under the investment plan. The ~~authority~~ chancellor 51518
shall impose other limits on contributors' investment discretion 51519
to the extent required under section 529 of the Internal Revenue 51520

Code. 51521

(E) The investment agents with which the ~~authority~~ chancellor 51522
contracts shall discharge their duties with respect to program 51523
funds with the care and diligence that a prudent person familiar 51524
with such matters and with the character and aims of the program 51525
would use. 51526

(F) The assets of the program shall be preserved, invested, 51527
and expended solely for the purposes of this chapter and shall not 51528
be loaned or otherwise transferred or used by the state for any 51529
other purpose. This section shall not be construed to prohibit the 51530
investment agents of the ~~authority~~ chancellor from investing, by 51531
purchase or otherwise, in bonds, notes, or other obligations of 51532
the state or any agency or instrumentality of the state. Unless 51533
otherwise specified by the ~~authority~~ chancellor, assets of the 51534
program shall be expended in the following order of priority: 51535

(1) To make payments on behalf of beneficiaries; 51536

(2) To make refunds upon termination of variable college 51537
savings program contracts; 51538

(3) To pay the ~~authority's~~ chancellor's costs of 51539
administering the program; 51540

(4) To pay or cover any other expenditure or disbursement the 51541
~~authority~~ chancellor determines necessary or appropriate. 51542

(G) Fees, charges, and other costs imposed or collected by 51543
the ~~authority~~ chancellor in connection with the variable college 51544
savings program, including any fees or other payments that the 51545
~~authority~~ chancellor requires an investment agent to pay to the 51546
~~authority~~ chancellor, shall be credited to either the variable 51547
operating fund or the index operating fund at the discretion of 51548
the ~~authority~~ chancellor. These funds are hereby created in the 51549
state treasury. Expenses incurred in the administration of the 51550
variable college savings program, as well as other expenses, 51551

disbursements, or payments the ~~authority~~ chancellor considers 51552
appropriate for the benefit of any college savings programs 51553
administered by the ~~authority~~ chancellor, the state of Ohio and 51554
its citizens, shall be paid from the variable operating fund or 51555
the index operating fund at the discretion of the ~~authority~~ 51556
chancellor. 51557

(H) No records ~~of the authority~~ indicating the identity of 51558
purchasers, contributors, and beneficiaries under the program or 51559
amounts contributed to, earned by, or distributed from program 51560
accounts are public records within the meaning of section 149.43 51561
of the Revised Code. 51562

Sec. 3334.20. (A) As used in this section, "state agency" 51563
means every department, bureau, board, commission, office, or 51564
other organized body established by the constitution or laws of 51565
this state for the exercise of state government. 51566

(B) If a condition arises concerning the investment of funds 51567
received under the variable college savings program and requiring 51568
an interim period for investment of program funds, which condition 51569
is determined pursuant to division (D) of this section, the 51570
chancellor of the Ohio ~~tuition trust authority~~ board of regents 51571
shall choose the treasurer of state, a state agency having 51572
investment authority, or an investment agent under contract with 51573
the ~~authority~~ chancellor to invest program funds pursuant to the 51574
investment plan established under division (A) of section 3334.19 51575
of the Revised Code. The treasurer of state, state agency, or 51576
investment agent chosen by the ~~authority~~ chancellor pursuant to 51577
this division shall be subject to the requirements and conditions 51578
that apply to investment agents specified in section 3334.19 of 51579
the Revised Code. 51580

(C) The ~~authority~~ chancellor shall be the trustee of the 51581
program. During the interim period, the ~~authority~~ chancellor shall 51582

receive and hold all payments, deposits, and contributions, as 51583
well as gifts, bequests, endowments, and federal, state, or local 51584
grants and any funds from any other source, public or private, and 51585
all earnings, until disbursed to pay tuition or other higher 51586
education expenses or refunds pursuant to college savings plans 51587
contracts. The ~~authority~~ chancellor shall keep such funds 51588
segregated from all other assets ~~of the authority~~. 51589

(D) The ~~authority~~ chancellor shall adopt rules under section 51590
111.15 of the Revised Code defining the conditions under which an 51591
interim investment period is required and this section applies. 51592
The rules shall include any condition requiring the termination of 51593
the interim period and the authority to contract with alternative 51594
investment agents pursuant to section 3334.19 of the Revised Code 51595
and any other requirements that apply during the interim 51596
investment period. 51597

(E) When the interim period for investment of program funds 51598
terminates, the investment agents selected pursuant to section 51599
3334.19 of the Revised Code for the investment of program funds 51600
shall have the sole authority to invest program funds pursuant to 51601
the investment plan established under division (A) of that section 51602
and shall be subject to that section. 51603

Sec. 3334.21. The variable college savings program may be 51604
terminated by statute or upon the determination of the chancellor 51605
of the Ohio ~~tuition trust authority~~ board of regents that the 51606
program is not financially feasible. Upon termination, all amounts 51607
held in program accounts shall be returned to account owners, to 51608
the extent possible, and any unclaimed assets in the program shall 51609
be transferred to the unclaimed funds trust fund and disposed of 51610
in accordance with section 169.05 of the Revised Code. 51611

Sec. 3345.011. "State university" means a public institution 51612

of higher education which is a body politic and corporate. Each of 51613
the following institutions of higher education shall be recognized 51614
as a state university: university of Akron, Bowling Green state 51615
university, Central state university, university of Cincinnati, 51616
Cleveland state university, Kent state university, Miami 51617
university, Ohio university, Ohio state university, Shawnee state 51618
university, university of Toledo, Wright state university, and 51619
Youngstown state university. 51620

"State institution of higher education" means any state 51621
university or college as defined in division (A)(1) of section 51622
3345.12 of the Revised Code, community college, state community 51623
college, university branch established under Chapter 3355. of the 51624
Revised Code, or technical college. 51625

"University system of Ohio" means the collective group of all 51626
of the state institutions of higher education. 51627

"Member of the university system of Ohio" means any 51628
individual state institution of higher education. 51629

Sec. 3345.12. (A) As used in this section and sections 51630
3345.07 and 3345.11 of the Revised Code, in other sections of the 51631
Revised Code that make reference to this section unless the 51632
context does not permit, and in related bond proceedings unless 51633
otherwise expressly provided: 51634

(1) "State university or college" means each of the state 51635
universities identified in section 3345.011 of the Revised Code 51636
and the northeastern Ohio universities college of medicine, and 51637
includes its board of trustees. 51638

(2) "Institution of higher education" or "institution" means 51639
a state university or college, or a community college district, 51640
technical college district, university branch district, or state 51641
community college, and includes the applicable board of trustees 51642

or, in the case of a university branch district, any other 51643
managing authority. 51644

(3) "Housing and dining facilities" means buildings, 51645
structures, and other improvements, and equipment, real estate, 51646
and interests in real estate therefor, to be used for or in 51647
connection with dormitories or other living quarters and 51648
accommodations, or related dining halls or other food service and 51649
preparation facilities, for students, members of the faculty, 51650
officers, or employees of the institution of higher education, and 51651
their spouses and families. 51652

(4) "Auxiliary facilities" means buildings, structures, and 51653
other improvements, and equipment, real estate, and interests in 51654
real estate therefor, to be used for or in connection with student 51655
activity or student service facilities, housing and dining 51656
facilities, dining halls, and other food service and preparation 51657
facilities, vehicular parking facilities, bookstores, athletic and 51658
recreational facilities, faculty centers, auditoriums, assembly 51659
and exhibition halls, hospitals, infirmaries and other medical and 51660
health facilities, research, and continuing education facilities. 51661

(5) "Education facilities" means buildings, structures, and 51662
other improvements, and equipment, real estate, and interests in 51663
real estate therefor, to be used for or in connection with, 51664
classrooms or other instructional facilities, libraries, 51665
administrative and office facilities, and other facilities, other 51666
than auxiliary facilities, to be used directly or indirectly for 51667
or in connection with the conduct of the institution of higher 51668
education. 51669

(6) "Facilities" means housing and dining facilities, 51670
auxiliary facilities, or education facilities, and includes any 51671
one, part of, or any combination of such facilities, and further 51672
includes site improvements, utilities, machinery, furnishings, and 51673
any separate or connected buildings, structures, improvements, 51674

sites, open space and green space areas, utilities or equipment to 51675
be used in, or in connection with the operation or maintenance of, 51676
or supplementing or otherwise related to the services or 51677
facilities to be provided by, such facilities. 51678

(7) "Obligations" means bonds or notes or other evidences of 51679
obligation, including interest coupons pertaining thereto, 51680
authorized to be issued under this section or section 3345.07, 51681
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 51682
Code. 51683

(8) "Bond service charges" means principal, including any 51684
mandatory sinking fund or redemption requirements for the 51685
retirement of obligations or assurances, interest, or interest 51686
equivalent and other accreted amounts, and any call premium 51687
required to be paid on obligations or assurances. 51688

(9) "Bond proceedings" means the resolutions, trust 51689
agreement, indenture, and other agreements and credit enhancement 51690
facilities, and amendments and supplements to the foregoing, or 51691
any one or more or combination thereof, authorizing, awarding, or 51692
providing for the terms and conditions applicable to, or providing 51693
for the security or liquidity of, obligations or assurances, and 51694
the provisions contained in those obligations or assurances. 51695

(10) "Costs of facilities" means the costs of acquiring, 51696
constructing, reconstructing, rehabilitating, remodeling, 51697
renovating, enlarging, improving, equipping, or furnishing 51698
facilities, and the financing thereof, including the cost of 51699
clearance and preparation of the site and of any land to be used 51700
in connection with facilities, the cost of any indemnity and 51701
surety bonds and premiums on insurance, all related direct 51702
administrative expenses and allocable portions of direct costs of 51703
the institution of higher education or state agency, cost of 51704
engineering, architectural services, design, plans, specifications 51705
and surveys, estimates of cost, legal fees, fees and expenses of 51706

trustees, depositories, bond registrars, and paying agents for the 51707
obligations, cost of issuance of the obligations and financing 51708
costs and fees and expenses of financial advisers and consultants 51709
in connection therewith, interest on the obligations from the date 51710
thereof to the time when interest is to be covered by available 51711
receipts or other sources other than proceeds of the obligations, 51712
amounts necessary to establish reserves as required by the bond 51713
proceedings, costs of audits, the reimbursements of all moneys 51714
advanced or applied by or borrowed from the institution or others, 51715
from whatever source provided, including any temporary advances 51716
from state appropriations, for the payment of any item or items of 51717
cost of facilities, and all other expenses necessary or incident 51718
to planning or determining feasibility or practicability with 51719
respect to facilities, and such other expenses as may be necessary 51720
or incident to the acquisition, construction, reconstruction, 51721
rehabilitation, remodeling, renovation, enlargement, improvement, 51722
equipment, and furnishing of facilities, the financing thereof and 51723
the placing of them in use and operation, including any one, part 51724
of, or combination of such classes of costs and expenses. 51725

(11) "Available receipts" means all moneys received by the 51726
institution of higher education, including income, revenues, and 51727
receipts from the operation, ownership, or control of facilities 51728
or entrepreneurial projects, grants, gifts, donations, and pledges 51729
and receipts therefrom, receipts from fees and charges, and the 51730
proceeds of the sale of obligations or assurances, including 51731
proceeds of obligations or assurances issued to refund obligations 51732
or assurances previously issued, but excluding any special fee, 51733
and receipts therefrom, charged pursuant to division (D) of 51734
section 154.21 of the Revised Code. 51735

(12) "Credit enhancement facilities" has the meaning given in 51736
division (H) of section 133.01 of the Revised Code. 51737

(13) "Financing costs" has the meaning given in division (K) 51738

of section 133.01 of the Revised Code. 51739

(14) "Interest" or "interest equivalent" has the meaning 51740
given in division (R) of section 133.01 of the Revised Code. 51741

(15) "Assurances" means bonds, notes, or other evidence of 51742
indebtedness, including interest coupons pertaining thereto, 51743
authorized to be issued under section 3345.36 of the Revised Code. 51744

(16) "Entrepreneurial project" has the same meaning as in 51745
section 3345.36 of the Revised Code. 51746

(17) "Costs of entrepreneurial projects" means any costs 51747
related to the establishment or development of entrepreneurial 51748
projects pursuant to a resolution adopted under section 3345.36 of 51749
the Revised Code. 51750

(B) Obligations issued under section 3345.07 or 3345.11 of 51751
the Revised Code by a state university or college shall be 51752
authorized by resolution of its board of trustees. Obligations 51753
issued by any other institution of higher education shall be 51754
authorized by resolution of its board of trustees, or managing 51755
directors in the case of certain university branch districts, as 51756
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 51757
apply to obligations and assurances. Obligations and assurances 51758
may be issued to pay costs of facilities or entrepreneurial 51759
projects even if the institution anticipates the possibility of a 51760
future state appropriation to pay all or a portion of such costs. 51761

(C) Obligations and assurances shall be secured by a pledge 51762
of and lien on all or such part of the available receipts of the 51763
institution of higher education as it provides for in the bond 51764
proceedings, excluding moneys raised by taxation and state 51765
appropriations except as permitted by section 3333.90 of the 51766
Revised Code. Such pledge and lien may be made prior to all other 51767
expenses, claims, or payments, excepting any pledge of such 51768
available receipts previously made to the contrary and except as 51769

provided by any existing restrictions on the use thereof, or such 51770
pledge and lien may be made subordinate to such other expenses, 51771
claims, or payments, as provided in the bond proceedings. 51772
Obligations or assurances may be additionally secured by covenants 51773
of the institution to make, fix, adjust, collect, and apply such 51774
charges, rates, fees, rentals, and other items of available 51775
receipts as will produce pledged available receipts sufficient to 51776
meet bond service charges, reserve, and other requirements 51777
provided for in the bond proceedings. Notwithstanding this and any 51778
other sections of the Revised Code, the holders or owners of the 51779
obligations or assurances shall not be given the right and shall 51780
have no right to have excises or taxes levied by the general 51781
assembly for the payment of bond service charges thereon, and each 51782
such obligation or assurance shall bear on its face a statement to 51783
that effect and to the effect that the right to such payment is 51784
limited to the available receipts and special funds pledged to 51785
such purpose under the bond proceedings. 51786

All pledged available receipts and funds and the proceeds of 51787
obligations or assurances are trust funds and, subject to the 51788
provisions of this section and the applicable bond proceedings, 51789
shall be held, deposited, invested, reinvested, disbursed, 51790
applied, and used to such extent, in such manner, at such times, 51791
and for such purposes, as are provided in the bond proceedings. 51792

(D) The bond proceedings for obligations or assurances shall 51793
provide for the purpose thereof and the principal amount or 51794
maximum principal amount, and provide for or authorize the manner 51795
of determining the principal maturity or maturities, the sale 51796
price including any permitted discount, the interest rate or 51797
rates, which may be a variable rate or rates, or the maximum 51798
interest rate, the date of the obligations or assurances and the 51799
date or dates of payment of interest thereon, their denominations, 51800
the manner of sale thereof, and the establishment within or 51801

without the state of a place or places of payment of bond service 51802
charges. The bond proceedings also shall provide for a pledge of 51803
and lien on available receipts of the institution of higher 51804
education as provided in division (C) of this section, and a 51805
pledge of and lien on such fund or funds provided in the bond 51806
proceedings arising from available receipts, which pledges and 51807
liens may provide for parity with obligations or assurances 51808
theretofore or thereafter issued by the institution. The available 51809
receipts so pledged and thereafter received by the institution and 51810
the funds so pledged are immediately subject to the lien of such 51811
pledge without any physical delivery thereof or further act, and 51812
the lien of any such pledge is valid and binding against all 51813
parties having claims of any kind against the institution, 51814
irrespective of whether such parties have notice thereof, and 51815
shall create a perfected security interest for all purposes of 51816
Chapter 1309. of the Revised Code, without the necessity for 51817
separation or delivery of funds or for the filing or recording of 51818
the bond proceedings by which such pledge is created or any 51819
certificate, statement, or other document with respect thereto; 51820
and the pledge of such available receipts and funds shall be 51821
effective and the money therefrom and thereof may be applied to 51822
the purposes for which pledged without necessity for any act of 51823
appropriation. 51824

(E) The bond proceedings may contain additional provisions 51825
customary or appropriate to the financing or to the obligations or 51826
assurances or to particular obligations and assurances, including: 51827
51828

(1) The acquisition, construction, reconstruction, equipment, 51829
furnishing, improvement, operation, alteration, enlargement, 51830
maintenance, insurance, and repair of facilities or 51831
entrepreneurial projects, and the duties of the institution of 51832
higher education with reference thereto; 51833

(2) The terms of the obligations or assurances, including 51834
provisions for their redemption prior to maturity at the option of 51835
the institution of higher education at such price or prices and 51836
under such terms and conditions as are provided in the bond 51837
proceedings; 51838

(3) Limitations on the purposes to which the proceeds of the 51839
obligations or assurances may be applied; 51840

(4) The rates or rentals or other charges for the use of or 51841
right to use the facilities or entrepreneurial projects financed 51842
by the obligations or assurances, or other properties the revenues 51843
or receipts from which are pledged to the obligations or 51844
assurances, and rules for assuring any applicable use and 51845
occupancy thereof, including limitations upon the right to modify 51846
such rates, rentals, other charges, or regulations; 51847

(5) The use and expenditure of the pledged available receipts 51848
in such manner and to such extent as shall be determined, which 51849
may include provision for the payment of the expenses of 51850
operation, maintenance, and repair of facilities or 51851
entrepreneurial projects so that such expenses, or part thereof, 51852
shall be paid or provided as a charge prior or subsequent to the 51853
payment of bond service charges and any other payments required to 51854
be made by the bond proceedings; 51855

(6) Limitations on the issuance of additional obligations or 51856
assurances; 51857

(7) The terms of any trust agreement or indenture securing 51858
the obligations or assurances or under which the same may be 51859
issued; 51860

(8) The deposit, investment, and application of funds, and 51861
the safeguarding of funds on hand or on deposit without regard to 51862
Chapter 131. or 135. of the Revised Code, and any bank or trust 51863
company or other financial institution that acts as depository of 51864

any moneys under the bond proceedings shall furnish such 51865
indemnifying bonds or pledge such securities as required by the 51866
bond proceedings or otherwise by the institution of higher 51867
education; 51868

(9) The binding effect of any or every provision of the bond 51869
proceedings upon such officer, board, commission, authority, 51870
agency, department, or other person or body as may from time to 51871
time have the authority under law to take such actions as may be 51872
necessary to perform all or any part of the duty required by such 51873
provision; 51874

(10) Any provision that may be made in a trust agreement or 51875
indenture; 51876

(11) Any other or additional agreements with respect to the 51877
facilities of the institution of higher education or its 51878
entrepreneurial projects, their operation, the available receipts 51879
and funds pledged, and insurance of facilities or entrepreneurial 51880
projects and of the institution, its officers and employees. 51881

(F) Such obligations or assurances may have the seal of the 51882
institution of higher education or a facsimile thereof affixed 51883
thereto or printed thereon and shall be executed by such officers 51884
as are designated in the bond proceedings, which execution may be 51885
by facsimile signatures. Any obligations or assurances may be 51886
executed by an officer who, on the date of execution, is the 51887
proper officer although on the date of such obligations or 51888
assurances such person was not the proper officer. In case any 51889
officer whose signature or a facsimile of whose signature appears 51890
on any such obligation or assurance ceases to be such officer 51891
before delivery thereof, such signature or facsimile is 51892
nevertheless valid and sufficient for all purposes as if the 51893
person had remained such officer until such delivery; and in case 51894
the seal of the institution has been changed after a facsimile of 51895
the seal has been imprinted on such obligations or assurances, 51896

such facsimile seal continues to be sufficient as to such 51897
obligations or assurances and obligations or assurances issued in 51898
substitution or exchange therefor. 51899

(G) All such obligations or assurances are negotiable 51900
instruments and securities under Chapter 1308. of the Revised 51901
Code, subject to the provisions of the bond proceedings as to 51902
registration. The obligations or assurances may be issued in 51903
coupon or in registered form, or both. Provision may be made for 51904
the registration of any obligations or assurances with coupons 51905
attached thereto as to principal alone or as to both principal and 51906
interest, their exchange for obligations or assurances so 51907
registered, and for the conversion or reconversion into 51908
obligations or assurances with coupons attached thereto of any 51909
obligations or assurances registered as to both principal and 51910
interest, and for reasonable charges for such registration, 51911
exchange, conversion, and reconversion. 51912

(H) Pending preparation of definitive obligations or 51913
assurances, the institution of higher education may issue interim 51914
receipts or certificates which shall be exchanged for such 51915
definitive obligations or assurances. 51916

(I) Such obligations or assurances may be secured 51917
additionally by a trust agreement or indenture between the 51918
institution of higher education and a corporate trustee, which may 51919
be any trust company or bank having the powers of a trust company 51920
within or without this state but authorized to exercise trust 51921
powers within this state. Any such agreement or indenture may 51922
contain the resolution authorizing the issuance of the obligations 51923
or assurances, any provisions that may be contained in the bond 51924
proceedings as authorized by this section, and other provisions 51925
which are customary or appropriate in an agreement or indenture of 51926
such type, including: 51927

(1) Maintenance of each pledge, trust agreement, and 51928

indenture, or other instrument comprising part of the bond 51929
proceedings until the institution of higher education has fully 51930
paid the bond service charges on the obligations or assurances 51931
secured thereby, or provision therefor has been made; 51932

(2) In the event of default in any payments required to be 51933
made by the bond proceedings, or any other agreement of the 51934
institution of higher education made as a part of the contract 51935
under which the obligations or assurances were issued, enforcement 51936
of such payments or agreement by mandamus, the appointment of a 51937
receiver, suit in equity, action at law, or any combination of the 51938
foregoing; 51939

(3) The rights and remedies of the holders of obligations or 51940
assurances and of the trustee, and provisions for protecting and 51941
enforcing them, including limitations on rights of individual 51942
holders of obligations or assurances; 51943

(4) The replacement of any obligations or assurances that 51944
become mutilated or are destroyed, lost, or stolen; 51945

(5) Such other provisions as the trustee and the institution 51946
of higher education agree upon, including limitations, conditions, 51947
or qualifications relating to any of the foregoing. 51948

(J) Each duty of the institution of higher education and its 51949
officers or employees, undertaken pursuant to the bond proceedings 51950
or any related agreement or lease made under authority of law, is 51951
hereby established as a duty of such institution, and of each such 51952
officer or employee having authority to perform such duty, 51953
specially enjoined by law resulting from an office, trust, or 51954
station within the meaning of section 2731.01 of the Revised Code. 51955
The persons who are at the time the members of the board of 51956
trustees or the managing directors of the institution or its 51957
officers or employees are not liable in their personal capacities 51958
on such obligations or assurances, or lease, or other agreement of 51959

the institution. 51960

(K) The authority to issue obligations or assurances includes 51961
authority to: 51962

(1) Issue obligations or assurances in the form of bond 51963
anticipation notes and to renew them from time to time by the 51964
issuance of new notes. Such notes are payable solely from the 51965
available receipts and funds that may be pledged to the payment of 51966
such bonds, or from the proceeds of such bonds or renewal notes, 51967
or both, as the institution of higher education provides in its 51968
resolution authorizing such notes. Such notes may be additionally 51969
secured by covenants of the institution to the effect that it will 51970
do such or all things necessary for the issuance of such bonds or 51971
renewal notes in appropriate amount, and either exchange such 51972
bonds or renewal notes therefor or apply the proceeds thereof to 51973
the extent necessary, to make full payment of the bond service 51974
charges on such notes at the time or times contemplated, as 51975
provided in such resolution. Subject to the provisions of this 51976
division, all references to obligations or assurances in this 51977
section apply to such anticipation notes. 51978

(2) Issue obligations or assurances to refund, including 51979
funding and retirement of, obligations or assurances previously 51980
issued to pay costs of facilities or entrepreneurial projects. 51981
Such obligations or assurances may be issued in amounts sufficient 51982
for payment of the principal amount of the obligations or 51983
assurances to be so refunded, any redemption premiums thereon, 51984
principal maturities of any obligations or assurances maturing 51985
prior to the redemption of any other obligations or assurances on 51986
a parity therewith to be so refunded, interest accrued or to 51987
accrue to the maturity date or dates of redemption of such 51988
obligations or assurances, and any expenses incurred or to be 51989
incurred in connection with such refunding or the issuance of the 51990
obligations or assurances. 51991

(L) Obligations and assurances are lawful investments for 51992
banks, societies for savings, savings and loan associations, 51993
deposit guarantee associations, trust companies, trustees, 51994
fiduciaries, insurance companies, including domestic for life and 51995
domestic not for life, trustees or other officers having charge of 51996
sinking and bond retirement or other special funds of political 51997
subdivisions and taxing districts of this state, the commissioners 51998
of the sinking fund, the administrator of workers' compensation in 51999
accordance with the investment policy approved by the bureau of 52000
workers' compensation board of directors pursuant to section 52001
4121.12 of the Revised Code, the state teachers retirement system, 52002
the public employees retirement system, the school employees 52003
retirement system, and the Ohio police and fire pension fund, 52004
notwithstanding any other provisions of the Revised Code or rules 52005
adopted pursuant thereto by any state agency with respect to 52006
investments by them, and are also acceptable as security for the 52007
deposit of public moneys. 52008

(M) All facilities or entrepreneurial projects purchased, 52009
acquired, constructed, or owned by an institution of higher 52010
education, or financed in whole or in part by obligations or 52011
assurances issued by an institution, and used for the purposes of 52012
the institution or other publicly owned and controlled college or 52013
university, is public property used exclusively for a public 52014
purpose, and such property and the income therefrom is exempt from 52015
all taxation and assessment within this state, including ad 52016
valorem and excise taxes. The obligations or assurances, the 52017
transfer thereof, and the income therefrom, including any profit 52018
made on the sale thereof, are at all times free from taxation 52019
within the state. The transfer of tangible personal property by 52020
lease under authority of this section or section 3345.07, 3345.11, 52021
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 52022
Code is not a sale as used in Chapter 5739. of the Revised Code. 52023

(N) The authority granted by this section is cumulative with 52024
the authority granted to institutions of higher education under 52025
Chapter 154. of the Revised Code, and nothing in this section 52026
impairs or limits the authority granted by Chapter 154. of the 52027
Revised Code. In any lease, agreement, or commitment made by an 52028
institution of higher education under Chapter 154. of the Revised 52029
Code, it may agree to restrict or subordinate any pledge it may 52030
thereafter make under authority of this section. 52031

(O) Title to lands acquired under this section and sections 52032
3345.07 and 3345.11 of the Revised Code by a state university or 52033
college shall be taken in the name of the state. 52034

(P) Except where costs of facilities or entrepreneurial 52035
projects are to be paid in whole or in part from funds 52036
appropriated by the general assembly, section 125.81 of the 52037
Revised Code and the requirement for certification with respect 52038
thereto under section 153.04 of the Revised Code do not apply to 52039
such facilities or entrepreneurial projects. 52040

(Q) A state university or college may sell or lease lands or 52041
interests in land owned by it or by the state for its use, or 52042
facilities authorized to be acquired or constructed by it under 52043
section 3345.07 or 3345.11 of the Revised Code, to permit the 52044
purchasers or lessees thereof to acquire, construct, equip, 52045
furnish, reconstruct, alter, enlarge, remodel, renovate, 52046
rehabilitate, improve, maintain, repair, or maintain and operate 52047
thereon and to provide by lease or otherwise to such institution, 52048
facilities authorized in section 3345.07 or 3345.11 of the Revised 52049
Code or entrepreneurial projects authorized under section 3345.36 52050
of the Revised Code. Such land or interests therein shall be sold 52051
for such appraised value, or leased, and on such terms as the 52052
board of trustees determines. All deeds or other instruments 52053
relating to such sales or leases shall be executed by such officer 52054
of the state university or college as the board of trustees 52055

designates. The state university or college shall hold, invest, or use the proceeds of such sales or leases for the same purposes for which proceeds of borrowings may be used under sections 3345.07 and 3345.11 of the Revised Code or, if the proceeds relate to the sale or lease of entrepreneurial projects, for purposes of section 3345.36 of the Revised Code.

(R) An institution of higher education may pledge available receipts, to the extent permitted by division (C) of this section with respect to obligations, to secure the payments to be made by it under any lease, lease with option to purchase, or lease-purchase agreement authorized under this section or section 3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code.

Sec. 3345.32. (A) As used in this section:

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeastern Ohio universities college of medicine.

(2) "Resident" has the meaning specified by rule of the chancellor of the Ohio board of regents.

(3) "Statement of selective service status" means a statement certifying one of the following:

(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;

(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:

(i) The individual is under eighteen or over twenty-six years of age.

(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit. 52086
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(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 52089
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(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands. 52092
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(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section. 52095
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(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (F) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor. 52101
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(C) A state university or college that enrolls in any course, 52116

class, or program a male student born after December 31, 1959, who 52117
has not filed a statement of selective service status with the 52118
university or college shall, regardless of the student's 52119
residency, charge the student any tuition surcharge charged 52120
students who are not residents of this state. 52121

(D) No male born after December 31, 1959, shall be eligible 52122
to receive any loan, grant, scholarship, or other financial 52123
assistance for educational expenses granted under section 3315.33, 52124
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, ~~3333.27~~, 3333.391, 52125
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 52126
award under the choose Ohio first scholarship program established 52127
under section 3333.61 of the Revised Code, or financed by an award 52128
under the Ohio co-op/internship program established under section 52129
3333.72 of the Revised Code, unless that person has filed a 52130
statement of selective service status with that person's 52131
institution of higher education. 52132

(E) If an institution of higher education receives a 52133
statement from an individual certifying that the individual has 52134
registered with the selective service system in accordance with 52135
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 52136
453, as amended or that the individual is exempt from registration 52137
for a reason other than that the individual is under eighteen 52138
years of age, the institution shall not require the individual to 52139
file any further statements. If it receives a statement certifying 52140
that the individual is not required to register because the 52141
individual is under eighteen years of age, the institution shall 52142
require the individual to file a new statement of selective 52143
service status each time the individual seeks to enroll for a new 52144
academic term or makes application for a new loan or loan 52145
guarantee or for any form of financial assistance for educational 52146
expenses, until it receives a statement certifying that the 52147
individual has registered with the selective service system or is 52148

exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.36. (A) For purposes of this section:

(1) "Entrepreneurial project" means an effort to develop or commercialize technology through research or technology transfer or investment of real or personal property, or both, including undivided and other interests therein, acquired by gift or purchase, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, by an institution of higher education or by others.

(2) "Governmental agency" has the same meaning as in section 166.01 of the Revised Code.

(3) "Person" means individuals or entities engaged in industry, commerce, distribution, or research.

(4) "Institution of higher education" has the same meaning as in section 3345.12 of the Revised Code.

(5) "Stock or other ownership" means equity or other ownership rights held or received in return for the grant of rights to intellectual property developed by an institution of higher education. "Stock or other ownership" excludes equity or other ownership rights held or received in return for the investment of money.

(B) To create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the state pursuant to Section 13 of Article VIII, Ohio Constitution, it is hereby declared to be the public policy of the state for institutions of higher education to facilitate and assist with establishing and developing entrepreneurial projects or to assist and cooperate with any governmental agency in achieving such purpose. An entrepreneurial project is hereby determined to

qualify as property, structures, equipment, and facilities 52179
described in Section 13 of Article VIII, Ohio Constitution. 52180

In furtherance of such public policy, and pursuant to Section 52181
13 of Article VIII, Ohio Constitution, a board of trustees of an 52182
institution of higher education may do any of the following by 52183
resolution: 52184

(1) Enter into an agreement with persons and with 52185
governmental agencies to induce such persons to acquire, 52186
construct, reconstruct, rehabilitate, renovate, enlarge, improve, 52187
equip, furnish, or otherwise develop entrepreneurial projects; 52188

(2) Acquire stock or other ownership in an entrepreneurial 52189
project or a legal entity formed in connection with an 52190
entrepreneurial project; 52191

(3) Make or guarantee loans and borrow money and issue bonds, 52192
notes, or other evidence of indebtedness to provide moneys for the 52193
acquisition, construction, enlargement, improvement, equipment, 52194
maintenance, repair, or operation of entrepreneurial projects, 52195
provided that such bonds, notes, or other evidence of indebtedness 52196
shall not constitute debt for which the full faith and credit of 52197
the state or an instrumentality or political subdivision of the 52198
state may be pledged and moneys raised by taxation shall not be 52199
obligated or pledged for their repayment. 52200

Sec. 3345.61. As used in this section and sections 3345.62 to 52201
3345.66 of the Revised Code: 52202

(A) "Avoided capital costs" means a measured reduction in the 52203
cost of future equipment or other capital purchases that results 52204
from implementation of one or more energy or water conservation 52205
measures, when compared to an established baseline for previous 52206
such cost. 52207

(B) "Board of trustees of a state institution of higher 52208

education" means the board of trustees of a state institution of 52209
higher education as defined in section 3345.011 of the Revised 52210
Code. 52211

~~(B)~~(C) "Energy conservation measure" means an installation or 52212
modification of an installation in, or a remodeling of, an 52213
existing building in order to reduce energy consumption ~~and~~ 52214
~~operating costs~~. The term includes any of the following: 52215

(1) Installation or modification of insulation in the 52216
building structure and systems within the building; 52217

(2) Installation or modification of a storm window or door, ~~a storm windows and doors~~ 52218
window or door, a multiglazed windows and doors window or door, 52219
~~and or~~ a heat absorbing or heat reflective glazed and coated 52220
window and door ~~systems system~~; installation of additional 52221
glazing; ~~reductions a reduction~~ a reduction in glass area; ~~and or~~ other window 52222
~~and or~~ door system modifications modification that ~~reduce reduces~~ 52223
energy consumption and operating costs; 52224

(3) Installation or modification of an automatic energy 52225
control ~~systems system~~; 52226

(4) Replacement or modification of a heating, ventilating, or 52227
air conditioning ~~systems system~~; 52228

(5) Application of caulking and weatherstripping; 52229

(6) Replacement or modification of a lighting ~~fixtures~~ 52230
fixture to increase the energy efficiency of the system without 52231
increasing the overall illumination of a facility, unless such 52232
increase in illumination is necessary to conform to the applicable 52233
state or local building code for the proposed lighting system; 52234

(7) Installation or modification of an energy recovery 52235
~~systems system~~; 52236

(8) Installation or modification of cogeneration systems that 52237
produce steam or forms of energy such as heat, as well as 52238

electricity, for use primarily within a building or complex of 52239
buildings; 52240

(9) Any other modification, installation, or remodeling 52241
approved by the board of trustees of a state institution of higher 52242
education as an energy conservation measure for one or more 52243
buildings owned by the institution. 52244

~~(C)~~(D) "Energy saving measure" means the acquisition and 52245
installation, by purchase, lease, lease-purchase, lease with an 52246
option to buy, or installment purchase, of an energy conservation 52247
measure and any attendant architectural and engineering consulting 52248
services. 52249

(E) "Energy, water, or wastewater cost savings" means a 52250
measured reduction in, as applicable, the cost of fuel, energy or 52251
water consumption, wastewater production, or stipulated operation 52252
or maintenance resulting from the implementation of one or more 52253
energy or water conservation measures, when compared to an 52254
established baseline for previous such costs, respectively. 52255

(F) "Operating cost savings" means a measured reduction in 52256
the cost of stipulated operation or maintenance created by the 52257
installation of new equipment or implementation of a new service, 52258
when compared with an established baseline for previous such 52259
stipulated costs. 52260

(G) "Water conservation measure" means an installation or 52261
modification of an installation in, or a remodeling of, an 52262
existing building or the surrounding grounds in order to reduce 52263
water consumption. The term includes any of the following: 52264

(1) Water-conserving fixture, appliance, or equipment, or the 52265
substitution of a nonwater-using fixture, appliance, or equipment; 52266

(2) Water-conserving, landscape irrigation equipment; 52267

(3) Landscaping measure that reduces storm water runoff 52268

demand and capture and hold applied water and rainfall, including 52269
landscape contouring such as the use of a berm, swale, or terrace 52270
and including the use of a soil amendment, including compost, that 52271
increases the water-holding capacity of the soil; 52272

(4) Rainwater harvesting equipment or equipment to make use 52273
of water collected as part of a storm water system installed for 52274
water quality control; 52275

(5) Equipment for recycling or reuse of water originating on 52276
the premises or from another source, including treated, municipal 52277
effluent; 52278

(6) Equipment needed to capture water for nonpotable uses 52279
from any nonconventional, alternate source, including air 52280
conditioning condensate or gray water; 52281

(7) Any other modification, installation, or remodeling 52282
approved by the board of trustees of a state institution of higher 52283
education, as defined in section 3345.011 of the Revised Code, as 52284
a water conservation measure for one or more buildings or the 52285
surrounding grounds owned by the institution. 52286

(H) "Water saving measure" means the acquisition and 52287
installation, by the purchase, lease, lease-purchase, lease with 52288
an option to buy, or installment purchases of a water conservation 52289
measure and any attendant architectural and engineering consulting 52290
services. 52291

Sec. 3345.62. The board of trustees of a state institution of 52292
higher education may contract with an energy or water services 52293
company, architect, professional engineer, contractor, or other 52294
person experienced in the design and implementation of energy or 52295
water conservation measures for a report containing an analysis 52296
and recommendations pertaining to the implementation of energy or 52297
water conservation measures that would ~~significantly reduce~~ result 52298

in energy consumption and, water, or wastewater cost savings, 52299
operating costs in buildings owned by cost savings, or avoided 52300
capital costs for the institution. The report shall include 52301
estimates of all costs of such installations, including the costs 52302
of design, engineering, installation, maintenance, repairs, and 52303
debt service, and estimates of the ~~amounts by which~~ energy 52304
consumption and, water, or wastewater cost savings, operating 52305
~~costs would be reduced~~ cost savings, and avoided capital costs 52306
created. 52307

Sec. 3345.63. If the board of trustees of a state institution 52308
of higher education wishes to enter into a contract, other than an 52309
installment payment contract provided under section 3345.64 of the 52310
Revised Code, to implement one or more energy or water saving 52311
measures, the board may proceed under the applicable competitive 52312
bidding requirements in Chapter 153. or section 3354.16, 3355.12, 52313
3357.16, or 3358.10 of the Revised Code or, notwithstanding those 52314
requirements, may enter into such a contract as provided in 52315
section 3345.65 of the Revised Code. 52316

Sec. 3345.64. In accordance with this section, the board of 52317
trustees of a state institution of higher education may enter into 52318
an installment payment contract for the implementation of one or 52319
more energy or water saving measures. Any such contract shall be 52320
subject to the competitive bidding requirements of Chapter 153. or 52321
section 3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code, 52322
as applicable to each such board, except as follows: 52323

(A) If the board does not exempt the entire installment 52324
payment contract from the applicable competitive bidding 52325
requirements pursuant to division (B) of this section, the 52326
provisions of the contract dealing with interest charges and 52327
financing terms shall not be subject to the applicable competitive 52328
bidding requirements. Each such contract shall require repayment 52329

on the following terms: 52330

(1) Not less than one-~~tenth~~ fifteenth of the costs of the 52331
contract shall be paid within two years from the date of purchase; 52332

(2)~~(a)~~ The remaining balance of the costs of the contract, ~~in~~ 52333
~~the case of an installment payment contract for a cogeneration~~ 52334
~~system described in division (B)(8) of section 3345.61 of the~~ 52335
~~Revised Code,~~ shall be paid within ~~five~~ fifteen years from the 52336
date of purchase. 52337

~~(b)~~ The remaining balance of the costs of the contract, ~~in~~ 52338
~~the case of an installment payment contract for an energy saving~~ 52339
~~measure that is not a cogeneration system,~~ shall be paid within 52340
~~ten years from the date of purchase.~~ 52341

(B) The board by majority vote may exempt from the applicable 52342
competitive bidding requirements an entire installment payment 52343
contract for the implementation of energy or water saving measures 52344
pursuant to this section and instead of those requirements shall 52345
enter into the contract as provided in section 3345.65 of the 52346
Revised Code. 52347

Sec. 3345.65. To enter into a contract under this section 52348
pursuant to section 3345.63 or division (B) of section 3345.64 of 52349
the Revised Code, a board of trustees of a state institution of 52350
higher education shall request proposals from at least three 52351
parties for the implementation of energy or water saving measures. 52352
Prior to providing any interested party a copy of any such 52353
request, the board shall advertise, in a newspaper of general 52354
circulation in the county where the contract is to be performed, 52355
its intent to request proposals for the implementation of energy 52356
or water saving measures. The notice shall invite interested 52357
parties to submit proposals for consideration and shall be 52358
published at least thirty days prior to the date for accepting 52359
proposals. 52360

Upon receiving the proposals, the board shall analyze them. 52361
After considering the cost estimates of each proposal, how 52362
qualified each party submitting a proposal is to implement its 52363
proposal, and the institution's ability to pay for each with 52364
current revenues or by financing the cost of each, the board may 52365
select one or more proposals or, instead, reject all proposals. In 52366
selecting proposals, the board shall select the proposal or 52367
proposals most likely to result in the greatest savings when the 52368
cost of the proposal is compared to the ~~reduced energy and, water,~~ 52369
or wastewater cost savings, operating cost savings, and avoided 52370
capital costs that will result from implementing the proposal. 52371

No board shall award a contract to implement energy or water 52372
saving measures under this section unless the board finds that ~~one~~ 52373
~~or both of the following circumstances exists, as applicable:~~ 52374

~~(A) In the case of a contract for a cogeneration system~~ 52375
~~described in division (B)(8) of section 3345.61 of the Revised~~ 52376
~~Code,~~ the cost of the contract is not likely to exceed the amount 52377
of ~~money the board would save in energy and, water, or wastewater~~ 52378
savings, operating cost savings, and avoided capital costs over no 52379
more than ~~five~~ fifteen years. 52380

~~(B) In the case of any contract for any energy saving measure~~ 52381
~~other than a cogeneration system, the cost of the contract is not~~ 52382
~~likely to exceed the amount of money the board would save in~~ 52383
~~energy and operating costs over no more than ten years.~~ 52384

Sec. 3345.66. The board of trustees of a state institution of 52385
higher education may issue notes of the institution signed by the 52386
~~chairman~~ chairperson and treasurer or other chief fiscal officer 52387
of the board and specifying the terms of the purchase and securing 52388
the payments provided in section 3345.64 of the Revised Code, 52389
payable at the times provided and bearing interest at a rate not 52390
exceeding a rate determined under section 9.95 of the Revised 52391

Code. The notes may contain an option for prepayment and are not 52392
subject to Chapter 133. of the Revised Code. Revenues derived from 52393
any source, other than money appropriated by the general assembly, 52394
that may be used for the purpose of ~~conserving~~ implementing energy 52395
or water saving measures or for defraying the current operating 52396
expenses of the institution may be pledged to the payment of 52397
interest and the retirement of such notes. The notes may be sold 52398
at private sale or given to the contractor under the installment 52399
payment contract authorized by section 3345.64 of the Revised 52400
Code. 52401

Sec. 3349.242. Any agreement authorized by section 3349.241 52402
of the Revised Code may provide for the amounts of such 52403
participation by such school district or districts in the 52404
development, maintenance, and operation of such municipal 52405
university, but no funds granted to school districts under Chapter 52406
3306. or 3317. of the Revised Code shall be used for such 52407
purposes. By the terms of any such agreement the school district 52408
or districts and their residents shall be entitled to the 52409
educational advantages of said municipal university at the same 52410
rate of tuition, fees, and other charges as are provided for the 52411
residents of the municipal corporation in which such municipal 52412
university is situated. 52413

Sec. 3353.09. (A) Not later than January 1, 2010, the eTech 52414
Ohio commission shall develop and implement a state technology 52415
plan to create an aligned educational technology system that spans 52416
preschool to postsecondary education and complies with federal 52417
mandates. The commission periodically shall modify the plan as it 52418
determines necessary. 52419

(B) Upon request of the commission, the state board of 52420
education shall assist in the commission's development and 52421
modification of the state technology plan. 52422

Sec. 3353.20. (A) The eTech Ohio commission shall develop and 52423
implement an interactive distance learning pilot project to 52424
provide, beginning with the 2009-2010 school year, access to at 52425
least three interactive distance learning courses in each school 52426
year free of charge for all high schools operated by school 52427
districts. The courses offered shall include two advanced 52428
placement courses and one foreign language course. 52429

The commission shall do all of the following: 52430

(1) Contract with and pay the compensation for teachers to 52431
develop and teach the interactive distance learning courses 52432
offered by the pilot project; 52433

(2) Produce and broadcast the courses offered by the pilot 52434
project; 52435

(3) Provide the funds for schools to purchase video 52436
conferencing telecommunications equipment and connectivity 52437
devices, if necessary, so that the schools may participate in the 52438
pilot project; 52439

(4) Assist schools in arranging for the purchase and 52440
installation of telecommunications equipment and connectivity 52441
devices, if necessary, so that the schools may participate in the 52442
pilot project; 52443

(5) Pay, for up to one school year, the cost of upgrading 52444
internet service for schools that currently have a connection not 52445
faster than 1.544 megabits per second; 52446

(6) Offer training in the use of the telecommunications 52447
equipment necessary to participate in the pilot project; 52448

(7) Administer and oversee the operation of the pilot 52449
project. 52450

(B) The department of education, in consultation with the 52451
chancellor of the Ohio board of regents, shall select courses to 52452

be offered by the pilot project and shall develop the standards 52453
for the curriculum of each course selected. 52454

(C) The commission and the department jointly, and in 52455
consultation with the chancellor, shall select the teachers to 52456
develop and teach the courses offered by the pilot project. 52457

(D) The commission, the department, and the chancellor 52458
jointly shall notify schools of and promote participation in the 52459
pilot project. 52460

(E) Each high school shall determine the manner in which and 52461
facilities at which students may participate in courses consistent 52462
with specifications for technology and connectivity required by 52463
the commission. 52464

(F) The grade for a student enrolled in a course offered 52465
through the pilot project shall be assigned by the course teacher 52466
and shall be transmitted to the student's high school. 52467

(G) Not later than December 31, 2010, the superintendent of 52468
public instruction, the chancellor, and the commission shall 52469
submit to the governor and the general assembly, in accordance 52470
with section 101.68 of the Revised Code, a formative evaluation of 52471
the implementation and results of and legislative recommendations 52472
for changes in the pilot project. 52473

Sec. 3354.24. (A) The provisions of this section prevail over 52474
conflicting provisions of this chapter; however, except as 52475
otherwise provided in this section, the eastern gateway community 52476
college district and its board of trustees shall comply with the 52477
provisions of this chapter. 52478

(B) The territory of Columbiana, Mahoning, and Trumbull 52479
counties is hereby added to the territory of the community college 52480
district of Jefferson county, creating a new community college 52481
district to replace the former community college district of 52482

Jefferson county. The district created under this section shall be 52483
known as and operate under the name of "eastern gateway community 52484
college district," and its charter shall be amended to this name. 52485
The Jefferson county campus is hereby part of the eastern gateway 52486
community college district and shall remain in operation unless 52487
otherwise specified by the board of trustees of the community 52488
college. 52489

The eastern gateway community college district is divided 52490
into two taxing subdistricts, one consisting of the territory of 52491
Jefferson county, and the other consisting of the territories of 52492
Columbiana, Mahoning, and Trumbull counties. 52493

(C) On the effective date of this section as enacted by H.B. 52494
1 of the 128th general assembly, the government of the eastern 52495
gateway community college district shall be vested in a board of 52496
eleven trustees to be appointed by the governor, with the advice 52497
and consent of the senate. The board of trustees of the former 52498
community college district of Jefferson county is abolished on 52499
that date. 52500

The governor shall appoint the members of the board of 52501
trustees of the eastern gateway community college district as 52502
successors to the board of trustees of Jefferson community college 52503
as follows: Three members of the board of trustees shall be 52504
residents of Jefferson county. (The initial Jefferson county 52505
members shall be members of the board of trustees of the former 52506
community college district of Jefferson county, as it existed 52507
before the effective date of this section.) Eight members of the 52508
board of trustees shall be residents of Columbiana, Mahoning, and 52509
Trumbull counties. 52510

The initial board of trustees shall be appointed within 52511
ninety days after the effective date of this section for terms as 52512
follows: Of the trustees who are residents of Jefferson county, 52513
one trustee shall be appointed for a one-year term, one trustee 52514

shall be appointed for a three-year term, and one trustee shall be 52515
appointed for a five-year term. Of the trustees who are residents 52516
of Columbiana, Mahoning, and Trumbull counties, one trustee shall 52517
be appointed for a one-year term, two trustees shall be appointed 52518
for two-year terms, two trustees shall be appointed for three-year 52519
terms, two trustees shall be appointed for four-year terms, and 52520
one trustee shall be appointed for a five-year term. 52521

At the conclusion of each initial term, the term of office of 52522
each trustee shall be five years, each term ending on the same day 52523
of the same month of the year as did the term that it succeeds. 52524

Each trustee shall hold office from the date of the trustee's 52525
appointment until the end of the term for which the trustee was 52526
appointed. Any trustee appointed to fill a vacancy occurring 52527
before the expiration of the term for which the trustee's 52528
predecessor was appointed shall hold office for the remainder of 52529
that term. Any trustee shall continue in office subsequent to the 52530
expiration date of the trustee's term until the trustee's 52531
successor takes office, or until a period of sixty days has 52532
elapsed, whichever occurs first. 52533

If a vacancy occurs and the Jefferson county tax levy is no 52534
longer in place or a conversion under division (H) of this section 52535
has occurred, the governor shall fill the vacancy with a person 52536
residing within the eastern gateway community college district. 52537

(D) The board of trustees of the eastern gateway community 52538
college district shall continue to comply with division (G) of 52539
section 3354.09 of the Revised Code regarding tuition for students 52540
who are residents of Ohio but not residents of the district, and 52541
for students who are nonresidents of Ohio. The tuition rate shall 52542
be based on the student's county of residence and shall apply to 52543
all eastern gateway community college district classes in all 52544
district locations. Except as provided in division (F)(3) of this 52545
section, students who are residents of Columbiana, Mahoning, or 52546

Trumbull county shall continue to be charged tuition at the same 52547
rate as Ohio residents who are not residents of the district. 52548

(E)(1) Except as provided in divisions (E)(2) and (3) of this 52549
section, each member of the board of trustees shall have full 52550
voting rights on all matters that come before the board. 52551

(2) The three trustees representing Jefferson county shall 52552
have sole authority to vote on the following matters: 52553

(a) The Jefferson county tax levy; 52554

(b) The expenditure of revenue from that tax levy; 52555

(c) Levy-subsidized tuition rates. 52556

(3) The voting restrictions under division (E)(2) of this 52557
section apply until the electors of the Columbiana, Mahoning, and 52558
Trumbull county taxing subdistrict approve a tax levy under 52559
division (F)(3) of this section that is equivalent to the tax levy 52560
approved by the electors of Jefferson county for the support of 52561
the former community college district of Jefferson county on the 52562
effective date of this section. For the purposes of this division, 52563
the tax levy is an equivalent tax levy if either: 52564

(a) In the first tax year for which the tax is collected, it 52565
yields revenue per capita equal to or greater than the yield per 52566
capita of levies of the community college district in effect that 52567
year in Jefferson county, as jointly determined by the county 52568
auditors of Jefferson, Columbiana, Mahoning, and Trumbull 52569
counties; or 52570

(b) In the first tax year for which the tax is collected, the 52571
effective tax rate of the tax is equal to or greater than the 52572
effective tax rate of levies of the community college district in 52573
effect that tax year in Jefferson county, as jointly determined by 52574
the county auditors of Jefferson, Columbiana, Mahoning, and 52575
Trumbull counties. 52576

As used in this division, "effective tax rate" means the 52577
quotient obtained by dividing the total taxes charged and payable 52578
for a taxing subdistrict for a tax year after the reduction 52579
prescribed by section 319.301 of the Revised Code but before the 52580
reduction prescribed by section 319.302 or 323.152 of the Revised 52581
Code, by the taxable value for the taxing subdistrict for that tax 52582
year. 52583

(F)(1) For each taxing subdistrict of the eastern gateway 52584
community college district, the board of trustees may propose to 52585
levy a tax in accordance with the procedures prescribed in section 52586
3354.12 of the Revised Code, except the following terms used in 52587
that section shall have the meanings given them in this section: 52588

(a) "District" and "community college district" mean the 52589
appropriate taxing subdistrict defined in this section; 52590

(b) "Board of trustees of the community college district" 52591
means the board of trustees for the entire eastern gateway 52592
community college district. That board of trustees may propose 52593
separate levies for either of the two taxing subdistricts. 52594

(c) "Tax duplicate" means the tax duplicate of only the 52595
appropriate taxing subdistrict and not the tax duplicate of the 52596
entire eastern gateway community college district. 52597

(2) The board of trustees may propose to levy a tax on 52598
taxable property in Jefferson county to be voted on by the 52599
electors of Jefferson county as provided in division (F)(1) of 52600
this section. An affirmative vote by a majority of the electors of 52601
the subdistrict voting on the question is necessary for passage. 52602
Any money raised by a tax levied by the former community college 52603
district of Jefferson county or a subsequent tax levied in 52604
Jefferson county in accordance with division (F)(1) of this 52605
section shall be used solely for the benefit of Jefferson county 52606
residents attending the eastern gateway community college in the 52607

form of student tuition subsidies, student scholarships, and 52608
instructional facilities, equipment, and support services located 52609
within Jefferson county, or for any purpose approved by the 52610
electors. Such amounts shall be deposited into a separate fund of 52611
the taxing subdistrict, and shall be budgeted separately. 52612

(3) The board of trustees may propose to levy a tax on 52613
taxable property in Columbiana, Mahoning, and Trumbull counties to 52614
be voted on by the electors of the counties as provided in 52615
division (F)(1) of this section. An affirmative vote by a majority 52616
of the electors of the subdistrict voting on the question is 52617
necessary for passage. Any amounts raised by such a tax in the tax 52618
subdistrict shall be used solely for the benefit of residents of 52619
the subdistrict attending the eastern gateway community college in 52620
the form of student tuition subsidies, student scholarships, and 52621
instructional facilities, equipment, and support services located 52622
within Columbiana, Mahoning, and Trumbull counties, or for any 52623
purpose approved by the electors. Amounts collected shall be 52624
deposited into a separate fund from all other revenues collected 52625
by each taxing subdistrict. 52626

The board of trustees may adjust the rate of tuition charged 52627
to each taxing subdistrict's residents to an amount commensurate 52628
with the amount of tax the board of trustees dedicates for 52629
instructional and general services provided to the residents of 52630
the subdistrict. 52631

(G) The board of trustees of the eastern gateway community 52632
college district may issue bonds in accordance with section 52633
3354.11 of the Revised Code, but the board may limit the question 52634
of approval of the issue of those bonds to the electors of only 52635
one of the two taxing subdistricts, in which case the board also 52636
may limit the use of the property or improvements to the residents 52637
of that subdistrict. 52638

(H) If the tax levy in Jefferson county expires, is not 52639

renewed, or is not approved by the electors of Jefferson county 52640
and the other taxing subdistrict does not levy a tax for the 52641
purposes of this section, the board of trustees of the eastern 52642
gateway community college district shall submit a proposal to the 52643
chancellor of the board of regents to convert to a state community 52644
college and, upon the chancellor's approval of the proposal, enter 52645
into a transition agreement with the chancellor following the 52646
procedures set forth in section 3358.05 of the Revised Code for a 52647
technical college district. 52648

Sec. 3365.01. As used in this chapter: 52649

(A) "College" means any state-assisted college or university 52650
described in section 3333.041 of the Revised Code, any nonprofit 52651
institution holding a certificate of authorization pursuant to 52652
Chapter 1713. of the Revised Code, any private institution exempt 52653
from regulation under Chapter 3332. of the Revised Code as 52654
prescribed in section 3333.046 of the Revised Code, and any 52655
institution holding a certificate of registration from the state 52656
board of career colleges and schools and program authorization for 52657
an associate or bachelor's degree program issued under section 52658
3332.05 of the Revised Code. 52659

(B) "School district," except as specified in division (G) of 52660
this section, means any school district to which a student is 52661
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 52662
the Revised Code and does not include a joint vocational or 52663
cooperative education school district. 52664

(C) "Parent" has the same meaning as in section 3313.64 of 52665
the Revised Code. 52666

(D) "Participant" means a student enrolled in a college under 52667
the post-secondary enrollment options program established by this 52668
chapter. 52669

(E) "Secondary grade" means the ninth through twelfth grades. 52670

(F) "School foundation payments" means the amount required to 52671
be paid to a school district for a fiscal year under ~~Chapter~~ 52672
Chapters 3306. and 3317. of the Revised Code. 52673

(G) "Tuition base" means, ~~with respect to a participant's~~ 52674
~~school district, the sum of the formula amount plus the per pupil~~ 52675
~~amount of the base funding supplements specified in divisions~~ 52676
~~(C)(1) to (4) of section 3317.012, as defined in section 3317.02~~ 52677
of the Revised Code. 52678

~~The participant's "school district" in the case of a~~ 52679
~~participant enrolled in a community school shall be the school~~ 52680
~~district in which the student is entitled to attend school under~~ 52681
~~section 3313.64 or 3313.65 of the Revised Code.~~ 52682

(H) "Educational program" means enrollment in one or more 52683
school districts, in a nonpublic school, or in a college under 52684
division (B) of section 3365.04 of the Revised Code. 52685

(I) "Nonpublic school" means a chartered or nonchartered 52686
school for which minimum standards are prescribed by the state 52687
board of education pursuant to division (D) of section 3301.07 of 52688
the Revised Code. 52689

(J) "School year" means the year beginning on the first day 52690
of July and ending on the thirtieth day of June. 52691

(K) "Community school" means any school established pursuant 52692
to Chapter 3314. of the Revised Code that includes secondary 52693
grades. 52694

(L) "STEM school" means a science, technology, engineering, 52695
and mathematics school established under Chapter 3326. of the 52696
Revised Code. 52697

Sec. 3365.04. The rules adopted under section 3365.02 of the 52698
Revised Code shall provide for students to enroll in courses under 52699

either of the following options: 52700

(A) The student may elect at the time of enrollment to be 52701
responsible for payment of all tuition and the cost of all 52702
textbooks, materials, and fees associated with the course. The 52703
college shall notify the student about payment of tuition and fees 52704
in the customary manner followed by the college. A student 52705
electing this option also shall elect, at the time of enrollment, 52706
whether to receive only college credit or high school credit and 52707
college credit for the course. 52708

(1) The student may elect to receive only college credit for 52709
the course. Except as provided in section 3365.041 of the Revised 52710
Code, if the student successfully completes the course, the 52711
college shall award the student full credit for the course, but 52712
the board of education, community school governing authority, STEM 52713
school, or nonpublic participating school shall not award the high 52714
school credit. 52715

(2) The student may elect to receive both high school credit 52716
and college credit for the course. Except as provided in section 52717
3365.041 of the Revised Code, if the student successfully 52718
completes the course, the college shall award the student full 52719
credit for the course and the board of education, community school 52720
governing authority, STEM school, or nonpublic school shall award 52721
the student high school credit. 52722

(B) The student may elect at the time of enrollment for each 52723
course to have the college reimbursed under section 3365.07 of the 52724
Revised Code or as provided in alternative funding agreements 52725
entered into under rules adopted under section 3365.12 of the 52726
Revised Code. Except as provided in section 3365.041 of the 52727
Revised Code, if the student successfully completes the course, 52728
the college shall award the student full credit for the course, 52729
the board of education, community school governing authority, STEM 52730
school, or nonpublic school shall award the student high school 52731

credit, and the college shall be reimbursed in accordance with 52732
section 3365.07 of the Revised Code or alternative funding 52733
agreements entered into under rules adopted under section 3365.12 52734
of the Revised Code. 52735

When determining a school district's formula ADM under 52736
section 3317.03 of the Revised Code, the time a participant is 52737
attending courses under division (A) of this section shall be 52738
considered as time the participant is not attending or enrolled in 52739
school anywhere, and the time a participant is attending courses 52740
under division (B) of this section shall be considered as time the 52741
participant is attending or enrolled in the district's schools. 52742

Sec. 3365.041. (A) When a school district superintendent, the 52743
governing authority of a community school, or the chief 52744
administrative officer of a STEM school expels a student under 52745
division (B) of section 3313.66 of the Revised Code, the district 52746
superintendent, governing authority, or chief administrative 52747
officer shall send a written notice of the expulsion to any 52748
college in which the expelled student is enrolled under section 52749
3365.03 of the Revised Code at the time the expulsion is imposed. 52750
The notice shall indicate the date the expulsion is scheduled to 52751
expire. The notice also shall indicate whether the district board 52752
of education, community school governing authority, or the STEM 52753
school has adopted a policy under section 3313.613 of the Revised 52754
Code to deny high school credit for post-secondary courses taken 52755
during an expulsion. If the expulsion is extended under division 52756
(F) of section 3313.66 of the Revised Code, the district 52757
superintendent, community school governing authority, or STEM 52758
school chief administrative officer shall notify the college of 52759
the extension. 52760

(B) A college may withdraw its acceptance under section 52761
3365.03 of the Revised Code of a student who is expelled from 52762

school under division (B) of section 3313.66 of the Revised Code. 52763
As provided in section 3365.03 of the Revised Code, regardless of 52764
whether the college withdraws its acceptance of the student for 52765
the college term in which the student is expelled, the student is 52766
ineligible to enroll in a college under that section for 52767
subsequent college terms during the period of the expulsion, 52768
unless the student enrolls in another school district or community 52769
school, or a participating nonpublic school during that period. 52770

If a college withdraws its acceptance of an expelled student 52771
who elected either option of division (A)(1) or (2) of section 52772
3365.04 of the Revised Code, the college shall refund tuition and 52773
fees paid by the student in the same proportion that it refunds 52774
tuition and fees to students who voluntarily withdraw from the 52775
college at the same time in the term. 52776

If a college withdraws its acceptance of an expelled student 52777
who elected the option of division (B) of section 3365.04 of the 52778
Revised Code, the school district, community school, or STEM 52779
school shall not award high school credit for the college courses 52780
in which the student was enrolled at the time the college withdrew 52781
its acceptance, and any reimbursement under section 3365.07 of the 52782
Revised Code or through alternative funding agreements entered 52783
into under rules adopted under section 3365.12 of the Revised Code 52784
for the student's attendance prior to the withdrawal shall be the 52785
same as would be paid for a student who voluntarily withdrew from 52786
the college at the same time in the term. If the withdrawal 52787
results in the college's receiving no reimbursement, the college 52788
may require the student to return or pay for the textbooks and 52789
materials it provided the student free of charge under section 52790
3365.08 of the Revised Code. 52791

(C) When a student who elected the option of division (B) of 52792
section 3365.04 of the Revised Code is expelled under division (B) 52793
of section 3313.66 of the Revised Code from a school district, 52794

community school, or STEM school that has adopted a policy under 52795
section 3313.613 of the Revised Code, that election is 52796
automatically revoked for all college courses in which the student 52797
is enrolled during the college term in which the expulsion is 52798
imposed. Any reimbursement under section 3365.07 of the Revised 52799
Code or through alternative funding agreements entered into under 52800
rules adopted under section 3365.12 of the Revised Code for the 52801
student's attendance prior to the expulsion shall be the same as 52802
would be paid for a student who voluntarily withdrew from the 52803
college at the same time in the term. If the revocation results in 52804
the college's receiving no reimbursement, the college may require 52805
the student to return or pay for the textbooks and materials it 52806
provided the student free of charge under section 3365.08 of the 52807
Revised Code. 52808

No later than five days after receiving an expulsion notice 52809
from the superintendent of a district, the governing authority of 52810
a community school, or the chief administrative officer of a STEM 52811
school that has adopted a policy under section 3313.613 of the 52812
Revised Code, the college shall send a written notice to the 52813
expelled student that the student's election of division (B) of 52814
section 3365.04 of the Revised Code is revoked. If the college 52815
elects not to withdraw its acceptance of the student, the student 52816
shall pay all applicable tuition and fees for the college courses 52817
and shall pay for the textbooks and materials that the college 52818
provided under section 3365.08 of the Revised Code. 52819

Sec. 3365.07. (A) The rules adopted under section 3365.02 of 52820
the Revised Code shall specify a method for each of the following: 52821

(1) Determining, with respect to any participant, the 52822
percentage of a full-time educational program constituted by the 52823
participant's total educational program. That percentage shall be 52824
the participant's full-time equivalency percentage for purposes of 52825

the computation required by division (B)(1) of this section. 52826

(2) In the case of a participant who is not enrolled in a 52827
participating nonpublic school, determining the percentage of a 52828
participant's school day during which the participant is 52829
participating in each of the following: 52830

(a) Programs provided by the city, local, or exempted village 52831
school district, a community school, or a STEM school; 52832

(b) Programs provided by a joint vocational school district; 52833

(c) Programs provided by a college under division (B) of 52834
section 3365.04 of the Revised Code. 52835

The sum of divisions (A)(2)(a) to (c) of this section shall equal 52836
one hundred per cent. 52837

(3) In the case of a participant who is not enrolled in a 52838
participating nonpublic school, determining the percentage of a 52839
participant's enrollment that shall be deemed to be enrollment in 52840
a joint vocational school district and the percentage that shall 52841
be deemed to be enrollment in a city, local, or exempted village 52842
school district. The sum of such percentages shall equal one 52843
hundred per cent. 52844

(4) In the case of a participant who is enrolled in a 52845
participating nonpublic school, determining the percentage of a 52846
participant's school day during which the participant is 52847
participating in programs provided by a college under division (B) 52848
of section 3365.04 of the Revised Code. 52849

(B) Each July, unless provided otherwise in an alternative 52850
funding agreement entered into under rules adopted under section 52851
3365.12 of the Revised Code, the department of education shall pay 52852
each college for any participant enrolled in the college in the 52853
prior school year under division (B) of section 3365.04 of the 52854
Revised Code an amount computed as follows: 52855

(1) Multiply the tuition base by the participant's full-time 52856
equivalency percentage and multiply the resulting amount by a 52857
percentage equal to the percentage of the participant's school day 52858
apportioned to the college under division (A)(2)(c) or (4) of this 52859
section, as applicable. 52860

(2) Pay the college the lesser of: 52861

(a) The amount computed under division (B)(1) of this 52862
section; 52863

(b) The actual costs that would have been the responsibility 52864
of the participant had the participant elected to enroll under 52865
division (A) of section 3365.04 of the Revised Code, as verified 52866
by the department, of tuition, textbooks, materials, and fees 52867
directly related to any courses elected by the participant during 52868
the prior school year under division (B) of section 3365.04 of the 52869
Revised Code. 52870

(C) The department shall not reimburse any college for any 52871
course taken by a participant under division (A) of section 52872
3365.04 of the Revised Code. 52873

(D) If the participant was not enrolled in a participating 52874
nonpublic school, the amount paid under division (B) of this 52875
section for each participant shall be subtracted from the school 52876
foundation payments made to the participant's school district or, 52877
if the participant was enrolled in a community school or a STEM 52878
school, from the payments made to the participant's school under 52879
section 3314.08 or 3326.33 of the Revised Code. If the participant 52880
was enrolled in a joint vocational school district, a portion of 52881
the amount shall be subtracted from the payments to the joint 52882
vocational school district and a portion shall be subtracted from 52883
the payments to the participant's city, local, or exempted village 52884
school district. The amount of the payment subtracted from the 52885
city, local, or exempted village school district shall be computed 52886

as follows: 52887

(1) Add the following: 52888

(a) The percentage of the participant's enrollment in the 52889
school district, determined under division (A)(3) of this section; 52890
and 52891

(b) Twenty-five per cent times the percentage of the 52892
participant's enrollment in the joint vocational school district, 52893
determined under division (A)(3) of this section. 52894

(2) Multiply the sum obtained under division (D)(1) of this 52895
section by the amount computed under division (B)(2) of this 52896
section. 52897

The balance of the payment shall be subtracted from the joint 52898
vocational district's school foundation payments. 52899

(E) If the participant was enrolled in a participating 52900
nonpublic school, the amount paid under division (B) of this 52901
section shall be subtracted from moneys set aside by the general 52902
assembly for such purpose from funds appropriated for the purposes 52903
of section 3317.06 of the Revised Code. 52904

Sec. 3365.08. (A) A college that expects to receive or 52905
receives reimbursement under section 3365.07 of the Revised Code 52906
or through alternative funding agreements entered into under rules 52907
adopted under section 3365.12 of the Revised Code shall furnish to 52908
a participant all textbooks and materials directly related to a 52909
course taken by the participant under division (B) of section 52910
3365.04 of the Revised Code. No college shall charge such 52911
participant for tuition, textbooks, materials, or other fees 52912
directly related to any such course. 52913

(B) No student enrolled under this chapter in a course for 52914
which credit toward high school graduation is awarded shall 52915
receive direct financial aid through any state or federal program. 52916

(C) If a school district provides transportation for resident school students in grades eleven and twelve under section 3327.01 of the Revised Code, a parent of a pupil enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the student between the secondary school the student attends and the college in which the student is enrolled. Reimbursement may be paid solely from funds received by the district under ~~division (D) of section 3317.022~~ 3306.12 of the Revised Code. The state board of education shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

(D) If a community school provides or arranges transportation for its pupils in grades nine through twelve under section 3314.091 of the Revised Code, a parent of a pupil of the community school who is enrolled in a course under division (A)(2) or (B) of section 3365.04 of the Revised Code may apply to the governing authority of the community school for full or partial reimbursement of the necessary costs of transporting the student between the community school and the college. The governing authority may pay the reimbursement in accordance with the state board's rules adopted under division (C) of this section solely from funds paid to it under section 3314.091 of the Revised Code.

Sec. 3365.09. Section 3365.07 ~~and~~, divisions (A) and (C) of section 3365.08, and agreements entered into under rules adopted under section 3365.12 of the Revised Code do not apply to any college course in which a student is enrolled if during the term such student is enrolled in the college course the student is also a full-time student in the student's district, community school, STEM school, or nonpublic school. The rules adopted under section 3365.02 of the Revised Code shall prescribe a method for determining whether a student is enrolled full-time in the

student's district, community school, STEM school, or nonpublic school. 52949
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Sec. 3365.10. As used in this section, the "base amount" for any school year is one million dollars. "Full-time equivalency percentage" and "percentage of the school day" enrolled in college shall be determined under the rules described by divisions (A)(1) and (4) of section 3365.07 of the Revised Code or the rules adopted under section 3365.12 of the Revised Code. 52951
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(A) Each nonpublic school student who wishes to become a participant in any school year shall send to the department of education a copy of ~~his~~ the student's acceptance from a college and an application. The application shall be made on forms provided by the state board and shall include information about the student's proposed participation, including the school year in which ~~he~~ the student wishes to participate; the semesters or terms the student wishes to enroll during such year; the student's expected full-time equivalency percentage for each such semester or term; and the percentage of the school day each such semester or term that the student expects to be enrolled in programs provided by a college under division (B) of section 3365.04 of the Revised Code. The department shall mark each application with the date and time of receipt. 52957
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(B) Calculations involving applications under this division shall be made in the order in which the applications are received. 52971
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Upon receipt of an application under division (A) of this section, the department shall calculate the amount the college would be paid under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code for the student's expected participation. ~~The~~ For calculations made under division (B) of section 3365.07 of the Revised Code, the 52973
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department shall subtract each such calculated amount from the 52980
base amount for that year, or the amount remaining for that year 52981
after the subtraction from the base amount of amounts previously 52982
calculated under this division as a result of prior applications 52983
for participation in that year, whichever is the lesser amount. 52984

(C) If such a subtraction under division (B) of this section 52985
results in a positive number, the department shall notify the 52986
applicant within three weeks of the receipt of ~~his~~ the application 52987
that ~~he~~ such applicant may participate in the post-secondary 52988
enrollment options program to the extent indicated in the 52989
application. 52990

(D) If such a subtraction under division (B) of this section 52991
results in a negative number, the department shall, within one 52992
week of the receipt of such application, notify the applicant, the 52993
applicant's nonpublic school, and the college accepting the 52994
applicant that funds will not be available for the applicant's 52995
participation in the program during the year for which the 52996
application was made. The department shall also notify all 52997
applicants whose applications for that year are subsequently 52998
received, their nonpublic schools, and the colleges accepting them 52999
of the same fact. 53000

(E) No applicant receiving notification under division (D) of 53001
this section may become a participant under division (B) of 53002
section 3365.04 of the Revised Code for the year for which ~~he~~ the 53003
applicant applied and no college shall be paid under division (B) 53004
of section 3365.07 of the Revised Code or through alternative 53005
funding agreements entered into under rules adopted under section 53006
3365.12 of the Revised Code for participation by any such 53007
applicant in such year. 53008

Sec. 3365.12. The superintendent of public instruction and 53009
the chancellor of the Ohio board of regents jointly may adopt 53010

rules in accordance with Chapter 119. of the Revised Code 53011
permitting a board of education of a school district or joint 53012
vocational school district, governing authority of a community 53013
school, governing body of a STEM school, or governing authority of 53014
a participating nonpublic school to enter into an agreement with a 53015
college or university to use an alternate funding formula to 53016
calculate, or an alternate method to transmit, the amount the 53017
college or university would be paid for a student participating in 53018
a program under this chapter, including the program known as 53019
seniors to sophomores. 53020

Rules adopted under this section may include, but need not be 53021
limited to, any of the following alternative funding options: 53022

(A) Direct payment of funds necessary to support students 53023
participating in a program under this chapter, including the 53024
seniors to sophomores program, by the school district, joint 53025
vocational school district, community school, STEM school, or any 53026
combination thereof, to the college or university in which the 53027
student enrolled; 53028

(B) Alternate funding formulas to calculate the amount of 53029
money to be paid to colleges for participants; 53030

(C) A negotiated amount to be paid, as agreed by the school 53031
district, joint vocational school district, community school, or 53032
STEM school and the college or university. 53033

Sec. 3375.79. There is hereby created in the state treasury 53034
the Bill and Melinda Gates foundation grant fund consisting of 53035
Bill and Melinda Gates foundation grants awarded to the state 53036
library of Ohio. The state library board shall use the fund for 53037
the improvement of public library services, interlibrary 53038
cooperation, or other library purposes. All investment earnings of 53039
the fund shall be credited to the fund. 53040

Sec. 3501.17. (A) The expenses of the board of elections 53041
shall be paid from the county treasury, in pursuance of 53042
appropriations by the board of county commissioners, in the same 53043
manner as other county expenses are paid. If the board of county 53044
commissioners fails to appropriate an amount sufficient to provide 53045
for the necessary and proper expenses of the board of elections 53046
pertaining to the conduct of elections, the board of elections may 53047
apply to the court of common pleas within the county, which shall 53048
fix the amount necessary to be appropriated and the amount shall 53049
be appropriated. Payments shall be made upon vouchers of the board 53050
of elections certified to by its chairperson or acting chairperson 53051
and the director or deputy director, upon warrants of the county 53052
auditor. 53053

The board of elections shall not incur any obligation 53054
involving the expenditure of money unless there are moneys 53055
sufficient in the funds appropriated therefor to meet the 53056
obligation. If the board of elections requests a transfer of funds 53057
from one of its appropriation items to another, the board of 53058
county commissioners shall adopt a resolution providing for the 53059
transfer except as otherwise provided in section 5705.40 of the 53060
Revised Code. The expenses of the board of elections shall be 53061
apportioned among the county and the various subdivisions as 53062
provided in this section, and the amount chargeable to each 53063
subdivision shall be withheld by the auditor from the moneys 53064
payable thereto at the time of the next tax settlement. At the 53065
time of submitting budget estimates in each year, the board of 53066
elections shall submit to the taxing authority of each 53067
subdivision, upon the request of the subdivision, an estimate of 53068
the amount to be withheld from the subdivision during the next 53069
fiscal year. 53070

(B) Except as otherwise provided in division (F) of this 53071
section, the compensation of the members of the board of elections 53072

and of the director, deputy director, and regular employees in the 53073
board's offices, other than compensation for overtime worked; the 53074
expenditures for the rental, furnishing, and equipping of the 53075
office of the board and for the necessary office supplies for the 53076
use of the board; the expenditures for the acquisition, repair, 53077
care, and custody of the polling places, booths, guardrails, and 53078
other equipment for polling places; the cost of tally sheets, 53079
maps, flags, ballot boxes, and all other permanent records and 53080
equipment; the cost of all elections held in and for the state and 53081
county; and all other expenses of the board which are not 53082
chargeable to a political subdivision in accordance with this 53083
section shall be paid in the same manner as other county expenses 53084
are paid. 53085

(C) The compensation of judges of elections and intermittent 53086
employees in the board's offices; the cost of renting, moving, 53087
heating, and lighting polling places and of placing and removing 53088
ballot boxes and other fixtures and equipment thereof, including 53089
voting machines, marking devices, and automatic tabulating 53090
equipment; the cost of printing and delivering ballots, cards of 53091
instructions, registration lists required under section 3503.23 of 53092
the Revised Code, and other election supplies, including the 53093
supplies required to comply with division (H) of section 3506.01 53094
of the Revised Code; the cost of contractors engaged by the board 53095
to prepare, program, test, and operate voting machines, marking 53096
devices, and automatic tabulating equipment; and all other 53097
expenses of conducting primaries and elections in the odd-numbered 53098
years shall be charged to the subdivisions in and for which such 53099
primaries or elections are held. The charge for each primary or 53100
general election in odd-numbered years for each subdivision shall 53101
be determined in the following manner: first, the total cost of 53102
all chargeable items used in conducting such elections shall be 53103
ascertained; second, the total charge shall be divided by the 53104
number of precincts participating in such election, in order to 53105

fix the cost per precinct; third, the cost per precinct shall be 53106
prorated by the board of elections to the subdivisions conducting 53107
elections for the nomination or election of offices in such 53108
precinct; fourth, the total cost for each subdivision shall be 53109
determined by adding the charges prorated to it in each precinct 53110
within the subdivision. 53111

(D) The entire cost of special elections held on a day other 53112
than the day of a primary or general election, both in 53113
odd-numbered or in even-numbered years, shall be charged to the 53114
subdivision. Where a special election is held on the same day as a 53115
primary or general election in an even-numbered year, the 53116
subdivision submitting the special election shall be charged only 53117
for the cost of ballots and advertising. Where a special election 53118
is held on the same day as a primary or general election in an 53119
odd-numbered year, the subdivision submitting the special election 53120
shall be charged for the cost of ballots and advertising for such 53121
special election, in addition to the charges prorated to such 53122
subdivision for the election or nomination of candidates in each 53123
precinct within the subdivision, as set forth in the preceding 53124
paragraph. 53125

(E) Where a special election is held on the day specified by 53126
division (E) of section 3501.01 of the Revised Code for the 53127
holding of a primary election, for the purpose of submitting to 53128
the voters of the state constitutional amendments proposed by the 53129
general assembly, and a subdivision conducts a special election on 53130
the same day, the entire cost of the special election shall be 53131
divided proportionally between the state and the subdivision based 53132
upon a ratio determined by the number of issues placed on the 53133
ballot by each, except as otherwise provided in division (G) of 53134
this section. Such proportional division of cost shall be made 53135
only to the extent funds are available for such purpose from 53136
amounts appropriated by the general assembly to the secretary of 53137

state. If a primary election is also being conducted in the 53138
subdivision, the costs shall be apportioned as otherwise provided 53139
in this section. 53140

(F) When a precinct is open during a general, primary, or 53141
special election solely for the purpose of submitting to the 53142
voters a statewide ballot issue, the state shall bear the entire 53143
cost of the election in that precinct and shall reimburse the 53144
county for all expenses incurred in opening the precinct. 53145

(G)(1) The state shall bear the entire cost of advertising in 53146
newspapers statewide ballot issues, explanations of those issues, 53147
and arguments for or against those issues, as required by Section 53148
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 53149
and any other section of law. Appropriations made to the 53150
controlling board shall be used to reimburse the secretary of 53151
state for all expenses the secretary of state incurs for such 53152
advertising under division (G) of section 3505.062 of the Revised 53153
Code. 53154

(2) There is hereby created in the state treasury the 53155
statewide ballot advertising fund. The fund shall receive 53156
transfers approved by the controlling board, and shall be used by 53157
the secretary of state to pay the costs of advertising state 53158
ballot issues as required under division (G)(1) of this section. 53159
Any such transfers may be requested from and approved by the 53160
controlling board prior to placing the advertising, in order to 53161
facilitate timely provision of the required advertising. 53162

(H) The cost of renting, heating, and lighting registration 53163
places; the cost of the necessary books, forms, and supplies for 53164
the conduct of registration; and the cost of printing and posting 53165
precinct registration lists shall be charged to the subdivision in 53166
which such registration is held. 53167

(I) At the request of a majority of the members of the board 53168

of elections, the board of county commissioners may, by 53169
resolution, establish an elections revenue fund. Except as 53170
otherwise provided in this division, the purpose of the fund shall 53171
be to accumulate revenue withheld by or paid to the county under 53172
this section for the payment of any expense related to the duties 53173
of the board of elections specified in section 3501.11 of the 53174
Revised Code, upon approval of a majority of the members of the 53175
board of elections. The fund shall not accumulate any revenue 53176
withheld by or paid to the county under this section for the 53177
compensation of the members of the board of elections or of the 53178
director, deputy director, or other regular employees in the 53179
board's offices, other than compensation for overtime worked. 53180

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 53181
Revised Code, the board of county commissioners may, by 53182
resolution, transfer money to the elections revenue fund from any 53183
other fund of the political subdivision from which such payments 53184
lawfully may be made. Following an affirmative vote of a majority 53185
of the members of the board of elections, the board of county 53186
commissioners may, by resolution, rescind an elections revenue 53187
fund established under this division. If an elections revenue fund 53188
is rescinded, money that has accumulated in the fund shall be 53189
transferred to the county general fund. 53190

(J) As used in this section: 53191

(1) "Political subdivision" and "subdivision" mean any board 53192
of county commissioners, board of township trustees, legislative 53193
authority of a municipal corporation, board of education, or any 53194
other board, commission, district, or authority that is empowered 53195
to levy taxes or permitted to receive the proceeds of a tax levy, 53196
regardless of whether the entity receives tax settlement moneys as 53197
described in division (A) of this section; 53198

(2) "Statewide ballot issue" means any ballot issue, whether 53199
proposed by the general assembly or by initiative or referendum, 53200

that is submitted to the voters throughout the state. 53201

Sec. 3701.024. (A)(1) Under a procedure established in rules 53202
adopted under section 3701.021 of the Revised Code, the department 53203
of health shall determine the amount each county shall provide 53204
annually for the program for medically handicapped children, based 53205
on a proportion of the county's total general property tax 53206
duplicate, not to exceed one-tenth of a mill, and charge the 53207
county for any part of expenses incurred under the program for 53208
diagnostic and treatment services on behalf of medically 53209
handicapped children having legal settlement in the county that is 53210
not paid from federal funds or through the medical assistance 53211
program established under section 5111.01 of the Revised Code. The 53212
department shall not charge the county for expenses exceeding the 53213
difference between the amount determined under division (A)(1) of 53214
this section and any amounts retained under divisions (A)(2) and 53215
(3) of this section. 53216

All amounts collected by the department under division (A)(1) 53217
of this section shall be deposited into the state treasury to the 53218
credit of the medically handicapped children-county assessment 53219
fund, which is hereby created. The fund shall be used by the 53220
department to comply with sections 3701.021 to 3701.028 of the 53221
Revised Code. 53222

(2) The department, in accordance with rules adopted under 53223
section 3701.021 of the Revised Code, may allow each county to 53224
retain up to ten per cent of the amount determined under division 53225
(A)(1) of this section to provide funds to city or general health 53226
districts of the county with which the districts shall provide 53227
service coordination, public health nursing, or transportation 53228
services for medically handicapped children. 53229

(3) In addition to any amount retained under division (A)(2) 53230
of this section, the department, in accordance with rules adopted 53231

under section 3701.021 of the Revised Code, may allow counties 53232
that it determines have significant numbers of potentially 53233
eligible medically handicapped children to retain an amount equal 53234
to the difference between: 53235

(a) Twenty-five per cent of the amount determined under 53236
division (A)(1) of this section; 53237

(b) Any amount retained under division (A)(2) of this 53238
section. 53239

Counties shall use amounts retained under division (A)(3) of 53240
this section to provide funds to city or general health districts 53241
of the county with which the districts shall conduct outreach 53242
activities to increase participation in the program for medically 53243
handicapped children. 53244

(4) Prior to any increase in the millage charged to a county, 53245
the public health council shall hold a public hearing on the 53246
proposed increase and shall give notice of the hearing to each 53247
board of county commissioners that would be affected by the 53248
increase at least thirty days prior to the date set for the 53249
hearing. Any county commissioner may appear and give testimony at 53250
the hearing. Any increase in the millage any county is required to 53251
provide for the program for medically handicapped children shall 53252
be determined, and notice of the amount of the increase shall be 53253
provided to each affected board of county commissioners, no later 53254
than the first day of June of the fiscal year next preceding the 53255
fiscal year in which the increase will take effect. 53256

(B) Each board of county commissioners shall establish a 53257
medically handicapped children's fund and shall appropriate 53258
thereto an amount, determined in accordance with division (A)(1) 53259
of this section, for the county's share in providing medical, 53260
surgical, and other aid to medically handicapped children residing 53261
in such county and for the purposes specified in divisions (A)(2) 53262

and (3) of this section. Each county shall use money retained 53263
under divisions (A)(2) and (3) of this section only for the 53264
purposes specified in those divisions. 53265

Sec. 3701.0211. (A) There is hereby created the hemophilia 53266
advisory council in the department of health. The council shall 53267
consist of the following members: 53268

(1) The following nonvoting members: 53269

(a) The director of health or the director's designee; 53270

(b) The superintendent of insurance or the superintendent's 53271
designee; 53272

(c) A representative of the department of job and family 53273
services. 53274

(2) The following voting members, to be appointed by the 53275
governor with the advice and consent of the senate: 53276

(a) Two individuals authorized under Chapter 4731. of the 53277
Revised Code to practice medicine and surgery or osteopathic 53278
medicine and surgery who are currently treating patients with 53279
hemophilia or related bleeding disorders, one of whom specializes 53280
in pediatrics and one of whom specializes in the treatment of 53281
adults; 53282

(b) An individual licensed under Chapter 4723. of the Revised 53283
Code to practice nursing who is currently treating patients with 53284
hemophilia or related bleeding disorders; 53285

(c) An individual licensed under Chapter 4757. of the Revised 53286
Code as an independent social worker or social worker who is 53287
currently treating patients with hemophilia or related bleeding 53288
disorders; 53289

(d) A representative of a federally funded hemophilia 53290
treatment center; 53291

(e) A representative of a health insuring corporation that holds a certificate of authority issued under Chapter 1751. of the Revised Code or a company authorized under Chapter 3923. of the Revised Code to do the business of sickness and accident insurance in this state; 53292
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(f) A representative of an Ohio chapter of the national hemophilia foundation that serves the community of persons with hemophilia and related bleeding disorders community; 53297
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(g) An adult with hemophilia or caregiver of an adult with hemophilia; 53300
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(h) A caregiver of a minor with hemophilia; 53302

(i) A person with a bleeding disorder other than hemophilia or caregiver of a person with a bleeding disorder other than hemophilia; 53303
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(j) A person with hemophilia who is a member of the Amish sect or a health professional currently treating persons with hemophilia who are members of the Amish sect. 53306
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(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the council. Of the initial appointments, four shall be for terms ending two years after the effective date of this section, four shall be for terms ending three years after that date, and three shall be for terms ending four years after that date. Thereafter, terms of office shall be two years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. 53309
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Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's 53320
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predecessor was appointed shall hold office for the remainder of 53323
that term. A member shall continue in office subsequent to the 53324
expiration date of the member's term until the member's successor 53325
takes office or until a period of sixty days has elapsed, 53326
whichever occurs first. 53327

(C) The voting members shall elect from among the council's 53328
members a chairperson who shall serve a one-year term. The council 53329
shall meet at the call of the chairperson, but not less than four 53330
times each year. A majority of the members of the council 53331
constitutes a quorum. 53332

(D) Members shall serve without compensation, but may be 53333
reimbursed for actual and necessary expenses incurred in the 53334
performance of their duties. 53335

(E) The council shall advise the director of health on all of 53336
the following: 53337

(1) Reviewing the impact of changes to both of the following: 53338

(a) Existing programs for persons with hemophilia and related 53339
bleeding disorders; 53340

(b) Existing policies for persons with hemophilia and related 53341
bleeding disorders. 53342

(2) Developing standards of care and standards of treatment 53343
for persons with hemophilia and related bleeding disorders; 53344

(3) Developing programs of care and programs of treatment for 53345
persons with hemophilia and related bleeding disorders, including 53346
self-administration of medication, home care, medical and dental 53347
procedures, and techniques designed to provide maximum control 53348
over bleeding episodes; 53349

(4) Reviewing data and making recommendations regarding the 53350
ability of persons with hemophilia and related bleeding disorders 53351
to obtain appropriate health insurance coverage and access to 53352

appropriate care; 53353

(5) Coordinating with other state agencies and private organizations to develop community-based initiatives to increase awareness of hemophilia and related bleeding disorders. 53354
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(F) The council shall annually submit to the governor and general assembly a report with recommendations on increasing access to care and treatment and obtaining appropriate health insurance coverage for persons with hemophilia and related bleeding disorders. 53357
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Sec. 3701.045. (A) The department of health, in consultation with the children's trust fund board established under section 3109.15 of the Revised Code and any bodies acting as child fatality review boards on ~~the effective date of this section~~ October 5, 2000, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following: 53362
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(1) Establish the format for the annual reports required by section 307.626 of the Revised Code; 53370
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(2) Establish guidelines for a child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report; 53372
53373
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(3) Establish guidelines for a child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures; 53376
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(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review 53381
53382

database, either of which must maintain the confidentiality of 53383
information that would permit a person's identity to be 53384
ascertained; 53385

(5) Establish guidelines, materials, and training to help 53386
educate members of child fatality review boards about the purpose 53387
of the review process and the confidentiality of the information 53388
described in section 307.629 of the Revised Code and to make them 53389
aware that such information is not a public record under section 53390
149.43 of the Revised Code. 53391

(B) On or before the thirtieth day of September of each year, 53392
the department of health and the children's trust fund board 53393
jointly shall prepare and publish a report organizing and setting 53394
forth the data from the department of health child death review 53395
database or the national child death review database, data in all 53396
the reports provided by child fatality review boards in their 53397
annual reports for the previous calendar year, and ~~recommending~~ 53398
recommendations for any changes to law and policy that might 53399
prevent future deaths. The department and the children's trust 53400
fund board jointly shall provide a copy of the report to the 53401
governor, the speaker of the house of representatives, the 53402
president of the senate, the minority leaders of the house of 53403
representatives and the senate, each county or regional child 53404
fatality review board, and each county or regional family and 53405
children first council. 53406

Sec. 3701.07. (A) The public health council shall adopt rules 53407
in accordance with Chapter 119. of the Revised Code defining and 53408
classifying hospitals and dispensaries and providing for the 53409
reporting of information by hospitals and dispensaries. Except as 53410
otherwise provided in the Revised Code, the rules providing for 53411
the reporting of information shall not require inclusion of any 53412
confidential patient data or any information concerning the 53413

financial condition, income, expenses, or net worth of the 53414
facilities other than that financial information already contained 53415
in those portions of the medicare or medicaid cost report that is 53416
necessary for the department of health to certify the per diem 53417
cost under section 3701.62 of the Revised Code. The rules may 53418
require the reporting of information in the following categories: 53419

(1) Information needed to identify and classify the 53420
institution; 53421

(2) Information on facilities and type and volume of services 53422
provided by the institution; 53423

(3) The number of beds listed by category of care provided; 53424

(4) The number of licensed or certified professional 53425
employees by classification; 53426

(5) The number of births that occurred at the institution the 53427
previous calendar year; 53428

(6) Any other information that the council considers relevant 53429
to the safety of patients served by the institution. 53430

Every hospital and dispensary, public or private, annually 53431
shall register with and report to the department of health. 53432
Reports shall be submitted in the manner prescribed in rules 53433
adopted under this division. 53434

(B) Every governmental entity or private nonprofit 53435
corporation or association whose employees or representatives are 53436
defined as residents' rights advocates under divisions (E)(1) and 53437
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 53438
the Revised Code shall register with the department of health on 53439
forms furnished by the director of health and shall provide such 53440
reasonable identifying information as the director may prescribe. 53441

The department shall compile a list of the governmental 53442
entities, corporations, or associations registering under this 53443

division and shall update the list annually. Copies of the list 53444
shall be made available to nursing home administrators as defined 53445
in division (C) of section 3721.10 of the Revised Code and to 53446
adult care facility managers as defined in section 3722.01 of the 53447
Revised Code. 53448

~~(C) Every governmental entity or private nonprofit 53449
corporation or association whose employees or representatives act 53450
as residents' rights advocates for community alternative homes 53451
pursuant to section 3724.08 of the Revised Code shall register 53452
with the department of health on forms furnished by the director 53453
of health and shall provide such reasonable identifying 53454
information as the director may prescribe. 53455~~

~~The department shall compile a list of the governmental 53456
entities, corporations, and associations registering under this 53457
division and shall update the list annually. Copies of the list 53458
shall be made available to operators or residence managers of 53459
community alternative homes as defined in section 3724.01 of the 53460
Revised Code. 53461~~

Sec. 3701.344. As used in this section and sections 3701.345, 53462
3701.346, and 3701.347 of the Revised Code: 53463

(A) "Private water system" means any water system for the 53464
provision of water for human consumption, if such system has fewer 53465
than fifteen service connections and does not regularly serve an 53466
average of at least twenty-five individuals daily at least sixty 53467
days out of the year. A private water system includes any well, 53468
spring, cistern, pond, or hauled water and any equipment for the 53469
collection, transportation, filtration, disinfection, treatment, 53470
or storage of such water extending from and including the source 53471
of the water to the point of discharge from any pressure tank or 53472
other storage vessel; to the point of discharge from the water 53473
pump where no pressure tank or other storage vessel is present; 53474

or, in the case of multiple service connections serving more than 53475
one dwelling, to the point of discharge from each service 53476
connection. ~~A private~~ "Private water system" does not include the 53477
water service line extending from the point of discharge to a 53478
structure. 53479

(B) Notwithstanding section 3701.347 of the Revised Code and 53480
subject to division (C) of this section, rules adopted by the 53481
public health council regarding private water systems shall 53482
provide for the following: 53483

(1) Except as otherwise provided in this division, boards of 53484
health of city or general health districts shall be given the 53485
exclusive power to establish fees in accordance with section 53486
3709.09 of the Revised Code for administering and enforcing such 53487
rules. Such fees shall establish a different rate for 53488
administering and enforcing the rules relative to private water 53489
systems serving single-family dwelling houses and nonsingle-family 53490
dwelling houses. Except for an amount established by the public 53491
health council, pursuant to division (B)(5) of this section, for 53492
each new private water system installation, no portion of any fee 53493
for administering and enforcing such rules shall be returned to 53494
the department of health. If the director of health determines 53495
that a board of health of a city or general health district is 53496
unable to administer and enforce a private water system program in 53497
the district, the director shall administer and enforce such a 53498
program in the district and establish fees for such administration 53499
and enforcement. 53500

(2) Boards of health of city or general health districts 53501
shall be given the exclusive power to determine the number of 53502
inspections necessary for determining the safe drinking 53503
characteristics of a private water system. 53504

(3) Private water systems contractors, as a condition of 53505
doing business in this state, shall annually register with, and 53506

comply with surety bonding requirements of, the department of 53507
health. No such contractor shall be permitted to register if he 53508
the contractor fails to comply with all applicable rules adopted 53509
by the public health council and the board of health of the city 53510
or general health district. The annual registration fee for 53511
private water systems contractors shall be sixty-five dollars. The 53512
public health council, by rule adopted in accordance with Chapter 53513
119. of the Revised Code, may increase the annual registration 53514
fee. Before January 1, 1993, the fee shall not be increased by 53515
more than fifty per cent of the amount prescribed by this section. 53516

(4) Boards of health of city or general health districts 53517
subject to such rules of the public health council shall have the 53518
option of determining whether bacteriological examinations shall 53519
be performed at approved laboratories of the state or at approved 53520
private laboratories. 53521

(5) The public health council may establish fees for each new 53522
private water system installation, which shall be collected by the 53523
appropriate ~~city or general health district~~ board of health and 53524
~~returned~~ transmitted to the ~~department~~ director of health pursuant
to section 3709.092 of the Revised Code. 53525
53526

(6) All fees ~~collected~~ received by the director of health 53527
under divisions (B)(1), (3), and (5) of this section shall be 53528
deposited in the state treasury to the credit of the general 53529
operations fund created in section 3701.83 of the Revised Code for 53530
use in the administration and enforcement of sections 3701.344 to 53531
3701.347 of the Revised Code and the rules pertaining to private 53532
water systems adopted under those sections or section 3701.34 of 53533
the Revised Code. 53534

(C) To the extent that rules adopted under division (B) of 53535
this section require health districts to follow specific 53536
procedures or use prescribed forms, no such procedure or form 53537
shall be implemented until it is approved by majority vote of an 53538

approval board of health commissioners, hereby created. Members of 53539
the board shall be the officers of the association of Ohio health 53540
commissioners, or any successor organization, and membership on 53541
the board shall be coterminous with holding an office of the 53542
association. No health district is required to follow a procedure 53543
or use a form required by a rule adopted under division (B) of 53544
this section without the approval of the board. 53545

(D) A board of health shall collect well log filing fees on 53546
behalf of the division of soil and water resources in the 53547
department of natural resources in accordance with section 1521.05 53548
of the Revised Code and rules adopted under it. The fees shall be 53549
submitted to the division quarterly as provided in those rules. 53550
53551

Sec. 3701.611. (A) The governor shall create the help me grow 53552
advisory council in accordance with 20 U.S.C. 1441, which shall 53553
serve as the state interagency coordinating council, as described 53554
in 20 U.S.C. 1441. Members of the council shall reasonably 53555
represent the population of this state. The governor shall appoint 53556
one of its members to serve as chairperson of the council, or the 53557
governor may delegate appointment of the chairperson to the 53558
council. No member of the council representing the department of 53559
health shall serve as chairperson. 53560

(B) The council shall meet at least once in each quarter of 53561
the calendar year. The chairperson may call additional meetings if 53562
necessary. 53563

(C) A member of the council shall not vote on any matter that 53564
is likely to provide a direct financial benefit to that member or 53565
otherwise be a conflict of interest. 53566

(D) The governor may reimburse members of the council for 53567
actual and necessary expenses incurred in the performance of their 53568
official duties, including child care for the parent 53569

representatives described in 20 U.S.C. 1441(b)(1)(A). The governor 53570
also may compensate members of the council who are not employed or 53571
who must forfeit wages from other employment when performing 53572
official council business. 53573

(E) The department of health shall serve as the "lead 53574
agency," as described by 20 U.S.C. 1435(a)(10). 53575

(F) The help me grow advisory council shall do all of the 53576
following: 53577

(1) Advise and assist the department of health in the 53578
performance of the responsibilities described in 20 U.S.C. 53579
1435(a)(10), including the following: 53580

(a) Identification of the sources of fiscal and other support 53581
for services for early intervention programs; 53582

(b) Assignment of financial responsibility to the appropriate 53583
agency, in accordance with 20 U.S.C. 1437(a)(2); 53584

(c) Promotion of formal interagency agreements that define 53585
the financial responsibility of each agency for paying for early 53586
intervention services and procedures for resolving disputes; 53587

(2) Advise and assist the department of health in the 53588
preparation and amendment of applications related to the 53589
department of health's responsibilities described in 20 U.S.C. 53590
1435(a)(10); 53591

(3) Advise and assist the department of education regarding 53592
the transition of toddlers with disabilities to preschool and 53593
other appropriate services; 53594

(4) Prepare and submit an annual report to the governor, 53595
before the thirtieth day of September, on the status of early 53596
intervention programs for infants and toddlers with disabilities 53597
and their families operated within this state during the most 53598
recent fiscal year. 53599

(G) The help me grow advisory council may advise and assist 53600
the department of health and the department of education regarding 53601
the provision of appropriate services for children age five and 53602
younger. The council may advise appropriate agencies about the 53603
integration of services for infants and toddlers with 53604
disabilities, and at-risk infants and toddlers and their families, 53605
regardless of whether at-risk infants and toddlers are eligible 53606
for early intervention services. 53607

Sec. 3701.78. (A) There is hereby created the commission on 53608
minority health, consisting of ~~eighteen~~ nineteen members. The 53609
governor shall appoint to the commission nine members from among 53610
health researchers, health planners, and health professionals. The 53611
speaker of the house of representatives shall appoint to the 53612
commission two members of the house of representatives, not more 53613
than one of whom is a member of the same political party, and the 53614
president of the senate shall appoint to the commission two 53615
members of the senate, not more than one of whom is a member of 53616
the same political party. The directors of health, mental health, 53617
mental retardation and developmental disabilities, alcohol and 53618
drug addiction services, and job and family services, or their 53619
designees, and the superintendent of public instruction, or the 53620
superintendent's designee, shall be members of the commission. The 53621
commission shall elect a chairperson from among its members. Of 53622
the members appointed by the governor, five shall be appointed to 53623
initial terms of one year, and four shall be appointed to initial 53624
terms of two years. Thereafter, all members appointed by the 53625
governor shall be appointed to terms of two years. All members of 53626
the commission appointed by the speaker of the house of 53627
representatives or the president of the senate shall be nonvoting 53628
members of the commission and be appointed within thirty days 53629
after the commencement of the first regular session of each 53630
general assembly, and shall serve until the expiration of the 53631

session of the general assembly during which they were appointed. 53632
Members of the commission shall serve without compensation, but 53633
shall be reimbursed for the actual and necessary expenses they 53634
incur in the performance of their official duties. 53635

(B) The commission shall promote health and the prevention of 53636
disease among members of minority groups. Each year the commission 53637
shall distribute grants from available funds to community-based 53638
health groups to be used to promote health and the prevention of 53639
disease among members of minority groups. As used in this 53640
division, "minority group" means any of the following economically 53641
disadvantaged groups: Blacks, American Indians, Hispanics, and 53642
Orientals. The commission shall adopt and maintain rules pursuant 53643
to Chapter 119. of the Revised Code to provide for the 53644
distribution of these grants. No group shall qualify to receive a 53645
grant from the commission unless it receives at least twenty per 53646
cent of its funds from sources other than grants distributed under 53647
this section. 53648

(C) The commission may appoint such employees as it considers 53649
necessary to carry out its duties under this section. The 53650
department of health shall provide office space for the 53651
commission. 53652

(D) The commission shall meet at the call of its chairperson 53653
to conduct its official business. A majority of the voting members 53654
of the commission constitute a quorum. The votes of at least eight 53655
voting members of the commission are necessary for the commission 53656
to take any official action or to approve the distribution of 53657
grants under this section. 53658

Sec. 3701.84. The department of health may prepare a plan to 53659
reduce tobacco use by Ohioans, with emphasis on reducing the use 53660
of tobacco by youth, minority and regional populations, pregnant 53661
women, and others who may be disproportionately affected by the 53662

use of tobacco. The plan may provide for periodic surveys to 53663
measure tobacco use and behavior toward tobacco use by Ohioans. If 53664
the department prepares a plan, copies of the plan shall be 53665
available to the public. 53666

The plan may also describe youth tobacco consumption 53667
prevention programs to be eligible for consideration for grants 53668
from the department and may set forth the criteria by which 53669
applications for grants for such programs will be considered by 53670
the department. Programs eligible for consideration may include: 53671

(A) Media campaigns directed to youth to prevent underage 53672
tobacco consumption; 53673

(B) School-based education programs to prevent youth tobacco 53674
consumption; 53675

(C) Community-based youth programs involving youth tobacco 53676
consumption prevention through general youth development; 53677

(D) Retailer education and compliance efforts to prevent 53678
youth tobacco consumption; 53679

(E) Mentoring programs designed to prevent or reduce tobacco 53680
use by students. 53681

Pursuant to the plan, the department may carry out, or 53682
provide funding for private or public agencies to carry out, 53683
research and programs related to tobacco use prevention and 53684
cessation. If the department provides such funding, the department 53685
shall establish an objective process to determine which research 53686
and program proposals to fund. When appropriate, proposals for 53687
research shall be peer-reviewed. No program shall be carried out 53688
or funded by the department unless there is research that 53689
indicates that the program is likely to achieve the results 53690
desired. All research and programs funded by the department shall 53691
be goal-oriented and independently and objectively evaluated 53692
annually on whether it is meeting its goals. The department shall 53693

contract for such evaluations and shall adopt rules under Chapter 53694
119. of the Revised Code regarding conflicts of interest in the 53695
research and programs it funds. 53696

The department may form a nonprofit corporation pursuant to 53697
Chapter 1702. of the Revised Code for the purpose of raising money 53698
to aid the department pursuant to this section. 53699

The department shall endeavor to coordinate its research and 53700
programs with the efforts of other agencies of this state to 53701
reduce tobacco use by Ohioans. Any state agency that conducts a 53702
survey that measures tobacco use or behavior toward tobacco use by 53703
Ohioans shall share the results of the survey with the department. 53704

The department may adopt rules under Chapter 119. of the 53705
Revised Code as necessary to implement this section. 53706

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 53707
Revised Code: 53708

(A) "Applicant" means any person that submits an application 53709
for a certificate of need and who is designated in the application 53710
as the applicant. 53711

(B) "Person" means any individual, corporation, business 53712
trust, estate, firm, partnership, association, joint stock 53713
company, insurance company, government unit, or other entity. 53714

(C) "Certificate of need" means a written approval granted by 53715
the director of health to an applicant to authorize conducting a 53716
reviewable activity. 53717

(D) "Health service area" means a geographic region 53718
designated by the director of health under section 3702.58 of the 53719
Revised Code. 53720

(E) "Health service" means a clinically related service, such 53721
as a diagnostic, treatment, rehabilitative, or preventive service. 53722

(F) "Health service agency" means an agency designated to 53723
serve a health service area in accordance with section 3702.58 of 53724
the Revised Code. 53725

(G) "Health care facility" means: 53726

(1) A hospital registered under section 3701.07 of the 53727
Revised Code; 53728

(2) A nursing home licensed under section 3721.02 of the 53729
Revised Code, or by a political subdivision certified under 53730
section 3721.09 of the Revised Code; 53731

(3) A county home or a county nursing home as defined in 53732
section 5155.31 of the Revised Code that is certified under Title 53733
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 53734
U.S.C.A. 301, as amended; 53735

(4) A freestanding dialysis center; 53736

(5) A freestanding inpatient rehabilitation facility; 53737

(6) An ambulatory surgical facility; 53738

(7) A freestanding cardiac catheterization facility; 53739

(8) A freestanding birthing center; 53740

(9) A freestanding or mobile diagnostic imaging center; 53741

(10) A freestanding radiation therapy center. 53742

A health care facility does not include the offices of 53743
private physicians and dentists whether for individual or group 53744
practice, residential facilities licensed under section 5123.19 of 53745
the Revised Code, or an institution for the sick that is operated 53746
exclusively for patients who use spiritual means for healing and 53747
for whom the acceptance of medical care is inconsistent with their 53748
religious beliefs, accredited by a national accrediting 53749
organization, exempt from federal income taxation under section 53750
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 53751

U.S.C.A. 1, as amended, and providing twenty-four hour nursing 53752
care pursuant to the exemption in division (E) of section 4723.32 53753
of the Revised Code from the licensing requirements of Chapter 53754
4723. of the Revised Code. 53755

(H) "Medical equipment" means a single unit of medical 53756
equipment or a single system of components with related functions 53757
that is used to provide health services. 53758

(I) "Third-party payer" means a health insuring corporation 53759
licensed under Chapter 1751. of the Revised Code, a health 53760
maintenance organization as defined in division (K) of this 53761
section, an insurance company that issues sickness and accident 53762
insurance in conformity with Chapter 3923. of the Revised Code, a 53763
state-financed health insurance program under Chapter 3701., 53764
4123., or 5111. of the Revised Code, or any self-insurance plan. 53765

(J) "Government unit" means the state and any county, 53766
municipal corporation, township, or other political subdivision of 53767
the state, or any department, division, board, or other agency of 53768
the state or a political subdivision. 53769

(K) "Health maintenance organization" means a public or 53770
private organization organized under the law of any state that is 53771
qualified under section 1310(d) of Title XIII of the "Public 53772
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 53773

(L) "Existing health care facility" means either of the 53774
following: 53775

(1) A health care facility that is licensed or otherwise 53776
authorized to operate in this state in accordance with applicable 53777
law, including a county home or a county nursing home that is 53778
certified as of February 1, 2008, under Title XVIII or Title XIX 53779
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 53780
as amended, is staffed and equipped to provide health care 53781
services, and is actively providing health services; 53782

(2) A health care facility that is licensed or otherwise 53783
authorized to operate in this state in accordance with applicable 53784
law, including a county home or a county nursing home that is 53785
certified as of February 1, 2008, under Title XVIII or Title XIX 53786
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 53787
as amended, or that has beds registered under section 3701.07 of 53788
the Revised Code as skilled nursing beds or long-term care beds 53789
and has provided services for at least three hundred sixty-five 53790
consecutive days within the twenty-four months immediately 53791
preceding the date a certificate of need application is filed with 53792
the director of health. 53793

(M) "State" means the state of Ohio, including, but not 53794
limited to, the general assembly, the supreme court, the offices 53795
of all elected state officers, and all departments, boards, 53796
offices, commissions, agencies, institutions, and other 53797
instrumentalities of the state of Ohio. "State" does not include 53798
political subdivisions. 53799

(N) "Political subdivision" means a municipal corporation, 53800
township, county, school district, and all other bodies corporate 53801
and politic responsible for governmental activities only in 53802
geographic areas smaller than that of the state to which the 53803
sovereign immunity of the state attaches. 53804

(O) "Affected person" means: 53805

(1) An applicant for a certificate of need, including an 53806
applicant whose application was reviewed comparatively with the 53807
application in question; 53808

(2) The person that requested the reviewability ruling in 53809
question; 53810

(3) Any person that resides or regularly uses health care 53811
facilities within the geographic area served or to be served by 53812
the health care services that would be provided under the 53813

certificate of need or reviewability ruling in question;	53814
(4) Any health care facility that is located in the health service area where the health care services would be provided under the certificate of need or reviewability ruling in question;	53815 53816 53817
(5) Third-party payers that reimburse health care facilities for services in the health service area where the health care services would be provided under the certificate of need or reviewability ruling in question;	53818 53819 53820 53821
(6) Any other person who testified at a public hearing held under division (B) of section 3702.52 of the Revised Code or submitted written comments in the course of review of the certificate of need application in question.	53822 53823 53824 53825
(P) "Osteopathic hospital" means a hospital registered under section 3701.07 of the Revised Code that advocates osteopathic principles and the practice and perpetuation of osteopathic medicine by doing any of the following:	53826 53827 53828 53829
(1) Maintaining a department or service of osteopathic medicine or a committee on the utilization of osteopathic principles and methods, under the supervision of an osteopathic physician;	53830 53831 53832 53833
(2) Maintaining an active medical staff, the majority of which is comprised of osteopathic physicians;	53834 53835
(3) Maintaining a medical staff executive committee that has osteopathic physicians as a majority of its members.	53836 53837
(Q) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code.	53838 53839
(R) Except as otherwise provided in division (T) of this section, and until the termination date specified in section 3702.511 of the Revised Code, "reviewable activity" means any of the following:	53840 53841 53842 53843

(1) The addition by any person of any of the following health services, regardless of the amount of operating costs or capital expenditures:	53844
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(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	53847
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(b) A cardiac catheterization service;	53853
(c) An open heart surgery service;	53854
(d) Any new, experimental medical technology that is designated by rule of the public health council.	53855
	53856
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	53857
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(3)(a) The establishment, development, or construction of a new health care facility other than a new long term care facility or a new hospital;	53862
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	53864
(b) The establishment, development, or construction of a new hospital or the relocation of an existing hospital;	53865
	53866
(c) The relocation of hospital beds, other than long term care, perinatal, or pediatric intensive care beds, into or out of a rural area.	53867
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(4)(a) The replacement of an existing hospital;	53870
(b) The replacement of an existing hospital obstetric or newborn care unit or freestanding birthing center.	53871
	53872
(5)(a) The renovation of a hospital that involves a capital	53873

~~expenditure, obligated on or after June 30, 1995, of five million 53874
dollars or more, not including expenditures for equipment, 53875
staffing, or operational costs. For purposes of division (R)(5)(a) 53876
of this section, a capital expenditure is obligated: 53877~~

~~(i) When a contract enforceable under Ohio law is entered 53878
into for the construction, acquisition, lease, or financing of a 53879
capital asset; 53880~~

~~(ii) When the governing body of a hospital takes formal 53881
action to commit its own funds for a construction project 53882
undertaken by the hospital as its own contractor; 53883~~

~~(iii) In the case of donated property, on the date the gift 53884
is completed under applicable Ohio law. 53885~~

~~(b) The renovation of a hospital obstetric or newborn care 53886
unit or freestanding birthing center that involves a capital 53887
expenditure of five million dollars or more, not including 53888
expenditures for equipment, staffing, or operational costs. 53889~~

~~(6) Any change in the health care services, bed capacity, or 53890
site, or any other failure to conduct the reviewable activity in 53891
substantial accordance with the approved application for which a 53892
certificate of need was granted, if the change is made prior to 53893
the date the activity for which the certificate was issued ceases 53894
to be a reviewable activity; 53895~~

~~(7) Any of the following changes in perinatal bed capacity or 53896
pediatric intensive care bed capacity: 53897~~

~~(a) An increase in bed capacity; 53898~~

~~(b) A change in service or service level designation of 53899
newborn care beds or obstetric beds in a hospital or freestanding 53900
birthing center, other than a change of service that is provided 53901
within the service level designation of newborn care or obstetric 53902
beds as registered by the department of health; 53903~~

~~(c) A relocation of perinatal or pediatric intensive care beds from one physical facility or site to another, excluding the relocation of beds within a hospital or freestanding birthing center or the relocation of beds among buildings of a hospital or freestanding birthing center at the same site.~~

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~~(8) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need;~~

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~~(9) Any transfer of a certificate of need issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any agreement that contemplates the transfer of a certificate of need issued prior to that date upon completion of the project, and any transfer of the controlling interest in an entity that holds a certificate of need issued prior to that date. However, the transfer of a certificate of need issued prior to that date or agreement to transfer such a certificate of need from the person to whom the certificate of need was issued to an affiliated or related person does not constitute a reviewable transfer of a certificate of need for the purposes of this division, unless the transfer results in a change in the person that holds the ultimate controlling interest in the certificate of need.~~

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~~(10)(a) The acquisition by any person of any of the following medical equipment, regardless of the amount of operating costs or capital expenditure:~~

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~~(i) A cobalt radiation therapy unit;~~

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~~(ii) A linear accelerator;~~

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~~(iii) A gamma knife unit.~~

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~~(b) The acquisition by any person of medical equipment with a cost of two million dollars or more. The cost of acquiring medical equipment includes the sum of the following:~~

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(i) The greater of its fair market value or the cost of its lease or purchase;	53935
	53936
(ii) The cost of installation and any other activities essential to the acquisition of the equipment and its placement into service.	53937
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(11) The addition of another cardiac catheterization laboratory to an existing cardiac catheterization service.	53940
	53941
(S) Except as provided in division (T)(S) of this section, "reviewable activity" also means any of the following activities, none of which are subject to a termination date:	53942
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(1) The establishment, development, or construction of a new long-term care facility;	53945
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(2) The replacement of an existing long-term care facility;	53947
(3) The renovation of a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;	53948
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(4) Any <u>Either</u> of the following changes in long-term care bed capacity:	53952
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(a) An increase in bed capacity;	53954
(b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	53955
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(c) A recategorization of hospital beds registered under section 3701.07 of the Revised Code from another registration category to skilled nursing beds or long term care beds.	53959
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(5) Any change in the health services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a	53962
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certificate of need concerning long-term care beds was granted, if 53965
the change is made within five years after the implementation of 53966
the reviewable activity for which the certificate was granted; 53967

(6) The expenditure of more than one hundred ten per cent of 53968
the maximum expenditure specified in a certificate of need 53969
concerning long-term care beds; 53970

~~(7) Any transfer of a certificate of need that concerns 53971
long term care beds and was issued prior to April 20, 1995, from 53972
the person to whom it was issued to another person before the 53973
project that constitutes a reviewable activity is completed, any 53974
agreement that contemplates the transfer of such a certificate of 53975
need upon completion of the project, and any transfer of the 53976
controlling interest in an entity that holds such a certificate of 53977
need. However, the transfer of a certificate of need that concerns 53978
long term care beds and was issued prior to April 20, 1995, or 53979
agreement to transfer such a certificate of need from the person 53980
to whom the certificate was issued to an affiliated or related 53981
person does not constitute a reviewable transfer of a certificate 53982
of need for purposes of this division, unless the transfer results 53983
in a change in the person that holds the ultimate controlling 53984
interest in the certificate of need. 53985~~

~~(T)(S)~~ "Reviewable activity" does not include any of the 53986
following activities: 53987

(1) Acquisition of computer hardware or software; 53988

(2) Acquisition of a telephone system; 53989

(3) Construction or acquisition of parking facilities; 53990

(4) Correction of cited deficiencies that are in violation of 53991
federal, state, or local fire, building, or safety laws and rules 53992
and that constitute an imminent threat to public health or safety; 53993

(5) Acquisition of an existing health care facility that does 53994

not involve a change in the number of the beds, by service, or in the number or type of health services;	53995 53996
(6) Correction of cited deficiencies identified by accreditation surveys of the joint commission on accreditation of healthcare organizations or of the American osteopathic association;	53997 53998 53999 54000
(7) Acquisition of medical equipment to replace the same or similar equipment for which a certificate of need has been issued if the replaced equipment is removed from service;	54001 54002 54003
(8) Mergers, consolidations, or other corporate reorganizations of health care facilities that do not involve a change in the number of beds, by service, or in the number or type of health services;	54004 54005 54006 54007
(9) Construction, repair, or renovation of bathroom facilities;	54008 54009
(10) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;	54010 54011 54012 54013
(11) Acquisition of medical equipment to conduct research required by the United States food and drug administration or clinical trials sponsored by the national institute of health. Use of medical equipment that was acquired without a certificate of need under division (T) <u>(S)</u> (11) of this section and for which premarket approval has been granted by the United States food and drug administration to provide services for which patients or reimbursement entities will be charged shall be a reviewable activity.	54014 54015 54016 54017 54018 54019 54020 54021 54022
(12) Removal of asbestos from a health care facility.	54023
Only that portion of a project that meets the requirements of	54024

this division ~~(T)~~ of ~~this section~~ is not a reviewable activity. 54025

~~(U)~~(T) "Small rural hospital" means a hospital that is 54026
located within a rural area, has fewer than one hundred beds, and 54027
to which fewer than four thousand persons were admitted during the 54028
most recent calendar year. 54029

~~(V)~~(U) "Children's hospital" means any of the following: 54030

(1) A hospital registered under section 3701.07 of the 54031
Revised Code that provides general pediatric medical and surgical 54032
care, and in which at least seventy-five per cent of annual 54033
inpatient discharges for the preceding two calendar years were 54034
individuals less than eighteen years of age; 54035

(2) A distinct portion of a hospital registered under section 54036
3701.07 of the Revised Code that provides general pediatric 54037
medical and surgical care, has a total of at least one hundred 54038
fifty registered pediatric special care and pediatric acute care 54039
beds, and in which at least seventy-five per cent of annual 54040
inpatient discharges for the preceding two calendar years were 54041
individuals less than eighteen years of age; 54042

(3) A distinct portion of a hospital, if the hospital is 54043
registered under section 3701.07 of the Revised Code as a 54044
children's hospital and the children's hospital meets all the 54045
requirements of division ~~(V)~~(U)(1) of this section. 54046

~~(W)~~(V) "Long-term care facility" means any of the following: 54047

(1) A nursing home licensed under section 3721.02 of the 54048
Revised Code or by a political subdivision certified under section 54049
3721.09 of the Revised Code; 54050

(2) The portion of any facility, including a county home or 54051
county nursing home, that is certified as a skilled nursing 54052
facility or a nursing facility under Title XVIII or XIX of the 54053
"Social Security Act"; 54054

(3) The portion of any hospital that contains beds registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds.

~~(X)~~(W) "Long-term care bed" means a bed in a long-term care facility.

~~(Y)~~ "Perinatal bed" means a bed in a hospital that is registered under section 3701.07 of the Revised Code as a newborn care bed or obstetric bed, or a bed in a freestanding birthing center.

~~(Z)~~(X) "Freestanding birthing center" means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility, and which is not licensed under Chapter 3711. of the Revised Code as a level one, two, or three maternity unit or a limited maternity unit.

~~(AA)~~(Y)(1) "Reviewability ruling" means a ruling issued by the director of health under division (A) of section 3702.52 of the Revised Code as to whether a particular proposed project is or is not a reviewable activity.

(2) "Nonreviewability ruling" means a ruling issued under that division that a particular proposed project is not a reviewable activity.

~~(BB)~~(Z)(1) "Metropolitan statistical area" means an area of this state designated a metropolitan statistical area or primary metropolitan statistical area in United States office of management and budget bulletin no. 93-17, June 30, 1993, and its attachments.

(2) "Rural area" means any area of this state not located within a metropolitan statistical area.

~~(CC)~~(AA) "County nursing home" has the same meaning as in

section 5155.31 of the Revised Code. 54085

Sec. 3702.52. The director of health shall administer a state 54086
certificate of need program in accordance with sections 3702.51 to 54087
3702.62 of the Revised Code and rules adopted under those 54088
sections. 54089

(A) The director shall issue rulings on whether a particular 54090
proposed project is a reviewable activity. The director shall 54091
issue a ruling not later than forty-five days after receiving a 54092
request for a ruling accompanied by the information needed to make 54093
the ruling. If the director does not issue a ruling in that time, 54094
the project shall be considered to have been ruled not a 54095
reviewable activity. 54096

(B) The director shall review applications for certificates 54097
of need. Each application shall be submitted to the director on 54098
forms prescribed by the director, shall include all information 54099
required by rules adopted under division (B) of section 3702.57 of 54100
the Revised Code, and shall be accompanied by the application fee 54101
established in rules adopted under division (G) of that section. 54102

Application fees received by the director under this division 54103
shall be deposited into the state treasury to the credit of the 54104
certificate of need fund, which is hereby created. The director 54105
shall use the fund only to pay the costs of administering sections 54106
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 54107
Code and rules adopted under those sections. 54108

The director shall mail to the applicant a written notice 54109
that the application meets the criteria for a complete application 54110
specified in rules adopted under section 3702.57 of the Revised 54111
Code, or a written request for additional information, not later 54112
than thirty days after receiving an application or a response to 54113
an earlier request for information. The director shall not make 54114
more than two requests for additional information. 54115

The director may conduct a public informational hearing in 54116
the course of reviewing any application for a certificate of need, 54117
and shall conduct one if requested to do so by any affected person 54118
not later than fifteen days after the director mails the notice 54119
that the application is complete. The hearing shall be conducted 54120
in the community in which the activities authorized by the 54121
certificate of need would be carried out. Any affected person may 54122
testify at the hearing. The director may, with the health service 54123
agency's consent, designate a health service agency to conduct the 54124
hearing. 54125

Except during a public hearing or as necessary to comply with 54126
a subpoena issued under division ~~(F)~~(E) of this section, after a 54127
notice of completeness has been received, no person shall make 54128
revisions to information that was submitted to the director before 54129
the director mailed the notice of completeness or knowingly 54130
discuss in person or by telephone the merits of the application 54131
with the director. A person may supplement an application after a 54132
notice of completeness has been received by submitting clarifying 54133
information to the director. If one or more persons request a 54134
meeting in person or by telephone, the director shall make a 54135
reasonable effort to invite interested parties to the meeting or 54136
conference call. 54137

(C) All of the following apply to the process of granting or 54138
denying a certificate of need: 54139

(1) If the project proposed in a certificate of need 54140
application meets all of the applicable certificate of need 54141
criteria for approval under sections 3702.51 to 3702.62 of the 54142
Revised Code and the rules adopted under those sections, the 54143
director shall grant a certificate of need for all or part of the 54144
entire project that is the subject of the application ~~immediately~~ 54145
~~after both of the following conditions are met:~~ 54146

~~(a) The board of trustees of the health service agency of the~~ 54147

~~health service area in which the reviewable activity is proposed 54148
to be conducted recommends, prior to the deadline specified in 54149
division (C)(4) of this section or any extension of it under 54150
division (C)(5) of this section, that the certificate of need be 54151
granted; 54152~~

~~(b) The director does not receive any written objections to 54153
the application from any affected person by the thirtieth day 54154
after the director mails the notice of completeness by the 54155
applicable deadline specified in division (C)(4) of this section 54156
or any extension of it under division (C)(5) of this section. 54157~~

~~(2) In the case of certificate of need applications under 54158
comparative review, if the projects proposed in the applications 54159
meet all of the applicable certificate of need criteria for 54160
approval under sections 3702.51 to 3702.62 of the Revised Code and 54161
the rules adopted under those sections, the director shall grant 54162
certificates of need for the entire projects that are the subject 54163
of the applications immediately after both of the following 54164
conditions are met: 54165~~

~~(a) The board of trustees of the health service agency of 54166
each health service area in which the reviewable activities are 54167
proposed to be conducted recommends, prior to the deadline 54168
specified in division (C)(4) of this section or any extension of 54169
it under division (C)(5) of this section, that certificates of 54170
need be granted for each of the reviewable activities to be 54171
conducted in its health service area; 54172~~

~~(b) The director does not receive any written objections to 54173
any of the applications from any affected person by the thirtieth 54174
day after the director mails the last notice of completeness. 54175~~

~~The The director's grant of a certificate of need under 54176
division (C)(1) or (2) of this section does not affect, and sets 54177
no precedent for, the director's decision to grant or deny other 54178~~

applications for similar reviewable activities proposed to be 54179
conducted in the same or different health service areas. 54180

(3) If the director receives written objections to an 54181
application from any affected person by the thirtieth day after 54182
mailing the notice of completeness, ~~regardless of the health~~ 54183
~~service agency's recommendation,~~ the director shall notify the 54184
applicant and assign a hearing examiner to conduct an adjudication 54185
hearing concerning the application in accordance with Chapter 119. 54186
of the Revised Code. In the case of applications under comparative 54187
review, if the director receives written objections to any of the 54188
applications from any affected person by the thirtieth day after 54189
the director mails the last notice of completeness, ~~regardless of~~ 54190
~~the health service agencies' recommendation,~~ the director shall 54191
notify all of the applicants and appoint a hearing examiner to 54192
conduct a consolidated adjudication hearing concerning the 54193
applications in accordance with Chapter 119. of the Revised Code. 54194
The hearing examiner shall be employed by or under contract with 54195
the department of health. 54196

The adjudication hearings may be conducted in the health 54197
service area in which the reviewable activity is proposed to be 54198
conducted. Consolidated adjudication hearings for applications in 54199
comparative review may be conducted in the geographic region in 54200
which all of the reviewable activities will be conducted. The 54201
applicant, the director, and the affected persons that filed 54202
objections to the application shall be parties to the hearing. If 54203
none of the affected persons that submitted written objections to 54204
the application appears or prosecutes the hearing, the hearing 54205
examiner shall dismiss the hearing and the director shall grant a 54206
certificate of need for all or part of the ~~entire~~ project that is 54207
the subject of the application if the proposed project meets all 54208
of the applicable certificate of need criteria for approval under 54209
sections 3702.51 to 3702.62 of the Revised Code and the rules 54210

adopted under those sections. The affected persons bear the burden 54211
of proving by a preponderance of evidence that the project is not 54212
needed or that granting the certificate would not be in accordance 54213
with sections 3702.51 to 3702.62 of the Revised Code or the rules 54214
adopted under those sections. 54215

(4) Except as provided in ~~divisions~~ division (C)~~(1) and~~ 54216
~~(2)(5)~~ of this section, the director shall grant or deny 54217
certificate of need applications for which an adjudication hearing 54218
is not conducted under division (C)(3) of this section not later 54219
than sixty days after mailing the notice of completeness or, in 54220
the case of an application proposing addition of long-term care 54221
beds, not later than sixty days after such other time as is 54222
specified in rules adopted under section 3702.57 of the Revised 54223
Code. ~~The~~ Except as provided in division (C)(5) of this section, 54224
the director shall grant or deny certificate of need applications 54225
for which an adjudication hearing is conducted under division 54226
(C)(3) of this section not later than thirty days after the 54227
expiration of the time for filing objections to the report and 54228
recommendation of the hearing examiner under section 119.09 of the 54229
Revised Code. The director shall base decisions concerning 54230
applications for which an adjudication hearing is conducted under 54231
division (C)(3) of this section on the report and recommendations 54232
of the hearing examiner. 54233

(5) Except as otherwise provided in division (C)~~(1), (2), or~~ 54234
(6) of this section, the director or the applicant may extend the 54235
deadline prescribed in division (C)(4) of this section once, for 54236
no longer than thirty days, by written notice before the end of 54237
the ~~original thirty day period~~ deadline prescribed by division 54238
(C)(4) of this section. An extension by the director under 54239
division (C)(5) of this section shall apply to all applications 54240
that are in comparative review. 54241

(6) No applicant in a comparative review may extend the 54242

deadline specified in division (C)(4) of this section. 54243

~~(7) Except as provided in divisions (C)(1) and (2) of this section, the director may grant a certificate of need for all or part of the project that is the subject of an application.~~ If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted. 54244
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(8) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost. 54251
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(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate. 54255
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(D) The director shall monitor the activities of persons granted certificates of need ~~concerning long term care beds~~ during the period beginning with the granting of the certificate of need and ending five years after implementation of the activity for which the certificate was granted. 54258
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~~In the case of any other certificate of need, the director shall monitor the activities of persons granted certificates of need during the period beginning with the granting of the certificate of need and ending when the activity for which the certificate was granted ceases to be a reviewable activity in accordance with section 3702.511 of the Revised Code.~~ 54263
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(E) When reviewing applications for certificates of need or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas duces tecum to compel the production of documents relevant to review of the application or 54269
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monitoring of the activities. In addition, the director or the 54274
director's designee, which may include a health service agency, 54275
may visit the sites where the activities are or will be conducted. 54276

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(F) The director may withdraw certificates of need. 54278

(G) The director shall conduct, on a regular basis, health 54279
system data collection and analysis activities and prepare 54280
reports. The director shall make recommendations based upon these 54281
activities to the public health council concerning the adoption of 54282
appropriate rules under section 3702.57 of the Revised Code. All 54283
health care facilities and other health care providers shall 54284
submit to the director, upon request, any information that is 54285
necessary to conduct reviews of certificate of need applications 54286
and to develop recommendations for criteria for reviews, and that 54287
is prescribed by rules adopted under division (H) of section 54288
3702.57 of the Revised Code. 54289

(H) Any decision to grant or deny a certificate of need shall 54290
consider the special needs and circumstances resulting from moral 54291
and ethical values and the free exercise of religious rights of 54292
health care facilities administered by religious organizations, 54293
and the special needs and circumstances of ~~children's hospitals,~~ 54294
inner city ~~hospitals,~~ and ~~small rural hospitals~~ communities. 54295

Sec. 3702.524. (A) Except as provided in division (B) ~~or (C)~~ 54296
of this section, a certificate of need granted on or after April 54297
20, 1995, is not transferable prior to the completion of the 54298
reviewable activity for which it was granted. If any person 54299
holding a certificate of need issued on or after that date 54300
transfers the certificate of need to another person before the 54301
reviewable activity is completed, or enters into an agreement that 54302
contemplates the transfer of the certificate of need on the 54303
completion of the reviewable activity, the certificate of need is 54304

void. If the controlling interest in an entity that holds a certificate of need issued on or after that date is transferred prior to the completion of the reviewable activity, the certificate of need is void.

(B) Division (A) of this section does not prohibit the transfer of a certificate of need issued on or after April 20, 1995, between affiliated or related persons, as defined in rules adopted under section 3702.57 of the Revised Code, if the transfer does not result in a change in the person that holds the ultimate controlling interest, as defined in the rules, in the certificate of need.

The transfer of a health care facility after the completion of a reviewable activity for which a certificate of need was issued on or after April 20, 1995, is not a transfer of the certificate of need, unless the facility is transferred pursuant to an agreement entered into prior to the completion of the reviewable activity.

~~(C) Division (A) of this section does not apply to a transfer of a certificate of need that meets all of the following conditions:~~

~~(1) The certificate of need is transferred for no more than the amount of money the person transferring the certificate expended for reasonable and necessary expenses incurred in applying for and obtaining the certificate;~~

~~(2) The person holding the certificate of need is unable to complete the reviewable activity for which it was issued due to circumstances beyond the person's control, including zoning restrictions, natural disasters, or comparable events;~~

~~(3) The director, after reviewing documentation supplied by the person transferring the certificate of need, certifies in writing prior to the transfer that the transfer meets the~~

~~conditions specified in divisions (C)(1) and (2) of this section.~~ 54336

~~If the person that acquires a certificate of need under this 54337
division intends to implement the project other than in 54338
substantial compliance with the approved application for the 54339
certificate, that change is a reviewable activity for which the 54340
person must obtain another certificate of need. 54341~~

Sec. 3702.525. (A) Not later than twenty-four months after 54342
the date the director of health mails the notice that the 54343
certificate of need has been granted or, if the grant or denial of 54344
the certificate of need is appealed under section 3702.60 of the 54345
Revised Code, not later than twenty-four months after issuance of 54346
an order granting the certificate that is not subject to further 54347
appeal, each person holding a certificate of need granted on or 54348
after April 20, 1995, shall: 54349

(1) If the project for which the certificate of need was 54350
granted primarily involves construction and is to be financed 54351
primarily through external borrowing of funds, secure financial 54352
commitment for the stated purpose of developing the project and 54353
commence construction that continues uninterrupted except for 54354
interruptions or delays that are unavoidable due to reasons beyond 54355
the person's control, including labor strikes, natural disasters, 54356
material shortages, or comparable events; 54357

(2) If the project for which the certificate of need was 54358
granted primarily involves construction and is to be financed 54359
primarily internally, receive formal approval from the holder's 54360
board of directors or trustees or other governing authority to 54361
commit specified funds for implementation of the project and 54362
commence construction that continues uninterrupted except for 54363
interruptions or delays that are unavoidable due to reasons beyond 54364
the person's control, including labor strikes, natural disasters, 54365
material shortages, or comparable events; 54366

(3) If the project for which the certificate of need was granted primarily involves acquisition of medical equipment, enter into a contract to purchase or lease the equipment and to accept the equipment at the site for which the certificate was granted;

(4) If the project for which the certificate of need was granted involves no capital expenditure or only minor renovations to existing structures, provide the health service or activity by the means specified in the approved application for the certificate;

(5) If the project for which the certificate of need was granted primarily involves leasing a building or space that requires only minor renovations to the existing space, execute a lease and provide the health service or activity by the means specified in the approved application for the certificate;

(6) If the project for which the certificate of need was granted primarily involves leasing a building or space that has not been constructed or requires substantial renovations to existing space, commence construction for the purpose of implementing the reviewable activity that continues uninterrupted except for interruptions or delays that are unavoidable due to reasons beyond the person's control, including labor strikes, natural disasters, material shortages, or comparable events.

(B) The twenty-four-month period specified in division (A) of this section shall not be extended by any means, including the ~~transfer of a certificate of need under division (C) of section 3702.524 of the Revised Code or~~ granting of a subsequent or replacement certificate of need. Each person holding a certificate of need granted on or after April 20, 1995, shall provide the director of health documentation of compliance with that division not later than the earlier of thirty days after complying with that division or five days after the twenty-four-month period expires. Not later than the earlier of fifteen days after

receiving the documentation or fifteen days after the 54399
twenty-four-month period expires, the director shall send by 54400
certified mail a notice to the holder of the certificate of need 54401
specifying whether the holder has complied with division (A) of 54402
this section. 54403

(C) Notwithstanding division (B) of this section, the 54404
twenty-four-month period specified in division (A) of this section 54405
shall be extended for an additional twenty-four months for any 54406
certificate of need granted for the purchase and relocation of 54407
licensed nursing home beds on February 26, 1999. 54408

(D) A certificate of need granted on or after April 20, 1995, 54409
expires, regardless of whether the director sends a notice under 54410
division (B) of this section, if the holder fails to comply with 54411
division (A) or (C) of this section or to provide information 54412
under division (B) of this section as necessary for the director 54413
to determine compliance. 54414

Sec. 3702.53. (A) No person shall carry out any reviewable 54415
activity unless a certificate of need for such activity has been 54416
granted under sections 3702.51 to 3702.62 of the Revised Code or 54417
the person is exempted by division ~~(F)~~(S) of section 3702.51 or 54418
section ~~3702.527, 3702.528, 3702.529,~~ 3702.5210~~7~~, or 3702.62 of the 54419
Revised Code from the requirement that a certificate of need be 54420
obtained. No person shall carry out any reviewable activity if a 54421
certificate of need authorizing that activity has been withdrawn 54422
by the director of health under section 3702.52 or 3702.526 of the 54423
Revised Code. No person shall carry out a reviewable activity if 54424
the certificate of need authorizing that activity is void pursuant 54425
to section 3702.524 of the Revised Code or has expired pursuant to 54426
section 3702.525 of the Revised Code. 54427

(B) No person shall separate portions of any proposal for any 54428
reviewable activity to evade the requirements of sections 3702.51 54429

to 3702.62 of the Revised Code. 54430

(C) No person granted a certificate of need shall carry out 54431
the reviewable activity authorized by the certificate of need 54432
other than in substantial accordance with the approved application 54433
for the certificate of need. 54434

Sec. 3702.532. When the director of health determines that a 54435
person has violated section 3702.53 of the Revised Code, the 54436
director shall send a notice to the person by certified mail, 54437
return receipt requested, specifying the activity constituting the 54438
violation and the penalties imposed under section 3702.54~~7~~ or 54439
3702.541~~7~~ or ~~3702.542~~ of the Revised Code. 54440

Sec. 3702.54. Except as provided in ~~sections~~ section 3702.541 54441
~~and 3702.542 and former section 3702.543~~ of the Revised Code, 54442
divisions (A) and (B) of this section apply when the director of 54443
health determines that a person has violated section 3702.53 of 54444
the Revised Code. 54445

(A) The director shall impose a civil penalty on the person 54446
in an amount equal to the greatest of the following: 54447

(1) Three thousand dollars; 54448

(2) Five per cent of the operating cost of the activity that 54449
constitutes the violation during the period of time it was 54450
conducted in violation of section 3702.53 of the Revised Code; 54451

(3) ~~Two~~ If a certificate of need was granted, two per cent of 54452
the total approved capital cost associated with implementation of 54453
the activity for which the certificate of need was granted. 54454

In no event, however, shall the penalty exceed two hundred 54455
fifty thousand dollars. 54456

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 54457
the director shall refuse to accept for review any application for 54458

a certificate of need filed by or on behalf of the person, or any successor to the person or entity related to the person, for a period of not less than one year and not more than three years after the director mails the notice of the director's determination under section 3702.532 of the Revised Code or, if the determination is appealed under section 3702.60 of the Revised Code, the issuance of the order upholding the determination that is not subject to further appeal. In determining the length of time during which applications will not be accepted, the director may consider any of the following:

- (a) The nature and magnitude of the violation;
- (b) The ability of the person to have averted the violation;
- (c) Whether the person disclosed the violation to the director before the director commenced his investigation;
- (d) The person's history of compliance with sections 3702.51 to 3702.62 and the rules adopted under section 3702.57 of the Revised Code;
- (e) Any community hardship that may result from refusing to accept future applications from the person.

(2) Notwithstanding the one-year minimum imposed by division (B)(1) of this section, the director may establish a period of less than one year during which the director will refuse to accept certificate of need applications if, after reviewing all information available to the director, the director determines and expressly indicates in the notice mailed under section 3702.532 of the Revised Code that refusing to accept applications for a longer period would result in hardship to the community in which the person provides health services. The director's finding of community hardship shall not affect the granting or denial of any future certificate of need application filed by the person.

Sec. 3702.544. Each person required by section 3702.54~~, or~~ 54489
3702.541, ~~or 3702.542, or former section 3702.543~~ of the Revised 54490
Code to pay a civil penalty shall do so not later than sixty days 54491
after receiving the notice mailed under section 3702.532 of the 54492
Revised Code or, if the person appeals under section 3702.60 of 54493
the Revised Code the director of health's determination that a 54494
violation has occurred, not later than sixty days after the 54495
issuance of an order upholding the director's determination that 54496
is not subject to further appeal. The civil penalties shall be 54497
paid to the director. The director shall deposit them into the 54498
certificate of need fund created by section 3702.52 of the Revised 54499
Code. 54500

Sec. 3702.55. ~~Except as provided in section 3702.542 of the~~ 54501
~~Revised Code,~~ a A person that the director of health determines 54502
has violated section 3702.53 of the Revised Code shall cease 54503
conducting the activity that constitutes the violation or 54504
utilizing the equipment or facility resulting from the violation 54505
not later than thirty days after the person receives the notice 54506
mailed under section 3702.532 of the Revised Code or, if the 54507
person appeals the director's determination under section 3702.60 54508
of the Revised Code, thirty days after the person receives an 54509
order upholding the director's determination that is not subject 54510
to further appeal. ~~A person that applies for a certificate of need~~ 54511
~~as described in section 3702.542 of the Revised Code shall cease~~ 54512
~~conducting the activity or using the equipment or facility in~~ 54513
~~accordance with the timetable established by the director of~~ 54514
~~health under that section.~~ 54515

If any person determined to have violated section 3702.53 of 54516
the Revised Code fails to cease conducting an activity or using 54517
equipment or a facility as required by this section ~~or a timetable~~ 54518
~~established under section 3702.542 of the Revised Code,~~ or if the 54519

person continues to seek payment or reimbursement for services 54520
rendered or costs incurred in conducting the activity as 54521
prohibited by section 3702.56 of the Revised Code, in addition to 54522
the penalties imposed under section 3702.54~~7~~, or 3702.541~~, or~~ 54523
~~3702.542 or former section 3702.543~~ of the Revised Code: 54524

(A) The director of health may refuse to include any beds 54525
involved in the activity in the bed capacity of a hospital for 54526
purposes of registration under section 3701.07 of the Revised 54527
Code; 54528

(B) The director of health may refuse to license, or may 54529
revoke a license or reduce bed capacity previously granted to, a 54530
hospice care program under section 3712.04 of the Revised Code; a 54531
nursing home, rest home, or home for the aging under section 54532
3721.02 of the Revised Code; or any beds within any of those 54533
facilities that are involved in the activity; 54534

(C) A political subdivision certified under section 3721.09 54535
of the Revised Code may refuse to license, or may revoke a license 54536
or reduce bed capacity previously granted to, a nursing home, rest 54537
home, or home for the aging, or any beds within any of those 54538
facilities that are involved in the activity; 54539

(D) The director of mental health may refuse to license under 54540
section 5119.20 of the Revised Code, or may revoke a license or 54541
reduce bed capacity previously granted to, a hospital receiving 54542
mentally ill persons or beds within such a hospital that are 54543
involved in the activity; 54544

(E) The department of job and family services may refuse to 54545
enter into a provider agreement that includes a facility, beds, or 54546
services that result from the activity. 54547

Sec. 3702.57. (A) The public health council shall adopt rules 54548
establishing procedures and criteria for reviews of applications 54549

for certificates of need and issuance, denial, or withdrawal of certificates. 54550
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~~(1) The rules shall require that, in addition to any other applicable review requirements of sections 3702.51 to 3702.62 of the Revised Code and rules adopted thereunder, any application for a certificate of need from an osteopathic hospital be reviewed on the basis of the need for and the availability in the community of services and hospitals for osteopathic physicians and their patients, and in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and doctors of medicine at the student, internship, and residency training levels.~~ 54552
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~~(2)~~ In adopting rules that establish criteria for reviews of applications of certificates of need, the council shall consider the availability of and need for long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries and shall prescribe criteria for reviewing applications that propose to add long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries. 54562
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~~(3)~~(2) The criteria for reviews of applications for certificates of need shall relate to the need for the reviewable activity and shall pertain to all of the following matters: 54569
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(a) The impact of the reviewable activity on the cost and quality of health services in the relevant geographic area, including, but not limited, to the historical and projected utilization of the services to which the application pertains and the effect of the reviewable activity on utilization of other providers of similar services; 54572
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(b) The quality of the services to be provided as the result of the activity, as evidenced by the historical performance of the persons that will be involved in providing the services and by the 54578
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provisions that are proposed in the application to ensure quality, 54581
including but not limited to adequate available personnel, 54582
available ancillary and support services, available equipment, 54583
size and configuration of physical plant, and relations with other 54584
providers; 54585

(c) The impact of the reviewable activity on the availability 54586
and accessibility of the type of services proposed in the 54587
application to the population of the relevant geographic area, and 54588
the level of access to the services proposed in the application 54589
that will be provided to medically underserved individuals such as 54590
recipients of public assistance and individuals who have no health 54591
insurance or whose health insurance is insufficient; 54592

(d) The activity's short- and long-term financial feasibility 54593
and cost-effectiveness, the impact of the activity on the 54594
applicant's costs and charges, and a comparison of the applicant's 54595
costs and charges with those of providers of similar services in 54596
the applicant's proposed service area; 54597

(e) The advantages, disadvantages, and costs of alternatives 54598
to the reviewable activity; 54599

(f) The impact of the activity on all other providers of 54600
similar services in the health service area or other relevant 54601
geographic area, including the impact on their utilization, market 54602
share, and financial status; 54603

(g) The historical performance of the applicant and related 54604
or affiliated parties in complying with previously granted 54605
certificates of need and any applicable certification, 54606
accreditation, or licensure requirements; 54607

(h) The relationship of the activity to the current edition 54608
of the state health resources plan issued under section 3702.521 54609
of the Revised Code; 54610

(i) The historical performance of the applicant and related 54611

or affiliated parties in providing cost-effective health care services; 54612
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(j) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances; 54614
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(k) The appropriateness of the zoning status of the proposed site of the activity; 54619
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(l) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health. 54621
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~~(4)~~(3) The criteria for reviews of applications shall include a formula for determining each county's long-term care bed need for purposes of section 3702.593 of the Revised Code and may include other formulas for determining need for beds and services. 54624
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~~(a) The criteria prescribing formulas shall not, either by themselves or in conjunction with any established occupancy guidelines, require, as a condition of being granted a certificate of need, that a hospital reduce its complement of registered beds or discontinue any service that is not related to the service or project for which the certificate of need is sought.~~ 54629
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~~(b) With respect to applications to conduct reviewable activities that are affected directly by the inpatient occupancy of a health care facility, including addition, relocation, or recategorization of beds or renovation or other construction activities relating to inpatient services, the rules shall prescribe criteria for determining whether the scope of the proposed project is appropriate in light of the historical and reasonably projected occupancy rates for the beds related to the~~ 54635
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~~project.~~ 54643

~~(e)~~ Any rules prescribing criteria that establish ratios of 54644
beds, ~~services, or equipment~~ to population shall specify the bases 54645
for establishing the ratios or mitigating factors or exceptions to 54646
the ratios. 54647

(B) The council shall adopt rules specifying all of the 54648
following: 54649

(1) Information that must be provided in applications for 54650
certificates of need, which shall include a plan for obligating 54651
the capital expenditure or implementing the proposed project on a 54652
timely basis in accordance with section 3702.525 of the Revised 54653
Code; 54654

(2) Procedures for reviewing applications for completeness of 54655
information; 54656

(3) Criteria for determining that the application is 54657
complete. 54658

(C) The council shall adopt rules specifying requirements 54659
that holders of certificates of need must meet in order for the 54660
certificates to remain valid and establishing definitions and 54661
requirements for obligation of capital expenditures and 54662
implementation of projects authorized by certificates of need. 54663

(D) The council shall adopt rules establishing criteria and 54664
procedures under which the director of health may withdraw a 54665
certificate of need if the holder fails to meet requirements for 54666
continued validity of the certificate. 54667

(E) The council shall adopt rules establishing procedures 54668
under which the department of health shall monitor project 54669
implementation activities of holders of certificates of need. The 54670
rules adopted under this division also may establish procedures 54671
for monitoring implementation activities of persons that have 54672

received nonreviewability rulings. 54673

(F) The council shall adopt rules establishing procedures 54674
under which the director of health shall review certificates of 54675
need whose holders exceed or appear likely to exceed an 54676
expenditure maximum specified in a certificate. 54677

(G) The council shall adopt rules establishing certificate of 54678
need application fees sufficient to pay the costs incurred by the 54679
department for administering sections 3702.51 to 3702.62 of the 54680
Revised Code and to pay health service agencies for the functions 54681
they perform under division (D)(5) of section 3702.58 of the 54682
Revised Code. Unless rules are adopted under this division 54683
establishing different application fees, the application fee for a 54684
project not involving a capital expenditure shall be three 54685
thousand dollars and the application fee for a project involving a 54686
capital expenditure shall be nine-tenths of one per cent of the 54687
capital expenditure proposed subject to a minimum of three 54688
thousand dollars and a maximum of twenty thousand dollars. 54689

(H) The council shall adopt rules specifying information that 54690
is necessary to conduct reviews of certificate of need 54691
applications and to develop recommendations for criteria for 54692
reviews that health care facilities and other health care 54693
providers are to submit to the director under division (G) of 54694
section 3702.52 of the Revised Code. 54695

(I) The council shall adopt rules defining "affiliated 54696
person," "related person," and "ultimate controlling interest" for 54697
purposes of section 3702.524 of the Revised Code. 54698

(J) The council shall adopt rules prescribing requirements 54699
for holders of certificates of need to demonstrate to the director 54700
under section 3702.526 of the Revised Code that reasonable 54701
progress is being made toward completion of the reviewable 54702
activity and establishing standards by which the director shall 54703

determine whether reasonable progress is being made. 54704

~~(K) The council shall adopt rules defining high risk cardiac catheterization patients. High risk patients shall include patients with significant ischemic syndromes or unstable myocardial infarction, patients who need intervention such as angioplasty or bypass surgery, patients who may require difficult or complex catheterization procedures such as transeptal assessment of valvular dysfunction, patients with critical aortic stenosis or congestive heart failure, and other patients specified by the council.~~ 54705
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~~(L)~~ The public health council shall adopt all rules under divisions (A) to ~~(K)~~(J) of this section in accordance with Chapter 119. of the Revised Code. The council may adopt other rules as necessary to carry out the purposes of sections 3702.51 to 3702.62 of the Revised Code. 54714
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Sec. 3702.59. ~~(A) Notwithstanding any conflicting provision of sections 3702.51 to 3702.62 of the Revised Code, other than the provisions of sections 3702.5210, 3702.5211, 3702.5212, and 3702.5213 of the Revised Code, both of the following apply under the certificate of need program:~~ 54719
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~~(1) Divisions (B) to (E) of this section apply to the review of certificate of need applications during the period beginning July 1, 1993, and ending June 30, 2009.~~ 54724
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~~(2) Beginning July 1, 2009, the director of health shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need to recategorize hospital beds as described in section 3702.522 of the Revised Code.~~ 54727
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~~(B)(1) Except as provided in division (B)(2) of this section, the director of health shall neither grant nor deny any application for a certificate of need submitted prior to July 1,~~ 54731
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~~1993, if the application was for any of the following and the
director had not issued a written decision concerning the
application prior to that date:~~

~~(a) Approval of beds in a new health care facility or an
increase of beds in an existing health care facility, if the beds
are proposed to be licensed as nursing home beds under Chapter
3721. of the Revised Code;~~

~~(b) Approval of beds in a new county home or new county
nursing home as defined in section 5155.31 of the Revised Code, or
an increase of beds in an existing county home or existing county
nursing home, if the beds are proposed to be certified as skilled
nursing facility beds under Title XVIII or nursing facility beds
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935),
42 U.S.C.A. 301, as amended;~~

~~(c) Recategorization of hospital beds as described in section
3702.522 of the Revised Code, an increase of hospital beds
registered pursuant to section 3701.07 of the Revised Code as
long term care beds or skilled nursing facility beds, or a
recategorization of hospital beds that would result in an increase
of beds registered pursuant to that section as long term care beds
or skilled nursing facility beds.~~

~~On July 1, 1993, the director shall return each such
application to the applicant and, notwithstanding section 3702.52
of the Revised Code regarding the uses of the certificate of need
fund, shall refund to the applicant the application fee paid under
that section. Applications returned under division (B)(1) of this
section may be resubmitted in accordance with section 3702.52 of
the Revised Code no sooner than July 1, 2009.~~

~~(2) The director shall continue to review and shall issue a
decision regarding any application submitted prior to July 1,
1993, to increase beds for either of the purposes described in~~

~~division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated.~~ 54765
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~~(C)(1) Except as provided in division (C)(2) of this section, the director, during the period beginning July 1, 1993, and ending June 30, 2009, shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.~~ 54770
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~~(2)(a) The director of health shall accept for review any application for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds from an existing health care facility within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated certificate of need applications as provided in sections 3702.592, 3702.593, and 3702.594 of the Revised Code.~~ 54776
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~~(B) The director shall not approve an application for a certificate of need for addition of long-term care beds to an existing health care facility by relocation of beds or for the development of a new health care facility by relocation of beds unless all of the following conditions are met:~~ 54785
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~~(i)(1) The existing health care facility ~~to~~ in which the beds are being ~~relocated~~ placed has no waivers for life safety code deficiencies, no state fire code violations, and no state building code violations, or the project identified in the application proposes to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing health care~~ 54790
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facility ~~to~~ in which the beds are being ~~relocated~~ placed; 54797
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~~(ii)~~(2) During the sixty-month period preceding the filing of 54799
the application, no notice of proposed revocation of the 54800
facility's license was issued under section 3721.03 of the Revised 54801
Code to the operator of the existing facility ~~to~~ in which the beds 54802
are being ~~relocated~~ placed or to any health care facility owned or 54803
operated by the applicant or any principal participant in the same 54804
corporation or other business; 54805

~~(iii)~~(3) Neither the existing health care facility ~~to~~ in 54806
which the beds are being ~~relocated~~ placed nor any health care 54807
facility owned or operated by the applicant or any principal 54808
participant in the same corporation or other business has had a 54809
long-standing pattern of violations of this chapter or Chapter 54810
3721. of the Revised Code or deficiencies that caused one or more 54811
residents physical, emotional, mental, or psychosocial harm. 54812

~~(b)~~(C) The director also shall accept for review any 54813
application for the conversion of infirmary beds to long-term care 54814
beds if the infirmary meets all of the following conditions: 54815

~~(i)~~(1) Is operated exclusively by a religious order; 54816

~~(ii)~~(2) Provides care exclusively to members of religious 54817
orders who take vows of celibacy and live by virtue of their vows 54818
within the orders as if related; 54819

~~(iii)~~(3) Was providing care exclusively to members of such a 54820
religious order on January 1, 1994. 54821

~~(D) The director shall issue a decision regarding any case 54822
remanded by a court as the result of a decision issued by the 54823
director prior to July 1, 1993, to grant, deny, or withdraw a 54824
certificate of need for any of the purposes described in divisions 54825
~~(B)(1)(a) to (c) of this section.~~ 54826~~

~~(E) The director shall not project the need for beds listed in division (B)(1) of this section for the period beginning July 1, 1993, and ending June 30, 2009. At no time shall individuals other than those described in division (C)(2) of this section be admitted to a facility to use beds for which a certificate of need is approved under this division.~~

Sec. 3702.592. (A) The director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for any of the following purposes if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds from an existing health care facility within the same county:

(1) Approval of beds in a new health care facility or an increase of beds in an existing health care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under the medicaid program, Title XIX of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended;

(3) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds;

(4) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as special skilled nursing beds that were originally authorized by and operate in accordance with section 3702.522 of the Revised Code.

(B) The director shall accept applications described in 54857
division (A) of this section at any time. 54858

Sec. 3702.593. (A) At the times specified in this section, 54859
the director of health shall accept, for review under section 54860
3702.52 of the Revised Code, certificate of need applications for 54861
any of the following purposes if the proposed increase in beds is 54862
attributable solely to relocation of existing beds from an 54863
existing health care facility in a county with excess beds to a 54864
health care facility in a county in which there are fewer 54865
long-term care beds than the county's bed need: 54866

(1) Approval of beds in a new health care facility or an 54867
increase of beds in an existing health care facility if the beds 54868
are proposed to be licensed as nursing home beds under Chapter 54869
3721. of the Revised Code; 54870

(2) Approval of beds in a new county home or new county 54871
nursing home, or an increase of beds in an existing county home or 54872
existing county nursing home if the beds are proposed to be 54873
certified as skilled nursing facility beds under the medicare 54874
program, Title XVIII of the "Social Security Act," 49 Stat. 286 54875
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 54876
the medicaid program, Title XIX of the "Social Security Act," 49 54877
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 54878

(3) An increase of hospital beds registered pursuant to 54879
section 3701.07 of the Revised Code as long-term care beds. 54880

(B) For the purpose of implementing this section, the 54881
director shall do all of the following: 54882

(1) Determine the long-term care bed supply for each county, 54883
which shall consist of all of the following: 54884

(a) Nursing home beds licensed under Chapter 3721. of the 54885
Revised Code; 54886

<u>(b) Beds certified as skilled nursing facility beds under the medicare program or nursing facility beds under the medicaid program;</u>	54887
	54888
	54889
<u>(c) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds;</u>	54890
	54891
	54892
	54893
<u>(d) Beds held as approved long-term care beds under a certificate of need approved by the director.</u>	54894
	54895
<u>(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made;</u>	54896
	54897
<u>(3) Not later than April 1, 2010, and every four years thereafter, for each county determine, using the formula developed in rules adopted under section 3702.57 of the Revised Code, and publish on the department of health's web site, the county's bed need by identifying the number of long-term beds that would be needed in the county for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety-five per cent.</u>	54898
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<u>(C) The director's consideration of a certificate of need that would increase the number of beds in a county shall be consistent with the county's bed need determined under division (B) of this section except as follows:</u>	54906
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	54908
	54909
<u>(1) If a county's occupancy rate is less than eighty-five per cent, the county shall be considered to have no need for additional beds.</u>	54910
	54911
	54912
<u>(2) Even if a county is determined not to need any additional long-term care beds, the director may approve an increase in beds equal to up to ten per cent of the county's bed supply if the county's occupancy rate is greater than ninety-five per cent.</u>	54913
	54914
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(D) Applications made under this section shall be subject to comparative review. The period for each comparative review process shall be four years with the first period beginning July 1, 2010, and ending June 30, 2014.

Certificate of need applications shall be accepted and reviewed from the first day of the period through the thirtieth day of April of the following year, which shall be the initial phase of the review period. If the director determines that there will be acceptance and review of additional certificate of need applications, the second phase of the review period shall begin on the first day of July of the third year of the review period. The second phase shall be limited to acceptance and review of applications for redistribution of beds made available pursuant to division (G)(2) of this section. During the period between the first and second phases of the review period, the director shall act in accordance with division (H) of this section.

(E) The director shall consider certificate of need applications in accordance with all of the following:

(1) The number of beds approved for a county shall include only beds available for relocation from another county and shall not exceed the bed need of the receiving county;

(2) The director shall consider the existence of community resources serving persons who are age sixty-five or older or disabled that are demonstrably effective in providing alternatives to long-term care facility placement.

(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds;

(4) The director shall approve relocation of beds from a health care facility only if, after the relocation, the number of

beds within a fifteen mile radius of the facility is at least 54948
equal to the state bed need rate. 54949

(F) In determining which applicants should receive preference 54950
in the comparative review process, the director shall consider all 54951
of the following: 54952

(1) Whether the beds will be part of a continuing care 54953
retirement community; 54954

(2) Whether the beds will serve an underserved population, 54955
such as low-income individuals, individuals with disabilities, or 54956
individuals who are members of racial or ethnic minority groups; 54957

(3) Whether the project in which the beds will be included 54958
will provide alternatives to institutional care, such as adult 54959
day-care, home health care, respite or hospice care, mobile meals, 54960
residential care, independent living, or congregate living 54961
services; 54962

(4) Whether the health care facility's owner or operator will 54963
participate in medicaid waiver programs for alternatives to 54964
institutional care; 54965

(5) Whether the project in which the beds will be included 54966
will reduce alternatives to institutional care by converting 54967
residential care beds or other alternative care beds to long-term 54968
care beds; 54969

(6) Whether the facility in which the beds will be placed has 54970
positive resident and family satisfaction surveys; 54971

(7) Whether the facility in which the beds will be placed has 54972
fewer than fifty long-term care beds; 54973

(8) Whether the health care facility in which the beds will 54974
be placed is located within the service area of a hospital and is 54975
designed to accept patients for rehabilitation after an in-patient 54976
hospital stay; 54977

(9) Whether the health care facility in which the beds will 54978
be placed is or proposes to become a nurse aide training and 54979
testing site; 54980

(10) The rating, under the centers for medicare and medicaid 54981
services' five star nursing home quality rating system, of the 54982
health care facility in which the beds will be placed. 54983

(G)(1) When a certificate of need application is approved 54984
during the initial phase of a review period, on completion of the 54985
project under which the beds are relocated, that number of beds 54986
shall cease to be operated in the health care facility from which 54987
they were relocated and, if the licensure or certification of 54988
those beds cannot be or is not transferred to the facility to 54989
which the beds are relocated, the licensure or certification shall 54990
be surrendered. 54991

(2) In addition to the actions required by division (G)(1) of 54992
this section, the health care facility from which the beds were 54993
relocated shall reduce the number of beds operated in the facility 54994
by a number of beds equal to at least ten per cent of the number 54995
of beds relocated and shall surrender the licensure or 54996
certification of those beds. This reduction shall be made not 54997
later than the completion date of the project for which the beds 54998
were relocated. 54999

(H)(1) Once approval of certificate of need applications in 55000
the first phase of a review period is complete, the director shall 55001
make a new determination of the bed need for each county by 55002
reducing the county's bed need by the number of beds approved for 55003
relocation to the county. The new bed-need determination shall be 55004
made not later than the first day of April of the third year of 55005
the review period. 55006

(2) The director may publish on the department's web site the 55007
remaining bed need for counties that will be considered for 55008

redistribution of beds that, in accordance with division (G)(2) of this section, have ceased or will cease to be operated. The director shall base the determination of whether to include a county on all of the following:

(a) The statewide number of beds that, in accordance with division (G)(2) of this section, have ceased or will cease to be operated;

(b) The county's remaining bed need;

(c) The county's bed occupancy rate.

(I) If the director publishes the remaining bed need for a county under division (H)(2) of this section, the director may, beginning on the first day of the second phase of the review period, accept certificate of need applications for redistribution to health care facilities in that county of beds that have ceased or will cease operation in accordance with division (G)(2) of this section. The total number of beds approved for redistribution in the second phase of a review period shall not exceed the number that have ceased or will cease operation in accordance with division (G)(2) of this section. Beds that are not approved for redistribution during the second phase of a review period shall not be available for redistribution at any future time.

Sec. 3702.594. (A) The director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for an increase in beds in an existing health care facility if all of the following conditions are met:

(1) The proposed increase is attributable solely to a relocation of beds from an existing health care facility to another existing health care facility located in a county that is contiguous to the county from which the beds are to be relocated.

(2) If, after the proposed relocation, there will be existing beds remaining in the county from which the beds are relocated. 55039
55040

(3) The existing health care facility to which the beds are proposed to be relocated is located in a county in which there has not been a reviewable activity implemented pursuant to a certificate of need since January 1, 2005, involving the relocation of nursing home beds from one existing health care facility to another existing health care facility that are not related by common ownership. 55041
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(4) The beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code. 55048
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(B) The director shall accept applications described in division (A) of this section at any time. 55050
55051

Sec. 3702.60. (A) Any affected person may appeal a reviewability ruling issued on or after April 20, 1995, to the director of health in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. An affected person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals. 55052
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(B) The certificate of need applicant or another affected person may appeal to the director in accordance with Chapter 119. of the Revised Code a decision issued by the director on or after April 20, 1995, to grant or deny a certificate of need application for which an adjudication hearing was not conducted under section 3702.52 of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The certificate of need applicant or an affected person that was a party to and participated in an adjudication hearing conducted under this division or section 3702.52 of the Revised Code may appeal to the tenth district court of appeals the decision issued 55059
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by the director following the adjudication hearing. No person may 55070
appeal to the director or a court the director's granting of a 55071
certificate of need prior to June 30, 1995, under the version of 55072
section 3702.52 of the Revised Code in effect immediately prior to 55073
that date due to failure to submit timely written objections, no 55074
person may appeal to the director or a court the director's 55075
granting of a certificate of need under division (C)(1) ~~or (2)~~ of 55076
section 3702.52 of the Revised Code. 55077

(C) The certificate of need holder may appeal to the director 55078
in accordance with Chapter 119. of the Revised Code a decision 55079
issued by the director under section 3702.52 or 3702.526 of the 55080
Revised Code on or after April 20, 1995, to withdraw a certificate 55081
of need, and the director shall provide an adjudication hearing in 55082
accordance with that chapter. The person may appeal the director's 55083
ruling in the adjudication hearing to the tenth district court of 55084
appeals. 55085

(D) Any person determined by the director to have violated 55086
section 3702.53 of the Revised Code may appeal that determination, 55087
or the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 55088
~~3702.542 or former section 3702.543~~ of the Revised Code, to the 55089
director in accordance with Chapter 119. of the Revised Code, and 55090
the director shall provide an adjudication hearing in accordance 55091
with that chapter. The person may appeal the director's ruling in 55092
the adjudication hearing to the tenth district court of appeals. 55093

(E) Each person appealing under this section to the director 55094
shall file with the director, not later than thirty days after the 55095
decision, ruling, or determination of the director was mailed, a 55096
notice of appeal designating the decision, ruling, or 55097
determination appealed from. 55098

(F) Each person appealing under this section to the tenth 55099
district court of appeals shall file with the court, not later 55100
than thirty days after the date the director's adjudication order 55101

was mailed, a notice of appeal designating the order appealed 55102
from. The appellant also shall file notice with the director not 55103
later than thirty days after the date the order was mailed. 55104

(1) Not later than thirty days after receipt of the notice of 55105
appeal, the director shall prepare and certify to the court the 55106
complete record of the proceedings out of which the appeal arises. 55107
The expense of preparing and transcribing the record shall be 55108
taxed as part of the costs of the appeal. In the event that the 55109
record or a part thereof is not certified within the time 55110
prescribed by this division, the appellant may apply to the court 55111
for an order that the record be certified. 55112

(2) In hearing the appeal, the court shall consider only the 55113
evidence contained in the record certified to it by the director. 55114
The court may remand the matter to the director for the admission 55115
of additional evidence on a finding that the additional evidence 55116
is material, newly discovered, and could not with reasonable 55117
diligence have been ascertained before the hearing before the 55118
director. Except as otherwise provided by statute, the court shall 55119
give the hearing on the appeal preference over all other civil 55120
matters, irrespective of the position of the proceedings on the 55121
calendar of the court. 55122

(3) The court shall affirm the director's order if it finds, 55123
upon consideration of the entire record and any additional 55124
evidence admitted under division (F)(2) of this section, that the 55125
order is supported by reliable, probative, and substantial 55126
evidence and is in accordance with law. In the absence of such a 55127
finding, it shall reverse, vacate, or modify the order. 55128

(4) If the court determines that the director committed 55129
material procedural error, the court shall remand the matter to 55130
the director for further consideration or action. 55131

(G) The court may award reasonable attorney's fees against 55132

the appellant if it determines that the appeal was frivolous. 55133
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 55134
apply to adjudication hearings under this section or section 55135
3702.52 of the Revised Code and judicial appeals under this 55136
section. 55137

(H) No person may intervene in an appeal brought under this 55138
section. 55139

Sec. 3702.61. In addition to the sanctions imposed under 55140
sections 3702.54, 3702.541, ~~3702.542~~, and 3702.55 ~~and former~~ 55141
~~section 3702.543~~ of the Revised Code, if any person violates 55142
section 3702.53 of the Revised Code, the attorney general may 55143
commence necessary legal proceedings in the court of common pleas 55144
of Franklin county to enjoin the person from such violation until 55145
the requirements of sections 3702.51 to 3702.62 of the Revised 55146
Code have been satisfied. At the request of the director of 55147
health, the attorney general shall commence any necessary 55148
proceedings. The court has jurisdiction to grant and, on a showing 55149
of a violation, shall grant appropriate injunctive relief. 55150

Sec. 3702.87. The director of health shall designate, as 55151
dental health resource shortage areas, areas in this state that 55152
experience special dental health problems and dentist practice 55153
patterns that limit access to dental care. The designations shall 55154
be made by rule and may apply to a geographic area, one or more 55155
facilities within a particular area, or a population group within 55156
a particular area. The director shall consider for designation as 55157
a dental health resource shortage area, any area in this state 55158
that has been designated by the United States secretary of health 55159
and human services as a health professional shortage area under 55160
Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 55161
42 U.S.C. 201, as amended. 55162

Sec. 3702.89. (A) An individual who ~~is~~ will not ~~receiving~~ 55163
~~national health service corps tuition or student~~ have an 55164
outstanding obligation for dental service to the federal 55165
government, a state, or other entity at the time of participation 55166
in the dentist loan repayment assistance program and meets one of 55167
the following requirements may apply for participation in the 55168
dentist loan repayment program: 55169

(1) The applicant is a dental student enrolled in the final 55170
year of dental college. 55171

(2) The applicant is a dental resident in the final year of 55172
residency. 55173

(3) The applicant ~~has been engaged in the~~ holds a valid 55174
license to practice of dentistry for not more than three years 55175
~~prior to submitting the application~~ issued under Chapter 4715. of 55176
the Revised Code. 55177

(B) An application for participation in the dentist loan 55178
repayment program shall be submitted to the director of health on 55179
a form the director shall prescribe. The following information 55180
shall be included or supplied: 55181

(1) The applicant's name, permanent address or address at 55182
which the applicant is currently residing if different from the 55183
permanent address, and telephone number; 55184

(2) The dental college the applicant attended or is attending 55185
~~or attended~~, dates of attendance, and verification of attendance; 55186

(3) If the applicant has completed a dental residency program 55187
or is a dental resident, the facility or institution ~~at which~~ 55188
where the dental residency was completed or is being performed, 55189
and, if completed, the date of completion; 55190

(4) A summary and verification of the educational expenses 55191
for which the applicant seeks reimbursement under the program; 55192

(5) If the applicant is a dentist, verification of the applicant's license issued under Chapter 4715. of the Revised Code to practice dentistry and proof of good standing;

(6) Verification of the applicant's United States citizenship or status as a legal alien.

Sec. 3702.90. If funds are available in the dentist loan repayment fund created under section 3702.95 of the Revised Code and the general assembly has appropriated the funds for the program, the director of health shall approve an applicant for participation in the program on finding in accordance with the priorities established under section 3702.88 of the Revised Code that the applicant is eligible for participation and is needed in a dental health resource shortage area.

On approving an application, the director shall notify and enter into discussions with the applicant. The object of the discussions is to facilitate recruitment of the applicant to a site within a dental health resource shortage area at which, according to the priorities established under section 3702.88 of the Revised Code, the applicant is needed. ~~The director may pay the costs incurred by the applicant and the applicant's spouse for travel, meals, and lodging in making one visit to one dental health resource shortage area. The director may also refer an applicant to the Ohio dental association for assistance in being recruited to a site within a dental health resource shortage area at which the applicant will agree to be placed.~~

If the director and applicant agree on the applicant's placement at a particular site within a dental health resource shortage area, the applicant shall sign and deliver to the director a letter of intent agreeing to that placement.

Sec. 3702.91. (A) An individual who has signed a letter of

intent under section 3702.90 of the Revised Code may enter into a 55223
contract with the director of health for participation in the 55224
dentist loan repayment program. ~~A lending institution~~ The 55225
dentist's employer or other funding source may also be a party to 55226
the contract. 55227

(B) The contract shall include all of the following 55228
obligations: 55229

(1) The individual agrees to provide dental services in the 55230
dental health resource shortage area identified in the letter of 55231
intent for at least ~~one year~~ two years. 55232

(2) When providing dental services in the dental health 55233
resource shortage area, the individual agrees to do all of the 55234
following: 55235

(a) Provide dental services for a minimum of forty hours per 55236
week; 55237

(b) Provide dental services without regard to a patient's 55238
ability to pay; 55239

(c) Meet the conditions prescribed by the "Social Security 55240
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the 55241
department of job and family services for participation in the 55242
medicaid program established under Chapter 5111. of the Revised 55243
Code and enter into a contract with the department to provide 55244
dental services to medicaid recipients. 55245

(3) The department of health agrees, as provided in section 55246
3702.85 of the Revised Code, to repay, so long as the individual 55247
performs the service obligation agreed to under division (B)(1) of 55248
this section, all or part of the principal and interest of a 55249
government or other educational loan taken by the individual for 55250
expenses described in section 3702.85 of the Revised Code ~~up to~~ 55251
~~but not exceeding twenty thousand dollars per year of service.~~ 55252

(4) The individual agrees to pay the department of health ~~the~~ 55253
~~following as damages an amount established by rules adopted under~~ 55254
~~section 3702.86 of the Revised Code,~~ if the individual fails to 55255
complete the service obligation agreed to under division (B)(1) of 55256
this section+ 55257

~~(a) If the failure occurs during the first two years of the~~ 55258
~~service obligation, three times the total amount the department~~ 55259
~~has agreed to repay under division (B)(3) of this section;~~ 55260

~~(b) If the failure occurs after the first two years of the~~ 55261
~~service obligation, three times the amount the department is still~~ 55262
~~obligated to repay under division (B)(3) of this section.~~ 55263

(C) The contract may include any other terms agreed upon by 55264
the parties, ~~including an assignment to the department of health~~ 55265
~~of the individual's duty to pay the principal and interest of a~~ 55266
~~government or other educational loan taken by the individual for~~ 55267
~~expenses described in section 3702.85 of the Revised Code. If the~~ 55268
~~department assumes the individual's duty to pay a loan, the~~ 55269
~~contract shall set forth the total amount of principal and~~ 55270
~~interest to be paid, an amortization schedule, and the amount of~~ 55271
~~each payment to be made under the schedule.~~ 55272

(D) Not later than the thirty-first day of January of each 55273
year, the department of health shall mail to each individual to 55274
whom or on whose behalf repayment is made under the dentist loan 55275
repayment program a statement showing the amount of principal and 55276
interest repaid by the department pursuant to the contract in the 55277
preceding year. The statement shall be sent by ordinary mail with 55278
address correction and forwarding requested in the manner 55279
prescribed by the United States postal service. 55280

Sec. 3702.92. There is hereby created the dentist loan 55281
repayment advisory board. The board shall consist of the following 55282
members: 55283

(A) ~~One member~~ Two members of the house of representatives, 55284
one from each political party, appointed by the speaker of the 55285
house of representatives; 55286

(B) ~~One member~~ Two members of the senate, one from each 55287
political party, appointed by the president of the senate; 55288

(C) A representative of the board of regents, appointed by 55289
the chancellor; 55290

(D) The director of health or an employee of the department 55291
of health designated by the director; 55292

(E) ~~Three~~ Four representatives of the dental profession, 55293
appointed by the governor from persons nominated by the Ohio 55294
dental association. 55295

Terms of office of the appointed members shall be two years, 55296
with each term commencing on the twenty-eighth day of January and 55297
ending on the twenty-seventh day of January of the second year 55298
after appointment. The governor ~~shall appoint the dental~~ 55299
~~profession representatives not later than ninety days after~~ 55300
~~October 29, 2003. The terms of all members shall commence~~ 55301
~~ninety one days after October 29, 2003. Of the initial~~ 55302
~~appointments made by the governor, two shall serve a term of one~~ 55303
~~year and one shall serve a term of two years. The initial~~ 55304
~~appointment made by the,~~ speaker of the house of representatives 55305
~~shall be for a term of one year. The initial appointment made by~~ 55306
~~the, and~~ president of the senate ~~shall be for a term of two years~~ 55307
make each of their respective appointments not later than the 55308
twenty-seventh day of January of the year in which the term of the 55309
member being appointed is to commence. Each member shall hold 55310
office from the date of appointment until the end of the term for 55311
which the member was appointed, except that a legislative member 55312
ceases to be a member of the board on ceasing to be a member of 55313
the general assembly. No person shall be appointed to the board 55314

for more than two consecutive terms. 55315

Vacancies shall be filled in the manner prescribed for the 55316
original appointment. A member appointed to fill a vacancy 55317
occurring prior to the expiration of the term for which the 55318
member's predecessor was appointed shall hold office for the 55319
remainder of that term. A member shall continue in office 55320
subsequent to the expiration of the member's term until a 55321
successor takes office or until sixty days have elapsed, whichever 55322
occurs first. ~~No person shall be appointed to the board for more 55323
than two consecutive terms. Thereafter, terms of office shall be 55324
two years. Each member shall hold office from the date of 55325
appointment until the end of the term for which the member was 55326
appointed, except that a legislative member ceases to be a member 55327
of the board on ceasing to be a member of the general assembly.~~ 55328

The governor, speaker, or president may remove a member for 55329
whom the governor, speaker, or president was the appointing 55330
authority, for misfeasance, malfeasance, or willful neglect of 55331
duty. 55332

The board shall designate a member to serve as chairperson of 55333
the board. 55334

The board shall meet at least once annually. The chairperson 55335
shall call special meetings as needed or upon the request of four 55336
members. 55337

~~Four~~ Six members of the board constitute a quorum to transact 55338
and vote on all business coming before the board. 55339

Members of the board shall serve without compensation, ~~but 55340
may be reimbursed for reasonable and necessary expenses incurred 55341
in the discharge of their duties.~~ 55342

The department of health shall provide the board with staff 55343
assistance as requested by the board. 55344

Sec. 3702.93. The dentist loan repayment advisory board shall 55345
determine the amounts that will be paid as loan repayments on 55346
behalf of participants in the dentist loan repayment program. ~~No~~ 55347
In the first and second years, no repayment shall exceed ~~twenty~~ 55348
twenty-five thousand dollars in ~~any~~ each year, ~~except that if. In~~ 55349
the third and fourth years, no repayment shall exceed thirty-five 55350
thousand dollars in each year. If, however, a repayment results in 55351
an increase in the participant's federal, state, or local income 55352
tax liability, the department of health, at the participant's 55353
request and with the approval of the director of health, may 55354
reimburse the participant for the increased tax liability, 55355
regardless of the amount of the repayment in that year. ~~Total~~ 55356
~~repayment on behalf of a participant shall not exceed eighty~~ 55357
~~thousand dollars over the time of participation in the program.~~ 55358

Sec. 3702.94. The dentist loan repayment advisory board, 55359
annually on or before the first day of March, shall submit a 55360
report to the governor and general assembly describing the 55361
operations of the dentist loan repayment program during the 55362
previous calendar year. The report shall include information about 55363
all of the following: 55364

(A) The number of requests received by the director of health 55365
that a particular area be designated as a dental health resource 55366
shortage area; 55367

(B) The areas that have been designated as dental health 55368
resource shortage areas and the priorities that have been assigned 55369
to them; 55370

(C) The number of applicants for participation in the dentist 55371
loan repayment program; 55372

(D) The number of dentists assigned to dental health resource 55373
shortage areas and the payments made on behalf of those dentists 55374

under the dentist loan repayment program; 55375

(E) The dental health resource shortage areas that have not 55376
been matched with all of the dentists they need; 55377

(F) The number of dentists failing to complete their service 55378
obligations, the amount of damages owed, and the amount of damages 55379
collected. 55380

Sec. 3703.01. (A) Except as otherwise provided in this 55381
section, the division of ~~industrial compliance~~ labor in the 55382
department of commerce shall do all of the following: 55383

(1) Inspect all nonresidential buildings within the meaning 55384
of section 3781.06 of the Revised Code; 55385

(2) Condemn all unsanitary or defective plumbing that is 55386
found in connection with those places; 55387

(3) Order changes in plumbing necessary to insure the safety 55388
of the public health. 55389

(B)(1)(a) The division of ~~industrial compliance~~ labor, boards 55390
of health of city and general health districts, and county 55391
building departments shall not inspect plumbing or collect fees 55392
for inspecting plumbing in particular types of buildings in any 55393
municipal corporation that is certified by the board of building 55394
standards under section 3781.10 of the Revised Code to exercise 55395
enforcement authority for plumbing in those types of buildings. 55396

(b) The division shall not inspect plumbing or collect fees 55397
for inspecting plumbing in particular types of buildings in any 55398
health district that employs one or more plumbing inspectors 55399
certified pursuant to division (D) of this section to enforce 55400
Chapters 3781. and 3791. of the Revised Code and the rules adopted 55401
pursuant to those chapters relating to plumbing in those types of 55402
buildings. 55403

(c) The division shall not inspect plumbing or collect fees 55404

for inspecting plumbing in particular types of buildings in any 55405
health district where the county building department is authorized 55406
to inspect those types of buildings pursuant to a contract 55407
described in division (C)(1) of this section. 55408

(d) The division shall not inspect plumbing or collect fees 55409
for inspecting plumbing in particular types of buildings in any 55410
health district where the board of health has entered into a 55411
contract with the board of health of another district to conduct 55412
inspections pursuant to division (C)(2) of this section. 55413

(2) No county building department shall inspect plumbing or 55414
collect fees for inspecting plumbing in any type of building in a 55415
health district unless the department is authorized to inspect 55416
that type of building pursuant to a contract described in division 55417
(C)(1) of this section. 55418

(3) No municipal corporation shall inspect plumbing or 55419
collect fees for inspecting plumbing in types of buildings for 55420
which it is not certified by the board of building standards under 55421
section 3781.10 of the Revised Code to exercise enforcement 55422
authority. 55423

(4) No board of health of a health district shall inspect 55424
plumbing or collect fees for inspecting plumbing in types of 55425
buildings for which it does not have a plumbing inspector 55426
certified pursuant to division (D) of this section. 55427

(C)(1) The board of health of a health district may enter 55428
into a contract with a board of county commissioners to authorize 55429
the county building department to inspect plumbing in buildings 55430
within the health district. The contract may designate that the 55431
department inspect either residential or nonresidential buildings, 55432
as those terms are defined in section 3781.06 of the Revised Code, 55433
or both types of buildings, so long as the department employs or 55434
contracts with a plumbing inspector certified pursuant to division 55435

(D) of this section to inspect the types of buildings the contract designates. The board of health may enter into a contract regardless of whether the health district employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code.

(2) The board of health of a health district, regardless of whether it employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code, may enter into a contract with the board of health of another health district to authorize that board to inspect plumbing in buildings within the contracting board's district. The contract may designate the inspection of either residential or nonresidential buildings as defined in section 3781.06 of the Revised Code, or both types of buildings, so long as the board that performs the inspections employs a plumbing inspector certified pursuant to division (D) of this section to inspect the types of buildings the contract designates.

(D) The superintendent of ~~industrial compliance~~ labor shall adopt rules prescribing minimum qualifications based on education, training, experience, or demonstrated ability, that the superintendent shall use in certifying or recertifying plumbing inspectors to do plumbing inspections for health districts and county building departments that are authorized to perform inspections pursuant to a contract under division (C)(1) of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification.

(E) The superintendent may enter into reciprocal registration, licensure, or certification agreements with other states and other agencies of this state relative to plumbing inspectors if both of the following apply:

(1) The requirements for registration, licensure, or

certification of plumbing inspectors under the laws of the other 55468
state or laws administered by the other agency are substantially 55469
equal to the requirements the superintendent adopts under division 55470
(D) of this section for certifying plumbing inspectors. 55471

(2) The other state or agency extends similar reciprocity to 55472
persons certified under this chapter. 55473

(F) The superintendent may select and contract with one or 55474
more persons to do all of the following regarding examinations for 55475
certification of plumbing inspectors: 55476

(1) Prepare, administer, score, and maintain the 55477
confidentiality of the examination; 55478

(2) Maintain responsibility for all expenses required to 55479
comply with division (F)(1) of this section; 55480

(3) Charge each applicant a fee for administering the 55481
examination in an amount the superintendent authorizes; 55482

(4) Design the examination for certification of plumbing 55483
inspectors to determine an applicant's competence to inspect 55484
plumbing. 55485

(G) Standards and methods prescribed in local plumbing 55486
regulations shall not be less than those prescribed in Chapters 55487
3781. and 3791. of the Revised Code and the rules adopted pursuant 55488
to those chapters. 55489

(H) Notwithstanding any other provision of this section, the 55490
division shall make a plumbing inspection of any building or other 55491
place that there is reason to believe is in a condition to be a 55492
menace to the public health. 55493

Sec. 3703.03. In the administration of sections 3703.01 to 55494
~~3703.09~~ 3703.08 of the Revised Code, the division of ~~industrial~~ 55495
~~compliance labor~~ shall enforce rules governing plumbing adopted by 55496
the board of building standards under authority of sections 55497

3781.10 and 3781.11 of the Revised Code, and register those 55498
persons engaged in or at the plumbing business. 55499

Plans and specifications for all plumbing to be installed in 55500
or for buildings coming within such sections shall be submitted to 55501
and approved by the division before the contract for plumbing is 55502
let. 55503

Sec. 3703.04. The superintendent of ~~industrial compliance~~ 55504
labor shall appoint such number of plumbing inspectors as is 55505
required. The inspectors shall be practical plumbers with at least 55506
seven years' experience, and skilled and well-trained in matters 55507
pertaining to sanitary regulations concerning plumbing work. 55508

Sec. 3703.05. Plumbing inspectors employed by the division of 55509
~~industrial compliance~~ labor assigned to the enforcement of 55510
sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code may, 55511
between sunrise and sunset, enter any building where there is good 55512
and sufficient reason to believe that the sanitary condition of 55513
the premises endangers the public health, for the purpose of 55514
making an inspection to ascertain the condition of the premises. 55515

Sec. 3703.06. When any building is found to be in a sanitary 55516
condition or when changes which are ordered, under authority of 55517
this chapter, in the plumbing, drainage, or ventilation have been 55518
made, and after a thorough inspection and approval by the 55519
superintendent of ~~industrial compliance~~ labor, the superintendent 55520
shall issue a certificate, which shall be posted in a conspicuous 55521
place for the benefit of the public at large. Upon notification by 55522
the superintendent, the certificate shall be revoked for any 55523
violation of those sections. 55524

Sec. 3703.07. No plumbing work shall be done in any building 55525
or place coming within the jurisdiction of the division of 55526

~~industrial compliance~~ labor, except in cases of repairs or leaks 55527
in existing plumbing, until a permit has been issued by the 55528
division. 55529

Before granting such permit, an application shall be made by 55530
the owner of the property or by the person, firm, or corporation 55531
which is to do the work. The application shall be made on a form 55532
prepared by the division for the purpose, and each application 55533
shall be accompanied by a fee of twenty-seven dollars, and an 55534
additional fee of seven dollars for each trap, vented fixture, 55535
appliance, or device. Each application also shall be accompanied 55536
by a plan approval fee of eighteen dollars for work containing one 55537
through twenty fixtures; thirty-six dollars for work containing 55538
twenty-one through forty fixtures; and fifty-four dollars for work 55539
containing forty-one or more fixtures. 55540

Whenever a reinspection is made necessary by the failure of 55541
the applicant or plumbing contractor to have the work ready for 55542
inspection when so reported, or by reason of faulty or improper 55543
installation, the person shall pay a fee of forty-five dollars for 55544
each reinspection. 55545

All fees collected pursuant to this section shall be paid 55546
into the state treasury to the credit of the ~~industrial compliance~~ 55547
labor operating fund created in section 121.084 of the Revised 55548
Code. 55549

The superintendent of ~~industrial compliance~~ labor, by rule 55550
adopted in accordance with Chapter 119. of the Revised Code, may 55551
increase the fees required by this section and may establish fees 55552
to pay the costs of the division to fulfill its duties established 55553
by this chapter, including, but not limited to, fees for 55554
administering a program for continuing education for, and 55555
certifying and recertifying plumbing inspectors. The fees shall 55556
bear some reasonable relationship to the cost of administering and 55557
enforcing the provisions of this chapter. 55558

Sec. 3703.08. Any owner, agent, or manager of a building in 55559
which an inspection is made by the division of ~~industrial~~ 55560
~~compliance labor~~, a board of health of a health district, or a 55561
certified department of building inspection of a municipal 55562
corporation or a county shall have the entire system of drainage 55563
and ventilation repaired, as the division, board of health, or 55564
department of building inspection directs by its order. After due 55565
notice to repair that work is given, the owner, agent, or manager 55566
shall notify the public authority that issued the order when the 55567
work is ready for its inspection. No person shall fail to have the 55568
work ready for inspection at the time specified in the notice. 55569

55570

Sec. 3703.10. All prosecutions and proceedings by the 55571
division of ~~industrial-compliance labor~~ for the violation of 55572
sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code, or for 55573
the violation of any of the orders or rules of the division under 55574
those sections, shall be instituted by the superintendent of 55575
~~industrial-compliance labor~~. All fines or judgments collected by 55576
the division shall be paid into the state treasury to the credit 55577
of the ~~industrial-compliance labor~~ operating fund created by 55578
section 121.084 of the Revised Code. 55579

The superintendent, the board of health of a general or city 55580
health district, or any person charged with enforcing the rules of 55581
the division adopted under sections 3703.01 to ~~3703.09~~ 3703.08 of 55582
the Revised Code may petition the court of common pleas for 55583
injunctive or other appropriate relief requiring any person 55584
violating a rule adopted or order issued by the superintendent 55585
under those sections to comply with the rule or order. The court 55586
of common pleas of the county in which the offense is alleged to 55587
be occurring may grant injunctive or other appropriate relief. 55588

The superintendent may do all of the following: 55589

(A) Deny an applicant certification as a plumbing inspector;	55590
(B) Suspend or revoke the certification of a plumbing inspector;	55591 55592
(C) Examine any certified plumbing inspector under oath;	55593
(D) Examine the records and books of any certified plumbing inspector if the superintendent finds the material to be examined relevant to a determination described in division (A), (B), or (C) of this section.	55594 55595 55596 55597
Sec. 3703.21. (A) Within ninety days after the effective date of this section <u>September 16, 2004</u> , the superintendent of the division of industrial compliance labor shall appoint a backflow advisory board consisting of not more than ten members, who shall serve at the pleasure of the superintendent. The superintendent shall appoint a representative from the plumbing section of the division of industrial compliance labor , three representatives recommended by the plumbing administrator of the division of industrial compliance labor , a representative of the drinking water program of the Ohio environmental protection agency, three representatives recommended by the director of environmental protection, and not more than two members who are not employed by the plumbing or water industry.	55598 55599 55600 55601 55602 55603 55604 55605 55606 55607 55608 55609 55610
The board shall advise the superintendent on matters pertaining to the training and certification of backflow technicians.	55611 55612 55613
(B) The superintendent shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the certification of backflow technicians. The rules shall establish all of the following requirements, specifications, and procedures:	55614 55615 55616 55617
(1) Requirements and procedures for the initial certification of backflow technicians, including eligibility criteria and	55618 55619

application requirements and fees;	55620
(2) Specifications concerning and procedures for taking examinations required for certification as a backflow technician, including eligibility criteria to take the examination and application requirements and fees for taking the examination;	55621 55622 55623 55624
(3) Specifications concerning and procedures for renewing a certification as a backflow technician, including eligibility criteria, application requirements, and fees for renewal;	55625 55626 55627
(4) Specifications concerning and procedures for both of the following:	55628 55629
(a) Approval of training agencies authorized to teach required courses to candidates for certification as backflow technicians or continuing education courses to certified backflow technicians;	55630 55631 55632 55633
(b) Renewal of the approval described in division (B)(4)(a) of this section.	55634 55635
(5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy;	55636 55637 55638 55639
(6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;	55640 55641 55642
(7) Procedures for issuing administrative orders for the remedy of any violation of this section or any rule adopted pursuant to division (B) of this section, including, but not limited to, procedures for assessing a civil penalty authorized under division (D) of this section;	55643 55644 55645 55646 55647
(8) Any provision the superintendent determines is necessary to administer or enforce this section.	55648 55649

(C) No individual shall engage in the installation, testing, 55650
or repair of any isolation backflow prevention device unless that 55651
individual possesses a valid certification as a backflow 55652
technician. This division does not apply with respect to the 55653
installation, testing, or repair of any containment backflow 55654
prevention device. 55655

(D) Whoever violates division (C) of this section or any rule 55656
adopted pursuant to division (B) of this section shall pay a civil 55657
penalty of not more than five thousand dollars for each day that 55658
the violation continues. The superintendent may, by order, assess 55659
a civil penalty under this division, or may request the attorney 55660
general to bring a civil action to impose the civil penalty in the 55661
court of common pleas of the county in which the violation 55662
occurred or where the violator resides. 55663

(E) Any action taken under a rule adopted pursuant to 55664
division (B)(6) of this section is subject to the appeal process 55665
of Chapter 119. of the Revised Code. An administrative order 55666
issued pursuant to rules adopted under division (B)(7) of this 55667
section and an appeal to that type of administrative order shall 55668
be executed in accordance with Chapter 119. of the Revised Code. 55669

(F) As used in this section: 55670

(1) "Isolation backflow prevention device" means a device for 55671
the prevention of the backflow of liquids, solids, or gases that 55672
is regulated by the building code adopted pursuant to section 55673
3781.10 of the Revised Code and rules adopted pursuant to this 55674
section. 55675

(2) "Containment backflow prevention device" means a device 55676
for the prevention of the backflow of liquids, solids, or gases 55677
that is installed by the supplier of, or as a requirement of, any 55678
public water system as defined in division (A) of section 6109.01 55679
of the Revised Code. 55680

Sec. 3703.99. Whoever violates sections 3703.01 to ~~3703.09~~ 55681
~~3703.08~~ of the Revised Code, or any rule the division of 55682
~~industrial compliance labor~~ is required to enforce under such 55683
sections, shall be fined not less than ten nor more than one 55684
hundred dollars or imprisoned for not less than ten nor more than 55685
ninety days, or both. No person shall be imprisoned under this 55686
section for the first offense, and the prosecution always shall be 55687
as for a first offense unless the affidavit upon which the 55688
prosecution is instituted contains the allegation that the offense 55689
is a second or repeated offense. 55690

Sec. 3704.14. (A) ~~The director of environmental protection~~ 55691
~~shall continue to implement an enhanced motor vehicle inspection~~ 55692
~~and maintenance program for a period of two years beginning on~~ 55693
~~January 1, 2006, and ending on December 31, 2007, in counties in~~ 55694
~~which a motor vehicle inspection and maintenance program is~~ 55695
~~federally mandated. The program shall be substantially similar to~~ 55696
~~the enhanced program implemented in those counties under a~~ 55697
~~contract that is scheduled to expire on December 31, 2005. The (1)~~ 55698
If the director of environmental protection determines that 55699
implementation of a motor vehicle inspection and maintenance 55700
program is necessary for the state to effectively comply with the 55701
federal Clean Air Act after June 30, 2009, the director may 55702
provide for the implementation of the program in those counties in 55703
this state in which such a program is federally mandated. Upon 55704
making such a determination, the director of environmental 55705
protection may request the director of administrative services to 55706
extend the terms of the contract that was entered into under the 55707
authority of Section 7 of Am. Sub. H.B. 24 of the 127th general 55708
assembly. Upon receiving the request, the director of 55709
administrative services shall extend the contract, beginning on 55710
July 1, 2009, in accordance with this section. The contract shall 55711

be extended for a period of up to six months with the contractor 55712
who conducted the motor vehicle inspection and maintenance program 55713
under that contract. 55714

(2) Prior to the expiration of the contract extension that is 55715
authorized by division (A)(1) of this section, the director of 55716
environmental protection may request the director of 55717
administrative services to enter into a contract with a vendor to 55718
operate a motor vehicle inspection and maintenance program in each 55719
county in this state in which such a program is federally mandated 55720
through June 30, 2011, with an option for the state to renew the 55721
contract through June 30, 2012. The contract shall ensure that the 55722
motor vehicle inspection and maintenance program achieve at least 55723
the same ozone precursor reductions as achieved by the program 55724
operated under the authority of the contract that was extended 55725
under division (A)(1) of this section. The director of 55726
administrative services shall select a vendor through a 55727
competitive selection process in compliance with Chapter 125. of 55728
the Revised Code. 55729

(3) A motor vehicle inspection and maintenance program 55730
operated under this section shall comply with division (B) of this 55731
section. The director of environmental protection shall administer 55732
the motor vehicle inspection and maintenance program operated 55733
under this section. 55734

(B) The motor vehicle inspection and maintenance program 55735
authorized by this section, at a minimum, shall do all of the 55736
following: 55737

(1) Comply with the federal Clean Air Act; 55738

~~(2) Provide for the extension of a contract for a period of~~ 55739
~~two years, beginning on January 1, 2006, and ending on December~~ 55740
~~31, 2007, with the contractor who conducted the enhanced motor~~ 55741
~~vehicle inspection and maintenance program in those federally~~ 55742

~~mandated counties pursuant to a contract entered into under former~~ 55743
~~section 3704.14 of the Revised Code as that section existed prior~~ 55744
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 55745
~~General Assembly;~~ 55746

~~(3)~~ Provide for the issuance of inspection certificates; 55747

~~(4)~~(3) Provide for a new car exemption for motor vehicles 55748
four years old or newer and provide that a new motor vehicle is 55749
exempt for four years regardless of whether legal title to the 55750
motor vehicle is transferred during that period. 55751

~~(B)~~(C) The director of environmental protection shall not 55752
implement a motor vehicle inspection and maintenance program in 55753
any county other than a county in which a motor vehicle inspection 55754
and maintenance program is federally mandated. 55755

~~(C)~~(D) The director of environmental protection shall adopt 55756
rules in accordance with Chapter 119. of the Revised Code that the 55757
director determines are necessary to implement this section. The 55758
director may continue to implement and enforce rules pertaining to 55759
the ~~enhanced~~ motor vehicle inspection and maintenance program 55760
previously implemented under former section 3704.14 of the Revised 55761
Code as that section existed prior to its repeal and reenactment 55762
by Am. Sub. H.B. 66 of the 126th general assembly, provided that 55763
the rules do not conflict with this section. 55764

55765

~~(D)~~(E) There is hereby created in the state treasury the 55766
~~motor vehicle inspection and maintenance~~ auto emissions test fund, 55767
which shall consist of money ~~received by the director of~~ 55768
environmental protection from any fees for inspections that are 55769
~~established in rules adopted~~ cash transfers, state and local 55770
grants, and other contributions that are received for the purpose 55771
of funding the program established under this section. The 55772
director shall use money in the fund solely for the 55773

implementation, supervision, administration, operation, and 55774
enforcement of the ~~enhanced~~ motor vehicle inspection and 55775
maintenance program established under this section. Money in the 55776
fund shall not be used for either of the following: 55777

(1) To pay for the inspection costs incurred by a motor 55778
vehicle dealer so that the dealer may provide inspection 55779
certificates to an individual purchasing a motor vehicle from the 55780
dealer when that individual resides in a county that is subject to 55781
the motor vehicle inspection and maintenance program; 55782

(2) To provide payment for more than one free passing 55783
emissions inspection or a total of three emissions inspections for 55784
a motor vehicle in any three-hundred-sixty-five day period. The 55785
owner or lessee of a motor vehicle is responsible for inspection 55786
fees that are related to emissions inspections beyond one free 55787
passing emissions inspection or three total emissions inspections 55788
in any three-hundred-sixty-five day period. Inspection fees that 55789
are charged by a contractor conducting emissions inspections under 55790
a motor vehicle inspection and maintenance program shall be 55791
approved by the director of environmental protection. 55792

~~(E)~~(F) The ~~enhanced~~ motor vehicle inspection and maintenance 55793
program established under this section expires ~~on December 31,~~ 55794
~~2007,~~ upon the termination of all contracts entered into under 55795
this section and shall not be ~~continued~~ implemented beyond ~~that~~ 55796
the final date on which termination occurs unless otherwise 55797
federally mandated. 55798

Sec. 3704.144. Gifts, grants, and contributions for the 55799
purpose of adding pollution control equipment to diesel-powered 55800
school buses, including contributions that are made pursuant to 55801
the settlement of an administrative action or civil action that is 55802
brought at the request of the director of environmental protection 55803
pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the 55804

Revised Code, shall be credited to the clean diesel school bus 55805
fund, which is hereby created in the state treasury. The director 55806
shall use money credited to the fund to make grants to school 55807
districts in the state and to county boards of mental retardation 55808
and developmental disabilities for the purpose of adding pollution 55809
control equipment to diesel-powered school buses and to pay the 55810
environmental protection agency's costs incurred in administering 55811
this section. In addition, the director may use money credited to 55812
the fund to make grants to school districts and to county boards 55813
of mental retardation and developmental disabilities for the 55814
purpose of maintaining pollution control equipment that is 55815
installed on diesel-powered school buses and to pay the additional 55816
cost incurred by a school district or a county board for using 55817
ultra-low sulfur diesel fuel instead of diesel fuel for the 55818
operation of diesel-powered school buses. 55819

In making grants under this section, the director shall give 55820
priority to school districts and to county boards of mental 55821
retardation and developmental disabilities that are located in a 55822
county that is designated as nonattainment by the United States 55823
environmental protection agency for the fine particulate national 55824
ambient air quality standard under the federal Clean Air Act. In 55825
addition, the director may give a higher priority to a school 55826
district or a county board of mental retardation and developmental 55827
disabilities that employs additional measures that reduce air 55828
pollution from the district's or the county board's school bus 55829
fleet. 55830

The director shall adopt rules establishing procedures and 55831
requirements that are necessary to implement this section, 55832
including procedures and requirements governing applications for 55833
grants. 55834

Sec. 3705.24. (A)(1) The public health council shall, in 55835

accordance with section 111.15 of the Revised Code, adopt rules	55836
prescribing fees for the following <u>items or</u> services provided by	55837
the state office of vital statistics:	55838
(a) Except as provided in division (A)(4) of this section:	55839
(i) A certified copy of a vital record or a certification of	55840
birth;	55841
(ii) A search by the office of vital statistics of its files	55842
and records pursuant to a request for information, regardless of	55843
whether a copy of a record is provided;	55844
(iii) A copy of a record provided pursuant to a request;	55845
(b) Replacement of a birth certificate following an adoption,	55846
legitimation, paternity determination or acknowledgement, or court	55847
order;	55848
(c) Filing of a delayed registration of a vital record;	55849
(d) Amendment of a vital record that is requested later than	55850
one year after the filing date of the vital record;	55851
(e) Any other documents or services for which the public	55852
health council considers the charging of a fee appropriate.	55853
(2) Fees prescribed under division (A)(1)(a) of this section	55854
shall not be less than seven <u>twelve</u> dollars.	55855
(3) Fees prescribed under division (A)(1) of this section	55856
shall be collected in addition to any fees required by sections	55857
3109.14 and 3705.242 of the Revised Code.	55858
(4) Fees prescribed under division (A) of this section shall	55859
not apply to certifications issued under division (H) of this	55860
section or copies provided under section 3705.241 of the Revised	55861
Code.	55862
(B) In addition to the fees prescribed under division (A) of	55863
this section or section 3709.09 of the Revised Code, the office of	55864

vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified copy of a vital record and each certification of birth. This fee shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used to support the operations, the modernization, and the automation of the vital records program in this state. A board of health shall forward all fees collected under this division to the department of health not later than thirty days after the end of each calendar quarter.

(C) Except as otherwise provided in division (H) of this section, and except as provided in section 3705.241 of the Revised Code, fees collected by the director of health under sections 3705.01 to 3705.29 of the Revised Code shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. Except as provided in division (B) or (I) of this section, money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

(D) If a local registrar is a salaried employee of a city or a general health district, any fees the local registrar receives pursuant to section 3705.23 of the Revised Code shall be paid into the general fund of the city or the health fund of the general

health district. 55897

Each local registrar of vital statistics, or each health 55898
district where the local registrar is a salaried employee of the 55899
district, shall be entitled to a fee for each birth, fetal death, 55900
death, or military service certificate properly and completely 55901
made out and registered with the local registrar or district and 55902
correctly copied and forwarded to the office of vital statistics 55903
in accordance with the population of the primary registration 55904
district at the last federal census. The fee for each birth, fetal 55905
death, death, or military service certificate shall be: 55906

(1) In primary registration districts of over two hundred 55907
fifty thousand, twenty cents; 55908

(2) In primary registration districts of over one hundred 55909
twenty-five thousand and less than two hundred fifty thousand, 55910
sixty cents; 55911

(3) In primary registration districts of over fifty thousand 55912
and less than one hundred twenty-five thousand, eighty cents; 55913

(4) In primary registration districts of less than fifty 55914
thousand, one dollar. 55915

(E) The director of health shall annually certify to the 55916
county treasurers of the several counties the number of birth, 55917
fetal death, death, and military service certificates registered 55918
from their respective counties with the names of the local 55919
registrars and the amounts due each registrar and health district 55920
at the rates fixed in this section. Such amounts shall be paid by 55921
the treasurer of the county in which the registration districts 55922
are located. No fees shall be charged or collected by registrars 55923
except as provided by this chapter and section 3109.14 of the 55924
Revised Code. 55925

(F) A probate judge shall be paid a fee of fifteen cents for 55926
each certified abstract of marriage prepared and forwarded by the 55927

probate judge to the department of health pursuant to section 55928
3705.21 of the Revised Code. The fee shall be in addition to the 55929
fee paid for a marriage license and shall be paid by the 55930
applicants for the license. 55931

(G) The clerk of a court of common pleas shall be paid a fee 55932
of one dollar for each certificate of divorce, dissolution, and 55933
annulment of marriage prepared and forwarded by the clerk to the 55934
department pursuant to section 3705.21 of the Revised Code. The 55935
fee for the certified abstract of divorce, dissolution, or 55936
annulment of marriage shall be added to the court costs allowed in 55937
these cases. 55938

(H) The fee for an heirloom certification of birth issued 55939
pursuant to division (B)(2) of section 3705.23 of the Revised Code 55940
shall be an amount prescribed by rule by the director of health 55941
plus any fee required by section 3109.14 of the Revised Code. In 55942
setting the amount of the fee, the director shall establish a 55943
surcharge in addition to an amount necessary to offset the expense 55944
of processing heirloom certifications of birth. The fee prescribed 55945
by the director of health pursuant to this division shall be 55946
deposited into the state treasury to the credit of the heirloom 55947
certification of birth fund which is hereby created. Money 55948
credited to the fund shall be used by the office of vital 55949
statistics to offset the expense of processing heirloom 55950
certifications of birth. However, the money collected for the 55951
surcharge, subject to the approval of the controlling board, shall 55952
be used for the purposes specified by the family and children 55953
first council pursuant to section 121.37 of the Revised Code. 55954

(I) Four dollars of each fee collected by the director of 55955
health or the board of health of a city or general health district 55956
for an item or service described in division (A)(1)(a) of this 55957
section shall be transferred to the office of vital statistics not 55958
later than thirty days after the end of each calendar quarter. 55959

Sec. 3706.04. The Ohio air quality development authority may:	55960
	55961
(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;	55962 55963
(B) Adopt an official seal;	55964
(C) Maintain a principal office and suboffices at such places within the state as it designates;	55965 55966
(D) Sue and plead in its own name; be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 3706.05, 3706.07, and 3706.12 of the Revised Code. Any such actions against the authority shall be brought in the court of common pleas of the county in which the principal office of the authority is located, or in the court of common pleas of the county in which the cause of action arose, provided such county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the authority by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary-treasurer of the authority.	55967 55968 55969 55970 55971 55972 55973 55974 55975 55976 55977 55978 55979
(E) Make loans and grants to governmental agencies for the acquisition or construction of air quality projects by any such governmental agency and adopt rules and procedures for making such loans and grants;	55980 55981 55982 55983
(F) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease or rent to, or contract for operation by, a person or governmental agency, air quality projects, and establish rules for the use of such projects;	55984 55985 55986 55987 55988
(G) Make available the use or services of any air quality	55989

project to one or more persons, one or more governmental agencies, 55990
or any combination thereof; 55991

(H) Issue air quality revenue bonds and notes and air quality 55992
revenue refunding bonds of the state, payable solely from revenues 55993
as provided in section 3706.05 of the Revised Code, unless the 55994
bonds be refunded by refunding bonds, for the purpose of paying 55995
any part of the cost of one or more air quality projects or parts 55996
thereof; 55997

(I) Acquire by gift or purchase, hold, and dispose of real 55998
and personal property in the exercise of the powers of the 55999
authority and the performance of its duties under this chapter; 56000

(J) Acquire, in the name of the state, by purchase or 56001
otherwise, on such terms and in such manner as the authority finds 56002
proper, or by the exercise of the right of condemnation in the 56003
manner provided by section 3706.17 of the Revised Code, such 56004
public or private lands, including public parks, playgrounds, or 56005
reservations, or parts thereof or rights therein, rights-of-way, 56006
property, rights, easements, and interests as it finds necessary 56007
for carrying out this chapter, but excluding the acquisition by 56008
the exercise of the right of condemnation of any air quality 56009
facility owned by any person or governmental agency; and 56010
compensation shall be paid for public or private lands so taken; 56011

(K) Make and enter into all contracts and agreements and 56012
execute all instruments necessary or incidental to the performance 56013
of its duties and the execution of its powers under this chapter. 56014

(1) When the cost under any such contract or agreement, other 56015
than compensation for personal services, involves an expenditure 56016
of more than two thousand dollars, the authority shall make a 56017
written contract with the lowest responsive and responsible 56018
bidder, in accordance with section 9.312 of the Revised Code, 56019
after advertisement for not less than two consecutive weeks in a 56020

newspaper of general circulation in Franklin county, and in such 56021
other publications as the authority determines, which notice shall 56022
state the general character of the work and the general character 56023
of the materials to be furnished, the place where plans and 56024
specifications therefor may be examined, and the time and place of 56025
receiving bids; provided, that a contract or lease for the 56026
operation of an air quality project constructed and owned by the 56027
authority or an agreement for cooperation in the acquisition or 56028
construction of an air quality project pursuant to section 3706.12 56029
of the Revised Code or any contract for the construction of an air 56030
quality project that is to be leased by the authority to, and 56031
operated by, persons who are not governmental agencies and the 56032
cost of such project is to be amortized exclusively from rentals 56033
or other charges paid to the authority by persons who are not 56034
governmental agencies is not subject to the foregoing requirements 56035
and the authority may enter into such contract, lease, or 56036
agreement pursuant to negotiation and upon such terms and 56037
conditions and for such period as it finds to be reasonable and 56038
proper in the circumstances and in the best interests of proper 56039
operation or of efficient acquisition or construction of such 56040
project. 56041

(2) Each bid for a contract for the construction, demolition, 56042
alteration, repair, or reconstruction of an improvement shall 56043
contain the full name of every person interested in it and meet 56044
the requirements of section 153.54 of the Revised Code. 56045

(3) Each bid for a contract except as provided in division 56046
(K)(2) of this section shall contain the full name of every person 56047
interested in it and shall be accompanied by a sufficient bond or 56048
certified check on a solvent bank that if the bid is accepted a 56049
contract will be entered into and the performance thereof secured. 56050

(4) The authority may reject any and all bids. 56051

(5) A bond with good and sufficient surety, approved by the 56052

authority, shall be required of every contractor awarded a 56053
contract except as provided in division (K)(2) of this section, in 56054
an amount equal to at least fifty per cent of the contract price, 56055
conditioned upon the faithful performance of the contract. 56056

(L) Employ managers, superintendents, and other employees and 56057
retain or contract with consulting engineers, financial 56058
consultants, accounting experts, architects, attorneys, and such 56059
other consultants and independent contractors as are necessary in 56060
its judgment to carry out this chapter, and fix the compensation 56061
thereof. All expenses thereof shall be payable solely from the 56062
proceeds of air quality revenue bonds or notes issued under this 56063
chapter, from revenues, or from funds appropriated for such 56064
purpose by the general assembly. 56065

(M) Receive and accept from any federal agency, subject to 56066
the approval of the governor, grants for or in aid of the 56067
construction of any air quality project or for research and 56068
development with respect to air quality facilities, and receive 56069
and accept aid or contributions from any source of money, 56070
property, labor, or other things of value, to be held, used, and 56071
applied only for the purposes for which such grants and 56072
contributions are made; 56073

(N) Engage in research and development with respect to air 56074
quality facilities; 56075

(O) Purchase fire and extended coverage and liability 56076
insurance for any air quality project and for the principal office 56077
and suboffices of the authority, insurance protecting the 56078
authority and its officers and employees against liability for 56079
damage to property or injury to or death of persons arising from 56080
its operations, and any other insurance the authority may agree to 56081
provide under any resolution authorizing its air quality revenue 56082
bonds or in any trust agreement securing the same; 56083

(P) Charge, alter, and collect rentals and other charges for 56084
the use or services of any air quality project as provided in 56085
section 3706.13 of the Revised Code; 56086

(Q) Develop energy initiatives, projects, and policy for the 56087
state in accordance with section 3706.35 of the Revised Code; 56088

(R) Provide coverage for its employees under Chapters 145., 56089
4123., and 4141. of the Revised Code; 56090

~~(R)~~(S) Do all acts necessary or proper to carry out the 56091
powers expressly granted in this chapter. 56092

Any instrument by which real property is acquired pursuant to 56093
this section shall identify the agency of the state that has the 56094
use and benefit of the real property as specified in section 56095
5301.012 of the Revised Code. 56096

Sec. 3706.25. As used in sections 3706.25 to 3706.30 of the 56097
Revised Code: 56098

(A) "Advanced energy project" means any technologies, 56099
products, activities, or management practices or strategies that 56100
facilitate the generation or use of electricity or energy and that 56101
reduce or support the reduction of energy consumption or support 56102
the production of clean, renewable energy for industrial, 56103
distribution, commercial, institutional, governmental, research, 56104
not-for-profit, or residential energy users including, but not 56105
limited to, advanced energy resources and renewable energy 56106
resources. "Advanced energy project" includes any project 56107
described in division (A), (B), or (C) of section 4928.621 of the 56108
Revised Code. 56109

(B) "Advanced energy resource" means any of the following: 56110

(1) Any method or any modification or replacement of any 56111
property, process, device, structure, or equipment that increases 56112
the generation output of an electric generating facility to the 56113

extent such efficiency is achieved without additional carbon 56114
dioxide emissions by that facility; 56115

(2) Any distributed generation system consisting of customer 56116
cogeneration of electricity and thermal output simultaneously, 56117
primarily to meet the energy needs of the customer's facilities; 56118

(3) Advanced nuclear energy technology consisting of 56119
generation III technology as defined by the nuclear regulatory 56120
commission; other, later technology; or significant improvements 56121
to existing facilities; 56122

(4) Any fuel cell used in the generation of electricity, 56123
including, but not limited to, a proton exchange membrane fuel 56124
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 56125
solid oxide fuel cell; 56126

(5) Advanced solid waste or construction and demolition 56127
debris conversion technology, including, but not limited to, 56128
advanced stoker technology, and advanced fluidized bed 56129
gasification technology, that results in measurable greenhouse gas 56130
emissions reductions as calculated pursuant to the United States 56131
environmental protection agency's waste reduction model (WARM). 56132
56133

(C) "Renewable energy resource" means solar photovoltaic or 56134
solar thermal energy, wind energy, power produced by a 56135
hydroelectric facility, geothermal energy, fuel derived from solid 56136
wastes, as defined in section 3734.01 of the Revised Code, through 56137
fractionation, biological decomposition, or other process that 56138
does not principally involve combustion, biomass energy, 56139
biologically derived methane gas, methane gas emitted from an 56140
abandoned coal mine, or energy derived from nontreated by-products 56141
of the pulping process or wood manufacturing process, including 56142
bark, wood chips, sawdust, and lignin in spent pulping liquors. 56143
"Renewable energy resource" includes, but is not limited to, any 56144

fuel cell used in the generation of electricity, including, but 56145
not limited to, a proton exchange membrane fuel cell, phosphoric 56146
acid fuel cell, molten carbonate fuel cell, or solid oxide fuel 56147
cell; wind turbine located in the state's territorial waters of 56148
Lake Erie; storage facility that will promote the better 56149
utilization of a renewable energy resource that primarily 56150
generates off peak; or distributed generation system used by a 56151
customer to generate electricity from any such energy. As used in 56152
this division, "hydroelectric facility" means a hydroelectric 56153
generating facility that is located at a dam on a river, or on any 56154
water discharged to a river, that is within or bordering this 56155
state or within or bordering an adjoining state and meets all of 56156
the following standards: 56157

(1) The facility provides for river flows that are not 56159
detrimental for fish, wildlife, and water quality, including 56160
seasonal flow fluctuations as defined by the applicable licensing 56161
agency for the facility. 56162

(2) The facility demonstrates that it complies with the water 56163
quality standards of this state, which compliance may consist of 56164
certification under Section 401 of the "Clean Water Act of 1977," 56165
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 56166
not contributed to a finding by this state that the river has 56167
impaired water quality under Section 303(d) of the "Clean Water 56168
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 56169

(3) The facility complies with mandatory prescriptions 56171
regarding fish passage as required by the federal energy 56172
regulatory commission license issued for the project, regarding 56173
fish protection for riverine, anadromous, and catadromus fish. 56174

(4) The facility complies with the recommendations of the 56175
Ohio environmental protection agency and with the terms of its 56176

federal energy regulatory commission license regarding watershed 56177
protection, mitigation, or enhancement, to the extent of each 56178
agency's respective jurisdiction over the facility. 56179

(5) The facility complies with provisions of the "Endangered 56180
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 56181
amended. 56182

(6) The facility does not harm cultural resources of the 56183
area. This can be shown through compliance with the terms of its 56184
federal energy regulatory commission license or, if the facility 56185
is not regulated by that commission, through development of a plan 56186
approved by the Ohio historic preservation office, to the extent 56187
it has jurisdiction over the facility. 56188

(7) The facility complies with the terms of its federal 56189
energy regulatory commission license or exemption that are related 56190
to recreational access, accommodation, and facilities or, if the 56191
facility is not regulated by that commission, the facility 56192
complies with similar requirements as are recommended by resource 56193
agencies, to the extent they have jurisdiction over the facility; 56194
and the facility provides access to water to the public without 56195
fee or charge. 56196

(8) The facility is not recommended for removal by any 56197
federal agency or agency of any state, to the extent the 56198
particular agency has jurisdiction over the facility. 56199

Sec. 3706.35. The Ohio air quality development authority 56200
shall establish the energy strategy development program for the 56201
purpose of developing energy initiatives, projects, and policy for 56202
the state. Issues addressed by such initiatives, projects, and 56203
policy shall not be limited to those governed by this chapter. 56204

There is hereby created in the state treasury the energy 56205
strategy development fund. The fund shall consist of money 56206

credited to it and money obtained for advanced energy projects 56207
from federal or private grants, loans, or other sources. Money in 56208
the fund shall be used to carry out the purposes of the program. 56209
Interest earned on the money in the fund shall be credited to the 56210
general revenue fund. 56211

Sec. 3709.09. (A) The board of health of a city or general 56212
health district may, by rule, establish a uniform system of fees 56213
to pay the costs of any services provided by the board. 56214

The fee for issuance of a certified copy of a vital record or 56215
a certification of birth shall not be less than the fee prescribed 56216
for the same service under division (A)(1) of section 3705.24 of 56217
the Revised Code and shall include the fees required by division 56218
(B) of section 3705.24 and section 3109.14 of the Revised Code. 56219

Fees for services provided by the board for purposes 56220
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 56221
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 56222
be established in accordance with rules adopted under division (B) 56223
of this section. The district advisory council, in the case of a 56224
general health district, and the legislative authority of the 56225
city, in the case of a city health district, may disapprove any 56226
fee established by the board of health under this division, and 56227
any such fee, as disapproved, shall not be charged by the board of 56228
health. 56229

(B) The public health council shall adopt rules under section 56230
111.15 of the Revised Code that establish fee categories and a 56231
uniform ~~methodologies~~ methodology for use in calculating the costs 56232
of services provided for purposes specified in sections 3701.344, 56233
3711.10, 3718.06, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 56234
of the Revised Code. In adopting the rules, the public health 56235
council shall consider recommendations it receives from advisory 56236
boards established either by statute or the director of health for 56237

entities subject to the fees. 56238

~~(C) At least thirty days prior to establishing a~~ Except when 56239
a board of health establishes a fee by adopting a rule as an 56240
emergency measure, the board of health shall hold a public hearing 56241
regarding each proposed fee for a service provided by the board 56242
for a purpose specified in section 3701.344, 3711.10, 3718.06, 56243
3729.07, 3730.03, 3733.04, 3733.25, or 3749.04 of the Revised 56244
Code, ~~a board of health shall notify any entity that would be~~ 56245
~~affected by the proposed fee of the amount of the proposed fee. If~~ 56246
~~a public hearing is held, at least twenty days prior to the public~~ 56247
~~hearing the board shall give written notice of the hearing to each~~ 56248
~~entity affected by the proposed fee. The notice shall be mailed to~~ 56249
~~the last known address of each entity and shall specify the date,~~ 56250
~~time, and place of the hearing and the amount of the proposed fee.~~ 56251
56252

(D) If a fee established under this section is not received 56253
by the end of the last day on which it is due, the board of health 56254
shall assess a penalty. The amount of the penalty shall be equal 56255
to the greater of the following amounts: 56256

(1) Twenty-five per cent of the fee; 56257

(2) Ten per cent of the fee multiplied by the number of weeks 56258
that have elapsed since the payment was due. 56259

(E) All rules adopted by a board of health under this section 56260
shall be adopted, recorded, and certified as are ordinances of 56261
municipal corporations and the record thereof shall be given in 56262
all courts the same effect as is given such ordinances, but the 56263
advertisements of such rules shall be by publication in one 56264
newspaper of general circulation within the health district. 56265
Publication shall be made once a week for two consecutive weeks 56266
and such rules shall take effect and be in force ten days from the 56267
date of the first publication. 56268

Sec. 3709.092. (A) A board of health of a city or general health district shall transmit to the director of health all fees or additional amounts that the public health council requires to be collected under sections 3701.344, 3718.06, 3729.07, 3733.04, 3733.25, and 3749.04 of the Revised Code. The fees and amounts shall be transmitted according to the following schedule:

(1) For fees and amounts received by the board on or after the first day of January but not later than the thirty-first day of March, transmit the fees and amounts not later than the fifteenth day of May;

(2) For fees and amounts received by the board on or after the first day of April but not later than the thirtieth day of June, transmit the fees and amounts not later than the fifteenth day of August;

(3) For fees and amounts received by the board on or after the first day of July but not later than the thirtieth day of September, transmit the fees and amounts not later than the fifteenth day of November;

(4) For fees and amounts received by the board on or after the first day of October but not later than the thirty-first day of December, transmit the fees and amounts not later than the fifteenth day of February of the following year.

(B) The director shall deposit the fees and amounts received under this section into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. Each amount shall be used solely for the purpose for which it was collected.

Sec. 3710.01. As used in this chapter:

(A) "Asbestos" means the asbestiform varieties of chrysotile or serpentine, amosite or cummingtonitegrunerite, crocidolite or

riebeckite, actinolite, tremolite, and anthophyllite. 56299

(B) "Asbestos hazard abatement activity" means any activity 56300
involving the removal, renovation, enclosure, repair, ~~or~~ 56301
encapsulation, or operation and maintenance of reasonably related 56302
friable asbestos-containing materials in an amount greater than 56303
fifty three linear feet or fifty three square feet. "~~Asbestos~~ 56304
~~hazard abatement activity~~" ~~also includes any such activity~~ 56305
~~involving such asbestos containing materials in an amount of fifty~~ 56306
~~linear or fifty square feet or less if, when combined with any~~ 56307
~~other reasonably related activity in terms of time and location of~~ 56308
~~the activity, the total amount is in an amount greater than fifty~~ 56309
~~linear or fifty square feet.~~ 56310

(C) "Asbestos hazard abatement contractor" means a business 56311
entity or public entity that engages in or intends to engage in 56312
asbestos hazard abatement ~~activities~~ projects and that employs or 56313
supervises one or more asbestos hazard abatement specialists for 56314
asbestos hazard abatement activities. "Asbestos hazard abatement 56315
contractor" does not mean an employee of an asbestos hazard 56316
abatement contractor, a general contractor who subcontracts to an 56317
asbestos hazard abatement contractor an asbestos hazard abatement 56318
~~activity~~ project, or any individual who engages in an asbestos 56319
hazard abatement ~~activity~~ project in ~~his~~ the individual's own 56320
home. 56321

(D) "Asbestos hazard abatement project" means one or more 56322
asbestos hazard abatement activities ~~that are~~ the sum total of 56323
which is in an amount greater than fifty linear feet or fifty 56324
square feet of friable asbestos-containing materials and that is 56325
conducted by one asbestos hazard abatement contractor ~~and that are~~ 56326
~~reasonably related to each other.~~ "Asbestos hazard abatement 56327
project" also includes any such activity involving such friable 56328
asbestos-containing materials in an amount of fifty linear feet or 56329
fifty square feet or less if, when combined with any other 56330

reasonably related activity in terms of time or location of the 56331
activity, the total amount is in an amount greater than fifty 56332
linear feet or fifty square feet. 56333

(E) "Asbestos hazard abatement specialist" means a person 56334
with responsibility for the oversight or supervision of asbestos 56335
hazard abatement activities, including asbestos hazard abatement 56336
project managers, hazard abatement project supervisors and 56337
foremen, and employees of school districts or other governmental 56338
or public entities who coordinate or directly supervise or oversee 56339
asbestos hazard abatement activities performed by school district, 56340
governmental, or other public employees in school district, 56341
governmental, or other public buildings. 56342

(F) "Asbestos hazard evaluation specialist" means a person 56343
responsible for the inspection, identification, detection, and 56344
assessment of asbestos-containing materials or suspect 56345
asbestos-containing materials, the determination of appropriate 56346
response actions, or the preparation of asbestos management plans 56347
for the purpose of protecting the public health from the hazards 56348
associated with exposure to asbestos, including the performance of 56349
air and bulk sampling. This category of specialists includes 56350
inspectors, management planners, health professionals, industrial 56351
hygienists, private consultants, or other individuals involved in 56352
asbestos risk identification or assessment or regulatory 56353
activities. 56354

(G) "Business entity" means a partnership, firm, association, 56355
corporation, sole proprietorship, or other business concern. 56356

(H) "Public entity" means the state or any of its political 56357
subdivisions or any agency or instrumentality of either. 56358

(I) "License" means a document issued by the department of 56359
health to a business entity or public entity affirming that the 56360
entity has met the requirements set forth in this chapter to 56361

engage in asbestos hazard abatement ~~activities~~ projects as an 56362
asbestos hazard abatement contractor. 56363

(J) "Certificate" means: 56364

(1) A document issued by the department to an individual 56365
affirming that the individual has successfully completed the 56366
training and other requirements set forth in this chapter to 56367
qualify as an asbestos hazard abatement specialist, an asbestos 56368
hazard evaluation specialist, an asbestos hazard abatement worker, 56369
an asbestos hazard abatement project designer, an asbestos hazard 56370
abatement air-monitoring technician, an approved asbestos hazard 56371
training provider, or other category of asbestos hazard specialist 56372
that the public health council establishes by rule; or 56373

(2) A document issued by a training institution in accordance 56374
with rules adopted by the public health council affirming that an 56375
individual has successfully completed the instruction required in 56376
all categories as provided in sections 3710.07 and 3710.10 of the 56377
Revised Code. 56378

(K) "Person" means any individual, business entity, 56379
governmental body, or other public or private entity. 56380

(L) "Encapsulate" means to coat, bind, or resurface 56381
asbestos-containing materials on walls, ceilings, pipes, or other 56382
structures to prevent friable asbestos from becoming airborne. 56383

(M) "Friable asbestos-containing material" means any material 56384
that contains more than one per cent asbestos ~~by weight~~ as 56385
determined using the methods specified in 40 C.F.R. Part 763, 56386
Subpart E, Appendix E, Section 1, "Polarized Light Microscopy," 56387
and that can be crumbled, pulverized, or reduced to powder, when 56388
dry, by hand pressure. "Friable asbestos-containing material" 56389
includes previously non-friable material after that material 56390
becomes damaged to the extent that, when dry, it may be crumbled, 56391
pulverized, or reduced to powder by hand pressure. 56392

(N) "Enclosure" means the permanent confinement of friable asbestos-containing materials with an airtight barrier in an area not used as an air plenum. 56393
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(O) "Renovation" means the removal or stripping of friable asbestos-containing materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or load supporting member. 56396
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(P) "Asbestos hazard abatement worker" means the person responsible in a nonsupervisory capacity for the performance of an asbestos hazard abatement activity. 56399
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(Q) "Asbestos hazard abatement project designer" means the person responsible for the oversight of an asbestos hazard abatement activity or the determination of the workscope, work sequence, or performance standards for an asbestos hazard abatement activity, including preparation of specifications, plans, and contract documents. 56402
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(R) "Director" means the director of health or ~~his~~ the director's authorized representative. 56408
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(S) "Clearance air sampling" means an air sampling performed after the completion of any asbestos hazard abatement ~~activity~~ project and prior to the reoccupation of the contained work area by the public and conducted for the purpose of protecting the public from the health hazards associated with exposure to friable asbestos-containing material. 56410
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(T) "Asbestos hazard abatement air-monitoring technician" means the person who is responsible for environmental monitoring or work area clearance air sampling, including air monitoring performed to determine completion of response actions under the rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United States environmental protection agency pursuant to the "Asbestos Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 2970. "Asbestos hazard abatement air-monitoring technician" does 56416
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not mean an industrial hygienist ~~or industrial hygienist in~~ 56424
~~training~~, certified by the American board of industrial hygiene. 56425

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 56426
contractor's license, a business entity or public entity shall 56427
meet the requirements of this section. 56428

(B) Each employee or agent of the business entity or public 56429
entity applying for a license who will come in contact with 56430
asbestos or will be responsible for an asbestos hazard abatement 56431
~~project~~ activity shall do both of the following: 56432

(1) Be familiar with all applicable state and federal 56433
standards for asbestos hazard abatement projects; 56434

(2) Have successfully completed the course of instruction on 56435
asbestos hazard abatement activities, for their particular 56436
certification, approved by the department of health pursuant to 56437
section 3710.10 of the Revised Code, have passed an examination 56438
approved by the department, and demonstrate to the department that 56439
~~he~~ the employee or agent is capable of complying with all 56440
applicable standards of this state, the United States 56441
environmental protection agency, and the United States 56442
occupational safety and health administration. 56443

(C) A business entity or public entity applying for an 56444
asbestos hazard abatement contractor's license shall, in addition 56445
to the other requirements of this section, provide at least one 56446
asbestos hazard abatement specialist, certified pursuant to this 56447
chapter and the rules of the public health council adopted 56448
pursuant thereto, for each asbestos hazard abatement project, and 56449
demonstrate to the satisfaction of the department that ~~he~~ all of 56450
the following apply to the applicant: 56451

(1) ~~Has~~ The applicant has access to at least one asbestos 56452
disposal site approved by the Ohio environmental protection agency 56453

that is sufficient for the deposit of all asbestos waste that ~~he~~ 56454
the applicant will generate during the term of the license; 56455

(2) ~~Is~~ The applicant is sufficiently qualified to safely 56456
remove asbestos, demonstrated by reliability as an asbestos hazard 56457
abatement contractor, possesses a work program that prevents the 56458
contamination or recontamination of the environment and protects 56459
the public health from the hazards of exposure to asbestos, 56460
possesses evidence of certification of each individual employee or 56461
agent who will be responsible for others who may come in contact 56462
with friable asbestos-containing materials, possesses evidence of 56463
training of workers required by section 3710.07 of the Revised 56464
Code, and has prior successful experience in asbestos hazard 56465
abatement projects or equivalent qualifications as determined by 56466
rule by the public health council; 56467

(3) ~~Possesses~~ The applicant possesses a worker protection 56468
program consistent with requirements established by the public 56469
health council if the contractor is a public entity, and a worker 56470
protection program consistent with the requirements of the United 56471
States occupational safety and health administration if the 56472
contractor is a business entity; 56473

(4) ~~Is~~ The applicant is registered as a business entity with 56474
the secretary of state. 56475

(D) No applicant for licensure as an asbestos hazard 56476
abatement contractor, in order to meet the requirements of this 56477
chapter, shall list an employee of another contractor. 56478

(E) The business entity or public entity shall meet any other 56479
standards that the public health council, by rule, sets. 56480

(F) Nothing in this chapter or the rules adopted pursuant 56481
thereto relating to asbestos hazard abatement project designers 56482
shall be interpreted as authorizing or permitting an individual 56483
who is certified as an asbestos hazard abatement project designer 56484

to perform the services of a registered architect or professional engineer unless that person is registered under Chapter 4703. or 4733. of the Revised Code to perform such services.

Sec. 3710.05. (A) Except as otherwise provided in this chapter, no person shall engage in any asbestos hazard abatement activities in this state unless licensed or certified pursuant to this chapter.

(B) To apply for licensure as an asbestos hazard abatement contractor or certification as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement project designer, or an asbestos hazard abatement air-monitoring technician, a person shall do all of the following:

(1) Submit a completed application to the department of health, on a form provided by the department;

(2) Pay the requisite fee as provided in division (D) of this section;

(3) Submit any other information the public health council by rule requires.

(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:

(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the public health council and that the business entity will use to comply with requirements of the United States occupational safety and health administration;

(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public

health from the hazards associated with exposure to asbestos;	56515
(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	56516
(4) A description of the site decontamination procedures that the business entity or public entity will use;	56518
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	56520
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	56522
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	56524
(8) A description of the final clean-up procedures that the business entity or public entity will use;	56528
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	56530
(10) The federal tax identification number of the business entity or the public entity.	56532
(D) The fees to be charged to each public entity and business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are <u>as follows</u> :	56533
(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;	56534
(2) Two hundred dollars for asbestos hazard abatement project designers;	56535
(3) Fifty dollars for asbestos hazard abatement workers;	56536

(4) Two hundred dollars for asbestos hazard abatement specialists; 56544
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(5) Two hundred dollars for asbestos hazard evaluation specialists; ~~and~~ 56546
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(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers. 56548
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(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement ~~activities~~ projects solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the ~~activity~~ project meet the requirements of this chapter. 56550
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Sec. 3710.051. No ~~person~~ asbestos hazard abatement contractor shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the following: 56560
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(A) A requirement that all persons working on the project are licensed or certified by the department of health as required by this chapter; 56564
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(B) A requirement that all project clearance levels and sampling be in accordance with the public health council rules; 56567
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(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians or asbestos hazard evaluation specialists certified by the department. 56569
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Sec. 3710.06. (A) Within fifteen business days after 56573
receiving an application, the department of health shall 56574
acknowledge receipt of the application and notify the applicant of 56575
any deficiency in the application. Within sixty calendar days 56576
after receiving a completed application, including all additional 56577
information requested by the department, the department shall 56578
issue a license or certificate or deny the application. The 56579
department shall issue only one license or certificate that is in 56580
effect at one time to a business entity and its principal officers 56581
and a public entity and its principal officers. 56582

(B)(1) The department shall deny an application if it 56583
determines that the applicant has not demonstrated the ability to 56584
comply fully with all applicable federal and state requirements 56585
and all requirements, procedures, and standards established by the 56586
public health council in this chapter. 56587

(2) The department shall deny any application for an asbestos 56588
hazard abatement contractor's license if the applicant or an 56589
officer or employee of the applicant has been convicted of a 56590
felony or found liable in a civil proceeding under any state or 56591
federal law designed to protect the environment. 56592

(3) The department shall send all denials of an application 56593
by certified mail to the applicant. If the department receives a 56594
timely request for a hearing from the applicant, as provided in 56595
division (D) of section 3710.13 of the Revised Code, the 56596
department shall hold a hearing in accordance with Chapter 119. of 56597
the Revised Code. 56598

(C) In an emergency that results from a sudden, unexpected 56599
event that is not a planned asbestos hazard abatement project, the 56600
department may waive the requirements for a license ~~or~~ 56601
~~certificate~~. For the purposes of this division, "emergency" 56602
includes operations necessitated by nonroutine failures of 56603

equipment or by actions of fire and emergency medical personnel 56604
pursuant to duties within their official capacities. Any person 56605
who performs an asbestos hazard abatement ~~activity~~ project under 56606
emergency conditions shall notify the director within three days 56607
after performance thereof. 56608

(D) Each license or certificate issued under this chapter 56609
expires one year after the date of issue, but each licensee or 56610
certificate holder may apply to the department for the extension 56611
of ~~his~~ the holder's license or certificate under the standard 56612
renewal procedures of Chapter 4745. of the Revised Code. 56613

To qualify for renewal of a license or certificate issued 56614
under this chapter, each licensee or certificate holder shall send 56615
the appropriate renewal fee set forth in division (D) of section 56616
3710.05 of the Revised Code or as adopted by rule by the public 56617
health council pursuant to division (A)(4) of section 3710.02 of 56618
the Revised Code. 56619

Certificate holders also shall successfully complete an 56620
annual renewal course approved by the department pursuant to 56621
section 3710.10 of the Revised Code. 56622

(E) The department may charge a fee in addition to those 56623
specified in division (D) of section 3710.05 of the Revised Code 56624
or in rule of the public health council pursuant to division 56625
(A)(4) of section 3710.02 of the Revised Code if the licensee or 56626
certificate holder applies for renewal after the expiration 56627
thereof or requests a reissuance of any license or certificate, 56628
provided that no such fee shall exceed the original fees by more 56629
than fifty per cent. 56630

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 56631
abatement project, an asbestos hazard abatement contractor shall 56632
do all of the following: 56633

(1) Prepare a written respiratory protection program as 56634
defined by the public health council pursuant to rule, and make 56635
the program available to the department of health, and workers at 56636
the job site if the contractor is a public entity or prepare a 56637
written respiratory protection program, consistent with 29 C.F.R. 56638
1910.134 and make the program available to the department, and 56639
workers at the job site if the contractor is a business entity; 56640

(2) Ensure that each worker who will be involved in any 56641
asbestos hazard abatement project has been examined within the 56642
preceding year and has been declared by a physician to be 56643
physically capable of working while wearing a respirator; 56644

(3) Ensure that each of the contractor's employees or agents 56645
who will come in contact with asbestos-containing materials or 56646
will be responsible for an asbestos hazard abatement project 56647
receives the appropriate certification or licensure required by 56648
this chapter and completes both of the following training courses: 56649

(a) An initial course approved by the department pursuant to 56650
section 3710.10 of the Revised Code, completed before engaging in 56651
any asbestos hazard abatement ~~project~~ activity; and 56652

(b) An annual review course approved by the department 56653
pursuant to section 3710.10 of the Revised Code. 56654

(B) After obtaining or renewing a license, an asbestos hazard 56655
abatement contractor shall notify the department, on a form 56656
approved by the director of health, at least ten business days 56657
before beginning each asbestos hazard abatement project conducted 56658
during the term of the contractor's license. 56659

(C) In addition to any other fee imposed under this chapter, 56660
an asbestos hazard abatement contractor shall pay, at the time of 56661
providing notice under division (B) of this section, the 56662
department a fee of sixty-five dollars for each asbestos hazard 56663
abatement project conducted. 56664

Sec. 3710.08. (A) An asbestos hazard abatement contractor 56665
engaging in any asbestos hazard abatement project shall, during 56666
the course of the project: 56667

(1) Conduct each project in a manner that is in compliance 56668
with the requirements the director of environmental protection 56669
adopts pursuant to section 3704.03 of the Revised Code and the 56670
asbestos requirements of the United States occupational safety and 56671
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 56672

(2) Comply with all applicable rules adopted by the public 56673
health council pursuant to section 3710.02 of the Revised Code. 56674

(B) An asbestos hazard abatement contractor that is a public 56675
entity shall: 56676

(1) Provide workers with protective clothing and equipment 56677
and ensure that the workers involved in any asbestos hazard 56678
abatement project use the items properly. Protective clothing and 56679
equipment shall include: 56680

(a) Respirators approved by the national institute of 56681
occupational safety and health. These respirators shall be fit 56682
tested in accordance with requirements of the United States 56683
occupational safety and health administration set forth in 29 56684
C.F.R. ~~1926.58(h)~~ 1926.1101(h). At the request of an employee, the 56685
asbestos hazard abatement contractor shall provide the employee 56686
with a powered air purifying respirator, in which case, the 56687
testing requirements of division (B)(1)(a) of this section do not 56688
apply. 56689

(b) Items required by the public health council by rule as 56690
provided in division (A)(7) of section 3710.02 of the Revised 56691
Code. 56692

(2) Comply with all applicable standards of conduct and 56693
requirements adopted by the public health council and the director 56694

of health pursuant to section 3710.02 of the Revised Code. 56695

(C) An asbestos hazard abatement specialist engaging in any 56696
asbestos hazard abatement ~~project~~ activity shall, during the 56697
course of the ~~project~~ activity do all of the following: 56698

(1) Conduct each ~~project~~ activity in a manner that will meet 56699
decontamination procedures, project containment procedures, and 56700
asbestos fiber dispersal methods as provided in division (A)(6) of 56701
section 3710.02 of the Revised Code; 56702

(2) Ensure that workers utilize, handle, remove, and dispose 56703
of the disposable clothing provided by abatement contractors in a 56704
manner that will prevent contamination or recontamination of the 56705
environment and protect the public health from the hazards of 56706
exposure to asbestos; 56707

(3) Ensure that workers utilize protective clothing and 56708
equipment and comply with the applicable health and safety 56709
standards set forth in division (A) of this section ~~3710.08~~ ~~of the~~ 56710
~~Revised Code~~; 56711

(4) Ensure that there is no smoking, eating, or drinking in 56712
the work area; 56713

(5) Comply with all applicable standards of conduct and 56714
requirements adopted by the public health council and director of 56715
health pursuant to section 3710.02 of the Revised Code. 56716

(D) An asbestos hazard evaluation specialist engaged in the 56717
identification, detection, and assessment of asbestos-containing 56718
materials, the determination of appropriate response actions, or 56719
other activities associated with an abatement project or the 56720
preparation of management plans, shall comply with the applicable 56721
standards of conduct and requirements adopted by the public health 56722
council and the director of health pursuant to section 3710.02 of 56723
the Revised Code. 56724

(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the public health council pursuant to section 3710.02 of the Revised Code.

~~(F) The department may, on a case by case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the department in writing and demonstrates to the satisfaction of the department that the proposed alternative procedure provides equivalent worker protection.~~

Sec. 3710.12. Subject to the hearing provisions of this chapter, the department of health may deny, suspend, or revoke any license or certificate, or renewal thereof, if the licensee or certificate holder does or is doing one of the following:

(A) Fraudulently or deceptively obtains or attempts to obtain a license or certificate;

(B) Fails at any time to meet the qualifications for a license or certificate;

(C) Is violating or threatening to violate any provisions of one of the following:

(1) This chapter or the rules of the public health council or director of health adopted pursuant thereto;

(2) The "National Emission Standard for Hazardous Air Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos; ~~or~~

(3) The regulations of the United States occupational safety and health administration as the regulations pertain to asbestos;

(4) The regulations set forth in 40 C.F.R. Part 763 that were adopted by the United States environmental protection agency

pursuant to Title II of the "Toxic Substances Control Act," Pub. L. No. 94-469, 90 Stat. 2003, as amended by the "Asbestos Hazard Emergency Response Act of 1986," Pub. L. No. 99-519, 100 Stat. 2970.

Sec. 3710.13. (A) Except as otherwise provided in Chapter 119. of the Revised Code or this section, before the department of health takes any action under section 3710.12 of the Revised Code, it shall give the licensee or certificate holder against whom action is contemplated an opportunity for a hearing.

Except as otherwise provided in this section, the department shall give notice and hold the hearing in accordance with Chapter 119. of the Revised Code.

(B) The department, without notice or hearing and in accordance with the rules of the public health council, may issue an order requiring any action necessary to meet a public health emergency involving asbestos. Any person to whom an order is directed shall immediately comply with the order. Upon application to the director of health, the person shall be afforded a hearing as soon as possible, but no more than twenty days after receipt of the application by the director.

(C) If the director determines, pursuant to division (B) of this section, that a public health emergency exists, ~~he~~ the director may order, without a hearing, the denial, suspension, or revocation of any license or certificate issued under this chapter of the parties involved, provided that an opportunity for a hearing is provided to the affected party as soon as reasonably possible.

(D) All proceedings under this chapter are subject to Chapter 119. of the Revised Code, except that:

(1) Upon the request of a licensee or certificate holder, the

location of an adjudicatory hearing is the county seat of the 56785
county in which the licensee or certificate holder conducts 56786
business. 56787

(2) The director shall notify, by certified mail or personal 56788
delivery, a licensee or certificate holder that ~~he~~ the licensee or 56789
certificate holder is entitled to a hearing if ~~he~~ the licensee or 56790
certificate holder requests it, in writing, within ten business 56791
days of the time that ~~he~~ the licensee or certificate holder 56792
receives the notice. If the licensee or certificate holder 56793
requests such a hearing, the director shall set the hearing date 56794
no later than ten business days after the director receives the 56795
request. 56796

(3) The director shall not apply for or receive a 56797
postponement or continuation of an adjudication hearing. If a 56798
licensee or certificate holder requests a postponement or 56799
continuation of an adjudication hearing, the director only shall 56800
grant the request if the licensee or certificate holder 56801
demonstrates extreme hardship in complying with the hearing date. 56802
If the director grants a postponement or continuation on the 56803
grounds of extreme hardship, the director shall include in the 56804
record of the case, the nature and cause of the extreme hardship. 56805

(4) In lieu of an adjudicatory hearing required by this 56806
chapter, a licensee or certificate holder, by no later than the 56807
date set for a hearing pursuant to division (A)~~(3)~~(2) of this 56808
section, may by written request to the director, request that the 56809
matter be resolved by the licensee or certificate holder 56810
submitting documents, papers, and other written evidence to the 56811
director to support ~~his~~ the licensee's or certificate holder's 56812
claim. 56813

(5) If the director appoints a referee or an examiner to 56814
conduct a hearing, all of the following apply: 56815

(a) The examiner or referee shall serve, by certified mail 56816
and within three business days of the conclusion of the hearing, a 56817
copy of the written adjudication report and ~~his~~ the referee's or 56818
examiner's recommendations, on the director and the affected 56819
licensee or certificate holder or the licensee's or certificate 56820
holder's attorney or other representative of record. 56821

(b) The licensee or certificate holder, within three business 56822
days of receipt of the report under division (D)(5)(a) of this 56823
section, may file with the director written objections to the 56824
report and recommendations. 56825

(c) The director shall consider any objections received under 56826
division (D)(5)(b) of this section prior to approving, modifying, 56827
or disapproving the report and recommendations. Within six 56828
business days of receiving the report under division (D)(5)(a) of 56829
this section, the director shall serve ~~his~~ the director's order, 56830
by certified mail or personal delivery, on the affected licensee 56831
or certificate holder or the licensee's or certificate holder's 56832
attorney or other representative of record. 56833

(6) If the director conducts an adjudicatory hearing under 56834
this chapter, ~~he~~ the director shall serve ~~his~~ the director's 56835
decision, by certified mail or personal delivery and within three 56836
business days of the conclusion of the hearing, on the affected 56837
licensee or certificate holder or the licensee's or certificate 56838
holder's attorney or other representative of record. 56839

(7) If no hearing is held, the director shall issue an order, 56840
by certified mail or personal delivery and within three business 56841
days of the last date possible for a hearing, based upon the 56842
record available to ~~him~~ the director, to the affected licensee or 56843
certificate holder or the licensee's or certificate holder's 56844
attorney or other representative of record. 56845

(8) A licensee or certificate holder shall file a notice of 56846

appeal to an adverse adjudication decision within fifteen days 56847
after receipt of the director's order. 56848

Sec. 3710.141. The director of health may issue an order 56849
requiring any action necessary to meet a public health emergency 56850
involving asbestos. Any unlicensed or uncertified person to whom 56851
an order is directed shall comply immediately with the order. If 56852
immediate action to comply with the order and correct the 56853
emergency is not taken, the attorney general at the request of the 56854
director may commence a civil action for civil penalties and 56855
injunctions in accordance with section 3710.14 of the Revised 56856
Code. 56857

Sec. 3712.03. (A) In accordance with Chapter 119. of the 56858
Revised Code, the public health council shall adopt, and may amend 56859
and rescind, rules: 56860

(1) Providing for the licensing of persons or public agencies 56861
providing hospice care programs within this state by the 56862
department of health and for the suspension and revocation of 56863
licenses; 56864

(2) Establishing a license fee and license renewal fee ~~not~~ 56865
~~to, neither of which shall, except as provided in division (B) of~~ 56866
~~this section,~~ exceed ~~three~~ six hundred dollars. The fees shall 56867
cover the three-year period during which an existing license is 56868
valid as provided in division (B) of section 3712.04 of the 56869
Revised Code. 56870

(3) Establishing an inspection fee not to exceed, except as 56871
provided in division (B) of this section, one thousand seven 56872
hundred fifty dollars; 56873

(4) Establishing requirements for hospice care program 56874
facilities and services; 56875

(5) Providing for a waiver of the requirement for the 56876

provision of physical, occupational, or speech or language therapy 56877
contained in division (A)(2) of section 3712.01 of the Revised 56878
Code when the requirement would create a hardship because such 56879
therapy is not readily available in the geographic area served by 56880
the provider of a hospice care program; 56881

(6) Providing for the granting of licenses to provide hospice 56882
care programs to persons and public agencies that are accredited 56883
or certified to provide such programs by an entity whose standards 56884
for accreditation or certification equal or exceed those provided 56885
for licensure under this chapter and rules adopted under it; ~~and~~ 56886

(7) Establishing interpretive guidelines for each rule. 56887

(B) Subject to the approval of the controlling board, the 56888
public health council may establish fees in excess of the maximum 56889
amounts ~~provided by sections 3712.01 and 3712.03 to 3712.06 of the~~ 56890
~~Revised Code~~ specified in this section, provided that the fees do 56891
not exceed those amounts by greater than fifty per cent. 56892

(C) The department of health shall: 56893

(1) Grant, suspend, and revoke licenses for hospice care 56894
programs in accordance with this chapter and rules adopted under 56895
it; 56896

(2) Make such inspections as are necessary to determine 56897
whether hospice care program facilities and services meet the 56898
requirements of this chapter and rules adopted under it; and 56899

(3) Implement and enforce this chapter and rules adopted 56900
under it. 56901

Sec. 3713.01. As used in sections 3713.01 to 3713.10 of the 56902
Revised Code: 56903

(A) "Person" has the same meaning as used in division (C) of 56904
section 1.59 of the Revised Code and also means any limited 56905
company, limited liability partnership, joint stock company, or 56906

other association. 56907

(B) "Bedding" means any upholstered furniture, any mattress, 56908
upholstered spring, comforter, bolster, pad, cushion, pillow, 56909
mattress protector, quilt, and any other upholstered article, to 56910
be used for sleeping, resting, or reclining purposes, and any 56911
glider, hammock, or other substantially similar article that is 56912
wholly or partly upholstered. 56913

(C) "Secondhand" means any article, or material, or portion 56914
thereof of which prior use has been made in any manner whatsoever. 56915

(D) "Remade, repaired, or renovated articles not for sale" 56916
means any article that is remade, repaired, or renovated for and 56917
is returned to the owner for the owner's own use. 56918

(E) "Sale," "sell," or "sold" shall, in the corresponding 56919
tense, mean sell, offer to sell, or deliver or consign in sale, or 56920
possess with intent to sell, or deliver in sale. 56921

(F) "Upholstered furniture" means any article of furniture 56922
wholly or partly stuffed or filled with material and that is used 56923
or intended for use for sitting, resting, or reclining purposes. 56924

(G) "Stuffed toy" means any article intended for use as a 56925
plaything or for an educational or recreational purpose that is 56926
wholly or partially stuffed with material. 56927

(H) "Tag" or "label" means any material prescribed by the 56928
superintendent of ~~industrial compliance~~ labor to be attached to an 56929
article that contains information required under this chapter. 56930

Sec. 3713.02. (A) Except as provided in section 3713.05 of 56931
the Revised Code, no person shall import, manufacture, renovate, 56932
wholesale, or reupholster stuffed toys or articles of bedding in 56933
this state without first registering to do so with the 56934
superintendent of ~~industrial compliance~~ labor in accordance with 56935
section 3713.05 of the Revised Code. 56936

(B) No person shall manufacture, offer for sale, sell, 56937
deliver, or possess for the purpose of manufacturing, selling, or 56938
delivering, an article of bedding or a stuffed toy that is not 56939
labeled in accordance with section 3713.08 of the Revised Code. 56940

(C) No person shall manufacture, offer for sale, sell, 56941
deliver, or possess for the purpose of manufacturing, selling, or 56942
delivering, an article of bedding or a stuffed toy that is falsely 56943
labeled. 56944

(D) No person shall sell or offer for sale any secondhand 56945
article of bedding or any secondhand stuffed toy that has not been 56946
sanitized in accordance with section 3713.08 of the Revised Code. 56947

(E) The possession of any article of bedding or stuffed toy 56948
in the course of business by a person required to obtain 56949
registration under this chapter, or by that person's agent or 56950
servant shall be prima-facie evidence of the person's intent to 56951
sell the article of bedding or stuffed toy. 56952

Sec. 3713.03. The superintendent of ~~industrial compliance~~ 56953
labor in the department of commerce shall administer and enforce 56954
this chapter. 56955

Sec. 3713.04. (A) In accordance with Chapter 119. of the 56956
Revised Code, the superintendent of ~~industrial compliance~~ labor 56957
shall: 56958

(1) Adopt rules pertaining to the definition, name, and 56959
description of materials necessary to carry out this chapter; 56960

(2) Determine the testing standards, fees, and charges to be 56961
paid for making any test or analysis required pursuant to section 56962
3713.08 of the Revised Code. 56963

(B) In accordance with Chapter 119. of the Revised Code, the 56964
superintendent may adopt rules regarding the following: 56965

(1) Establishing an initial application fee or an annual registration renewal fee not more than fifty per cent higher than the fees set forth in section 4713.05 of the Revised Code;

(2) Establishing standards, on a reciprocal basis, for the acceptance of labels and laboratory analyses from other states where the labeling requirements and laboratory analysis standards are substantially equal to the requirements of this state, provided the other state extends similar reciprocity to labels and laboratory analysis conducted under this chapter;

(3) Any other rules necessary to administer and carry out this chapter.

(C) The superintendent may do any of the following:

(1) Issue administrative orders, conduct hearings, and take all actions necessary under the authority of Chapter 119. of the Revised Code for the administration of this chapter. The authority granted under this division shall include the authority to suspend, revoke, or deny registration under this chapter.

(2) Establish and maintain facilities within the department of commerce to make tests and analysis of materials used in the manufacture of bedding and stuffed toys. The superintendent also may designate established laboratories in various sections of the state that are qualified to make these tests. If the superintendent exercises this authority, the superintendent shall adopt rules to determine the fees and charges to be paid for making the tests or analyses authorized under this section.

(3) Exercise such other powers and duties as are necessary to carry out the purpose and intent of this chapter.

Sec. 3713.05. (A) Applications to register to import, manufacture, renovate, wholesale, make, or reupholster stuffed toys or bedding in this state shall be made in writing on forms

provided by the superintendent of ~~industrial compliance~~ labor. The 56996
application shall be accompanied by a registration fee of fifty 56997
dollars per person unless the applicant engages only in 56998
renovation, in which case the registration fee shall be 56999
thirty-five dollars. 57000

(B) Upon receipt of the application and the appropriate fee, 57001
the superintendent shall register the applicant and assign a 57002
registration number to the registrant. 57003

(C) Notwithstanding section 3713.02 of the Revised Code and 57004
division (A) of this section, the following are exempt from 57005
registration: 57006

(1) An organization described in section 501(c)(3) of the 57007
"Internal Revenue Code of 1986," and exempt from income tax under 57008
section 501(a) of that code and that is operated exclusively to 57009
provide recreation or social services; 57010

(2) A person who is not regularly engaged in the business of 57011
manufacturing, making, wholesaling, or importing stuffed toys but 57012
who manufactures or makes stuffed toys as a leisure pursuit and 57013
who sells one hundred or fewer stuffed toys within one calendar 57014
year; 57015

(3) A person who is not regularly engaged in the business of 57016
manufacturing, making, wholesaling, or importing quilts, 57017
comforters, pillows, or cushions, but who manufactures or makes 57018
these items as a leisure pursuit and who sells five or fewer 57019
quilts, ten or fewer comforters, or twenty or fewer pillows or 57020
cushions within one calendar year. 57021

(D) Notwithstanding division (C)(2) or (3) of this section, a 57022
person exempt under that division must attach a label to each 57023
stuffed toy that contains all of the following information: 57024

(1) The person's name and address; 57025

(2) A statement that the person is not registered by the 57026
state of Ohio; 57027

(3) A statement that the contents of the product have not 57028
been inspected. 57029

Sec. 3713.06. (A) Any person required to register under 57030
division (A) of section 3713.02 of the Revised Code who imports 57031
bedding or stuffed toys into this state for retail sale or use in 57032
this state and any person required to register under division (A) 57033
of section 3713.02 of the Revised Code who manufactures bedding or 57034
stuffed toys in this state for retail sale or use in this state 57035
shall submit a report to the superintendent of ~~industrial~~ 57036
~~compliance~~ labor, in a form and manner prescribed by the 57037
superintendent. The form shall be submitted once every six months 57038
and shall show the total number of items of bedding or stuffed 57039
toys imported into this state or manufactured in this state. Each 57040
report shall be accompanied by a fee of four cents for each item 57041
of bedding or stuffed toy imported into this state or manufactured 57042
in this state. 57043

(B) Every importer, manufacturer, or wholesaler of stuffed 57044
toys or articles of bedding, and every mobile home and 57045
recreational vehicle dealer, conversion van dealer, secondhand 57046
dealer, and auction house shall retain records, designated by the 57047
superintendent in rule, for the time period established in rule. 57048

(C) Every importer, manufacturer, or wholesaler of stuffed 57049
toys or articles of bedding, and every mobile home and 57050
recreational vehicle dealer, conversion van dealer, secondhand 57051
dealer, and auction house shall make sufficient investigation of 57052
its records to ensure that the information reported to the 57053
superintendent under division (A) of this section is accurate. 57054

Sec. 3713.07. (A) Registration obtained under this chapter 57055

expires annually on the last day of the month in the month that 57056
the registration was obtained. The superintendent of ~~industrial~~ 57057
~~compliance~~ labor shall renew the registration in accordance with 57058
Chapter 4745. of the Revised Code. 57059

(B) Failure on the part of any registrant to renew 57060
registration prior to its expiration, when notified as required in 57061
this section, shall not deprive the person of the right to renewal 57062
within the ninety days that follow expiration, but the fee to be 57063
paid for renewal after its expiration shall be one hundred dollars 57064
plus the standard registration fee for the registrant. 57065

(C) If a registrant fails to renew registration within ninety 57066
days of the date that it expired, the former registrant shall 57067
comply with the registration requirements under section 3713.05 of 57068
the Revised Code to obtain valid registration. 57069

Sec. 3713.08. (A) All persons required to register under 57070
division (A) of section 3713.02 of the Revised Code manufacturing, 57071
making, or wholesaling bedding or stuffed toys, or both, that are 57072
sold or offered for sale shall have the material content of their 57073
products tested and analyzed at an established laboratory 57074
designated by the superintendent of ~~industrial-compliance~~ labor 57075
before the bedding or stuffed toys are sold or offered for sale. 57076

(B) Every stuffed toy or item of bedding sold or offered for 57077
sale shall have a label affixed to it that reports the contents of 57078
the stuffed toy or bedding material in conformity with 57079
requirements established by the superintendent, a registration 57080
number, and any other identifying information as required by the 57081
superintendent. 57082

(C) The seller of any secondhand articles of bedding or 57083
stuffed toys shall sanitize all items in accordance with rules 57084
established by the superintendent prior to the sale of or the 57085
offering for sale of any secondhand articles. 57086

(D) This section does not apply to any of the following: 57087

(1) Persons who meet the qualifications of division (C)(2) or 57088
(3) of section 3713.05 of the Revised Code; 57089

(2) The sale of furniture more than fifty years old; 57090

(3) The sale of furniture from the home of the owner directly 57091
to the purchaser. 57092

Sec. 3713.09. (A) The superintendent of ~~industrial compliance~~ 57093
labor may appoint inspectors and periodically inspect and 57094
investigate any establishment where bedding or stuffed toys are 57095
manufactured, made, remade, renovated, repaired, sanitized, sold, 57096
or offered for sale, or where previously used material is 57097
processed for use in the manufacture of bedding or stuffed toys. 57098

(1) Each inspector shall make a written report to the 57099
superintendent of each examination and inspection complete with 57100
the inspector's findings and recommendations. Inspectors may place 57101
"off sale" any article of bedding or stuffed toy offered for sale, 57102
or found in the possession of any person with the intent to sell, 57103
in violation of section 3713.02 of the Revised Code. Inspectors 57104
shall perform other duties related to inspection and examination 57105
as prescribed by the superintendent. 57106

(2) When articles are placed "off sale" under division (A)(1) 57107
of this section, they shall be tagged, and the tag shall not be 57108
removed except by an authorized representative of the division of 57109
~~industrial compliance~~ labor after the violator demonstrates to the 57110
satisfaction of the superintendent proof of compliance with the 57111
requirements of section 3713.08 of the Revised Code. 57112

(B)(1) When an inspector has cause to believe that any 57113
bedding or stuffed toy is not tagged or labeled in accordance with 57114
section 3713.08 of the Revised Code, the inspector may open any 57115
seam of the bedding or stuffed toy in question to examine the 57116

material used or contained within it and take a reasonable amount 57117
of the material for testing and analysis and, if necessary, 57118
examine any and all purchase records in order to determine the 57119
contents or the kind of material used in the bedding or stuffed 57120
toy in question. An inspector may seize and hold evidence of any 57121
article of bedding, stuffed toy, or material manufactured, made, 57122
possessed, renovated, remade, or repaired, sold, or offered for 57123
sale contrary to this chapter. 57124

(2) Immediately after seizing articles believed to be in 57125
violation of this chapter, the inspector immediately shall report 57126
the seizure to the superintendent. The superintendent shall hold a 57127
hearing in accordance with Chapter 119. of the Revised Code or 57128
make a ruling in the matter. If the superintendent finds that the 57129
article of bedding, stuffed toy, or material is not in violation 57130
of this chapter, the superintendent shall order the item or items 57131
returned to the owner. If the superintendent finds a violation of 57132
this chapter, the superintendent may do either of the following: 57133

(a) Return the articles to the owner for proper treatment, 57134
tagging or labeling, or other action as ordered by the 57135
superintendent, subject to the requirement that the articles be 57136
reinspected at cost to the owner, prior to being sold or offered 57137
for sale; 57138

(b) Report the violation to the appropriate prosecuting 57139
attorney or city law director. 57140

(C) The superintendent, at reasonable times and upon 57141
reasonable notice, may examine or cause to be examined the records 57142
of any importer, manufacturer, or wholesaler of stuffed toys or 57143
articles of bedding, mobile home and recreational vehicle dealer, 57144
conversion van dealer, secondhand dealer, or auction house to 57145
determine compliance with this chapter. The superintendent may 57146
enter into contracts, pursuant to procedures prescribed by the 57147
superintendent, with persons to examine these records to determine 57148

compliance with this chapter. These persons may collect and remit 57149
to the superintendent any amounts due under this chapter. 57150

(D) Records audited pursuant to division (C) of this section 57151
are confidential and shall not be disclosed except as required by 57152
section 149.43 of the Revised Code, or as the superintendent finds 57153
necessary for the proper administration of this chapter. 57154

(E) In the case of any investigation or examination, or both, 57155
that requires investigation or examination outside of this state 57156
of any importer, manufacturer, or wholesaler of stuffed toys or 57157
articles of bedding, or of any mobile home or recreational vehicle 57158
dealer, conversion van dealer, secondhand dealer, or auction 57159
house, the superintendent may require the investigated or examined 57160
person to pay the actual expense of the investigation or 57161
examination. The superintendent shall provide an itemized 57162
statement of actual expenses to the investigated or examined 57163
person. 57164

(F) Whenever the superintendent has reason to believe, from 57165
the superintendent's own information, upon complaint, or 57166
otherwise, that any person has engaged in, is engaging in, or is 57167
about to engage in any practice prohibited by this chapter, or 57168
when the superintendent has reason to believe that it is necessary 57169
for public health and safety, the superintendent may do any of the 57170
following: 57171

(1) Investigate violations of this chapter, and for that 57172
purpose, may subpoena witnesses in connection with the 57173
investigation. The superintendent may make application to the 57174
appropriate court of common pleas for an order enjoining the 57175
violation of this chapter, and upon a showing by the 57176
superintendent that any registrant or person acting in a manner 57177
that requires registration has violated or is about to violate 57178
this chapter, an injunction, restraining order, or other order as 57179
may be appropriate shall be granted by the court. 57180

(2) Compel by subpoena the attendance of witnesses to testify 57181
in relation to any matter over which the superintendent has 57182
jurisdiction and that is the subject of inquiry and investigation 57183
by the superintendent, and require the production of any book, 57184
paper, or document pertaining to the matter. In case any person 57185
fails to file any statement or report, obey any subpoena, give 57186
testimony, or produce any books, records, or papers as required by 57187
a subpoena, the court of common pleas of any county in the state, 57188
upon application made to it by the superintendent, shall compel 57189
obedience by attachment proceedings for contempt. 57190

(3) Suspend or revoke the registration of any importer, 57191
manufacturer, or wholesaler of stuffed toys or articles of 57192
bedding, mobile home or recreational vehicle dealer, conversion 57193
van dealer, secondhand dealer, or auction house; 57194

(4) Submit evidence of the violation or violations to any 57195
city prosecutor, city director of law, or prosecuting attorney 57196
with authority to prosecute. If the city prosecutor, city director 57197
of law, or prosecuting attorney with authority to prosecute fails 57198
to prosecute, the superintendent shall submit the evidence to the 57199
attorney general who may proceed with the prosecution. 57200

Sec. 3713.10. All money collected under this chapter shall be 57201
deposited into the state treasury to the credit of the ~~industrial~~ 57202
~~compliance~~ labor operating fund created under section 121.084 of 57203
the Revised Code. 57204

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 57205
health and the environmental protection agency in administering 57206
and enforcing this chapter and rules adopted under it, there is 57207
hereby levied on the disposal of construction and demolition 57208
debris at a construction and demolition debris facility that is 57209
licensed under this chapter or at a solid waste facility that is 57210

licensed under Chapter 3734. of the Revised Code a fee of thirty 57211
cents per cubic yard or sixty cents per ton, as applicable. 57212

(2) The owner or operator of a construction and demolition 57213
debris facility or a solid waste facility shall determine if cubic 57214
yards or tons will be used as the unit of measurement. In 57215
estimating the fee based on cubic yards, the owner or operator 57216
shall utilize either the maximum cubic yard capacity of the 57217
container, or the hauling volume of the vehicle, that transports 57218
the construction and demolition debris to the facility or the 57219
cubic yards actually logged for disposal by the owner or operator 57220
in accordance with rules adopted under section 3714.02 of the 57221
Revised Code. If basing the fee on tonnage, the owner or operator 57222
shall use certified scales to determine the tonnage of 57223
construction and demolition debris that is transported to the 57224
facility for disposal. 57225

(3) The owner or operator of a construction and demolition 57226
debris facility or a solid waste facility shall collect the fee 57227
levied under division (A) of this section as a trustee for the 57228
health district having jurisdiction over the facility, if that 57229
district is on the approved list under section 3714.09 of the 57230
Revised Code, or for the state. The owner or operator shall 57231
prepare and file with the appropriate board of health or the 57232
director of environmental protection monthly returns indicating 57233
the total volume or weight, as applicable, of construction and 57234
demolition debris received for disposal at the facility and the 57235
total amount of money required to be collected on the construction 57236
and demolition debris disposed of during that month. Not later 57237
than thirty days after the last day of the month to which the 57238
return applies, the owner or operator shall mail to the board of 57239
health or the director the return for that month together with the 57240
money required to be collected on the construction and demolition 57241
debris disposed of during that month or may submit the return and 57242

money electronically in a manner approved by the director. The 57243
owner or operator may request, in writing, an extension of not 57244
more than thirty days after the last day of the month to which the 57245
return applies. A request for extension may be denied. If the 57246
owner or operator submits the money late, the owner or operator 57247
shall pay a penalty of ten per cent of the amount of the money due 57248
for each month that it is late. 57249

(4) Of the money that is collected from a construction and 57250
demolition debris facility or a solid waste facility on a per 57251
cubic yard or per ton basis under this section, a board of health 57252
shall transmit three cents per cubic yard or six cents per ton, as 57253
applicable, to the director not later than forty-five days after 57254
the receipt of the money. The money retained by a board of health 57255
under this section shall be paid into a special fund, which is 57256
hereby created in each health district, and used solely to 57257
administer and enforce this chapter and rules adopted under it. 57258

The director shall transmit all money received from the 57259
boards of health of health districts under this section and all 57260
money from the disposal fee collected by the director under this 57261
section to the treasurer of state to be credited to the 57262
construction and demolition debris facility oversight fund, which 57263
is hereby created in the state treasury. The fund shall be 57264
administered by the director, and money credited to the fund shall 57265
be used exclusively for the administration and enforcement of this 57266
chapter and rules adopted under it. 57267

(B) The board of health of a health district or the director 57268
may enter into an agreement with the owner or operator of a 57269
construction and demolition debris facility or a solid waste 57270
facility for the quarterly payment of the money collected from the 57271
disposal fee. The board of health shall notify the director of any 57272
such agreement. Not later than forty-five days after receipt of 57273
the quarterly payment, the board of health shall transmit the 57274

amount established in division (A)(4) of this section to the 57275
director. The money retained by the board of health shall be 57276
deposited in the special fund of the district as required under 57277
that division. Upon receipt of the money from a board of health, 57278
the director shall transmit the money to the treasurer of state to 57279
be credited to the construction and demolition debris facility 57280
oversight fund. 57281

(C) If a construction and demolition debris facility or a 57282
solid waste facility is located within the territorial boundaries 57283
of a municipal corporation or the unincorporated area of a 57284
township, the municipal corporation or township may appropriate up 57285
to four cents per cubic yard or up to eight cents per ton of the 57286
disposal fee required to be paid by the facility under division 57287
(A) of this section for the same purposes that a municipal 57288
corporation or township may levy a fee under division (C) of 57289
section 3734.57 of the Revised Code. 57290

The legislative authority of the municipal corporation or 57291
township may appropriate the money from the fee by enacting an 57292
ordinance or adopting a resolution establishing the amount of the 57293
fee to be appropriated. Upon doing so, the legislative authority 57294
shall mail a certified copy of the ordinance or resolution to the 57295
board of health of the health district in which the construction 57296
and demolition debris facility or the solid waste facility is 57297
located or, if the facility is located in a health district that 57298
is not on the approved list under section 3714.09 of the Revised 57299
Code, to the director. Upon receipt of the copy of the ordinance 57300
or resolution and not later than forty-five days after receipt of 57301
money collected from the fee, the board or the director, as 57302
applicable, shall transmit to the treasurer or other appropriate 57303
officer of the municipal corporation or clerk of the township that 57304
portion of the money collected from the disposal fee by the owner 57305
or operator of the facility that is required by the ordinance or 57306

resolution to be paid to that municipal corporation or township. 57307

Money received by the treasurer or other appropriate officer 57308
of a municipal corporation under this division shall be paid into 57309
the general fund of the municipal corporation. Money received by 57310
the clerk of a township under this division shall be paid into the 57311
general fund of the township. The treasurer or other officer of 57312
the municipal corporation or the clerk of the township, as 57313
appropriate, shall maintain separate records of the money received 57314
under this division. 57315

The legislative authority of a municipal corporation or 57316
township may cease collecting money under this division by 57317
repealing the ordinance or resolution that was enacted or adopted 57318
under this division. 57319

The director shall adopt rules in accordance with Chapter 57320
119. of the Revised Code establishing requirements for prorating 57321
the amount of the fee that may be appropriated under this division 57322
by a municipal corporation or township in which only a portion of 57323
a construction and demolition debris facility is located within 57324
the territorial boundaries of the municipal corporation or 57325
township. 57326

(D) The board of county commissioners of a county in which a 57327
construction and demolition debris facility or a solid waste 57328
facility is located may appropriate up to three cents per cubic 57329
yard or up to six cents per ton of the disposal fee required to be 57330
paid by the facility under division (A) of this section for the 57331
same purposes that a solid waste management district may levy a 57332
fee under division (B) of section 3734.57 of the Revised Code. 57333

The board of county commissioners may appropriate the money 57334
from the fee by adopting a resolution establishing the amount of 57335
the fee to be appropriated. Upon doing so, the board of county 57336
commissioners shall mail a certified copy of the resolution to the 57337

board of health of the health district in which the construction 57338
and demolition debris facility or the solid waste facility is 57339
located or, if the facility is located in a health district that 57340
is not on the approved list under section 3714.09 of the Revised 57341
Code, to the director. Upon receipt of the copy of the resolution 57342
and not later than forty-five days after receipt of money 57343
collected from the fee, the board of health or the director, as 57344
applicable, shall transmit to the treasurer of the county that 57345
portion of the money collected from the disposal fee by the owner 57346
or operator of the facility that is required by the resolution to 57347
be paid to that county. 57348

Money received by a county treasurer under this division 57349
shall be paid into the general fund of the county. The county 57350
treasurer shall maintain separate records of the money received 57351
under this division. 57352

A board of county commissioners may cease collecting money 57353
under this division by repealing the resolution that was adopted 57354
under this division. 57355

(E)(1) This section does not apply to the disposal of 57356
construction and demolition debris at a solid waste facility that 57357
is licensed under Chapter 3734. of the Revised Code if there is no 57358
construction and demolition debris facility licensed under this 57359
chapter within thirty-five miles of the solid waste facility as 57360
determined by a facility's property boundaries. 57361

(2) This section does not apply to the disposal of 57362
construction and demolition debris at a solid waste facility that 57363
is licensed under Chapter 3734. of the Revised Code if the owner 57364
or operator of the facility chooses to collect fees on the 57365
disposal of the construction and demolition debris that are 57366
identical to the fees that are collected under Chapters 343. and 57367
3734. of the Revised Code on the disposal of solid wastes at that 57368
facility. 57369

(3) This section does not apply to the disposal of source 57370
separated materials that are exclusively composed of reinforced or 57371
nonreinforced concrete, asphalt, clay tile, building or paving 57372
brick, or building or paving stone at a construction and 57373
demolition debris facility that is licensed under this chapter 57374
when either of the following applies: 57375

(a) The materials are placed within the limits of 57376
construction and demolition debris placement at the facility as 57377
specified in the license issued to the facility under section 57378
3714.06 of the Revised Code, are not placed within the unloading 57379
zone of the facility, and are used as a fire prevention measure in 57380
accordance with rules adopted by the director under section 57381
3714.02 of the Revised Code. 57382

(b) The materials are not placed within the unloading zone of 57383
the facility or within the limits of construction and demolition 57384
debris placement at the facility as specified in the license 57385
issued to the facility under section 3714.06 of the Revised Code, 57386
but are used as fill material, either alone or in conjunction with 57387
clean soil, sand, gravel, or other clean aggregates, in legitimate 57388
fill operations for construction purposes at the facility or to 57389
bring the facility up to a consistent grade. 57390

(F) Notwithstanding any provision of law to the contrary, the 57391
fee levied under this section applies to the disposal of asbestos 57392
and asbestos-containing materials or products at a construction 57393
and demolition debris facility that is licensed under this 57394
chapter. 57395

Sec. 3714.073. (A) In addition to the fee levied under 57396
division (A)(1) of section 3714.07 of the Revised Code, beginning 57397
July 1, ~~2005~~ 2009, there is hereby levied on the disposal of 57398
construction and demolition debris at a construction and 57399
demolition debris facility that is licensed under this chapter or 57400

at a solid waste facility that is licensed under Chapter 3734. of 57401
the Revised Code the following fees: 57402

(1) A fee of ~~twelve~~ one dollar and ~~one-half~~ twenty-five cents 57403
per cubic yard or ~~twenty-five~~ two dollars and fifty cents per ton, 57404
as applicable, the proceeds of which shall be deposited in the 57405
state treasury to the credit of the soil and water conservation 57406
district assistance fund created in section 1515.14 of the Revised 57407
Code; 57408

(2) A fee of ~~thirty-seven~~ and one-half cents per cubic yard 57409
or ~~seventy-five~~ cents per ton, as applicable, the proceeds of 57410
which shall be deposited in the state treasury to the credit of 57411
the recycling and litter prevention fund created in section 57412
1502.02 of the Revised Code. 57413

(B) The owner or operator of a construction and demolition 57414
debris facility or a solid waste facility, as a trustee of the 57415
state, shall collect the fees levied under this section and remit 57416
the money from the fees in the manner that is established in 57417
divisions (A)(2) and (3) of section 3714.07 of the Revised Code 57418
for the fee that is levied under division (A)(1) of that section 57419
and may enter into an agreement for the quarterly payment of the 57420
fees in the manner established in division (B) of that section for 57421
the quarterly payment of the fee that is levied under division 57422
(A)(1) of that section. 57423

(C) The money that is collected from a construction and 57424
demolition debris facility or a solid waste facility and remitted 57425
to a board of health or the director of environmental protection, 57426
as applicable, pursuant to this section shall be transmitted by 57427
the board or director to the treasurer of state not later than 57428
forty-five days after the receipt of the money to be credited to 57429
the soil and water conservation district assistance fund ~~or~~, the 57430
recycling and litter prevention fund, or the environmental 57431

protection fund, as applicable. 57432

(D) This section does not apply to the disposal of 57433
construction and demolition debris at a solid waste facility that 57434
is licensed under Chapter 3734. of the Revised Code if the owner 57435
or operator of the facility chooses to collect fees on the 57436
disposal of the construction and demolition debris that are 57437
identical to the fees that are collected under Chapters 343. and 57438
3734. of the Revised Code on the disposal of solid wastes at that 57439
facility. 57440

(E) This section does not apply to the disposal of source 57441
separated materials that are exclusively composed of reinforced or 57442
nonreinforced concrete, asphalt, clay tile, building or paving 57443
brick, or building or paving stone at a construction and 57444
demolition debris facility that is licensed under this chapter 57445
when either of the following applies: 57446

(1) The materials are placed within the limits of 57447
construction and demolition debris placement at the facility as 57448
specified in the license issued to the facility under section 57449
3714.06 of the Revised Code, are not placed within the unloading 57450
zone of the facility, and are used as a fire prevention measure in 57451
accordance with rules adopted by the director under section 57452
3714.02 of the Revised Code. 57453

(2) The materials are not placed within the unloading zone of 57454
the facility or within the limits of construction and demolition 57455
debris placement at the facility as specified in the license 57456
issued to the facility under section 3714.06 of the Revised Code, 57457
but are used as fill material, either alone or in conjunction with 57458
clean soil, sand, gravel, or other clean aggregates, in legitimate 57459
fill operations for construction purposes at the facility or to 57460
bring the facility up to a consistent grade. 57461

(F) Notwithstanding any provision of law to the contrary, the 57462

fees levied under this section apply to the disposal of asbestos 57463
and asbestos-containing materials or products at a construction 57464
and demolition debris facility that is licensed under this 57465
chapter. 57466

Sec. 3715.041. (A)(1) As used in this section, "food 57467
processing establishment" has the same meaning as in section 57468
3715.021 of the Revised Code. 57469

(2) A person that operates a food processing establishment 57470
shall register the establishment annually with the director of 57471
agriculture. The person shall submit an application for 57472
registration or renewal on a form prescribed and provided by the 57473
director. Except as provided in division (H) of this section, an 57474
application for registration or renewal shall be accompanied by a 57475
registration fee in an amount established in rules adopted under 57476
this section. If a person files an application for registration on 57477
or after the first day of August of any year, the fee shall be 57478
one-half of the annual registration fee. 57479

(B)(1) The director shall inspect the food processing 57480
establishment for which an application for initial registration 57481
has been submitted. If, upon inspection, the director finds that 57482
the establishment is in compliance with this section and section 57483
3715.021 or 3715.60, applicable provisions of section 3715.52, or 57484
Chapter 911., 913., 915., or 925. of the Revised Code, as 57485
applicable, or applicable rules adopted under those sections or 57486
chapters, the director shall issue a certificate of registration 57487
to the food processing establishment. A food processing 57488
establishment registration expires on the thirty-first day of 57489
January and is valid until that date unless it is suspended or 57490
revoked under this section. 57491

(2) A person that is operating a food processing 57492
establishment on the effective date of this section shall apply to 57493

the director for a certificate of registration not later than 57494
ninety days after the effective date of this section. If an 57495
application is not filed with the director or postmarked on or 57496
before ninety days after the effective date of this section, the 57497
director shall assess a late fee in an amount established in rules 57498
adopted under this section. 57499

(C)(1) A food processing establishment registration may be 57500
renewed by the director. A person seeking registration renewal 57501
shall submit an application for renewal to the director not later 57502
than the thirty-first day of January. The director shall issue a 57503
renewed certificate of registration on receipt of a complete 57504
renewal application except as provided in division (C)(2) of this 57505
section. 57506

(2) If a renewal application is not filed with the director 57507
or postmarked on or before the thirty-first day of January, the 57508
director shall assess a late fee in an amount established in rules 57509
adopted under this section. The director shall not renew the 57510
registration until the applicant pays the late fee. 57511

(D) A copy of the food processing establishment registration 57512
certificate shall be conspicuously displayed in an area of the 57513
establishment to which customers of the establishment have access. 57514
57515

(E) Except for a food processing establishment that is 57516
operating in a home prior to the effective date of this section, 57517
no food processing establishment shall be operated in a home. If a 57518
food processing establishment that is operating in a home prior to 57519
the effective date of this section increases its existing 57520
operating capacity or transfers ownership, the person operating 57521
the food processing establishment or to whom ownership of the 57522
establishment will be transferred shall apply for a food 57523
processing establishment registration under this section. 57524

(F)(1) The director or the director's designee may issue an order suspending or revoking a food processing establishment registration upon determining that the registration holder is in violation of this section or section 3715.021 or 3715.60, applicable provisions of section 3715.52, or Chapter 911., 913., 915., or 925. of the Revised Code, as applicable, or applicable rules adopted under those sections or chapters. Except as provided in division (F)(2) of this section, a registration shall not be suspended or revoked until the registration holder is provided an opportunity to appeal the suspension or revocation in accordance with Chapter 119. of the Revised Code. 57525
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(2) If the director determines that a food processing establishment presents an immediate danger to the public health, the director may issue an order immediately suspending the establishment's registration without affording the registration holder an opportunity for a hearing. The director then shall afford the registration holder a hearing in accordance with Chapter 119. of the Revised Code not later than ten days after the date of suspension. 57536
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(G) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following: 57544
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(1) The amount of the registration fee that must be submitted with an application for a food processing establishment registration and with an application for renewal; 57546
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(2) The amount of the late fee that is required in division (B)(2) of this section; 57549
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(3) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section; 57551
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(4) Any other procedures and requirements that are necessary to administer and enforce this section. 57554
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<u>(H) The following are not required to pay any registration fee that is otherwise required in this section:</u>	57556
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<u>(1) Home bakeries registered under section 911.02 of the Revised Code;</u>	57558
	57559
<u>(2) Canneries licensed under section 913.02 of the Revised Code;</u>	57560
	57561
<u>(3) Soft drink plants licensed under section 913.23 of the Revised Code;</u>	57562
	57563
<u>(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code;</u>	57564
	57565
<u>(5) Persons licensed under section 915.15 of the Revised Code;</u>	57566
	57567
<u>(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.</u>	57568
	57569
<u>(J) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the Revised Code.</u>	57570
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	57572
Sec. 3717.07. (A) For purposes of establishing a licensing fee under sections 3717.25 and 3717.45 of the Revised Code, <u>all of the following apply:</u>	57573
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	57575
<u>(1) The director of agriculture and the public health council shall adopt rules establishing a uniform methodologies methodology for use in calculating the costs of licensing retail food establishments in the categories specified by the director and.</u>	57576
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	57579
<u>(2) The public health council shall adopt rules establishing a uniform methodology for use in calculating the costs of licensing food service operations in the categories specified by the council. It</u>	57580
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	57583
<u>(3) In adopting the rules, the director of agriculture and</u>	57584

the public health council shall consider any recommendations 57585
received from advisory boards or other entities representing the 57586
interests of retail food establishments and food service 57587
operations. 57588

(B) The rules shall include provisions that do all of the 57589
following: 57590

(1) Provide for calculations to be made according to fiscal 57591
years rather than licensing periods; 57592

(2) Limit the direct costs that may be attributed to the use 57593
of sanitarians by establishing appropriate statewide averages that 57594
may not be exceeded; 57595

(3) Limit the indirect costs that may be included in the 57596
calculation of fees to an amount that does not exceed thirty per 57597
cent of the cost of the licensing program; 57598

(4) Provide for a proportionate reduction in the fees to be 57599
charged if a licensor included anticipated costs in the 57600
immediately preceding calculation of licensing fees and the total 57601
amount of the anticipated costs was not incurred; 57602

(5) Provide for a proportionate reduction in the fees to be 57603
charged if it is discovered through an audit by the auditor of 57604
state or through any other means that the licensor has charged or 57605
is charging a licensing fee that exceeds the amount that should 57606
have been charged; 57607

(6) Provide for a twenty per cent reduction in the fees to be 57608
charged when the reduction is imposed as a penalty under division 57609
(C) of section 3717.071 of the Revised Code; 57610

(7) With regard to any fees charged for licensing vending 57611
machine locations, the rules shall prohibit a licensor from 57612
increasing fees by a percentage of increase over the previous 57613
year's fee that exceeds the percentage of increase in the consumer 57614

price index for all urban consumers (United States city average, 57615
all items), prepared by the United States department of labor, 57616
bureau of labor statistics, for the immediately preceding calendar 57617
year. 57618

Sec. 3717.23. (A) Each person or government entity seeking a 57619
retail food establishment license or the renewal of a license 57620
shall apply to the appropriate licensor on a form provided by the 57621
licensor. A licensor shall use a form prescribed and furnished to 57622
the licensor by the director of agriculture or a form prescribed 57623
by the licensor that has been approved by the director. The 57624
applicant shall include with the application all information 57625
necessary for the licensor to process the application, as 57626
requested by the licensor. 57627

An application for a retail food establishment license, other 57628
than an application for a mobile retail food establishment 57629
license, shall be submitted to the licensor for the health 57630
district in which the retail food establishment is located. An 57631
application for a mobile retail food establishment license shall 57632
be submitted to the licensor for the health district in which the 57633
applicant's business headquarters are located, or, if the 57634
headquarters are located outside this state, to the licensor for 57635
the district where the applicant will first operate in this state. 57636

(B) The licensor shall review all applications received. The 57637
licensor shall issue a license for a new retail food establishment 57638
when the applicant submits a complete application and the licensor 57639
determines that the applicant meets all other requirements of this 57640
chapter and the rules adopted under it for receiving the license. 57641
The licensor shall issue a renewed license on receipt of a 57642
complete renewal application. 57643

The licensor shall issue licenses for retail food 57644
establishments on forms prescribed and furnished by the director 57645

of agriculture. If the license is for a mobile retail food establishment, the licensor shall post the establishment's layout, equipment, and items to be sold on the back of the license.

A mobile retail food establishment license issued by one licensor shall be recognized by all other licensors in this state.

(C)(1) A retail food establishment license expires at the end of the licensing period for which the license is issued, except as follows:

(a) A license issued to a new retail food establishment after the first day of December does not expire until the end of the licensing period next succeeding issuance of the license.

(b) A temporary retail food establishment license expires at the end of the period for which it is issued.

(2) All retail food establishment licenses remain valid until scheduled to expire unless earlier suspended or revoked under section 3717.29 or 3717.30 of the Revised Code.

(D) A retail food establishment license may be renewed, except that a temporary retail food establishment license is not renewable. A person or government entity seeking license renewal shall submit an application for renewal to the licensor not later than the first day of March, except in the case of a mobile or seasonal retail food establishment, when the renewal application shall be submitted before commencing operation in a new licensing period. A licensor may renew a license prior to the first day of March or the first day of operation in a new licensing period, but not before the first day of February immediately preceding the licensing period for which the license is being renewed.

If a person or government entity does not file a renewal application with the licensor postmarked on or before the first day of March or, in the case of a mobile or seasonal retail food establishment, the first day of operation in a new licensing

period, the licensor shall assess a penalty if the licensor 57677
charges a license renewal fee. The amount of the penalty shall be 57678
the ~~lesser of fifty dollars or~~ greater of twenty-five per cent of 57679
the renewal fee charged for renewing the license, if the licensor 57680
~~charges renewal fees~~ or ten per cent of the renewal fee multiplied 57681
by the number of weeks that have elapsed since payment of the fee 57682
was due. If an applicant is subject to a penalty, the licensor 57683
shall not renew the license until the applicant pays the penalty. 57684

(E)(1) A licensor may issue not more than ten temporary 57685
retail food establishment licenses per licensing period to the 57686
same person or government entity to operate at different events 57687
within the licensor's jurisdiction. For each particular event, a 57688
licensor may issue only one temporary retail food establishment 57689
license to the same person or government entity. 57690

(2) A licensor may issue a temporary retail food 57691
establishment license to operate for more than five consecutive 57692
days if both of the following apply: 57693

(a) The establishment will be operated at an event organized 57694
by a county agricultural society or independent agricultural 57695
society organized under Chapter 1711. of the Revised Code. 57696

(b) The person who will receive the license is a resident of 57697
the county or one of the counties for which the agricultural 57698
society was organized. 57699

(3) A person may be granted only one temporary retail food 57700
establishment license per licensing period pursuant to division 57701
(E)(2) of this section. 57702

(F) The licensor may place restrictions or conditions on a 57703
retail food establishment license, based on the equipment or 57704
facilities of the establishment, limiting the types of food that 57705
may be stored, processed, prepared, manufactured, or otherwise 57706
held or handled for retail sale. Limitations pertaining to a 57707

mobile retail food establishment shall be posted on the back of 57708
the license. 57709

(G) The person or government entity holding a license for a 57710
retail food establishment shall display the license for that 57711
retail food establishment at all times at the licensed location. 57712

(H) With the assistance of the department of agriculture, the 57713
licensor, to the extent practicable, shall computerize the process 57714
for licensing retail food establishments. 57715

Sec. 3717.25. (A) A licensor may charge fees for issuing and 57716
renewing retail food establishment licenses. Any licensing fee 57717
charged shall be used solely for the administration and 57718
enforcement of the provisions of this chapter and the rules 57719
adopted under it applicable to retail food establishments. 57720

Any licensing fee charged under this section shall be based 57721
on the licensor's costs of regulating retail food establishments, 57722
as determined according to the uniform ~~methodologies~~ methodology 57723
established under section 3717.07 of the Revised Code. If the 57724
licensor is a board of health, a fee may be disapproved by the 57725
district advisory council in the case of a general health district 57726
or the legislative authority of the city in the case of a city 57727
health district. A disapproved fee shall not be charged by the 57728
board of health. 57729

~~At least thirty days prior to establishing~~ Except when a 57730
licensing fee is established as an emergency measure, the licensor 57731
shall hold a public hearing regarding the proposed fee. ~~At~~ If a 57732
public hearing is held, at least thirty ~~thirty~~ twenty days prior to the 57733
public hearing, the licensor shall give written notice of the 57734
hearing to each person or government entity holding a retail food 57735
establishment license that may be affected by the proposed fee. 57736
The notice shall be mailed to the last known address of the 57737
licensee and shall specify the date, time, and place of the 57738

hearing and the amount of the proposed fee. On request, the 57739
licensor shall provide the completed uniform methodology used in 57740
the calculation of the licensor's costs and the proposed fee. 57741

(B) In addition to licensing fees, a licensor may charge fees 57742
for any of the following: 57743

(1) Review of facility layout and equipment specifications 57744
pertaining to retail food establishments, other than mobile and 57745
temporary retail food establishments; 57746

(2) Any necessary collection and bacteriological examination 57747
of samples from retail food establishments or similar services 57748
specified in rules adopted under this chapter by the director of 57749
agriculture; 57750

(3) Attendance at a course of study offered by the licensor 57751
in food protection as it pertains to retail food establishments, 57752
if the course is approved under section 3717.09 of the Revised 57753
Code. 57754

(C)(1) The director may determine by rule an amount to be 57755
collected from applicants for retail food establishment licenses 57756
for use by the director in administering and enforcing the 57757
provisions of this chapter and the rules adopted under it 57758
applicable to retail food establishments. Licensors shall collect 57759
the amount prior to issuing an applicant's new or renewed license. 57760
If a licensing fee is charged under this section, the licensor 57761
shall collect the amount at the same time the fee is collected. 57762
Licensors are not required to provide notice or hold public 57763
hearings regarding amounts to be collected ~~under this division~~. 57764

~~Not later than sixty days after the last day of the month in 57765
which a license is issued, the 57766~~

(2) A licensor shall certify the amount collected under this 57767
division (C)(1) of this section and transmit the amount to the 57768
treasurer of state. All according to the following schedule: 57769

(a) For amounts received by the licensor on or after the first day of January but not later than the thirty-first day of March, transmit the amounts not later than the fifteenth day of May; 57770
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(b) For amounts received by the licensor on or after the first day of April but not later than the thirtieth day of June, transmit the amounts not later than the fifteenth day of August; 57774
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(c) For amounts received by the licensor on or after the first day of July but not later than the thirtieth day of September, transmit the amounts not later than the fifteenth day of November; 57777
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(d) For amounts received by the licensor on or after the first day of October but not later than the thirty-first day of December, transmit the amounts not later than the fifteenth day of February of the following year. 57781
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(3) All amounts received shall be deposited into the food safety fund created in section 915.24 of the Revised Code. The director shall use the amounts solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to retail food establishments. 57785
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(4) When adopting rules regarding the amounts collected under this division, the director shall make available during the rule making process the current and projected expenses of administering and enforcing the provisions of this chapter and the rules adopted under it applicable to retail food establishments and the total of all amounts that have been deposited in the food safety fund pursuant to ~~this~~ division (C)(3) of this section. 57790
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Sec. 3717.43. (A) Each person or government entity requesting a food service operation license or the renewal of a license shall apply to the appropriate licensor on a form provided by the 57797
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licensor. Licensors shall use a form prescribed and furnished to 57800
the licensor by the director of health or a form prescribed by the 57801
licensor that has been approved by the director. The applicant 57802
shall include with the application all information necessary for 57803
the licensor to process the application, as requested by the 57804
licensor. 57805

An application for a food service operation license, other 57806
than an application for a mobile or catering food service 57807
operation license, shall be submitted to the licensor for the 57808
health district in which the food service operation is located. An 57809
application for a mobile food service operation license shall be 57810
submitted to the licensor for the health district in which the 57811
applicant's business headquarters are located, or, if the 57812
headquarters are located outside this state, to the licensor for 57813
the district where the applicant will first operate in this state. 57814
An application for a catering food service operation license shall 57815
be submitted to the licensor for the district where the 57816
applicant's base of operation is located. 57817

(B) The licensor shall review all applications received. The 57818
licensor shall issue a license for a new food service operation 57819
when the applicant submits a complete application and the licensor 57820
determines that the applicant meets all other requirements of this 57821
chapter and the rules adopted under it for receiving the license. 57822
The licensor shall issue a renewed license on receipt of a 57823
complete renewal application. 57824

The licensor shall issue licenses for food service operations 57825
on forms prescribed and furnished by the director of health. If 57826
the license is for a mobile food service operation, the licensor 57827
shall post the operation's layout, equipment, and menu on the back 57828
of the license. 57829

A mobile or catering food service operation license issued by 57830
one licensor shall be recognized by all other licensers in this 57831

state. 57832

(C)(1) A food service operation license expires at the end of 57833
the licensing period for which the license is issued, except as 57834
follows: 57835

(a) A license issued to a new food service operation after 57836
the first day of December shall not expire until the end of the 57837
licensing period next succeeding issuance of the license. 57838

(b) A temporary food service operation license expires at the 57839
end of the period for which it is issued. 57840

(2) All food service operation licenses remain valid until 57841
they are scheduled to expire unless earlier suspended or revoked 57842
under section 3717.49 of the Revised Code. 57843

(D) A food service operation license may be renewed, except 57844
that a temporary food service operation license is not renewable. 57845
A person or government entity seeking license renewal shall submit 57846
an application for renewal to the licensor not later than the 57847
first day of March, except that in the case of a mobile or 57848
seasonal food service operation the renewal application shall be 57849
submitted before commencing operation in a new licensing period. A 57850
licensor may renew a license prior to the first day of March or 57851
the first day of operation in a new licensing period, but not 57852
before the first day of February immediately preceding the 57853
licensing period for which the license is being renewed. 57854

If a renewal application is not filed with the licensor or 57855
postmarked on or before the first day of March or, in the case of 57856
a mobile or seasonal food service operation, the first day of 57857
operation in a new licensing period, the licensor shall assess a 57858
penalty if the licensor charges a license renewal fee. The amount 57859
of the penalty shall be the ~~lesser of fifty dollars or greater of~~ 57860
twenty-five per cent of the renewal fee charged for renewing 57861
licenses, ~~if the licensor charges renewal fees or ten per cent of~~ 57862

the renewal fee multiplied by the number of weeks that have 57863
elapsed since payment of the fee was due. If an applicant is 57864
subject to a penalty, the licensor shall not renew the license 57865
until the applicant pays the penalty. 57866

(E)(1) A licensor may issue not more than ten temporary food 57867
service operation licenses per licensing period to the same person 57868
or government entity to operate at different events within the 57869
licensor's jurisdiction. For each particular event, a licensor may 57870
issue only one temporary food service operation license to the 57871
same person or government entity. 57872

(2) A licensor may issue a temporary food service operation 57873
license to operate for more than five consecutive days if both of 57874
the following apply: 57875

(a) The operation will be operated at an event organized by a 57876
county agricultural society or independent agricultural society 57877
organized under Chapter 1711. of the Revised Code; 57878

(b) The person who will receive the license is a resident of 57879
the county or one of the counties for which the agricultural 57880
society was organized. 57881

(3) A person may be granted only one temporary food service 57882
operation license per licensing period pursuant to division (E)(2) 57883
of this section. 57884

(F) The licensor may place restrictions or conditions on a 57885
food service operation license limiting the types of food that may 57886
be prepared or served by the food service operation based on the 57887
equipment or facilities of the food service operation. Limitations 57888
pertaining to a mobile or catering food service operation shall be 57889
posted on the back of the license. 57890

(G) The person or government entity holding a license for a 57891
food service operation shall display the license for that food 57892
service operation at all times at the licensed location. A person 57893

or government entity holding a catering food service operation 57894
license shall also maintain a copy of the license at each catered 57895
event. 57896

(H) With the assistance of the department of health, the 57897
licensor, to the extent practicable, shall computerize the process 57898
for licensing food service operations. 57899

Sec. 3717.45. (A) A licensor may charge fees for issuing and 57900
renewing food service operation licenses. Any licensing fee 57901
charged shall be used solely for the administration and 57902
enforcement of the provisions of this chapter and the rules 57903
adopted under it applicable to food service operations. 57904

Any licensing fee charged under this section shall be based 57905
on the licensor's costs of regulating food service operations, as 57906
determined according to the uniform ~~methodologies~~ methodology 57907
established under section 3717.07 of the Revised Code. If the 57908
licensor is a board of health, a fee may be disapproved by the 57909
district advisory council in the case of a general health district 57910
or the legislative authority of the city in the case of a city 57911
health district. A disapproved fee shall not be charged by the 57912
board of health. 57913

~~At least thirty days prior to establishing~~ Except when a 57914
licensing fee is established as an emergency measure, the licensor 57915
shall hold a public hearing regarding the proposed fee. ~~At~~ If a 57916
public hearing is held, at least thirty ~~twenty~~ days prior to the 57917
public hearing, the licensor shall give written notice of the 57918
hearing to each person or government entity holding a food service 57919
operation license that may be affected by the proposed fee. The 57920
notice shall be mailed to the last known address of the licensee 57921
and shall specify the date, time, and place of the hearing and the 57922
amount of the proposed fee. On request, the licensor shall provide 57923
the completed uniform methodology used in the calculation of the 57924

licensor's costs and the proposed fee. 57925

(B) In addition to licensing fees, a licensor may charge fees 57926
for the following: 57927

(1) Review of facility layout and equipment specifications 57928
pertaining to food service operations, other than mobile and 57929
temporary food service operations, or similar reviews conducted 57930
for vending machine locations; 57931

(2) Any necessary collection and bacteriological examination 57932
of samples from food service operations, or similar services 57933
specified in rules adopted under this chapter by the public health 57934
council; 57935

(3) Attendance at a course of study offered by the licensor 57936
in food protection as it pertains to food service operations, if 57937
the course is approved under section 3717.09 of the Revised Code. 57938

(C)(1) The public health council may determine by rule an 57939
amount to be collected from applicants for food service operation 57940
licenses for use by the director of health in administering and 57941
enforcing the provisions of this chapter and the rules adopted 57942
under it applicable to food service operations. Licensors shall 57943
collect the amount prior to issuing an applicant's new or renewed 57944
license. If a licensing fee is charged under this section, the 57945
licensor shall collect the amount at the same time the fee is 57946
collected. Licensors are not required to provide notice or hold 57947
public hearings regarding amounts to be collected ~~under this~~ 57948
~~division.~~ 57949

~~Not later than sixty days after the last day of the month in~~ 57950
~~which a license is issued, the~~ 57951

(2) A licensor shall certify the amount collected under ~~this~~ 57952
division (C)(1) of this section and transmit the amount to the 57953
treasurer of state. ~~All~~ according to the following schedule: 57954

(a) For amounts received by the licensor on or after the first day of January but not later than the thirty-first day of March, transmit the amounts not later than the fifteenth day of May; 57955
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(b) For amounts received by the licensor on or after the first day of April but not later than the thirtieth day of June, transmit the amounts not later than the fifteenth day of August; 57959
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(c) For amounts received by the licensor on or after the first day of July but not later than the thirtieth day of September, transmit the amounts not later than the fifteenth day of November; 57962
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(d) For amounts received by the licensor on or after the first day of October but not later than the thirty-first day of December, transmit the amounts not later than the fifteenth day of February of the following year. 57966
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(3) All amounts received shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. 57970
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The director shall use the amounts solely for the administration 57972
and enforcement of the provisions of this chapter and the rules 57973
adopted under it applicable to food service operations. 57974

(4) The director may submit recommendations to the public 57975
health council regarding the amounts collected under this 57976
division. When making recommendations, the director shall submit a 57977
report stating the current and projected expenses of administering 57978
and enforcing the provisions of this chapter and the rules adopted 57979
under it applicable to food service operations and the total of 57980
all amounts that have been deposited in the general operations 57981
fund pursuant to ~~this~~ division (C)(3) of this section. The 57982
director may include in the report any recommendations for 57983
modifying the department's administration and enforcement of the 57984
provisions of this chapter and the rules adopted under it 57985

applicable to food service operations. 57986

Sec. 3718.03. (A) There is hereby created the sewage 57987
treatment system technical advisory committee consisting of the 57988
director of health or the director's designee and ten members who 57989
are knowledgeable about sewage treatment systems and technologies. 57990
Of the ten members, four shall be appointed by the governor, three 57991
shall be appointed by the president of the senate, and three shall 57992
be appointed by the speaker of the house of representatives. 57993
57994

(1) Of the members appointed by the governor, one shall 57995
represent academia, one shall be a representative of the public 57996
who is not employed by the state or any of its political 57997
subdivisions and who does not have a pecuniary interest in 57998
household sewage treatment systems, one shall be an engineer from 57999
the environmental protection agency, and one shall be selected 58000
from among soil scientists in the division of soil and water 58001
~~conservation~~ resources in the department of natural resources. 58002

(2) Of the members appointed by the president of the senate, 58003
one shall be a health commissioner who is a member of and 58004
recommended by the association of Ohio health commissioners, one 58005
shall represent the interests of manufacturers of household sewage 58006
treatment systems, and one shall represent installers and service 58007
providers. 58008

(3) Of the members appointed by the speaker of the house of 58009
representatives, one shall be a health commissioner who is a 58010
member of and recommended by the association of Ohio health 58011
commissioners, one shall represent the interests of manufacturers 58012
of household sewage treatment systems, and one shall be a 58013
sanitarian who is registered under Chapter 4736. of the Revised 58014
Code and who is a member of the Ohio environmental health 58015
association. 58016

(B) Terms of members appointed to the committee shall be for 58017
three years, with each term ending on the same day of the same 58018
month as did the term that it succeeds. Each member shall serve 58019
from the date of appointment until the end of the term for which 58020
the member was appointed. 58021

Members may be reappointed. Vacancies shall be filled in the 58022
same manner as provided for original appointments. Any member 58023
appointed to fill a vacancy occurring prior to the expiration date 58024
of the term for which the member was appointed shall hold office 58025
for the remainder of that term. A member shall continue to serve 58026
after the expiration date of the member's term until the member's 58027
successor is appointed or until a period of sixty days has 58028
elapsed, whichever occurs first. The applicable appointing 58029
authority may remove a member from the committee for failure to 58030
attend two consecutive meetings without showing good cause for the 58031
absences. 58032

(C) The technical advisory committee annually shall select 58033
from among its members a chairperson and a vice-chairperson and a 58034
secretary to keep a record of its proceedings. A majority vote of 58035
the members of the full committee is necessary to take action on 58036
any matter. The committee may adopt bylaws governing its 58037
operation, including bylaws that establish the frequency of 58038
meetings. 58039

(D) Serving as a member of the sewage treatment system 58040
technical advisory committee does not constitute holding a public 58041
office or position of employment under the laws of this state and 58042
does not constitute grounds for removal of public officers or 58043
employees from their offices or positions of employment. Members 58044
of the committee shall serve without compensation for attending 58045
committee meetings. 58046

(E) A member of the committee shall not have a conflict of 58047
interest with the position. For the purposes of this division, 58048

"conflict of interest" means the taking of any action that 58049
violates any provision of Chapter 102. or 2921. of the Revised 58050
Code. 58051

(F) The sewage treatment system technical advisory committee 58052
shall do all of the following: 58053

(1) Develop with the department of health standards and 58054
guidelines for approving or disapproving a sewage treatment system 58055
or components of a system under section 3718.04 of the Revised 58056
Code; 58057

(2) Develop with the department an application form to be 58058
submitted to the director by an applicant for approval or 58059
disapproval of a sewage treatment system or components of a system 58060
and specify the information that must be included with an 58061
application form; 58062

(3) Advise the director on the approval or disapproval of an 58063
application sent to the director under section 3718.04 of the 58064
Revised Code requesting approval of a sewage treatment system or 58065
components of a system; 58066

(4) Pursue and recruit in an active manner the research, 58067
development, introduction, and timely approval of innovative and 58068
cost-effective household sewage treatment systems and components 58069
of a system for use in this state, which shall include conducting 58070
pilot projects to assess the effectiveness of a system or 58071
components of a system; 58072

(5) By January 1, 2008, provide the household sewage and 58073
small flow on-site sewage treatment system study commission 58074
created by Am. Sub. H.B. 119 of the 127th general assembly with a 58075
list of available alternative systems and the estimated cost of 58076
each system. 58077

(G) The chairperson of the committee shall prepare and submit 58078
an annual report concerning the activities of the committee to the 58079

general assembly not later than ninety days after the end of the 58080
calendar year. The report shall discuss the number of applications 58081
submitted under section 3718.04 of the Revised Code for the 58082
approval of a new sewage treatment system or a component of a 58083
system, the number of such systems and components that were 58084
approved, any information that the committee considers beneficial 58085
to the general assembly, and any other information that the 58086
chairperson determines is beneficial to the general assembly. If 58087
other members of the committee determine that certain information 58088
should be included in the report, they shall submit the 58089
information to the chairperson not later than thirty days after 58090
the end of the calendar year. 58091

(H) The department shall provide meeting space for the 58092
committee. The committee shall be assisted in its duties by the 58093
staff of the department. 58094

(I) Sections 101.82 to 101.87 of the Revised Code do not 58095
apply to the sewage treatment system technical advisory committee. 58096

Sec. 3718.06. (A)(1) A board of health shall establish fees 58097
in accordance with section 3709.09 of the Revised Code for the 58098
purpose of carrying out its duties under this chapter and rules 58099
adopted under it, including a fee for an installation permit 58100
issued by the board. All fees so established and collected by the 58101
board shall be deposited in a special fund of the district to be 58102
used exclusively by the board in carrying out those duties. 58103

(2) In accordance with Chapter 119. of the Revised Code, the 58104
public health council may establish by rule a fee to be collected 58105
from applicants for installation permits issued under rules 58106
adopted under this chapter. The director of health shall use the 58107
proceeds from that fee for administering and enforcing this 58108
chapter and the rules adopted under it by the council. A board of 58109
health shall collect and transmit the fee ~~at the same time that it~~ 58110

~~collects the fee established by it under division (A)(1) of this section for installation permits.~~ 58111
58112

~~Not later than sixty days after the last day of the month in which an installation permit is issued, a board shall certify the amount collected under division (A)(2) of this section and transmit the amount to the treasurer of state. All money so received shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code to the director pursuant to section 3709.092 of the Revised Code.~~ 58113
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The director shall use the money so credited solely for the administration and enforcement of this chapter and the rules adopted under it by the public health council.

(B) The director may submit recommendations to the council regarding the amount of the fee collected under division (A)(2) of this section for installation permits. When making the recommendations, the director shall submit a report stating the current and projected expenses of administering and enforcing this chapter and the rules adopted under it by the council and the total of all money that has been deposited to the credit of the general operations fund under division (A)(2) of this section. The director may include in the report any recommendations for modifying the requirements established under this chapter and the rules adopted under it by the council.

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 3721.99 of the Revised Code: 58134
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(1)(a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907. 58136
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of the Revised Code. 58142

(b) "Home" also means both of the following: 58143

(i) Any facility that a person, as defined in section 3702.51 58144
of the Revised Code, proposes for certification as a skilled 58145
nursing facility or nursing facility under Title XVIII or XIX of 58146
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 58147
as amended, and for which a certificate of need, other than a 58148
certificate to recategorize hospital beds as described in section 58149
3702.522 of the Revised Code or division (R)(7)(d) of the version 58150
of section 3702.51 of the Revised Code in effect immediately prior 58151
to April 20, 1995, has been granted to the person under sections 58152
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 58153

(ii) A county home or district home that is or has been 58154
licensed as a residential care facility. 58155

(c) "Home" does not mean any of the following: 58156

(i) Except as provided in division (A)(1)(b) of this section, 58157
a public hospital or hospital as defined in section 3701.01 or 58158
5122.01 of the Revised Code; 58159

(ii) A residential facility for mentally ill persons as 58160
defined under section 5119.22 of the Revised Code; 58161

(iii) A residential facility as defined in section 5123.19 of 58162
the Revised Code; 58163

(iv) ~~A community alternative home as defined in section~~ 58164
~~3724.01 of the Revised Code;~~ 58165

~~(v)~~ An adult care facility as defined in section 3722.01 of 58166
the Revised Code; 58167

~~(vi)~~(v) An alcohol or drug addiction program as defined in 58168
section 3793.01 of the Revised Code; 58169

~~(vii)~~(vi) A facility licensed to provide methadone treatment 58170
under section 3793.11 of the Revised Code; 58171

~~(viii)~~(vii) A facility providing services under contract with the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;

~~(ix)~~(viii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

~~(x)~~(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII of the "Social Security Act" or the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;

~~(xi)~~(x) A county home or district home that has never been licensed as a residential care facility.

(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt or uncle.

(3) "Mental impairment" does not mean mental illness as defined in section 5122.01 of the Revised Code or mental retardation as defined in section 5123.01 of the Revised Code.

(4) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited

to, the following: 58203

(a) Irrigations, catheterizations, application of dressings, 58204
and supervision of special diets; 58205

(b) Objective observation of changes in the patient's 58206
condition as a means of analyzing and determining the nursing care 58207
required and the need for further medical diagnosis and treatment; 58208

(c) Special procedures contributing to rehabilitation; 58209

(d) Administration of medication by any method ordered by a 58210
physician, such as hypodermically, rectally, or orally, including 58211
observation of the patient after receipt of the medication; 58212

(e) Carrying out other treatments prescribed by the physician 58213
that involve a similar level of complexity and skill in 58214
administration. 58215

(5)(a) "Personal care services" means services including, but 58216
not limited to, the following: 58217

(i) Assisting residents with activities of daily living; 58218

(ii) Assisting residents with self-administration of 58219
medication, in accordance with rules adopted under section 3721.04 58220
of the Revised Code; 58221

(iii) Preparing special diets, other than complex therapeutic 58222
diets, for residents pursuant to the instructions of a physician 58223
or a licensed dietitian, in accordance with rules adopted under 58224
section 3721.04 of the Revised Code. 58225

(b) "Personal care services" does not include "skilled 58226
nursing care" as defined in division (A)(4) of this section. A 58227
facility need not provide more than one of the services listed in 58228
division (A)(5)(a) of this section to be considered to be 58229
providing personal care services. 58230

(6) "Nursing home" means a home used for the reception and 58231
care of individuals who by reason of illness or physical or mental 58232

impairment require skilled nursing care and of individuals who 58233
require personal care services but not skilled nursing care. A 58234
nursing home is licensed to provide personal care services and 58235
skilled nursing care. 58236

(7) "Residential care facility" means a home that provides 58237
either of the following: 58238

(a) Accommodations for seventeen or more unrelated 58239
individuals and supervision and personal care services for three 58240
or more of those individuals who are dependent on the services of 58241
others by reason of age or physical or mental impairment; 58242

(b) Accommodations for three or more unrelated individuals, 58243
supervision and personal care services for at least three of those 58244
individuals who are dependent on the services of others by reason 58245
of age or physical or mental impairment, and, to at least one of 58246
those individuals, any of the skilled nursing care authorized by 58247
section 3721.011 of the Revised Code. 58248

(8) "Home for the aging" means a home that provides services 58249
as a residential care facility and a nursing home, except that the 58250
home provides its services only to individuals who are dependent 58251
on the services of others by reason of both age and physical or 58252
mental impairment. 58253

The part or unit of a home for the aging that provides 58254
services only as a residential care facility is licensed as a 58255
residential care facility. The part or unit that may provide 58256
skilled nursing care beyond the extent authorized by section 58257
3721.011 of the Revised Code is licensed as a nursing home. 58258

(9) "County home" and "district home" mean a county home or 58259
district home operated under Chapter 5155. of the Revised Code. 58260

(B) The public health council may further classify homes. For 58261
the purposes of this chapter, any residence, institution, hotel, 58262
congregate housing project, or similar facility that meets the 58263

definition of a home under this section is such a home regardless 58264
of how the facility holds itself out to the public. 58265

(C) For purposes of this chapter, personal care services or 58266
skilled nursing care shall be considered to be provided by a 58267
facility if they are provided by a person employed by or 58268
associated with the facility or by another person pursuant to an 58269
agreement to which neither the resident who receives the services 58270
nor the resident's sponsor is a party. 58271

(D) Nothing in division (A)(4) of this section shall be 58272
construed to permit skilled nursing care to be imposed on an 58273
individual who does not require skilled nursing care. 58274

Nothing in division (A)(5) of this section shall be construed 58275
to permit personal care services to be imposed on an individual 58276
who is capable of performing the activity in question without 58277
assistance. 58278

(E) Division (A)(1)(c)~~(*)~~(ix) of this section does not 58279
prohibit a facility, infirmary, or other entity described in that 58280
division from seeking licensure under sections 3721.01 to 3721.09 58281
of the Revised Code or certification under Title XVIII or XIX of 58282
the "Social Security Act." However, such a facility, infirmary, or 58283
entity that applies for licensure or certification must meet the 58284
requirements of those sections or titles and the rules adopted 58285
under them and obtain a certificate of need from the director of 58286
health under section 3702.52 of the Revised Code. 58287

(F) Nothing in this chapter, or rules adopted pursuant to it, 58288
shall be construed as authorizing the supervision, regulation, or 58289
control of the spiritual care or treatment of residents or 58290
patients in any home who rely upon treatment by prayer or 58291
spiritual means in accordance with the creed or tenets of any 58292
recognized church or religious denomination. 58293

Sec. 3721.02. (A) The director of health shall license homes 58294
and establish procedures to be followed in inspecting and 58295
licensing homes. The director may inspect a home at any time. Each 58296
home shall be inspected by the director at least once prior to the 58297
issuance of a license and at least once every fifteen months 58298
thereafter. The state fire marshal or a township, municipal, or 58299
other legally constituted fire department approved by the marshal 58300
shall also inspect a home prior to issuance of a license, at least 58301
once every fifteen months thereafter, and at any other time 58302
requested by the director. A home does not have to be inspected 58303
prior to issuance of a license by the director, state fire 58304
marshal, or a fire department if ownership of the home is assigned 58305
or transferred to a different person and the home was licensed 58306
under this chapter immediately prior to the assignment or 58307
transfer. The director may enter at any time, for the purposes of 58308
investigation, any institution, residence, facility, or other 58309
structure that has been reported to the director or that the 58310
director has reasonable cause to believe is operating as a nursing 58311
home, residential care facility, or home for the aging without a 58312
valid license required by section 3721.05 of the Revised Code or, 58313
in the case of a county home or district home, is operating 58314
despite the revocation of its residential care facility license. 58315
The director may delegate the director's authority and duties 58316
under this chapter to any division, bureau, agency, or official of 58317
the department of health. 58318

(B) A single facility may be licensed both as a nursing home 58319
pursuant to this chapter and as an adult care facility pursuant to 58320
Chapter 3722. of the Revised Code if the director determines that 58321
the part or unit to be licensed as a nursing home can be 58322
maintained separate and discrete from the part or unit to be 58323
licensed as an adult care facility. 58324

(C) In determining the number of residents in a home for the 58325

purpose of licensing, the director shall consider all the 58326
individuals for whom the home provides accommodations as one group 58327
unless one of the following is the case: 58328

(1) The home is a home for the aging, in which case all the 58329
individuals in the part or unit licensed as a nursing home shall 58330
be considered as one group, and all the individuals in the part or 58331
unit licensed as a rest home shall be considered as another group. 58332

(2) The home is both a nursing home and an adult care 58333
facility. In that case, all the individuals in the part or unit 58334
licensed as a nursing home shall be considered as one group, and 58335
all the individuals in the part or unit licensed as an adult care 58336
facility shall be considered as another group. 58337

(3) The home maintains, in addition to a nursing home or 58338
residential care facility, a separate and discrete part or unit 58339
that provides accommodations to individuals who do not require or 58340
receive skilled nursing care and do not receive personal care 58341
services from the home, in which case the individuals in the 58342
separate and discrete part or unit shall not be considered in 58343
determining the number of residents in the home if the separate 58344
and discrete part or unit is in compliance with the Ohio basic 58345
building code established by the board of building standards under 58346
Chapters 3781. and 3791. of the Revised Code and the home permits 58347
the director, on request, to inspect the separate and discrete 58348
part or unit and speak with the individuals residing there, if 58349
they consent, to determine whether the separate and discrete part 58350
or unit meets the requirements of this division. 58351

(D)(1) The director of health shall charge ~~an~~ the following 58352
application fee and ~~an~~ annual renewal licensing and inspection fee 58353
~~of one hundred seventy dollars~~ for each fifty persons or part 58354
thereof of a home's licensed capacity: 58355

(a) For state fiscal year 2010, two hundred twenty dollars; 58356

(b) For state fiscal year 2011, two hundred seventy dollars; 58357

(c) For each state fiscal year thereafter, three hundred 58358
twenty dollars. All 58359

(2) All fees collected by the director for the issuance or 58360
renewal of licenses shall be deposited into the state treasury to 58361
the credit of the general operations fund created in section 58362
3701.83 of the Revised Code for use only in administering and 58363
enforcing this chapter and rules adopted under it. 58364

(E)(1) Except as otherwise provided in this section, the 58365
results of an inspection or investigation of a home that is 58366
conducted under this section, including any statement of 58367
deficiencies and all findings and deficiencies cited in the 58368
statement on the basis of the inspection or investigation, shall 58369
be used solely to determine the home's compliance with this 58370
chapter or another chapter of the Revised Code in any action or 58371
proceeding other than an action commenced under division (I) of 58372
section 3721.17 of the Revised Code. Those results of an 58373
inspection or investigation, that statement of deficiencies, and 58374
the findings and deficiencies cited in that statement shall not be 58375
used in any court or in any action or proceeding that is pending 58376
in any court and are not admissible in evidence in any action or 58377
proceeding unless that action or proceeding is an appeal of an 58378
action by the department of health under this chapter or is an 58379
action by any department or agency of the state to enforce this 58380
chapter or another chapter of the Revised Code. 58381

(2) Nothing in division (E)(1) of this section prohibits the 58382
results of an inspection or investigation conducted under this 58383
section from being used in a criminal investigation or 58384
prosecution. 58385

Sec. 3721.071. The buildings in which a home is housed shall 58386
be equipped with both an automatic fire extinguishing system and 58387

fire alarm system. Such systems shall conform to standards set 58388
forth in the regulations of the board of building standards and 58389
the state fire marshal. 58390

The time for compliance with the requirements imposed by this 58391
section shall be January 1, 1975, except that the date for 58392
compliance with the automatic fire extinguishing requirements is 58393
extended to January 1, 1976, provided the buildings of the home 58394
are otherwise in compliance with fire safety laws and regulations 58395
and: 58396

(A) The home within thirty days after August 4, 1975, files a 58397
written plan with the state fire marshal's office that: 58398

(1) Outlines the interim safety procedures which shall be 58399
carried out to reduce the possibility of a fire; 58400

(2) Provides evidence that the home has entered into an 58401
agreement for a fire safety inspection to be conducted not less 58402
than monthly by a qualified independent safety engineer consultant 58403
or a township, municipal, or other legally constituted fire 58404
department, or by a township or municipal fire prevention officer; 58405

(3) Provides verification that the home has entered into a 58406
valid contract for the installation of an automatic fire 58407
extinguishing system or fire alarm system, or both, as required to 58408
comply with this section; 58409

(4) Includes a statement regarding the expected date for the 58410
completion of the fire extinguishing system or fire alarm system, 58411
or both. 58412

(B) Inspections by a qualified independent safety engineer 58413
consultant or a township, municipal, or other legally constituted 58414
fire department, or by a township or municipal fire prevention 58415
officer are initiated no later than sixty days after August 4, 58416
1975, and are conducted no less than monthly thereafter, and 58417
reports of the consultant, fire department, or fire prevention 58418

officer identifying existing hazards and recommended corrective 58419
actions are submitted to the state fire marshal, the division of 58420
~~industrial compliance~~ labor in the department of commerce, and the 58421
department of health. 58422

It is the express intent of the general assembly that the 58423
department of job and family services shall terminate payments 58424
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 58425
42 U.S.C. 301, as amended, to those homes which do not comply with 58426
the requirements of this section for the submission of a written 58427
fire safety plan and the deadline for entering into contracts for 58428
the installation of systems. 58429

Sec. 3721.23. (A) The director of health shall receive, 58430
review, and investigate allegations of abuse or neglect of a 58431
resident or misappropriation of the property of a resident by any 58432
individual used by a long-term care facility or residential care 58433
facility to provide services to residents. 58434

(B) The director shall make findings regarding alleged abuse, 58435
neglect, or misappropriation of property after doing both of the 58436
following: 58437

(1) Investigating the allegation and determining that there 58438
is a reasonable basis for ~~it~~ the allegation; 58439

(2) Giving notice to the individual named in the allegation 58440
and affording the individual a reasonable opportunity for a 58441
hearing. 58442

Notice to the person named in an allegation shall be given 58443
and the hearing shall be conducted pursuant to rules adopted by 58444
the director under section 3721.26 of the Revised Code. For 58445
purposes of conducting a hearing under this section, the director 58446
may issue subpoenas compelling attendance of witnesses or 58447
production of documents or other evidence. The subpoenas ~~shall~~ may 58448

be served in the same manner as subpoenas and subpoenas duces 58449
tecum issued for a trial of a civil action in a court of common 58450
pleas or they may be served by a representative of the director. 58451
If a person who is served a subpoena fails to attend a hearing or 58452
to produce documents or other evidence, or refuses to be sworn or 58453
to answer any questions, the director may apply to the common 58454
pleas court of the county in which the person resides, or the 58455
county in which the long-term care facility or residential care 58456
facility is located, for a contempt order, as in the case of a 58457
failure of a person who is served a subpoena issued by the court 58458
to attend or to produce documents or other evidence or a refusal 58459
of such person to testify. 58460

(C)(1) If the director finds that an individual used by a 58461
long-term care facility or residential care facility has neglected 58462
or abused a resident or misappropriated property of a resident, 58463
the director shall notify the individual, the facility using the 58464
individual, and the attorney general, county prosecutor, or other 58465
appropriate law enforcement official. The director also shall do 58466
the following: 58467

(a) If the individual is used by a long-term care facility as 58468
a nurse aide, the director shall, in accordance with section 58469
3721.32 of the Revised Code, include in the nurse aide registry 58470
established under that section a statement detailing the findings 58471
pertaining to the individual. 58472

(b) If the individual is a licensed health professional used 58473
by a long-term care facility or residential care facility to 58474
provide services to residents, the director shall notify the 58475
appropriate professional licensing authority established under 58476
Title XLVII of the Revised Code. 58477

(c) If the individual is used by a long-term care facility 58478
and is neither a nurse aide nor a licensed health professional, or 58479
is used by a residential care facility and is not a licensed 58480

health professional, the director shall, in accordance with 58481
section 3721.32 of the Revised Code, include in the nurse aide 58482
registry a statement detailing the findings pertaining to the 58483
individual. 58484

(2) A nurse aide or other individual about whom a statement 58485
is required by this division to be included in the nurse aide 58486
registry may provide the director with a statement disputing the 58487
director's findings and explaining the circumstances of the 58488
allegation. The statement shall be included in the nurse aide 58489
registry with the director's findings. 58490

(D)(1) If the director finds that alleged neglect or abuse of 58491
a resident or misappropriation of property of a resident cannot be 58492
substantiated, the director shall notify the individual and 58493
expunge all files and records of the investigation and the hearing 58494
by doing all of the following: 58495

(a) Removing and destroying the files and records, originals 58496
and copies, and deleting all index references; 58497

(b) Reporting to the individual the nature and extent of any 58498
information about the individual transmitted to any other person 58499
or government entity by the director of health; 58500

(c) Otherwise ensuring that any examination of files and 58501
records in question show no record whatever with respect to the 58502
individual. 58503

(2)(a) If, in accordance with division (C)(1)(a) or (c) of 58504
this section, the director includes in the nurse aide registry a 58505
statement of a finding of neglect, the individual found to have 58506
neglected a resident may, not earlier than one year after the date 58507
of the finding, petition the director to rescind the finding and 58508
remove the statement and any accompanying information from the 58509
nurse aide registry. The director shall consider the petition. If, 58510
in the judgment of the director, the neglect was a singular 58511

occurrence and the employment and personal history of the 58512
individual does not evidence abuse or any other incident of 58513
neglect of residents, the director shall notify the individual and 58514
remove the statement and any accompanying information from the 58515
nurse aide registry. The director shall expunge all files and 58516
records of the investigation and the hearing, except the petition 58517
for rescission of the finding of neglect and the director's notice 58518
that the rescission has been approved. 58519

(b) A petition for rescission of a finding of neglect and the 58520
director's notice that the rescission has been approved are not 58521
public records for the purposes of section 149.43 of the Revised 58522
Code. 58523

(3) When files and records have been expunged under division 58524
(D)(1) or (2) of this section, all rights and privileges are 58525
restored, and the individual, the director, and any other person 58526
or government entity may properly reply to an inquiry that no such 58527
record exists as to the matter expunged. 58528

Sec. 3721.50. As used in sections 3721.50 to 3721.58 of the 58529
Revised Code: 58530

(A) "Hospital" has the same meaning as in section 3727.01 of 58531
the Revised Code. 58532

(B) "Inpatient days" means all days during which a resident 58533
of a nursing facility, regardless of payment source, occupies a 58534
bed in the nursing facility that is included in the facility's 58535
certified capacity under Title XIX. Therapeutic or hospital leave 58536
days for which payment is made under section 5111.26 of the 58537
Revised Code are considered inpatient days proportionate to the 58538
percentage of the facility's per resident per day rate paid for 58539
those days. 58540

(C) "Medicaid" has the same meaning as in section 5111.01 of 58541

the Revised Code. 58542

(D) "Medicaid day" means all days during which a resident who 58543
is a medicaid recipient occupies a bed in a nursing facility that 58544
is included in the facility's certified capacity under Title XIX. 58545
Therapeutic or hospital leave days for which payment is made under 58546
section 5111.26 of the Revised Code are considered medicaid days 58547
proportionate to the percentage of the nursing facility's per 58548
resident per day rate for those days. 58549

(E) "Medicare" means the program established by Title XVIII. 58550

(F) "Nursing facility" has the same meaning as in section 58551
5111.20 of the Revised Code. 58552

~~(F)~~(G)(1) "Nursing home" means all of the following: 58553

(a) A nursing home licensed under section 3721.02 or 3721.09 58554
of the Revised Code, including any part of a home for the aging 58555
licensed as a nursing home; 58556

(b) A facility or part of a facility, other than a hospital, 58557
that is certified as a skilled nursing facility under Title XVIII; 58558

(c) A nursing facility, other than a portion of a hospital 58559
certified as a nursing facility. 58560

(2) "Nursing home" does not include any of the following: 58561

(a) A county home, county nursing home, or district home 58562
operated pursuant to Chapter 5155. of the Revised Code; 58563

(b) A nursing home maintained and operated by the Ohio 58564
veterans' home agency under section 5907.01 of the Revised Code; 58565

(c) A nursing home or part of a nursing home licensed under 58566
section 3721.02 or 3721.09 of the Revised Code that is certified 58567
as an intermediate care facility for the mentally retarded under 58568
Title XIX. 58569

~~(G)~~(H) "Title XIX" means Title XIX of the "Social Security 58570

Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 58571

~~(H)~~(I) "Title XVIII" means Title XVIII of the "Social 58572
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 58573

Sec. 3721.51. The department of job and family services shall 58574
do all of the following: 58575

(A) Subject to sections 3721.512 and 3721.513 of the Revised 58576
Code and division (C) of this section and for the purposes 58577
specified in sections 3721.56 and 3721.561 of the Revised Code, 58578
determine an annual franchise permit fee on each nursing home in 58579
an amount equal to ~~six~~ eleven dollars ~~and twenty five cents~~, 58580
multiplied by the product of the following: 58581

(1) The number of beds licensed as nursing home beds, plus 58582
any other beds certified as skilled nursing facility beds under 58583
Title XVIII or nursing facility beds under Title XIX on the first 58584
day of May of the calendar year in which the fee is determined 58585
pursuant to division (A) of section 3721.53 of the Revised Code; 58586

(2) The number of days in the fiscal year beginning on the 58587
first day of July of the calendar year in which the fee is 58588
determined pursuant to division (A) of section 3721.53 of the 58589
Revised Code. 58590

(B) Subject to sections 3721.512 and 3721.513 of the Revised 58591
Code and division (C) of this section and for the purposes 58592
specified in sections 3721.56 and 3721.561 of the Revised Code, 58593
determine an annual franchise permit fee on each hospital in an 58594
amount equal to ~~six~~ eleven dollars ~~and twenty five cents~~, 58595
multiplied by the product of the following: 58596

(1) The number of beds registered pursuant to section 3701.07 58597
of the Revised Code as skilled nursing facility beds or long-term 58598
care beds, plus any other beds licensed as nursing home beds under 58599
section 3721.02 or 3721.09 of the Revised Code, on the first day 58600

of May of the calendar year in which the fee is determined 58601
pursuant to division (A) of section 3721.53 of the Revised Code; 58602

(2) The number of days in the fiscal year beginning on the 58603
first day of July of the calendar year in which the fee is 58604
determined pursuant to division (A) of section 3721.53 of the 58605
Revised Code. 58606

(C) If the United States centers for medicare and medicaid 58607
services determines that the franchise permit fee established by 58608
sections 3721.50 to 3721.58 of the Revised Code is an 58609
impermissible health care related tax under section 1903(w) of the 58610
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 58611
amended, take all necessary actions to cease implementation of 58612
sections 3721.50 to 3721.58 of the Revised Code in accordance with 58613
rules adopted under section 3721.58 of the Revised Code. 58614

Sec. 3721.511. (A) Not later than one month after the 58615
effective date of this section, the department of job and family 58616
services shall apply to the United States secretary of health and 58617
human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) as 58618
necessary to do both of the following regarding the franchise 58619
permit fee imposed by section 3721.51 of the Revised Code: 58620

(1) Reduce the franchise permit fee to zero dollars for each 58621
nursing home licensed under section 3721.02 or 3721.09 of the 58622
Revised Code that meets all of the following requirements: 58623

(a) It is exempt from state taxation under section 140.08 of 58624
the Revised Code or is exempt from state taxation as a home for 58625
the aged as defined in section 5701.13 of the Revised Code. 58626

(b) It is exempt from federal income taxation under section 58627
501 of the Internal Revenue Code of 1986. 58628

(c) It does not participate in medicaid or medicare. 58629

(d) It provides services for the life of each resident 58630

without regard to the resident's ability to secure payment for the services. 58631
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(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section. 58633
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(B) The effective date of the waiver sought under this section shall be the first day of the calendar quarter beginning after the United States secretary approves the waiver. 58638
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Sec. 3721.512. If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee under the waiver, reduce the franchise permit fee in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code. 58641
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Sec. 3721.513. (A) If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services may do both of the following regarding the franchise 58657
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permit fee imposed by section 3721.51 of the Revised Code: 58661

(1) Determine how much money the franchise permit fee would 58662
have raised in a fiscal year if not for the waiver; 58663

(2) For each nursing home and hospital subject to the 58664
franchise permit fee, other than a nursing home or hospital that 58665
has its franchise permit fee reduced under section 3721.512 of the 58666
Revised Code, uniformly increase the amount of the franchise 58667
permit fee for a fiscal year to an amount that will have the 58668
franchise permit fee raise an amount of money that does not exceed 58669
the amount determined under division (A)(1) of this section for 58670
that fiscal year. 58671

(B) If the department increases the franchise permit fee in 58672
accordance with division (A) of this section for the first fiscal 58673
year during which the waiver takes effect, the department shall 58674
determine the amount of the increase not later than the effective 58675
date of the waiver and shall mail to each nursing home and 58676
hospital subject to the increase notice of the increase not later 58677
than the last day of the first month of the calendar quarter that 58678
begins after the United States secretary approves the waiver. If 58679
the department increases the franchise permit fee in accordance 58680
with division (A) of this section for a subsequent fiscal year, 58681
the department shall make such determinations and mail such 58682
notices in accordance with section 3721.53 of the Revised Code. 58683

Sec. 3721.53. (A) Not later than the fifteenth day of August 58684
of each year, the department of job and family services shall 58685
determine the annual franchise permit fee for each nursing home 58686
and hospital in accordance with ~~division (A) of~~ section 3721.51 of 58687
the Revised Code and ~~the annual franchise permit fee for each~~ 58688
hospital any adjustments made in accordance with ~~division (B) of~~ 58689
~~that section~~ sections 3721.512 and 3721.513 of the Revised Code. 58690

(B) Not later than the first day of September of each year, 58691
the department shall mail to each nursing home and hospital notice 58692
of the amount of the franchise permit fee that has been determined 58693
for the nursing home or hospital. 58694

(C) Each nursing home and hospital shall pay its fee under 58695
section 3721.51 of the Revised Code, as adjusted in accordance 58696
with sections 3721.512 and 3721.513 of the Revised Code, to the 58697
department in quarterly installment payments not later than 58698
forty-five days after the last day of each September, December, 58699
March, and June. 58700

(D) No nursing home or hospital shall directly bill its 58701
residents for the fee paid under this section, or otherwise 58702
directly pass the fee through to its residents. 58703

Sec. 3721.55. (A) A nursing home or hospital may appeal the 58704
fee imposed under section 3721.51 of the Revised Code, as adjusted 58705
under section 3721.512 or 3721.513 of the Revised Code, solely on 58706
the grounds that the department of job and family services 58707
committed a material error in determining the amount of the fee. A 58708
request for an appeal must be received by the department not later 58709
than fifteen days after the date the department mails the notice 58710
of the fee and must include written materials setting forth the 58711
basis for the appeal. 58712

(B) If a nursing home or hospital submits a request for an 58713
appeal within the time required under division (A) of this 58714
section, the department of job and family services shall hold a 58715
public hearing in Columbus not later than thirty days after the 58716
date the department receives the request for an appeal. The 58717
department shall, not later than ten days before the date of the 58718
hearing, mail a notice of the date, time, and place of the hearing 58719
to the nursing home or hospital. The department may hear all the 58720
requested appeals in one public hearing. 58721

(C) On the basis of the evidence presented at the hearing or 58722
any other evidence submitted by the nursing home or hospital, the 58723
department may adjust a fee. The department's decision is final. 58724

Sec. 3721.56. There is hereby created in the state treasury 58725
the home- and community-based services for the aged fund. ~~Sixteen~~ 58726
Nine and nine hundredths per cent of all payments and penalties 58727
paid by nursing homes and hospitals under sections 3721.53 and 58728
3721.54 of the Revised Code shall be deposited into the fund. The 58729
departments of job and family services and aging shall use the 58730
moneys in the fund to fund the following in accordance with rules 58731
adopted under section 3721.58 of the Revised Code: 58732

(A) The medicaid program established under Chapter 5111. of 58733
the Revised Code, including the PASSPORT program established under 58734
section 173.40 of the Revised Code; 58735

(B) The residential state supplement program established 58736
under section 173.35 of the Revised Code. 58737

Sec. 3722.01. (A) As used in this chapter: 58738

(1) "Owner" means the person who owns the business of and who 58739
ultimately controls the operation of an adult care facility and to 58740
whom the manager, if different from the owner, is responsible. 58741

(2) "Manager" means the person responsible for the daily 58742
operation of an adult care facility. The manager and the owner of 58743
a facility may be the same person. 58744

(3) "Adult" means an individual eighteen years of age or 58745
older. 58746

(4) "Unrelated" means that an adult resident is not related 58747
to the owner or manager of an adult care facility or to the 58748
owner's or manager's spouse as a parent, grandparent, child, 58749
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 58750

uncle, or as the child of an aunt or uncle. 58751

(5) "Skilled nursing care" means skilled nursing care as 58752
defined in section 3721.01 of the Revised Code. 58753

(6)(a) "Personal care services" means services including, but 58754
not limited to, the following: 58755

(i) ~~Assisting residents~~ Assistance with activities of daily 58756
living; 58757

(ii) ~~Assisting residents~~ Assistance with self-administration 58758
of medication, in accordance with rules adopted by the public 58759
health council pursuant to this chapter; 58760

(iii) ~~Preparing~~ Preparation of special diets, other than 58761
complex therapeutic diets, for residents pursuant to the 58762
instructions of a physician or a licensed dietitian, in accordance 58763
with rules adopted by the public health council pursuant to this 58764
chapter. 58765

(b) "Personal care services" does not include "skilled 58766
nursing care" as defined in section 3721.01 of the Revised Code. A 58767
facility need not provide more than one of the services listed in 58768
division (A)(6)(a) of this section for the facility to be 58769
considered to be providing personal care services. 58770

(7) "Adult family home" means a residence or facility that 58771
provides accommodations and supervision to three to five unrelated 58772
adults ~~and supervision and personal care services to,~~ at least 58773
three of ~~those adults~~ whom require personal care services. 58774

(8) "Adult group home" means a residence or facility that 58775
provides accommodations and supervision to six to sixteen 58776
unrelated adults ~~and provides supervision and personal care~~ 58777
~~services to,~~ at least three of ~~the unrelated adults~~ whom require 58778
personal care services. 58779

(9) "Adult care facility" means an adult family home or an 58780

adult group home. For the purposes of this chapter, any residence, 58781
facility, institution, hotel, congregate housing project, or 58782
similar facility that provides accommodations and supervision to 58783
three to sixteen unrelated adults, at least three of whom ~~are~~ 58784
~~provided~~ require personal care services, is an adult care facility 58785
regardless of how the facility holds itself out to the public. 58786
"Adult care facility" does not include: 58787

(a) A facility operated by a hospice care program licensed 58788
under section 3712.04 of the Revised Code that is used exclusively 58789
for care of hospice patients; 58790

(b) A nursing home, residential care facility, or home for 58791
the aging as defined in section 3721.01 of the Revised Code; 58792

~~(c) A community alternative home as defined in section 58793
3724.01 of the Revised Code; 58794~~

~~(d)~~ An alcohol and drug addiction program as defined in 58795
section 3793.01 of the Revised Code; 58796

~~(e)~~(d) A residential facility for the mentally ill licensed 58797
by the department of mental health under section 5119.22 of the 58798
Revised Code; 58799

~~(f)~~(e) A facility licensed to provide methadone treatment 58800
under section 3793.11 of the Revised Code; 58801

~~(g)~~(f) A residential facility licensed under section 5123.19 58802
of the Revised Code or otherwise regulated by the department of 58803
mental retardation and developmental disabilities; 58804

~~(h)~~(g) Any residence, institution, hotel, congregate housing 58805
project, or similar facility that provides personal care services 58806
to fewer than three residents or that provides, for any number of 58807
residents, only housing, housekeeping, laundry, meal preparation, 58808
social or recreational activities, maintenance, security, 58809
transportation, and similar services that are not personal care 58810

services or skilled nursing care; 58811

~~(i)~~(h) Any facility that receives funding for operating costs 58812
from the department of development under any program established 58813
to provide emergency shelter housing or transitional housing for 58814
the homeless; 58815

~~(j)~~(i) A terminal care facility for the homeless that has 58816
entered into an agreement with a hospice care program under 58817
section 3712.07 of the Revised Code; 58818

~~(k)~~(j) A facility approved by the veterans administration 58819
under section 104(a) of the "Veterans Health Care Amendments of 58820
1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used 58821
exclusively for the placement and care of veterans; 58822

~~(l) Until January 1, 1994, the portion of a facility in which 58823
care is provided exclusively to members of a religious order if 58824
the facility is owned by or part of a nonprofit institution of 58825
higher education authorized to award degrees by the Ohio board of 58826
regents under Chapter 1713. of the Revised Code. 58827~~

(10) "Residents' rights advocate" means: 58828

(a) An employee or representative of any state or local 58829
government entity that has a responsibility for residents of adult 58830
care facilities and has registered with the department of health 58831
under section 3701.07 of the Revised Code; 58832

(b) An employee or representative, other than a manager or 58833
employee of an adult care facility or nursing home, of any private 58834
nonprofit corporation or association that qualifies for tax-exempt 58835
status under section 501(a) of the "Internal Revenue Code of 58836
1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has 58837
registered with the department of health under section 3701.07 of 58838
the Revised Code, and whose purposes include educating and 58839
counseling residents, assisting residents in resolving problems 58840
and complaints concerning their care and treatment, and assisting 58841

them in securing adequate services. 58842

(11) "Sponsor" means an adult relative, friend, or guardian 58843
of a resident of an adult care facility who has an interest in or 58844
responsibility for the resident's welfare. 58845

(12) "Ombudsperson" means a "representative of the office of 58846
the state long-term care ombudsperson program" as defined in 58847
section 173.14 of the Revised Code. 58848

(13) "Mental health agency" means a community mental health 58849
agency, as defined in section 5119.22 of the Revised Code, under 58850
contract with a board of alcohol, drug addiction, and mental 58851
health services pursuant to division (A)(8)(a) of section 340.03 58852
of the Revised Code. 58853

(B) For purposes of this chapter, personal care services or 58854
skilled nursing care shall be considered to be provided by a 58855
facility if they are provided by a person employed by or 58856
associated with the facility or by another person pursuant to an 58857
agreement to which neither the resident who receives the services 58858
nor the resident's sponsor is a party. 58859

(C) Nothing in division (A)(6) of this section shall be 58860
construed to permit personal care services to be imposed upon a 58861
resident who is capable of performing the activity in question 58862
without assistance. 58863

Sec. 3722.011. ~~(A)~~ All medication taken by residents of an 58864
adult care facility shall be self-administered, except that 58865
medication may be administered to a resident ~~by a home health~~ 58866
~~agency, hospice care program, nursing home staff, mental health~~ 58867
~~agency, or board of alcohol, drug addiction, and mental health~~ 58868
~~services under~~ as part of the skilled nursing care provided in 58869
accordance with division (B) of section 3722.16 of the Revised 58870
Code. ~~Members of the staff of an adult care facility shall not~~ 58871

~~administer medication to residents.~~ No person shall be admitted to 58872
or retained by an adult care facility unless the person is capable 58873
of ~~taking~~ self-administering the person's ~~own~~ medication and 58874
~~biologicals~~, as determined in writing by ~~the person's personal a~~ 58875
physician, except that a person may be admitted to or retained by 58876
such a facility if the person's medication is administered ~~by a~~ 58877
~~home health agency, hospice care program, nursing home staff,~~ 58878
~~mental health agency, or board of alcohol, drug addiction, and~~ 58879
~~mental health services under~~ as part of the skilled nursing care 58880
provided in accordance with division (B) of section 3722.16 of the 58881
Revised Code. ~~Members~~ 58882

(B) Members of the staff of an adult care facility shall not 58883
administer medication to residents but may do any of the 58884
following: 58885

~~(A)~~ Remind a resident when to take medication and watch to 58886
ensure that the resident follows the directions on the container; 58887

~~(B)~~ Assist a resident in the self-administration of 58888
medication by taking the medication from the locked area where it 58889
is stored, in accordance with rules adopted by the public health 58890
council pursuant to this chapter, and handing it to the resident. 58891
If the resident is physically unable to open the container, a 58892
staff member may open the container for the resident. 58893

~~(C)~~ Assist a physically impaired but mentally alert resident, 58894
such as a resident with arthritis, cerebral palsy, or Parkinson's 58895
disease, in removing oral or topical medication from containers 58896
and in consuming or applying the medication, upon request by or 58897
with the consent of the resident. If a resident is physically 58898
unable to place a dose of medicine to the resident's mouth without 58899
spilling it, a staff member may place the dose in a container and 58900
place the container to the mouth of the resident. 58901

Sec. 3722.02. A person seeking a license to operate an adult 58902

care facility shall submit to the director of health an 58903
application on a form prescribed by the director and the 58904
following: 58905

(A) In the case of an adult group home seeking licensure as 58906
an adult care facility, evidence that the home has been inspected 58907
and approved by a local certified building department or by the 58908
division of ~~industrial compliance~~ labor in the department of 58909
commerce as meeting the applicable requirements of sections 58910
3781.06 to 3781.18 and 3791.04 of the Revised Code and any rules 58911
adopted under those sections and evidence that the home has been 58912
inspected by the state fire marshal or fire prevention officer of 58913
a municipal, township, or other legally constituted fire 58914
department approved by the state fire marshal and found to be in 58915
compliance with rules adopted under section 3737.83 of the Revised 58916
Code regarding fire prevention and safety in adult group homes; 58917
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(B) Valid approvals of the facility's water and sewage 58919
systems issued by the responsible governmental entity, if 58920
applicable; 58921

(C) A statement of ownership containing the following 58922
information: 58923

(1) If the owner is an individual, the owner's name, address, 58924
telephone number, business address, business telephone number, and 58925
occupation. If the owner is an association, corporation, or 58926
partnership, the business activity, address, and telephone number 58927
of the entity and the name of every person who has an ownership 58928
interest of five per cent or more in the entity. 58929

(2) If the owner does not own the building or if the owner 58930
owns only part of the building in which the facility is housed, 58931
the name of each person who has an ownership interest of five per 58932
cent or more in the building; 58933

(3) The address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)(j)~~ of section 3722.01 of the Revised Code in which the owner has an ownership interest of five per cent or more; 58934
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(4) The identity of the manager of the adult care facility, if different from the owner; 58938
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(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)(j)~~ of section 3722.01 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application; 58940
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(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide information about the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner; 58945
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(7) Information about any arrest of the owner or manager for, or adjudication or conviction of, a criminal offense related to the provision of care in an adult care facility or any facility described in divisions (A)(9)(a) to ~~(h)(j)~~ of section 3722.01 of the Revised Code or the ability to operate a facility; 58950
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(8) Any other information the director may require regarding the owner's ability to operate the facility. 58955
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(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation; 58957
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~~(E) Proof of insurance in an amount and type determined in rules adopted by the public health council pursuant to this chapter to be adequate;~~ A statement containing the following information regarding admissions to the facility: 58961
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<u>(1) The intended bed capacity of the facility;</u>	58965
<u>(2) Whether the facility will admit persons referred by or receiving services from a board of alcohol, drug addiction, and mental health services board or a mental health agency;</u>	58966 58967 58968
<u>(3) If the facility will admit persons referred by or receiving services from a board of alcohol, drug addiction, and mental health services board or a mental health agency, the total number of beds anticipated to be occupied as a result of those admissions.</u>	58969 58970 58971 58972 58973
(F) A nonrefundable license application fee in an amount established in rules adopted by the public health council pursuant to this chapter.	58974 58975 58976
Sec. 3722.021. In determining the number of residents in a facility for the purpose of licensure under this chapter, the director of health shall consider all the individuals for whom the facility provides accommodations as one group unless either of the following is the case:	58977 58978 58979 58980 58981
(A) The <u>In addition to being an adult care facility, the facility is both a nursing home licensed under Chapter 3721. of the Revised Code and an adult care facility, a residential facility licensed under that chapter, or both.</u> In that case, all the individuals in the part or unit licensed as a nursing home, <u>residential care facility, or both,</u> shall be considered as one group and all the individuals in the part or unit licensed as an adult care facility shall be considered as another group.	58982 58983 58984 58985 58986 58987 58988 58989
(B) The facility maintains, in addition to an adult care facility, a separate and discrete part or unit that provides accommodations to individuals who do not receive supervision or personal care services from the adult care facility, in which case the individuals in the separate and discrete part or unit shall	58990 58991 58992 58993 58994

not be considered in determining the number of residents in the 58995
adult care facility if the separate and discrete part or unit is 58996
in compliance with the Ohio basic building code established by the 58997
board of building standards under Chapters 3781. and 3791. of the 58998
Revised Code and the adult care facility, to the extent of its 58999
authority, permits the director, on request, to inspect the 59000
separate and discrete part or unit and speak with the individuals 59001
residing there, if they consent, to determine whether the separate 59002
and discrete part or unit meets the requirements of this division. 59003

Sec. 3722.022. A person may not apply for a license to 59004
operate an adult care facility if the person is or has been the 59005
owner or manager of an adult care facility for which a license to 59006
operate was revoked or for which renewal of a license was refused 59007
for any reason other than nonpayment of the license renewal fee, 59008
unless both of the following conditions are met: 59009

(A) A period of not less than two years has elapsed since the 59010
date the director of health issued the order revoking or refusing 59011
to renew the facility's license. 59012

(B) The director's revocation or refusal to renew the license 59013
was not based on an act or omission at the facility that violated 59014
a resident's right to be free from abuse, neglect, or 59015
exploitation. 59016

Sec. 3722.04. (A)~~(1)~~ The director of health shall inspect, 59017
license, and regulate adult care facilities. Except as otherwise 59018
provided in division (D) of this section, the director shall issue 59019
a license to an adult care facility that meets the requirements of 59020
section 3722.02 of the Revised Code and that the director 59021
determines to be in substantial compliance with the rules adopted 59022
by the public health council pursuant to this chapter. The 59023
director shall consider the past record of the owner and manager 59024

and any individuals who are principal participants in an entity 59025
that is the owner or manager in operating facilities providing 59026
care to adults. The director may, in accordance with Chapter 119. 59027
of the Revised Code, deny a license if the past record indicates 59028
that the owner or manager is not suitable to own or manage an 59029
adult care facility. 59030

The license shall contain the name and address of the 59031
facility for which it was issued, the date of expiration of the 59032
license, and the maximum number of residents that may be 59033
accommodated by the facility. A license for an adult care facility 59034
shall be valid for a period of two years after the date of 59035
issuance. No single facility may be licensed to operate as more 59036
than one adult care facility. 59037

~~(2) Notwithstanding division (A)(1) of this section and 59038
sections 3722.02 and 3722.041 of the Revised Code, the director 59039
may issue a temporary license if the requirements of divisions 59040
(C), (D), and (F) of section 3722.02 of the Revised Code have been 59041
met. A temporary license shall be valid for a period of ninety 59042
days and, except as otherwise provided in division (A)(3) of 59043
section 3722.05 of the Revised Code, may be renewed, without 59044
payment of an additional application fee, for an additional ninety 59045
days.~~ 59046

(B) The director shall renew a license for a two-year period 59047
if the facility continues to be in compliance with the 59048
requirements of this chapter and in substantial compliance with 59049
the rules adopted under this chapter. The owner shall submit a 59050
nonrefundable license renewal application fee in an amount 59051
established in rules adopted by the public health council pursuant 59052
to this chapter. Before the license of an adult group home is 59053
renewed, if any alterations have been made to the buildings, a 59054
certificate of occupancy for the facility shall have been issued 59055
by the division of ~~industrial compliance~~ labor in the department 59056

of commerce or a local certified building department. The facility 59057
shall have water and sewage system approvals, if required by law, 59058
and, in the case of an adult group home, documentation of 59059
continued compliance with the rules adopted by the state fire 59060
marshal under division (F) of section 3737.83 of the Revised Code. 59061

(C) ~~The~~ (1) During each licensure period, the director shall 59062
make at least one ~~unannounced~~ inspection of an adult care facility 59063
~~during each licensure period~~ in addition to inspecting the 59064
facility to determine whether a license should be issued or 59065
renewed, and may make additional ~~unannounced~~ inspections as the 59066
director considers necessary. Other inspections may be made at any 59067
time that the director considers appropriate. ~~The~~ 59068

The director shall determine whether an inspection is to be 59069
conducted as an announced or unannounced inspection. In the case 59070
of an unannounced inspection, the director shall take all 59071
reasonable actions to avoid giving notice of ~~an~~ the inspection by 59072
the manner in which the inspection is scheduled or performed. ~~Not~~ 59073

Not later than sixty days after the date of an inspection of 59074
a facility, the director shall send a report of the inspection to 59075
the ombudsperson in whose region the facility is located. ~~The~~ 59076

(2) The state fire marshal or fire prevention officer of a 59077
municipal, township, or other legally constituted fire department 59078
approved by the state fire marshal shall inspect an adult group 59079
home seeking a license or renewal under this chapter as an adult 59080
care facility prior to issuance of a license or renewal, at least 59081
once annually thereafter, and at any other time at the request of 59082
the director, to determine compliance with the rules adopted under 59083
division (F) of section 3737.83 of the Revised Code. 59084

(D) The director may waive any of the licensing requirements 59085
having to do with fire and safety requirements or building 59086
standards established by rule adopted by the public health council 59087

pursuant to this chapter upon written request of the facility. The 59088
director may grant a waiver if the director determines that the 59089
strict application of the licensing requirement would cause undue 59090
hardship to the facility and that granting the waiver would not 59091
jeopardize the health or safety of any resident. The director may 59092
provide a facility with an informal hearing concerning the denial 59093
of a waiver request, but the facility shall not be entitled to a 59094
hearing under Chapter 119. of the Revised Code unless the director 59095
takes an action that requires a hearing to be held under section 59096
3722.05 of the Revised Code. 59097

(E)(1) Not later than thirty days after each of the 59098
following, the owner of an adult care facility shall submit an 59099
inspection fee of twenty dollars for each bed for which the 59100
facility is licensed: 59101

(a) Issuance or renewal of a license, ~~other than a temporary~~ 59102
~~license;~~ 59103

(b) The ~~unannounced~~ inspection required by division (C)(1) of 59104
this section that is in addition to the inspection conducted to 59105
determine whether a license should be issued or renewed; 59106

(c) If, during an inspection conducted in addition to the two 59107
inspections required by division (C)(1) of this section, the 59108
facility was found to be in violation of this chapter or the rules 59109
adopted under it, receipt by the facility of the report of that 59110
investigation. 59111

(2) The director may revoke the license of any adult care 59112
facility that fails to submit the fee within the thirty-day 59113
period. 59114

(3) All inspection fees received by the director, all civil 59115
penalties assessed under section 3722.08 of the Revised Code, all 59116
fines imposed under section 3722.99 of the Revised Code, and all 59117
license application and renewal application fees received under 59118

division (F) of section 3722.02 of the Revised Code or under 59119
division (B) of this section shall be deposited into the general 59120
operations fund created in section 3701.83 of the Revised Code and 59121
shall be used only to pay the costs of administering and enforcing 59122
the requirements of this chapter and rules adopted under it. 59123

(F)(1) An owner shall inform the director in writing of any 59124
changes in the information contained in the statement of ownership 59125
made pursuant to division (C) of section 3722.02 of the Revised 59126
Code or in the identity of the manager, not later than ten days 59127
after the change occurs. 59128

(2) An owner who sells or transfers an adult care facility 59129
shall be responsible and liable for the following: 59130

(a) Any civil penalties imposed against the facility under 59131
section 3722.08 of the Revised Code for violations that occur 59132
before the date of transfer of ownership or during any period in 59133
which the seller or the seller's agent operates the facility; 59134

(b) Any outstanding liability to the state, unless the buyer 59135
or transferee has agreed, as a condition of the sale or transfer, 59136
to accept the outstanding liabilities and to guarantee their 59137
payment, except that if the buyer or transferee fails to meet 59138
these obligations the seller or transferor shall remain 59139
responsible for the outstanding liability. 59140

(G) The director shall annually publish a list of licensed 59141
adult care facilities, facilities ~~whose~~ for which licenses have 59142
been revoked ~~or not renewed~~, facilities for which license renewal 59143
has been refused, any facilities under an order suspending 59144
admissions pursuant to section 3722.07 of the Revised Code, and 59145
any facilities that have been assessed a civil penalty pursuant to 59146
section 3722.08 of the Revised Code. The director shall furnish 59147
information concerning the status of licensure of any facility to 59148
any person upon request. The director shall annually send a copy 59149

of the list to the department of job and family services, to the 59150
department of mental health, and to the department of aging. 59151

Sec. 3722.041. (A) Sections 3781.06 to 3781.18 and 3791.04 of 59152
the Revised Code do not apply to an adult family home for which 59153
application is made to the director of health for licensure as an 59154
adult care facility under this chapter. Adult family homes shall 59155
not be required to submit evidence to the director of health that 59156
the home has been inspected by a local certified building 59157
department or the division of ~~industrial compliance~~ labor in the 59158
department of commerce or by the state fire marshal or a fire 59159
prevention officer under section 3722.02 of the Revised Code, but 59160
shall be inspected by the director of health to determine 59161
compliance with this section. An inspection made under this 59162
section may be made at the same time as an inspection made under 59163
section 3722.04 of the Revised Code. 59164

(B) The director shall not license or renew the license of an 59165
adult family home unless it meets the fire protection standards 59166
established by rules adopted by the public health council pursuant 59167
to this chapter. 59168

Sec. 3722.05. ~~(A)(1)~~ If an adult care facility fails to 59169
comply with any requirement of this chapter or with any rule 59170
adopted pursuant to this chapter, the director of health may do 59171
any one or all of the following: 59172

~~(a)~~(A) In accordance with Chapter 119. of the Revised Code, 59173
deny, revoke, or refuse to renew the license of the facility; 59174

~~(b)~~(B) Give the facility an opportunity to correct the 59175
violation, in accordance with section 3722.06 of the Revised Code; 59176

~~(c)~~(C) Issue an order suspending the admission of residents 59177
to the facility, in accordance with section 3722.07 of the Revised 59178
Code; 59179

~~(d)~~(D) Impose a civil penalty in accordance with section 59180
3722.08 of the Revised Code; 59181

~~(e)~~(E) Petition the court of common pleas for injunctive 59182
relief in accordance with section 3722.09 of the Revised Code. 59183

~~(2) The director may refuse to renew the temporary license of 59184
any adult care facility for failure to make reasonable progress 59185
toward compliance with the requirements for licensure under 59186
section 3722.02 of the Revised Code and rules adopted by the 59187
public health council pursuant to this chapter. The director may 59188
revoke a temporary license upon a finding that the facility 59189
jeopardizes the health or safety of any of its residents. 59190
Proceedings initiated to deny, revoke, or refuse to renew a 59191
temporary license are not subject to Chapter 119. of the Revised 59192
Code. 59193~~

~~(3) The director may renew a temporary license for the 59194
duration of proceedings under Chapter 119. of the Revised Code 59195
regarding the denial of a permanent license if he determines that 59196
the continued operation of the facility will not jeopardize the 59197
health or safety of the residents. 59198~~

Sec. 3722.06. Except as otherwise provided in sections 59199
3722.07 to 3722.09 of the Revised Code and except in cases of 59200
violations that jeopardize the health and safety of any of the 59201
residents, if the director determines that a licensed adult care 59202
facility is in violation of this chapter or of rules adopted 59203
pursuant to this chapter, ~~he~~ the director shall give the facility 59204
an opportunity to correct the violation. The director shall notify 59205
the facility of the violation, ~~prescribe the steps necessary to~~ 59206
~~correct the condition,~~ and specify a reasonable time for making 59207
the corrections. Notice of the violation ~~and the prescribed~~ 59208
~~corrections~~ shall be in writing and shall include a citation to 59209
the statute or rule violated. The director shall state the action 59210

that ~~he~~ the director will take if the corrections are not made 59211
within the specified period of time. 59212

The facility shall submit to the director a plan of 59213
correction stating the actions that will be taken to correct the 59214
violation. The director shall conduct an inspection to determine 59215
whether the facility has corrected the violation in accordance 59216
with the plan of correction. 59217

If the director determines that the facility has failed to 59218
correct the violation in accordance with the plan of correction, 59219
the director may impose a penalty under section 3722.08 of the 59220
Revised Code. If the director ~~subsequently~~ determines that the 59221
license of the facility should be revoked or should not be renewed 59222
because the facility has failed to correct the violation within 59223
the time specified or because the violation jeopardizes the health 59224
or safety of any of the residents, the director shall revoke or 59225
refuse to renew the license in accordance with Chapter 119. of the 59226
Revised Code. 59227

Sec. 3722.08. (A) If the director of health determines that 59228
an adult care facility is in violation of this chapter or rules 59229
adopted under it, the director may impose a civil penalty on the 59230
owner of the facility, pursuant to rules adopted by the public 59231
health council under this chapter, ~~on the owner of the facility.~~ 59232
The director shall determine the classification and amount of the 59233
penalty by considering the following factors: 59234

(1) The gravity of the violation, the severity of the actual 59235
or potential harm, and the extent to which the provisions of this 59236
chapter or rules adopted under it were violated; 59237

(2) Actions taken by the owner or manager to correct the 59238
violation; 59239

(3) The number, if any, of previous violations by the adult 59240

care facility. 59241

(B) The director shall give written notice of the order 59242
imposing a civil penalty to the adult care facility by certified 59243
mail, return receipt requested, or shall provide for delivery of 59244
the notice in person. The notice shall specify the classification 59245
of the violation as determined by rules adopted by the public 59246
health council pursuant to this chapter, the amount of the penalty 59247
and the rate of interest, the action that is required to be taken 59248
to correct the violation, the time within which it is to be 59249
corrected as specified in division (C) of this section, and the 59250
procedures for the facility to follow to request a conference on 59251
the order imposing a civil penalty. If the facility requests a 59252
conference in a letter mailed or delivered not later than two 59253
working days after it has received the notice, the director shall 59254
hold a conference with representatives of the facility concerning 59255
the civil penalty. The conference shall be held not later than 59256
seven days after the director receives the request. The conference 59257
shall be conducted as prescribed in division (C) of section 59258
3722.07 of the Revised Code. If the director issues an order 59259
upholding the civil penalty, the facility may request an 59260
adjudication hearing pursuant to Chapter 119. of the Revised Code, 59261
but the order of the director shall be in effect during 59262
proceedings instituted pursuant to that chapter until a final 59263
adjudication is made. 59264

(C) The director shall order that the condition or practice 59265
constituting a class I violation be abated or eliminated within 59266
twenty-four hours or any longer period that the director considers 59267
reasonable. The notice for a class II or a class III violation 59268
shall specify a time within which the violation is required to be 59269
corrected. 59270

(D) If the facility does not request a conference or if, 59271
after a conference, it fails to take action to correct a violation 59272

in the time prescribed by the director, the director shall issue 59273
an order upholding the penalty, plus interest at the rate 59274
specified in section 1343.03 of the Revised Code for each day 59275
beyond the date set for payment of the penalty. The director may 59276
waive the interest payment for the period prior to the conference 59277
if the director concludes that the conference was necessitated by 59278
a legitimate dispute. 59279

(E) The director may cancel or reduce the penalty for a class 59280
I violation if the facility corrects the violation within the time 59281
specified in the notice ~~unless, except that the director shall~~ 59282
~~impose the penalty even though the facility has corrected the~~ 59283
~~violation if~~ a resident suffers physical harm because of the 59284
violation or ~~unless~~ the facility has been cited previously for the 59285
same violation, ~~in which case the director shall impose the~~ 59286
~~penalty even though the facility has corrected the violation.~~ The 59287
director ~~shall~~ may cancel the penalty for a class II or class III 59288
violation if the facility corrects the violation within the time 59289
specified in the notice ~~unless~~ and the facility has not been cited 59290
previously for the same violation. Each day of a violation of any 59291
class, after the date the director sets for abatement or 59292
elimination, constitutes a separate and additional violation. 59293

(F) If an adult care facility fails to pay a penalty imposed 59294
under this section, the director may commence a civil action to 59295
collect the penalty. The license of an adult care facility that 59296
has failed to pay a penalty imposed under this section shall not 59297
be renewed until the penalty has been paid. 59298

(G) If a penalty is imposed under this section, a fine shall 59299
not be imposed under section 3722.99 of the Revised Code for the 59300
same violation. 59301

~~(H) Notwithstanding any other division of this section, the~~ 59302
~~director shall not impose a penalty for a class I violation if all~~ 59303
~~of the following apply:~~ 59304

~~(1) A resident has not suffered physical harm because of the violation;~~ 59305
59306

~~(2) The violation has been corrected and is no longer occurring;~~ 59307
59308

~~(3) The violation is discovered by an inspector authorized to inspect an adult care facility pursuant to this chapter by an examination of the records of the facility.~~ 59309
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Sec. 3722.09. (A) If the director of health determines that 59312
the operation of an adult care facility jeopardizes the health or 59313
safety of any of the residents of the facility or if the director 59314
determines that an adult care facility is operating without a 59315
license, the director may petition the court of common pleas in 59316
the county in which the facility is located for appropriate 59317
injunctive relief against the facility. The If injunctive relief 59318
is granted against a facility for operating without a license and 59319
the facility continues to operate without a license, the director 59320
shall refer the case to the attorney general for further action. 59321

(B) The court petitioned under division (A) of this section 59322
shall grant injunctive relief upon a showing that the operation of 59323
the facility jeopardizes the health or safety of any of the 59324
residents of the facility or that the facility is operating 59325
without a license. When the court grants injunctive relief in the 59326
case of a facility operating without a license, the court shall 59327
issue, at a minimum, an order enjoining the facility from 59328
admitting new residents to the facility and an order requiring the 59329
facility to assist resident rights advocates with the safe and 59330
orderly relocation of the facility's residents. 59331

Sec. 3722.10. (A) The public health council shall have the 59332
exclusive authority to adopt, and the council shall adopt, rules 59333
~~in accordance with Chapter 119. of the Revised Code governing the~~ 59334

licensing and operation of adult care facilities. The rules shall 59335
be adopted in accordance with Chapter 119. of the Revised Code and 59336
shall specify all of the following: 59337

(1) Procedures for the issuance, renewal, and revocation of 59338
licenses ~~and temporary licenses~~, for the granting and denial of 59339
waivers, and for the issuance and termination of orders of 59340
suspension of admission pursuant to section 3722.07 of the Revised 59341
Code; 59342

(2) The qualifications required for owners, managers, and 59343
employees of adult care facilities, including character, training, 59344
education, experience, and financial resources and the number of 59345
staff members required in a facility; 59346

(3) Adequate space, equipment, safety, and sanitation 59347
standards for the premises of adult care facilities, and fire 59348
protection standards for adult family homes as required by section 59349
3722.041 of the Revised Code; 59350

(4) The personal, social, dietary, and recreational services 59351
to be provided to each resident of adult care facilities; 59352

(5) Rights of residents of adult care facilities, in addition 59353
to the rights enumerated under section 3722.12 of the Revised 59354
Code, and procedures to protect and enforce the rights of these 59355
residents; 59356

(6) Provisions for keeping records of residents and for 59357
maintaining the confidentiality of the records as required by 59358
division (B) of section 3722.12 of the Revised Code. The 59359
provisions for maintaining the confidentiality of records shall, 59360
at the minimum, meet the requirements for maintaining the 59361
confidentiality of records under Title XIX of the "Social Security 59362
Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations 59363
promulgated thereunder. 59364

(7) Measures to be taken by adult care facilities relative to 59365

residents' medication, including policies and procedures 59366
concerning medication, storage of medication in a locked area, and 59367
disposal of medication and assistance with self-administration of 59368
medication, if the facility provides assistance; 59369

(8) Requirements for initial and periodic health assessments 59370
of prospective and current adult care facility residents by 59371
physicians or other health professionals to ensure that they do 59372
not require a level of care beyond that which is provided by the 59373
adult care facility, including assessment of their capacity to 59374
self-administer the medications prescribed for them; 59375

(9) Requirements relating to preparation of special diets; 59376

(10) The amount of the fees for new and renewal license 59377
applications made pursuant to sections 3722.02 and 3722.04 of the 59378
Revised Code; 59379

(11) Measures to be taken by any employee of the state or any 59380
political subdivision of the state authorized by this chapter to 59381
enter an adult care facility to inspect the facility or for any 59382
other purpose, to ensure that the employee respects the privacy 59383
and dignity of residents of the facility, cooperates with 59384
residents of the facility and behaves in a congenial manner toward 59385
them, and protects the rights of residents; 59386

(12) How an owner or manager of an adult care facility is to 59387
comply with section 3722.18 of the Revised Code. ~~The~~ At a minimum, 59388
the rules shall ~~do at least both of the following:~~ 59389

~~(a) Establish~~ establish the procedures an owner or manager is 59390
to follow under division (A)~~(2)~~ of section 3722.18 of the Revised 59391
Code regarding referrals to the facility of prospective residents 59392
with mental illness or severe mental disability and effective 59393
arrangements for ongoing mental health services for such 59394
prospective residents. The procedures may provide for any of the 59395
following: 59396

~~(i)~~(a) That the owner or manager sign written agreements with the mental health agencies and boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility. Each agreement shall cover all such prospective residents referred by the agency or board with which the owner or manager enters into the agreement.

~~(ii)~~(b) That the owner or manager and the mental health agencies and boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility develop and sign a plan for services for each such prospective resident;

~~(iii)~~(c) Any other process regarding referrals and effective arrangements for ongoing mental health services.

~~(b) Specify the date an owner or manager must begin to follow the procedures established by division (A)(12)(a) of this section.~~

(13) Any other rules necessary for the administration and enforcement of this chapter.

(B) After consulting with relevant constituencies, the director of mental health shall prepare and submit to the director of health recommendations for the content of rules to be adopted under division (A)(12) of this section. The public health council shall adopt the rules required by division (A)(12) of this section no later than July 1, 2000.

(C) The director of health shall advise adult care facilities regarding compliance with the requirements of this chapter and with the rules adopted pursuant to this chapter.

(D) Any duty or responsibility imposed upon the director of health by this chapter may be carried out by an employee of the department of health.

(E) Employees of the department of health may enter, for the

purposes of investigation, any institution, residence, facility, 59427
or other structure which has been reported to the department as, 59428
or that the department has reasonable cause to believe is, 59429
operating as an adult care facility without a valid license. 59430

Sec. 3722.13. (A) Each adult care facility shall establish a 59431
written residents' rights policy containing the text of sections 59432
3722.12 and 3722.14 of the Revised Code and rules adopted by the 59433
public health council pursuant to this chapter, a discussion of 59434
the rights and responsibilities of residents under that section, 59435
and the text of any additional rule for residents promulgated by 59436
the facility. At the time of admission the manager shall give a 59437
copy of the residents' rights policy to the resident and ~~his~~ the 59438
resident's sponsor, if any, and explain the contents of the policy 59439
to them. The facility shall establish procedures for facilitating 59440
the residents' exercise of their rights. 59441

(B) Each adult care facility shall post prominently within 59442
the facility a copy of the residents' rights listed in division 59443
(B) of section 3722.12 of the Revised Code and any additional 59444
residents' rights established by rules adopted by the public 59445
health council pursuant to this chapter, ~~and~~ the addresses and 59446
telephone numbers of the state long-term care ~~facilities ombudsman~~ 59447
ombudsperson and the regional ~~ombudsman~~ ombudsperson for the area 59448
in which the facility is located, ~~and of the central and district~~ 59449
~~offices of the telephone number maintained by~~ the department of 59450
health for accepting complaints. 59451

Sec. 3722.14. (A)(1) Except as provided in division (A)(2) of 59452
this section, an adult care facility may transfer or discharge a 59453
resident, in the absence of a request from the resident, only for 59454
the following reasons: 59455

(a) Charges for the resident's accommodations and services 59456

have not been paid within thirty days after the date on which they became due; 59457
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(b) The mental, emotional, or physical condition of the resident requires a level of care that the facility is unable to provide; 59459
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(c) The health, safety, or welfare of the resident or of another resident requires a transfer or discharge; 59462
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(d) The facility's license has been revoked or renewal has been denied pursuant to this chapter; 59464
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(e) The owner closes the facility; 59466

(f) The resident is relocated as the result of a court's order issued under section 3722.09 of the Revised Code as part of the injunctive relief granted against a facility that is operating without a license. 59467
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(2) An adult family home may transfer or discharge a resident if transfer or discharge is required for the health, safety, or welfare of an individual who resides in the home but is not a resident for whom supervision or personal services are provided. 59471
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(B)(1) The facility shall give a resident thirty days advance notice, in writing, of a proposed transfer or discharge, except that if the transfer or discharge is for a reason given in divisions (A)(1)(b) to (f) or (A)(2) to (5) of this section and an emergency exists, the notice need not be given thirty days in advance. ~~The resident may request and the director of health shall conduct a hearing if the transfer or discharge is based upon division (A)(1), (2), or (3) of this section. The public health council shall adopt rules governing the procedure for conducting such a hearing.~~ The facility shall state in the written notice the reasons for the proposed transfer or discharge. If the resident is entitled to a hearing as specified in division (B)(2) of this section, the written notice shall outline the procedure for the 59475
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resident to follow in requesting a hearing. 59488

(2) A resident may request a hearing if a proposed transfer 59489
or discharge is based on reason given in division (A)(1)(a) to (c) 59490
or (A)(2) of this section. If the resident seeks a hearing, ~~he~~ the 59491
resident shall submit a request to the director not later than ten 59492
days after receiving the written notice. The director shall hold 59493
the hearing not later than ten days after receiving the request. A 59494
representative of the director shall preside over the hearing and 59495
shall issue a written recommendation of action to be taken by the 59496
director not later than three days after the hearing. The director 59497
shall issue an order regarding the transfer or discharge not later 59498
than two days after receipt of the recommendation. The order may 59499
prohibit or place conditions on the discharge or transfer. In the 59500
case of a transfer, the order may require that the transfer be to 59501
an institution or facility specified by the director. The hearing 59502
is not subject to section 121.22 of the Revised Code. The public 59503
health council shall adopt rules governing any additional 59504
procedures necessary for conducting the hearing. 59505

(C)(1) The owner of an adult care facility who is closing the 59506
facility shall inform the director of health in writing at least 59507
thirty days prior to the proposed date of closing. At the same 59508
time, the owner or manager shall inform each resident, ~~his~~ the 59509
resident's guardian, ~~his~~ the resident's sponsor, or any 59510
organization or agency acting on behalf of the resident, of the 59511
closing of the facility and the date of the closing. 59512

(2) Immediately upon receiving notice that a facility is to 59513
be closed, the director shall monitor the transfer of residents to 59514
other facilities and ensure that residents' rights are protected. 59515
The director shall notify the ~~ombudsman~~ ombudsperson in the region 59516
in which the facility is located of the closing. 59517

(3) All charges shall be prorated as of the date on which the 59518
facility closes. If payments have been made in advance, the 59519

payments for services not rendered shall be refunded to the 59520
resident or the resident's guardian not later than seven days 59521
after the closing of the facility. 59522

(4) Immediately upon the closing of a facility, the owner 59523
shall surrender the license to the director, and the license shall 59524
be canceled. 59525

Sec. 3722.15. (A) The following may enter an adult care 59526
facility at any time: 59527

(1) Employees designated by the director of health; 59528

(2) Employees designated by the director of aging; 59529

(3) Employees designated by the attorney general; 59530

(4) Employees designated by a county department of job and 59531
family services to implement sections 5101.60 to 5101.71 of the 59532
Revised Code; 59533

(5) Persons employed pursuant to division (M) of section 59534
173.01 of the Revised Code in the long-term care ~~facilities~~ 59535
ombudsperson program; 59536

(6) Employees of the department of mental health designated 59537
by the director of mental health; 59538

(7) Employees of a mental health agency, ~~if~~ under either of 59539
the following circumstances: 59540

(a) When the agency has a client residing in the facility; 59541

(b) When the agency is acting as an agent of a board of 59542
alcohol, drug addiction, or mental health services other than the 59543
board with which it is under contract. 59544

(8) Employees of a board of alcohol, drug addiction, and 59545
mental health services, ~~when~~ under any of the following 59546
circumstances: 59547

(a) When authorized by section 340.05 of the Revised Code ~~or~~ 59548
~~if an individual;~~ 59549

(b) When a resident of the facility is receiving mental 59550
health services provided by ~~the~~ that board or another board of 59551
alcohol, drug addiction, and mental health services pursuant to 59552
division (A)(8)(b) of section 340.03 of the Revised Code ~~or~~; 59553

(c) When a resident of the facility is receiving services 59554
from a mental health agency under contract with ~~the~~ that board 59555
~~resides in the facility or another board of alcohol, drug~~ 59556
addiction, and mental health services. 59557

~~These~~ The employees specified in divisions (A)(1) to (8) of 59558
this section shall be afforded access to all records of the 59559
facility, including records pertaining to residents, and may copy 59560
the records. Neither these employees nor the director of health 59561
shall release, without consent, any information obtained from the 59562
records of an adult care facility that reasonably would tend to 59563
identify a specific resident of the facility, except as ordered by 59564
a court of competent jurisdiction. 59565

(B) The following persons may enter any adult care facility 59566
during reasonable hours: 59567

(1) A resident's sponsor; 59568

(2) Residents' rights advocates; 59569

(3) A resident's attorney; 59570

(4) A minister, priest, rabbi, or other person ministering to 59571
a resident's religious needs; 59572

(5) A physician or other person providing health care 59573
services to a resident; 59574

(6) Employees authorized by county departments of job and 59575
family services and local boards of health or health departments 59576
to enter adult care facilities; 59577

(7) A prospective resident and prospective resident's sponsor.	59578 59579
(C) The manager of an adult care facility may require a person seeking to enter the facility to present identification sufficient to identify the person as an authorized person under this section.	59580 59581 59582 59583
Sec. 3722.16. (A) No person shall:	59584
(1) Operate an adult care facility unless the facility is validly licensed by the director of health under section 3722.04 of the Revised Code;	59585 59586 59587
(2) Admit to an adult care facility more residents than the number authorized in the facility's license;	59588 59589
(3) Admit a resident to an adult care facility after the director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.	59590 59591 59592 59593 59594
(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;	59595 59596 59597
(5) <u>Admit to an adult care facility a resident requiring publicly funded mental health services without first notifying the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the facility is located;</u>	59598 59599 59600 59601 59602
(6) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.	59603 59604
(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following <u>conditions</u> are the case <u>met</u> :	59605 59606 59607

(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period. 59608
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(2) The care will be provided by one or more of the following: 59611
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(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 59613
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(b) A hospice care program licensed under Chapter 3712. of the Revised Code; 59616
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(c) A nursing home licensed under Chapter 3721. of the Revised Code and owned and operated by the same person and located on the same site as the adult care facility; 59618
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(d) A mental health agency or, pursuant to division (A)(8)(b) of section 340.03 of the Revised Code, a board of alcohol, drug addiction, and mental health services. 59621
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~~(2)(3) Each individual employed by, under contract with, or otherwise used by any of the entities specified in division (B)(2) of this section to perform the skilled nursing care is authorized under the laws of this state to perform the care by being appropriately licensed, as specified in rules adopted under division (G) of this section.~~ 59624
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(4) The staff of the home health agency, hospice care program, nursing home, mental health agency, or board of alcohol, drug addiction, and mental health services one or more entities providing the skilled nursing care does not train the adult care facility staff to provide the skilled nursing care; 59630
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~~(3)(5) The individual to whom the skilled nursing care is provided is suffering from a short-term illness;~~ 59635
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~~(4)(6) If the skilled nursing care is to be provided by the~~ 59637

nursing staff of a nursing home, all of the following are the 59638
case: 59639

(a) The adult care facility evaluates the individual 59640
receiving the skilled nursing care at least once every seven days 59641
to determine whether the individual should be transferred to a 59642
nursing home; 59643

(b) The adult care facility meets at all times staffing 59644
requirements established by rules adopted under section 3722.10 of 59645
the Revised Code; 59646

(c) The nursing home does not include the cost of providing 59647
skilled nursing care to the adult care facility residents in a 59648
cost report filed under section 5111.26 of the Revised Code; 59649

(d) The nursing home meets at all times the nursing home 59650
licensure staffing ratios established by rules adopted under 59651
section 3721.04 of the Revised Code; 59652

(e) The nursing home staff providing skilled nursing care to 59653
adult care facility residents are registered nurses or licensed 59654
practical nurses licensed under Chapter 4723. of the Revised Code 59655
and meet the personnel qualifications for nursing home staff 59656
established by rules adopted under section 3721.04 of the Revised 59657
Code; 59658

(f) The skilled nursing care is provided in accordance with 59659
rules established for nursing homes under section 3721.04 of the 59660
Revised Code; 59661

(g) The nursing home meets the skilled nursing care needs of 59662
the adult care facility residents; 59663

(h) Using the nursing home's nursing staff does not prevent 59664
the nursing home or adult care facility from meeting the needs of 59665
the nursing home and adult care facility residents in a quality 59666
and timely manner. 59667

(7) No adult care facility staff shall provide skilled nursing care. 59668
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Notwithstanding section 3721.01 of the Revised Code, an adult care facility in which residents receive skilled nursing care as described in division (B) of this section is not a nursing home. 59670
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~~No adult care facility shall provide skilled nursing care.~~ 59673

(C) A home health agency or hospice care program that provides skilled nursing care pursuant to division (B) of this section may not be associated with the adult care facility unless the facility is part of a home for the aged as defined in section 5701.13 of the Revised Code or the adult care facility is owned and operated by the same person and located on the same site as a nursing home licensed under Chapter 3721. of the Revised Code that is associated with the home health agency or hospice care program. 59674
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In addition, the following requirements shall be met: 59682

(1) The adult care facility shall evaluate the individual receiving the skilled nursing care not less than once every seven days to determine whether the individual should be transferred to a nursing home; 59683
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(2) If the costs of providing the skilled nursing care are included in a cost report filed pursuant to section 5111.26 of the Revised Code by the nursing home that is part of the same home for the aged, the home health agency or hospice care program shall not seek reimbursement for the care under the medical assistance program established under Chapter 5111. of the Revised Code. 59687
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~~(D)~~⁽¹⁾ No person knowingly shall place or recommend placement of any person in an adult care facility that is operating without a license. 59693
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~~(2)~~^(E) No employee of a unit of local or state government, board of alcohol, drug addiction, and mental health services, mental health agency, or PASSPORT administrative agency shall 59696
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place or recommend placement of any person in an adult care facility if the employee knows ~~that~~ either of the following:

(1) That the facility cannot meet the needs of the potential resident;

(2) That placement of the resident would cause the facility to exceed its licensed capacity.

~~(3)(F)~~ No person who has reason to believe that an adult care facility is operating without a license shall fail to report this information to the director of health.

~~(E)(G)~~ In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules ~~that define for~~ purposes of division (B) of this section that do all of the following:

(1) Define a short-term illness for purposes of division (B)~~(3)(5)~~ of this section ~~and specify;~~

(2) Specify, consistent with rules pertaining to home health care adopted by the director of job and family services under the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, what constitutes a part-time, intermittent basis for purposes of division (B)(1) of this section;

(3) Specify what constitutes being appropriately licensed for purposes of division (B)(3) of this section.

Sec. 3722.17. (A) Any person who believes that an adult care facility is in violation of this chapter or of any of the rules promulgated pursuant to it may report the information to the director of health. The director shall investigate each report made under this section or section 3722.16 of the Revised Code and shall inform the facility of the results of the investigation.

When investigating a report made pursuant to section 340.05 of the Revised Code, the director shall consult with the board of alcohol, drug addiction, and mental health services that made the report. The director shall keep a record of the investigation and the action taken as a result of the investigation.

The director shall not reveal, without consent, the identity of a person who makes a report under this section or division ~~(D)~~~~(3)~~(G) of section 3722.16 of the Revised Code, the identity of a specific resident or residents referred to in such a report, or any other information that could reasonably be expected to reveal the identity of the person making the report or the resident or residents referred to in the report, except that the director may provide this information to a government agency responsible for enforcing laws applying to adult care facilities.

(B) Any person who believes that a resident's rights under sections 3722.12 to 3722.15 of the Revised Code have been violated may report the information to the state or regional long-term care ~~facilities~~ ombudsperson or to the director of health. If the person believes that the resident has mental illness or severe mental disability and is suffering abuse or neglect, the person may report the information to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the adult care facility is located or a mental health agency under contract with the board in addition to or instead of the ombudsperson or director.

(C) Any person who makes a report pursuant to division (A) or (B) of this section or division ~~(D)~~~~(3)~~(G) of section 3722.16 of the Revised Code or any person who participates in an administrative or judicial proceeding resulting from such a report is immune from any civil liability or criminal liability, other than perjury, that might otherwise be incurred or imposed as a

result of these actions, unless the person has acted in bad faith 59761
or with malicious purpose. 59762

Sec. 3722.18. Before an adult care facility admits a 59763
prospective resident who the owner or manager of the facility 59764
knows has been assessed as having a mental illness or severe 59765
mental disability, the owner or manager ~~shall do~~ is subject to 59766
both of the following in accordance with rules adopted under 59767
division (A)(12) of section 3722.10 of the Revised Code: 59768

(A) If the prospective resident is referred to the facility 59769
by a mental health agency or board of alcohol, drug addiction, and 59770
mental health services, ~~do the following:~~ 59771

~~(1) Except in an emergency and only until the date an owner 59772
or manager of an adult care facility must begin to follow 59773
procedures under division (A)(2) of this section, enter into an 59774
affiliation agreement with the agency or board. An affiliation 59775
agreement with the agency is subject to the board's approval. An 59776
affiliation agreement must be consistent with the residential 59777
portion of the board's community mental health plan submitted to 59778
the department of mental health under section 340.03 of the 59779
Revised Code. 59780~~

~~(2) Beginning on the date specified in rules adopted under 59781
division (A)(12) of section 3722.10 of the Revised Code, the owner 59782
or manager shall follow procedures established in ~~those~~ rules 59783
adopted under division (A)(12) of section 3722.10 of the Revised 59784
Code regarding referrals and effective arrangements for ongoing 59785
mental health services. 59786~~

(B) If the prospective resident is not referred to the 59787
facility by a mental health agency or board of alcohol, drug 59788
addiction, and mental health services, ~~document that~~ the owner or 59789
manager ~~has offered~~ shall offer to assist the prospective resident 59790
in obtaining appropriate mental health services and document the 59791

offer of assistance in accordance with rules adopted under 59792
division (A)(12) of section 3722.10 of the Revised Code. 59793

Sec. 3722.99. Whoever violates division (A) ~~or (B)(1)~~ of 59794
section 3722.16 of the Revised Code shall be fined ~~five hundred~~ 59795
~~two thousand~~ dollars for a first offense; for each subsequent 59796
offense, such person shall be fined ~~one~~ five thousand dollars. 59797

Whoever violates division (C) of section 3722.12 or division 59798
(A)(2), (3), (4), (5) or (6), (B), (C), (D), (E), or (F) of 59799
section 3722.16 of the Revised Code shall be fined ~~one~~ five 59800
hundred dollars for a first offense; for each subsequent offense, 59801
such person shall be fined ~~five hundred~~ one thousand dollars. 59802

Sec. 3727.02. (A) No person and no political subdivision, 59803
agency, or instrumentality of this state shall operate a hospital 59804
unless it is certified under Title XVIII of the "Social Security 59805
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or is 59806
accredited by ~~the joint commission or the American osteopathic~~ 59807
~~association~~ a national accrediting organization approved by the 59808
centers for medicare and medicaid services and the director of 59809
health. 59810

(B) No person and no political subdivision, agency, or 59811
instrumentality of this state shall hold out as a hospital any 59812
health facility that is not certified or accredited as required in 59813
division (A) of this section. 59814

Sec. ~~3727.05~~ 3727.04. The director of health may petition the 59815
court of common pleas of the county in which a hospital is located 59816
for an order enjoining any person or any political subdivision, 59817
agency, or instrumentality of this state from violating section 59818
3727.02 of the Revised Code. Irrespective of any other remedy the 59819
director may have in law or equity, the court may grant the order 59820
upon a showing that the respondent named in the petition is 59821

violating section 3727.02 of the Revised Code. 59822

~~Sec. 3701.71 3727.05.~~ To comply with the Social Security Act 59823
~~Amendments of 1950, known as Public Law 734 81st Congress, the~~ 59824
~~Ohio~~ The department of health ~~is hereby designated as the state~~ 59825
~~authority responsible for establishing and maintaining shall~~ 59826
~~establish, maintain, and enforce~~ minimum standards for ~~voluntary~~ 59827
~~and governmental hospitals every hospital and in units for every~~ 59828
~~unit~~ providing medical and nursing care in city and county 59829
institutions. 59830

~~Sec. 3701.72 3727.051.~~ Subject to the provisions of sections 59831
~~119.01 to 119.13 inclusive, of the Revised Code, the~~ The Ohio 59832
department of health ~~shall have the power to~~ may adopt reasonable 59833
rules and regulations to establish and maintain such minimum 59834
~~standards~~ implement section 3727.05 of the Revised Code. The rules 59835
shall be adopted under Chapter 119. of the Revised Code. 59836

Sec. 3727.052. All prosecutions and proceedings by the 59837
department of health for a violation of the minimum standards 59838
established under section 3727.05 of the Revised Code, a violation 59839
of any of the rules adopted under section 3727.051 of the Revised 59840
Code, or a violation of any order issued by the department to 59841
enforce those standards or rules shall be instituted by the 59842
director of health. All fines or judgments the department collects 59843
shall be paid into the state treasury to the credit of the general 59844
revenue fund. 59845

The director may petition the court of common pleas for 59846
injunctive or other appropriate relief requiring any person 59847
committing the alleged violation to comply with the applicable 59848
standard, rule, or order. The court of common pleas of the county 59849
in which the offense is alleged to be occurring may grant such 59850
injunctive or other appropriate relief as the equities of the case 59851

require. 59852

Sec. 3727.04 3727.053. In addition to any other inspections 59853
authorized by law, the director of health may inspect any hospital 59854
if there are substantial allegations or evidence of a significant 59855
deficiency or deficiencies that would, if found to be present, 59856
adversely affect the health or safety of its patients and may make 59857
such other inspections as are necessary to enforce this chapter. 59858

Sec. 3729.07. The licensor of a recreational vehicle park, 59859
recreation camp, or combined park-camp may charge a fee for an 59860
annual license to operate such a park, camp, or park-camp. In the 59861
case of a temporary park-camp, the licensor may charge a fee for a 59862
license to operate the temporary park-camp for the period 59863
specified in division (A) of section 3729.05 of the Revised Code. 59864
The fees for both types of licenses shall be determined in 59865
accordance with section 3709.09 of the Revised Code and shall 59866
include the cost of licensing and all inspections. 59867

Except for the fee for a temporary park-camp license, the fee 59868
also shall include any additional amount determined by rule of the 59869
public health council, which shall be collected and transmitted by 59870
the board of health to the ~~treasurer of state to be credited to~~ 59871
~~the general operations fund created in section 3701.83 of the~~ 59872
~~Revised Code~~ director of health pursuant to section 3709.092 of 59873
the Revised Code and used only for the purpose of administering 59874
and enforcing this chapter and rules adopted under it. The portion 59875
of any fee retained by the board of health shall be paid into a 59876
special fund and used only for the purpose of administering and 59877
enforcing this chapter and rules adopted under it. 59878

Sec. 3733.02. (A)(1) The public health council, subject to 59879
Chapter 119. of the Revised Code, shall adopt, and has the 59880
exclusive power to adopt, rules of uniform application throughout 59881

the state governing the review of plans, issuance of flood plain management permits, and issuance of licenses for manufactured home parks; the location, layout, density, construction, drainage, sanitation, safety, and operation of those parks; and notices of flood events concerning, and flood protection at, those parks. The rules pertaining to flood plain management shall be consistent with and not less stringent than the flood plain management criteria of the national flood insurance program adopted under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules shall not apply to the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable.

(2) The rules pertaining to manufactured home parks constructed after June 30, 1971, shall specify that each home must be placed on its lot to provide not less than fifteen feet between the side of one home and the side of another home, ten feet between the end of one home and the side of another home, and five feet between the ends of two homes placed end to end.

(3) The ~~department of health~~ manufactured homes commission shall determine compliance with the installation, blocking, tiedown, foundation, and base support system standards for manufactured housing located in manufactured home parks adopted by the ~~manufactured homes~~ commission pursuant to section 4781.04 of the Revised Code. All inspections of the installation, blocking, tiedown, foundation, and base support systems of manufactured housing in a manufactured home park that the department of health or a licensor conducts shall be conducted by a person who has completed an installation training course approved by the manufactured homes commission pursuant to division (B)(12) of section 4781.04 of the Revised Code.

As used in division (A)(3) of this section, "manufactured housing" has the same meaning as in section 4781.01 of the Revised

Code. 59914

(B) The public health council, in accordance with Chapter 59915
119. of the Revised Code, shall adopt rules of uniform application 59916
throughout the state establishing requirements and procedures in 59917
accordance with which the director of health may authorize 59918
licensors for the purposes of sections 3733.022 and 3733.025 of 59919
the Revised Code. The rules shall include at least provisions 59920
under which a licensor may enter into contracts for the purpose of 59921
fulfilling the licensor's responsibilities under either or both of 59922
those sections. 59923

Sec. 3733.04. The licensor of a manufactured home park may 59924
charge a fee for an annual license to operate such a park. The fee 59925
for a license shall be determined in accordance with section 59926
3709.09 of the Revised Code and shall include the cost of 59927
licensing and all inspections. 59928

The fee also shall include any additional amount determined 59929
by rule of the public health council, which shall be collected and 59930
transmitted by the board of health to the ~~treasurer of state to be~~ 59931
~~credited to the general operations fund created in section 3701.83~~ 59932
~~of the Revised Code~~ director of health pursuant to section 59933
3709.092 of the Revised Code and used only for the purpose of 59934
administering and enforcing sections 3733.01 to 3733.08 of the 59935
Revised Code and the rules adopted under those sections. The 59936
portion of any fee retained by the board of health shall be paid 59937
into a special fund and used only for the purpose of administering 59938
and enforcing sections 3733.01 to 3733.08 of the Revised Code and 59939
the rules adopted thereunder. 59940

Sec. 3733.25. Any fee for the license required by section 59941
3733.24 of the Revised Code shall be determined in accordance with 59942
section 3709.09 of the Revised Code. The license fee shall include 59943

any additional amount determined by rule of the public health 59944
council, which shall be collected and transmitted by the board of 59945
health ~~district~~ to the director of health ~~for deposit in the state~~ 59946
~~treasury to the credit of the general operations fund created in~~ 59947
~~section 3701.83 of the Revised Code pursuant to section 3709.092~~ 59948
of the Revised Code and shall be used by the director to 59949
administer and enforce sections 3733.21 to 3733.30 of the Revised 59950
Code and rules adopted thereunder. The portion of any fee retained 59951
by the health district shall be paid into a special fund which is 59952
hereby created in each health district and shall be used only by 59953
the board for the purpose of administering and enforcing sections 59954
3733.21 to 3733.30 of the Revised Code and the rules adopted 59955
thereunder. The health district may charge additional reasonable 59956
fees for the collection and bacteriological examination of any 59957
necessary water samples taken from a marina. 59958

Sec. 3733.43. (A) Except as otherwise provided in this 59959
division, prior to the fifteenth day of April in each year, every 59960
person who intends to operate an agricultural labor camp shall 59961
make application to the licenser for a license to operate such 59962
camp, effective for the calendar year in which it is issued. The 59963
licenser may accept an application on or after the fifteenth day 59964
of April. The license fees specified in this division shall be 59965
submitted to the licenser with the application for a license. No 59966
agricultural labor camp shall be operated in this state without a 59967
license. Any person operating an agricultural labor camp without a 59968
current and valid agricultural labor camp license is not excepted 59969
from compliance with sections 3733.41 to 3733.49 of the Revised 59970
Code by holding a valid and current hotel license. Each person 59971
proposing to open an agricultural labor camp shall submit with the 59972
application for a license any plans required by any rule adopted 59973
under section 3733.42 of the Revised Code. The For any license 59974
issued on or after July 1, 2009, the annual license fee is 59975

~~seventy-five~~ one hundred fifty dollars, unless the application for 59976
a license is made on or after the fifteenth day of April in any 59977
given year, in which case the annual license fee is one hundred 59978
~~sixty-six~~ dollars. ~~An~~ For any license issued on or after July 1, 59979
2009, an additional fee of ~~ten~~ twenty dollars per housing unit per 59980
year shall be assessed to defray the costs of enforcing sections 59981
3733.41 to 3733.49 of the Revised Code, unless the application for 59982
a license is made on or after the fifteenth day of April in any 59983
given year, in which case an additional fee of ~~fifteen~~ forty-two 59984
dollars and fifty cents per housing unit shall be assessed. All 59985
fees collected under this division shall be deposited in the state 59986
treasury to the credit of the general operations fund created in 59987
section 3701.83 of the Revised Code and shall be used for the 59988
administration and enforcement of sections 3733.41 to 3733.49 of 59989
the Revised Code and rules adopted thereunder. 59990

(B) Any license under this section may be denied, suspended, 59991
or revoked by the licensor for violation of sections 3733.41 to 59992
3733.49 of the Revised Code or the rules adopted thereunder. 59993
Unless there is an immediate serious public health hazard, no 59994
denial, suspension, or revocation of a license shall be made 59995
effective until the person operating the agricultural labor camp 59996
has been given notice in writing of the specific violations and a 59997
reasonable time to make corrections. When the licensor determines 59998
that an immediate serious public health hazard exists, the 59999
licensor shall issue an order denying or suspending the license 60000
without a prior hearing. 60001

(C) All proceedings under this section are subject to Chapter 60002
119. of the Revised Code except as provided in section 3733.431 of 60003
the Revised Code. 60004

(D) Every occupant of an agricultural labor camp shall keep 60005
that part of the dwelling unit, and premises thereof, that the 60006
occupant occupies and controls in a clean and sanitary condition. 60007

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 60008
(8), and (9) of this section, no person shall operate or maintain 60009
a solid waste facility without a license issued under this 60010
division by the board of health of the health district in which 60011
the facility is located or by the director of environmental 60012
protection when the health district in which the facility is 60013
located is not on the approved list under section 3734.08 of the 60014
Revised Code. 60015

During the month of December, but before the first day of 60016
January of the next year, every person proposing to continue to 60017
operate an existing solid waste facility shall procure a license 60018
under this division to operate the facility for that year from the 60019
board of health of the health district in which the facility is 60020
located or, if the health district is not on the approved list 60021
under section 3734.08 of the Revised Code, from the director. The 60022
application for such a license shall be submitted to the board of 60023
health or to the director, as appropriate, on or before the last 60024
day of September of the year preceding that for which the license 60025
is sought. In addition to the application fee prescribed in 60026
division (A)(2) of this section, a person who submits an 60027
application after that date shall pay an additional ten per cent 60028
of the amount of the application fee for each week that the 60029
application is late. Late payment fees accompanying an application 60030
submitted to the board of health shall be credited to the special 60031
fund of the health district created in division (B) of section 60032
3734.06 of the Revised Code, and late payment fees accompanying an 60033
application submitted to the director shall be credited to the 60034
general revenue fund. A person who has received a license, upon 60035
sale or disposition of a solid waste facility, and upon consent of 60036
the board of health and the director, may have the license 60037
transferred to another person. The board of health or the director 60038
may include such terms and conditions in a license or revision to 60039

a license as are appropriate to ensure compliance with this 60040
chapter and rules adopted under it. The terms and conditions may 60041
establish the authorized maximum daily waste receipts for the 60042
facility. Limitations on maximum daily waste receipts shall be 60043
specified in cubic yards of volume for the purpose of regulating 60044
the design, construction, and operation of solid waste facilities. 60045
Terms and conditions included in a license or revision to a 60046
license by a board of health shall be consistent with, and pertain 60047
only to the subjects addressed in, the rules adopted under 60048
division (A) of section 3734.02 and division (D) of section 60049
3734.12 of the Revised Code. 60050

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 60051
(9) of this section, each person proposing to open a new solid 60052
waste facility or to modify an existing solid waste facility shall 60053
submit an application for a permit with accompanying detail plans 60054
and specifications to the environmental protection agency for 60055
required approval under the rules adopted by the director pursuant 60056
to division (A) of section 3734.02 of the Revised Code and 60057
applicable rules adopted under division (D) of section 3734.12 of 60058
the Revised Code at least two hundred seventy days before proposed 60059
operation of the facility and shall concurrently make application 60060
for the issuance of a license under division (A)(1) of this 60061
section with the board of health of the health district in which 60062
the proposed facility is to be located. 60063

(b) On and after the effective date of the rules adopted 60064
under division (A) of section 3734.02 of the Revised Code and 60065
division (D) of section 3734.12 of the Revised Code governing 60066
solid waste transfer facilities, each person proposing to open a 60067
new solid waste transfer facility or to modify an existing solid 60068
waste transfer facility shall submit an application for a permit 60069
with accompanying engineering detail plans, specifications, and 60070
information regarding the facility and its method of operation to 60071

the environmental protection agency for required approval under 60072
those rules at least two hundred seventy days before commencing 60073
proposed operation of the facility and concurrently shall make 60074
application for the issuance of a license under division (A)(1) of 60075
this section with the board of health of the health district in 60076
which the facility is located or proposed. 60077

(c) Each application for a permit under division (A)(2)(a) or 60078
(b) of this section shall be accompanied by a nonrefundable 60079
application fee of four hundred dollars that shall be credited to 60080
the general revenue fund. Each application for an annual license 60081
under division (A)(1) or (2) of this section shall be accompanied 60082
by a nonrefundable application fee of one hundred dollars. If the 60083
application for an annual license is submitted to a board of 60084
health on the approved list under section 3734.08 of the Revised 60085
Code, the application fee shall be credited to the special fund of 60086
the health district created in division (B) of section 3734.06 of 60087
the Revised Code. If the application for an annual license is 60088
submitted to the director, the application fee shall be credited 60089
to the general revenue fund. If a permit or license is issued, the 60090
amount of the application fee paid shall be deducted from the 60091
amount of the permit fee due under division (Q) of section 3745.11 60092
of the Revised Code or the amount of the license fee due under 60093
division (A)(1), (2), (3), or (4) of section 3734.06 of the 60094
Revised Code. 60095

(d) As used in divisions (A)(2)(d), (e), and (f) of this 60096
section, "modify" means any of the following: 60097

(i) Any increase of more than ten per cent in the total 60098
capacity of a solid waste facility; 60099

(ii) Any expansion of the limits of solid waste placement at 60100
a solid waste facility; 60101

(iii) Any increase in the depth of excavation at a solid 60102

waste facility; 60103

(iv) Any change in the technique of waste receipt or type of 60104
waste received at a solid waste facility that may endanger human 60105
health, as determined by the director by rules adopted in 60106
accordance with Chapter 119. of the Revised Code. 60107

Not later than thirty-five days after submitting an 60108
application under division (A)(2)(a) or (b) of this section for a 60109
permit to open a new or modify an existing solid waste facility, 60110
the applicant, in conjunction with an officer or employee of the 60111
environmental protection agency, shall hold a public meeting on 60112
the application within the county in which the new or modified 60113
solid waste facility is or is proposed to be located or within a 60114
contiguous county. Not less than thirty days before holding the 60115
public meeting on the application, the applicant shall publish 60116
notice of the meeting in each newspaper of general circulation 60117
that is published in the county in which the facility is or is 60118
proposed to be located. If no newspaper of general circulation is 60119
published in the county, the applicant shall publish the notice in 60120
a newspaper of general circulation in the county. The notice shall 60121
contain the date, time, and location of the public meeting and a 60122
general description of the proposed new or modified facility. Not 60123
later than five days after publishing the notice, the applicant 60124
shall send by certified mail a copy of the notice and the date the 60125
notice was published to the director and the legislative authority 60126
of each municipal corporation, township, and county, and to the 60127
chief executive officer of each municipal corporation, in which 60128
the facility is or is proposed to be located. At the public 60129
meeting, the applicant shall provide information and describe the 60130
application and respond to comments or questions concerning the 60131
application, and the officer or employee of the agency shall 60132
describe the permit application process. At the public meeting, 60133
any person may submit written or oral comments on or objections to 60134

the application. Not more than thirty days after the public 60135
meeting, the applicant shall provide the director with a copy of a 60136
transcript of the full meeting, copies of any exhibits, displays, 60137
or other materials presented by the applicant at the meeting, and 60138
the original copy of any written comments submitted at the 60139
meeting. 60140

(e) Except as provided in division (A)(2)(f) of this section, 60141
prior to taking an action, other than a proposed or final denial, 60142
upon an application submitted under division (A)(2)(a) of this 60143
section for a permit to open a new or modify an existing solid 60144
waste facility, the director shall hold a public information 60145
session and a public hearing on the application within the county 60146
in which the new or modified solid waste facility is or is 60147
proposed to be located or within a contiguous county. If the 60148
application is for a permit to open a new solid waste facility, 60149
the director shall hold the hearing not less than fourteen days 60150
after the information session. If the application is for a permit 60151
to modify an existing solid waste facility, the director may hold 60152
both the information session and the hearing on the same day 60153
unless any individual affected by the application requests in 60154
writing that the information session and the hearing not be held 60155
on the same day, in which case the director shall hold the hearing 60156
not less than fourteen days after the information session. The 60157
director shall publish notice of the public information session or 60158
public hearing not less than thirty days before holding the 60159
information session or hearing, as applicable. The notice shall be 60160
published in each newspaper of general circulation that is 60161
published in the county in which the facility is or is proposed to 60162
be located. If no newspaper of general circulation is published in 60163
the county, the director shall publish the notice in a newspaper 60164
of general circulation in the county. The notice shall contain the 60165
date, time, and location of the information session or hearing, as 60166
applicable, and a general description of the proposed new or 60167

modified facility. At the public information session, an officer 60168
or employee of the environmental protection agency shall describe 60169
the status of the permit application and be available to respond 60170
to comments or questions concerning the application. At the public 60171
hearing, any person may submit written or oral comments on or 60172
objections to the approval of the application. The applicant, or a 60173
representative of the applicant who has knowledge of the location, 60174
construction, and operation of the facility, shall attend the 60175
information session and public hearing to respond to comments or 60176
questions concerning the facility directed to the applicant or 60177
representative by the officer or employee of the environmental 60178
protection agency presiding at the information session and 60179
hearing. 60180

(f) The solid waste management policy committee of a county 60181
or joint solid waste management district may adopt a resolution 60182
requesting expeditious consideration of a specific application 60183
submitted under division (A)(2)(a) of this section for a permit to 60184
modify an existing solid waste facility within the district. The 60185
resolution shall make the finding that expedited consideration of 60186
the application without the public information session and public 60187
hearing under division (A)(2)(e) of this section is in the public 60188
interest and will not endanger human health, as determined by the 60189
director by rules adopted in accordance with Chapter 119. of the 60190
Revised Code. Upon receiving such a resolution, the director, at 60191
the director's discretion, may issue a final action upon the 60192
application without holding a public information session or public 60193
hearing pursuant to division (A)(2)(e) of this section. 60194

(3) Except as provided in division (A)(10) of this section, 60195
and unless the owner or operator of any solid waste facility, 60196
other than a solid waste transfer facility or a compost facility 60197
that accepts exclusively source separated yard wastes, that 60198
commenced operation on or before July 1, 1968, has obtained an 60199

exemption from the requirements of division (A)(3) of this section 60200
in accordance with division (G) of section 3734.02 of the Revised 60201
Code, the owner or operator shall submit to the director an 60202
application for a permit with accompanying engineering detail 60203
plans, specifications, and information regarding the facility and 60204
its method of operation for approval under rules adopted under 60205
division (A) of section 3734.02 of the Revised Code and applicable 60206
rules adopted under division (D) of section 3734.12 of the Revised 60207
Code in accordance with the following schedule: 60208

(a) Not later than September 24, 1988, if the facility is 60209
located in the city of Garfield Heights or Parma in Cuyahoga 60210
county; 60211

(b) Not later than December 24, 1988, if the facility is 60212
located in Delaware, Greene, Guernsey, Hamilton, Madison, 60213
Mahoning, Ottawa, or Vinton county; 60214

(c) Not later than March 24, 1989, if the facility is located 60215
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 60216
Washington county, or is located in the city of Brooklyn or 60217
Cuyahoga Heights in Cuyahoga county; 60218

(d) Not later than June 24, 1989, if the facility is located 60219
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 60220
Summit county or is located in Cuyahoga county outside the cities 60221
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 60222

(e) Not later than September 24, 1989, if the facility is 60223
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 60224
county; 60225

(f) Not later than December 24, 1989, if the facility is 60226
located in a county not listed in divisions (A)(3)(a) to (e) of 60227
this section; 60228

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 60229
section, not later than December 31, 1990, if the facility is a 60230

solid waste facility owned by a generator of solid wastes when the 60231
solid waste facility exclusively disposes of solid wastes 60232
generated at one or more premises owned by the generator 60233
regardless of whether the facility is located on a premises where 60234
the wastes are generated and if the facility disposes of more than 60235
one hundred thousand tons of solid wastes per year, provided that 60236
any such facility shall be subject to division (A)(5) of this 60237
section. 60238

(4) Except as provided in divisions (A)(8), (9), and (10) of 60239
this section, unless the owner or operator of any solid waste 60240
facility for which a permit was issued after July 1, 1968, but 60241
before January 1, 1980, has obtained an exemption from the 60242
requirements of division (A)(4) of this section under division (G) 60243
of section 3734.02 of the Revised Code, the owner or operator 60244
shall submit to the director an application for a permit with 60245
accompanying engineering detail plans, specifications, and 60246
information regarding the facility and its method of operation for 60247
approval under those rules. 60248

(5) The director may issue an order in accordance with 60249
Chapter 3745. of the Revised Code to the owner or operator of a 60250
solid waste facility requiring the person to submit to the 60251
director updated engineering detail plans, specifications, and 60252
information regarding the facility and its method of operation for 60253
approval under rules adopted under division (A) of section 3734.02 60254
of the Revised Code and applicable rules adopted under division 60255
(D) of section 3734.12 of the Revised Code if, in the director's 60256
judgment, conditions at the facility constitute a substantial 60257
threat to public health or safety or are causing or contributing 60258
to or threatening to cause or contribute to air or water pollution 60259
or soil contamination. Any person who receives such an order shall 60260
submit the updated engineering detail plans, specifications, and 60261
information to the director within one hundred eighty days after 60262

the effective date of the order. 60263

(6) The director shall act upon an application submitted 60264
under division (A)(3) or (4) of this section and any updated 60265
engineering plans, specifications, and information submitted under 60266
division (A)(5) of this section within one hundred eighty days 60267
after receiving them. If the director denies any such permit 60268
application, the order denying the application or disapproving the 60269
plans shall include the requirements that the owner or operator 60270
submit a plan for closure and post-closure care of the facility to 60271
the director for approval within six months after issuance of the 60272
order, cease accepting solid wastes for disposal or transfer at 60273
the facility, and commence closure of the facility not later than 60274
one year after issuance of the order. If the director determines 60275
that closure of the facility within that one-year period would 60276
result in the unavailability of sufficient solid waste management 60277
facility capacity within the county or joint solid waste 60278
management district in which the facility is located to dispose of 60279
or transfer the solid waste generated within the district, the 60280
director in the order of denial or disapproval may postpone 60281
commencement of closure of the facility for such period of time as 60282
the director finds necessary for the board of county commissioners 60283
or directors of the district to secure access to or for there to 60284
be constructed within the district sufficient solid waste 60285
management facility capacity to meet the needs of the district, 60286
provided that the director shall certify in the director's order 60287
that postponing the date for commencement of closure will not 60288
endanger ground water or any property surrounding the facility, 60289
allow methane gas migration to occur, or cause or contribute to 60290
any other type of environmental damage. 60291

If an emergency need for disposal capacity that may affect 60292
public health and safety exists as a result of closure of a 60293
facility under division (A)(6) of this section, the director may 60294

issue an order designating another solid waste facility to accept 60295
the wastes that would have been disposed of at the facility to be 60296
closed. 60297

(7) If the director determines that standards more stringent 60298
than those applicable in rules adopted under division (A) of 60299
section 3734.02 of the Revised Code and division (D) of section 60300
3734.12 of the Revised Code, or standards pertaining to subjects 60301
not specifically addressed by those rules, are necessary to ensure 60302
that a solid waste facility constructed at the proposed location 60303
will not cause a nuisance, cause or contribute to water pollution, 60304
or endanger public health or safety, the director may issue a 60305
permit for the facility with such terms and conditions as the 60306
director finds necessary to protect public health and safety and 60307
the environment. If a permit is issued, the director shall state 60308
in the order issuing it the specific findings supporting each such 60309
term or condition. 60310

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 60311
not apply to a solid waste compost facility that accepts 60312
exclusively source separated yard wastes and that is registered 60313
under division (C) of section 3734.02 of the Revised Code or, 60314
unless otherwise provided in rules adopted under division (N)(3) 60315
of section 3734.02 of the Revised Code, to a solid waste compost 60316
facility if the director has adopted rules establishing an 60317
alternative system for authorizing the establishment, operation, 60318
or modification of a solid waste compost facility under that 60319
division. 60320

(9) Divisions (A)(1) to (7) of this section do not apply to 60321
scrap tire collection, storage, monocell, monofill, and recovery 60322
facilities. The approval of plans and specifications, as 60323
applicable, and the issuance of registration certificates, 60324
permits, and licenses for those facilities are subject to sections 60325
3734.75 to 3734.78 of the Revised Code, as applicable, and section 60326

3734.81 of the Revised Code. 60327

(10) Divisions (A)(3) and (4) of this section do not apply to 60328
a solid waste incinerator that was placed into operation on or 60329
before October 12, 1994, and that is not authorized to accept and 60330
treat infectious wastes pursuant to division (B) of this section. 60331

(B)(1) Each person who is engaged in the business of treating 60332
infectious wastes for profit at a treatment facility located off 60333
the premises where the wastes are generated that is in operation 60334
on August 10, 1988, and who proposes to continue operating the 60335
facility shall submit to the board of health of the health 60336
district in which the facility is located an application for a 60337
license to operate the facility. 60338

Thereafter, no person shall operate or maintain an infectious 60339
waste treatment facility without a license issued by the board of 60340
health of the health district in which the facility is located or 60341
by the director when the health district in which the facility is 60342
located is not on the approved list under section 3734.08 of the 60343
Revised Code. 60344

(2)(a) During the month of December, but before the first day 60345
of January of the next year, every person proposing to continue to 60346
operate an existing infectious waste treatment facility shall 60347
procure a license to operate the facility for that year from the 60348
board of health of the health district in which the facility is 60349
located or, if the health district is not on the approved list 60350
under section 3734.08 of the Revised Code, from the director. The 60351
application for such a license shall be submitted to the board of 60352
health or to the director, as appropriate, on or before the last 60353
day of September of the year preceding that for which the license 60354
is sought. In addition to the application fee prescribed in 60355
division (B)(2)(c) of this section, a person who submits an 60356
application after that date shall pay an additional ten per cent 60357
of the amount of the application fee for each week that the 60358

application is late. Late payment fees accompanying an application 60359
submitted to the board of health shall be credited to the special 60360
infectious waste fund of the health district created in division 60361
(C) of section 3734.06 of the Revised Code, and late payment fees 60362
accompanying an application submitted to the director shall be 60363
credited to the general revenue fund. A person who has received a 60364
license, upon sale or disposition of an infectious waste treatment 60365
facility and upon consent of the board of health and the director, 60366
may have the license transferred to another person. The board of 60367
health or the director may include such terms and conditions in a 60368
license or revision to a license as are appropriate to ensure 60369
compliance with the infectious waste provisions of this chapter 60370
and rules adopted under them. 60371

(b) Each person proposing to open a new infectious waste 60372
treatment facility or to modify an existing infectious waste 60373
treatment facility shall submit an application for a permit with 60374
accompanying detail plans and specifications to the environmental 60375
protection agency for required approval under the rules adopted by 60376
the director pursuant to section 3734.021 of the Revised Code two 60377
hundred seventy days before proposed operation of the facility and 60378
concurrently shall make application for a license with the board 60379
of health of the health district in which the facility is or is 60380
proposed to be located. Not later than ninety days after receiving 60381
a completed application under division (B)(2)(b) of this section 60382
for a permit to open a new infectious waste treatment facility or 60383
modify an existing infectious waste treatment facility to expand 60384
its treatment capacity, or receiving a completed application under 60385
division (A)(2)(a) of this section for a permit to open a new 60386
solid waste incineration facility, or modify an existing solid 60387
waste incineration facility to also treat infectious wastes or to 60388
increase its infectious waste treatment capacity, that pertains to 60389
a facility for which a notation authorizing infectious waste 60390
treatment is included or proposed to be included in the solid 60391

waste incineration facility's license pursuant to division (B)(3) 60392
of this section, the director shall hold a public hearing on the 60393
application within the county in which the new or modified 60394
infectious waste or solid waste facility is or is proposed to be 60395
located or within a contiguous county. Not less than thirty days 60396
before holding the public hearing on the application, the director 60397
shall publish notice of the hearing in each newspaper that has 60398
general circulation and that is published in the county in which 60399
the facility is or is proposed to be located. If there is no 60400
newspaper that has general circulation and that is published in 60401
the county, the director shall publish the notice in a newspaper 60402
of general circulation in the county. The notice shall contain the 60403
date, time, and location of the public hearing and a general 60404
description of the proposed new or modified facility. At the 60405
public hearing, any person may submit written or oral comments on 60406
or objections to the approval or disapproval of the application. 60407
The applicant, or a representative of the applicant who has 60408
knowledge of the location, construction, and operation of the 60409
facility, shall attend the public hearing to respond to comments 60410
or questions concerning the facility directed to the applicant or 60411
representative by the officer or employee of the environmental 60412
protection agency presiding at the hearing. 60413

(c) Each application for a permit under division (B)(2)(b) of 60414
this section shall be accompanied by a nonrefundable application 60415
fee of four hundred dollars that shall be credited to the general 60416
revenue fund. Each application for an annual license under 60417
division (B)(2)(a) of this section shall be accompanied by a 60418
nonrefundable application fee of one hundred dollars. If the 60419
application for an annual license is submitted to a board of 60420
health on the approved list under section 3734.08 of the Revised 60421
Code, the application fee shall be credited to the special 60422
infectious waste fund of the health district created in division 60423
(C) of section 3734.06 of the Revised Code. If the application for 60424

an annual license is submitted to the director, the application 60425
fee shall be credited to the general revenue fund. If a permit or 60426
license is issued, the amount of the application fee paid shall be 60427
deducted from the amount of the permit fee due under division (Q) 60428
of section 3745.11 of the Revised Code or the amount of the 60429
license fee due under division (C) of section 3734.06 of the 60430
Revised Code. 60431

(d) The owner or operator of any infectious waste treatment 60432
facility that commenced operation on or before July 1, 1968, shall 60433
submit to the director an application for a permit with 60434
accompanying engineering detail plans, specifications, and 60435
information regarding the facility and its method of operation for 60436
approval under rules adopted under section 3734.021 of the Revised 60437
Code in accordance with the following schedule: 60438

(i) Not later than December 24, 1988, if the facility is 60439
located in Delaware, Greene, Guernsey, Hamilton, Madison, 60440
Mahoning, Ottawa, or Vinton county; 60441

(ii) Not later than March 24, 1989, if the facility is 60442
located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, 60443
or Washington county, or is located in the city of Brooklyn, 60444
Cuyahoga Heights, or Parma in Cuyahoga county; 60445

(iii) Not later than June 24, 1989, if the facility is 60446
located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, 60447
Lucas, or Summit county or is located in Cuyahoga county outside 60448
the cities of Brooklyn, Cuyahoga Heights, and Parma; 60449

(iv) Not later than September 24, 1989, if the facility is 60450
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 60451
county; 60452

(v) Not later than December 24, 1989, if the facility is 60453
located in a county not listed in divisions (B)(2)(d)(i) to (iv) 60454
of this section. 60455

The owner or operator of an infectious waste treatment facility required to submit a permit application under division (B)(2)(d) of this section is not required to pay any permit application fee under division (B)(2)(c) of this section, or permit fee under division (Q) of section 3745.11 of the Revised Code, with respect thereto unless the owner or operator also proposes to modify the facility.

(e) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of an infectious waste treatment facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(f) The director shall act upon an application submitted under division (B)(2)(d) of this section and any updated engineering plans, specifications, and information submitted under division (B)(2)(e) of this section within one hundred eighty days after receiving them. If the director denies any such permit application or disapproves any such updated engineering plans, specifications, and information, the director shall include in the order denying the application or disapproving the plans the requirement that the owner or operator cease accepting infectious wastes for treatment at the facility.

(3) Division (B) of this section does not apply to an

infectious waste treatment facility that meets any of the 60488
following conditions: 60489

(a) Is owned or operated by the generator of the wastes and 60490
exclusively treats, by methods, techniques, and practices 60491
established by rules adopted under division (C)(1) or (3) of 60492
section 3734.021 of the Revised Code, wastes that are generated at 60493
any premises owned or operated by that generator regardless of 60494
whether the wastes are generated on the same premises where the 60495
generator's treatment facility is located or, if the generator is 60496
a hospital as defined in section 3727.01 of the Revised Code, 60497
infectious wastes that are described in division (A)(1)(g), (h), 60498
or (i) of section 3734.021 of the Revised Code; 60499

(b) Holds a license or renewal of a license to operate a 60500
crematory facility issued under Chapter 4717. and a permit issued 60501
under Chapter 3704. of the Revised Code; 60502

(c) Treats or disposes of dead animals or parts thereof, or 60503
the blood of animals, and is subject to any of the following: 60504

(i) Inspection under the "Federal Meat Inspection Act," 81 60505
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 60506

(ii) Chapter 918. of the Revised Code; 60507

(iii) Chapter 953. of the Revised Code. 60508

Nothing in division (B) of this section requires a facility 60509
that holds a license issued under division (A) of this section as 60510
a solid waste facility and that also treats infectious wastes by 60511
the same method, technique, or process to obtain a license under 60512
division (B) of this section as an infectious waste treatment 60513
facility. However, the solid waste facility license for the 60514
facility shall include the notation that the facility also treats 60515
infectious wastes. 60516

On and after the effective date of the amendments to the 60517

rules adopted under division (C)(2) of section 3734.021 of the Revised Code that are required by Section 6 of Substitute House Bill No. 98 of the 120th General Assembly, the director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in the required amendments to those rules.

(C) Except for a facility or activity described in division (E)(3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located of the submission of the application within ten days after the submission or at such earlier time as the director may establish by rule. If the application is for a proposed new hazardous waste disposal or thermal treatment facility, the applicant also shall give actual notice of the general design and purpose of the facility to the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located at least ninety days before the permit application is submitted to the environmental protection agency.

In accordance with rules adopted under section 3734.12 of the Revised Code, prior to the submission of a complete application for a hazardous waste facility installation and operation permit, the applicant shall hold at least one meeting in the township or municipal corporation in which the facility is proposed to be

located, whichever is geographically closer to the proposed 60550
location of the facility. The meeting shall be open to the public 60551
and shall be held to inform the community of the proposed 60552
hazardous waste management activities and to solicit questions 60553
from the community concerning the activities. 60554

(D)(1) Except as provided in section 3734.123 of the Revised 60555
Code, upon receipt of a complete application for a hazardous waste 60556
facility installation and operation permit under division (C) of 60557
this section, the director shall consider the application and 60558
accompanying information to determine whether the application 60559
complies with agency rules and the requirements of division (D)(2) 60560
of this section. After making a determination, the director shall 60561
issue either a draft permit or a notice of intent to deny the 60562
permit. The director, in accordance with rules adopted under 60563
section 3734.12 of the Revised Code or with rules adopted to 60564
implement Chapter 3745. of the Revised Code, shall provide public 60565
notice of the application and the draft permit or the notice of 60566
intent to deny the permit, provide an opportunity for public 60567
comments, and, if significant interest is shown, schedule a public 60568
meeting in the county in which the facility is proposed to be 60569
located and give public notice of the date, time, and location of 60570
the public meeting in a newspaper of general circulation in that 60571
county. 60572

(2) The director shall not approve an application for a 60573
hazardous waste facility installation and operation permit or an 60574
application for a modification under division (I)(3) of this 60575
section unless the director finds and determines as follows: 60576

(a) The nature and volume of the waste to be treated, stored, 60577
or disposed of at the facility; 60578

(b) That the facility complies with the director's hazardous 60579
waste standards adopted pursuant to section 3734.12 of the Revised 60580
Code; 60581

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following:

(i) Fires or explosions from treatment, storage, or disposal methods;

(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;

(iii) Adverse impact on the public health and safety.

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential

for harm to the public health and safety and the environment that 60613
could result from the irresponsible operation of the facility. For 60614
off-site facilities, as defined in section 3734.41 of the Revised 60615
Code, the director may use the investigative reports of the 60616
attorney general prepared pursuant to section 3734.42 of the 60617
Revised Code as a basis for making a finding and determination 60618
under division (D)(2)(f) of this section. 60619

(g) That the active areas within a new hazardous waste 60620
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 60621
(e), as amended, or organic waste that is toxic and is listed 60622
under 40 C.F.R. 261, as amended, is being stored, treated, or 60623
disposed of and where the aggregate of the storage design capacity 60624
and the disposal design capacity of all hazardous waste in those 60625
areas is greater than two hundred fifty thousand gallons, are not 60626
located or operated within any of the following: 60627

(i) Two thousand feet of any residence, school, hospital, 60628
jail, or prison; 60629

(ii) Any naturally occurring wetland; 60630

(iii) Any flood hazard area if the applicant cannot show that 60631
the facility will be designed, constructed, operated, and 60632
maintained to prevent washout by a one-hundred-year flood. 60633

Division (D)(2)(g) of this section does not apply to the 60634
facility of any applicant who demonstrates to the director that 60635
the limitations specified in that division are not necessary 60636
because of the nature or volume of the waste and the manner of 60637
management applied, the facility will impose no substantial danger 60638
to the health and safety of persons occupying the structures 60639
listed in division (D)(2)(g)(i) of this section, and the facility 60640
is to be located or operated in an area where the proposed 60641
hazardous waste activities will not be incompatible with existing 60642
land uses in the area. 60643

(h) That the facility will not be located within the 60644
boundaries of a state park established or dedicated under Chapter 60645
1541. of the Revised Code, a state park purchase area established 60646
under section 1541.02 of the Revised Code, any unit of the 60647
national park system, or any property that lies within the 60648
boundaries of a national park or recreation area, but that has not 60649
been acquired or is not administered by the secretary of the 60650
United States department of the interior, located in this state, 60651
or any candidate area located in this state identified for 60652
potential inclusion in the national park system in the edition of 60653
the "national park system plan" submitted under paragraph (b) of 60654
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 60655
U.S.C.A. 1a-5, as amended, current at the time of filing of the 60656
application for the permit, unless the facility will be used 60657
exclusively for the storage of hazardous waste generated within 60658
the park or recreation area in conjunction with the operation of 60659
the park or recreation area. Division (D)(2)(h) of this section 60660
does not apply to the facility of any applicant for modification 60661
of a permit unless the modification application proposes to 60662
increase the land area included in the facility or to increase the 60663
quantity of hazardous waste that will be treated, stored, or 60664
disposed of at the facility. 60665

(3) Not later than one hundred eighty days after the end of 60666
the public comment period, the director, without prior hearing, 60667
shall issue or deny the permit in accordance with Chapter 3745. of 60668
the Revised Code. If the director approves an application for a 60669
hazardous waste facility installation and operation permit, the 60670
director shall issue the permit, upon such terms and conditions as 60671
the director finds are necessary to ensure the construction and 60672
operation of the hazardous waste facility in accordance with the 60673
standards of this section. 60674

(E)÷ No political subdivision of this state shall require any 60675

additional zoning or other approval, consent, permit, certificate, 60676
or condition for the construction or operation of a hazardous 60677
waste facility authorized by a hazardous waste facility 60678
installation and operation permit issued pursuant to this chapter, 60679
nor shall any political subdivision adopt or enforce any law, 60680
ordinance, or rule that in any way alters, impairs, or limits the 60681
authority granted in the permit. 60682

(F) The director may issue a single hazardous waste facility 60683
installation and operation permit to a person who operates two or 60684
more adjoining facilities where hazardous waste is stored, 60685
treated, or disposed of if the application includes detail plans, 60686
specifications, and information on all facilities. For the 60687
purposes of this section, "adjoining" means sharing a common 60688
boundary, separated only by a public road, or in such proximity 60689
that the director determines that the issuance of a single permit 60690
will not create a hazard to the public health or safety or the 60691
environment. 60692

(G) No person shall falsify or fail to keep or submit any 60693
plans, specifications, data, reports, records, manifests, or other 60694
information required to be kept or submitted to the director by 60695
this chapter or the rules adopted under it. 60696

(H)(1) Each person who holds an installation and operation 60697
permit issued under this section and who wishes to obtain a permit 60698
renewal shall submit a completed application for an installation 60699
and operation permit renewal and any necessary accompanying 60700
general plans, detail plans, specifications, and such information 60701
as the director may require to the director no later than one 60702
hundred eighty days prior to the expiration date of the existing 60703
permit or upon a later date prior to the expiration of the 60704
existing permit if the permittee can demonstrate good cause for 60705
the late submittal. The director shall consider the application 60706
and accompanying information, inspection reports of the facility, 60707

results of performance tests, a report regarding the facility's 60708
compliance or noncompliance with the terms and conditions of its 60709
permit and rules adopted by the director under this chapter, and 60710
such other information as is relevant to the operation of the 60711
facility and shall issue a draft renewal permit or a notice of 60712
intent to deny the renewal permit. The director, in accordance 60713
with rules adopted under this section or with rules adopted to 60714
implement Chapter 3745. of the Revised Code, shall give public 60715
notice of the application and draft renewal permit or notice of 60716
intent to deny the renewal permit, provide for the opportunity for 60717
public comments within a specified time period, schedule a public 60718
meeting in the county in which the facility is located if 60719
significant interest is shown, and give public notice of the 60720
public meeting. 60721

(2) Within sixty days after the public meeting or close of 60722
the public comment period, the director, without prior hearing, 60723
shall issue or deny the renewal permit in accordance with Chapter 60724
3745. of the Revised Code. The director shall not issue a renewal 60725
permit unless the director determines that the facility under the 60726
existing permit has a history of compliance with this chapter, 60727
rules adopted under it, the existing permit, or orders entered to 60728
enforce such requirements that demonstrates sufficient 60729
reliability, expertise, and competency to operate the facility 60730
henceforth under this chapter, rules adopted under it, and the 60731
renewal permit. If the director approves an application for a 60732
renewal permit, the director shall issue the permit subject to the 60733
payment of the annual permit fee required under division (E) of 60734
section 3734.02 of the Revised Code and upon such terms and 60735
conditions as the director finds are reasonable to ensure that 60736
continued operation, maintenance, closure, and post-closure care 60737
of the hazardous waste facility are in accordance with the rules 60738
adopted under section 3734.12 of the Revised Code. 60739

(3) An installation and operation permit renewal application submitted to the director that also contains or would constitute an application for a modification shall be acted upon by the director in accordance with division (I) of this section in the same manner as an application for a modification. In approving or disapproving the renewal portion of a permit renewal application containing an application for a modification, the director shall apply the criteria established under division (H)(2) of this section.

(4) An application for renewal or modification of a permit that does not contain an application for a modification as described in divisions (I)(3)(a) to (d) of this section shall not be subject to division (D)(2) of this section.

(I)(1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the director under divisions (I)(3)(a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I)(5) of this section. Not later than thirty days after receiving a request for a modification under division (I)(4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, any modification that involves the transfer of a

hazardous waste facility installation and operation permit to a 60772
new owner or operator for an off-site facility as defined in 60773
section 3734.41 of the Revised Code shall be classified as a Class 60774
3 modification. The transfer of a hazardous waste facility 60775
installation and operation permit to a new owner or operator for a 60776
facility that is not an off-site facility shall be classified as a 60777
Class 1 modification requiring prior approval of the director. 60778

(2) Except as provided in section 3734.123 of the Revised 60779
Code, a hazardous waste facility installation and operation permit 60780
may be modified at the request of the director or upon the written 60781
request of the permittee only if any of the following applies: 60782

(a) The permittee desires to accomplish alterations, 60783
additions, or deletions to the permitted facility or to undertake 60784
alterations, additions, deletions, or activities that are 60785
inconsistent with or not authorized by the existing permit; 60786

(b) New information or data justify permit conditions in 60787
addition to or different from those in the existing permit; 60788

(c) The standards, criteria, or rules upon which the existing 60789
permit is based have been changed by new, amended, or rescinded 60790
standards, criteria, or rules, or by judicial decision after the 60791
existing permit was issued, and the change justifies permit 60792
conditions in addition to or different from those in the existing 60793
permit; 60794

(d) The permittee proposes to transfer the permit to another 60795
person. 60796

(3) The director shall approve or disapprove an application 60797
for a modification in accordance with division (D)(2) of this 60798
section and rules adopted under division (K) of this section for 60799
all of the following categories of Class 3 modifications: 60800

(a) Authority to conduct treatment, storage, or disposal at a 60801
site, location, or tract of land that has not been authorized for 60802

the proposed category of treatment, storage, or disposal activity 60803
by the facility's permit; 60804

(b) Modification or addition of a hazardous waste management 60805
unit, as defined in rules adopted under section 3734.12 of the 60806
Revised Code, that results in an increase in a facility's storage 60807
capacity of more than twenty-five per cent over the capacity 60808
authorized by the facility's permit, an increase in a facility's 60809
treatment rate of more than twenty-five per cent over the rate so 60810
authorized, or an increase in a facility's disposal capacity over 60811
the capacity so authorized. The authorized disposal capacity for a 60812
facility shall be calculated from the approved design plans for 60813
the disposal units at that facility. In no case during a five-year 60814
period shall a facility's storage capacity or treatment rate be 60815
modified to increase by more than twenty-five per cent in the 60816
aggregate without the director's approval in accordance with 60817
division (D)(2) of this section. Notwithstanding any provision of 60818
division (I) of this section to the contrary, a request for 60819
modification of a facility's annual total waste receipt limit 60820
shall be classified and approved or disapproved by the director 60821
under division (I)(5) of this section. 60822

(c) Authority to add any of the following categories of 60823
regulated activities not previously authorized at a facility by 60824
the facility's permit: storage at a facility not previously 60825
authorized to store hazardous waste, treatment at a facility not 60826
previously authorized to treat hazardous waste, or disposal at a 60827
facility not previously authorized to dispose of hazardous waste; 60828
or authority to add a category of hazardous waste management unit 60829
not previously authorized at the facility by the facility's 60830
permit. Notwithstanding any provision of division (I) of this 60831
section to the contrary, a request for authority to add or to 60832
modify an activity or a hazardous waste management unit for the 60833
purposes of performing a corrective action shall be classified and 60834

approved or disapproved by the director under division (I)(5) of 60835
this section. 60836

(d) Authority to treat, store, or dispose of waste types 60837
listed or characterized as reactive or explosive, in rules adopted 60838
under section 3734.12 of the Revised Code, or any acute hazardous 60839
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 60840
previously authorized to treat, store, or dispose of those types 60841
of wastes by the facility's permit unless the requested authority 60842
is limited to wastes that no longer exhibit characteristics 60843
meeting the criteria for listing or characterization as reactive 60844
or explosive wastes, or for listing as acute hazardous waste, but 60845
still are required to carry those waste codes as established in 60846
rules adopted under section 3734.12 of the Revised Code because of 60847
the requirements established in 40 C.F.R. 261(a) and (e), as 60848
amended, that is, the "mixture," "derived-from," or "contained-in" 60849
regulations. 60850

(4) A written request for a modification from the permittee 60851
shall be submitted to the director and shall contain such 60852
information as is necessary to support the request. Requests for 60853
modifications shall be acted upon by the director in accordance 60854
with this section and rules adopted under it. 60855

(5) Class 1 modification applications that require prior 60856
approval of the director, as provided in division (I)(1) of this 60857
section or as determined in accordance with rules adopted under 60858
division (K) of this section, Class 2 modification applications, 60859
and Class 3 modification applications that are not described in 60860
divisions (I)(3)(a) to (d) of this section shall be approved or 60861
disapproved by the director in accordance with rules adopted under 60862
division (K) of this section. The board of county commissioners of 60863
the county, the board of township trustees of the township, and 60864
the city manager or mayor of the municipal corporation in which a 60865
hazardous waste facility is located shall receive notification of 60866

any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application.

~~For those modification applications for a transfer of a permit to a new owner or operator of a facility, the director also shall determine that, if the transferee owner or operator has been involved in any prior activity involving the transportation, treatment, storage, or disposal of hazardous waste, the transferee owner or operator has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of another state if the transferee owner or operator owns or operates a facility in that state, that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under this chapter and Chapters 3704. and 6111. of the Revised Code, all rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. A permit may be transferred to a new owner or operator only pursuant to a Class 3 permit modification.~~

~~As used in division (I)(5) of this section:~~

~~(a) "Owner" means the person who owns a majority or controlling interest in a facility.~~

~~(b) "Operator" means the person who is responsible for the overall operation of a facility.~~

The director shall approve or disapprove an application for a Class 1 modification that requires the director's approval within

sixty days after receiving the request for modification. The 60898
director shall approve or disapprove an application for a Class 2 60899
modification within three hundred days after receiving the request 60900
for modification. The director shall approve or disapprove an 60901
application for a Class 3 modification within three hundred 60902
sixty-five days after receiving the request for modification. 60903

(6) The approval or disapproval by the director of a Class 1 60904
modification application is not a final action that is appealable 60905
under Chapter 3745. of the Revised Code. The approval or 60906
disapproval by the director of a Class 2 modification or a Class 3 60907
modification is a final action that is appealable under that 60908
chapter. In approving or disapproving a request for a 60909
modification, the director shall consider all comments pertaining 60910
to the request that are received during the public comment period 60911
and the public meetings. The administrative record for appeal of a 60912
final action by the director in approving or disapproving a 60913
request for a modification shall include all comments received 60914
during the public comment period relating to the request for 60915
modification, written materials submitted at the public meetings 60916
relating to the request, and any other documents related to the 60917
director's action. 60918

(7) Notwithstanding any other provision of law to the 60919
contrary, a change or alteration to a hazardous waste facility 60920
described in division (E)(3)(a) or (b) of section 3734.02 of the 60921
Revised Code, or its operations, is a modification for the 60922
purposes of this section. An application for a modification at 60923
such a facility shall be submitted, classified, and approved or 60924
disapproved in accordance with divisions (I)(1) to (6) of this 60925
section in the same manner as a modification to a hazardous waste 60926
facility installation and operation permit. 60927

(J)(1) Except as provided in division (J)(2) of this section, 60928
an owner or operator of a hazardous waste facility that is 60929

operating in accordance with a permit by rule under rules adopted 60930
by the director under division (E)(3)(b) of section 3734.02 of the 60931
Revised Code shall submit either a hazardous waste facility 60932
installation and operation permit application for the facility or 60933
a modification application, whichever is required under division 60934
(J)(1)(a) or (b) of this section, within one hundred eighty days 60935
after the director has requested the application or upon a later 60936
date if the owner or operator demonstrates to the director good 60937
cause for the late submittal. 60938

(a) If the owner or operator does not have a hazardous waste 60939
facility installation and operation permit for any hazardous waste 60940
treatment, storage, or disposal activities at the facility, the 60941
owner or operator shall submit an application for such a permit to 60942
the director for the activities authorized by the permit by rule. 60943
Notwithstanding any other provision of law to the contrary, the 60944
director shall approve or disapprove the application for the 60945
permit in accordance with the procedures governing the approval or 60946
disapproval of permit renewals under division (H) of this section. 60947

(b) If the owner or operator has a hazardous waste facility 60948
installation and operation permit for hazardous waste treatment, 60949
storage, or disposal activities at the facility other than those 60950
authorized by the permit by rule, the owner or operator shall 60951
submit to the director a request for modification in accordance 60952
with division (I) of this section. Notwithstanding any other 60953
provision of law to the contrary, the director shall approve or 60954
disapprove the modification application in accordance with 60955
division (I)(5) of this section. 60956

(2) The owner or operator of a boiler or industrial furnace 60957
that is conducting thermal treatment activities in accordance with 60958
a permit by rule under rules adopted by the director under 60959
division (E)(3)(b) of section 3734.02 of the Revised Code shall 60960
submit a hazardous waste facility installation and operation 60961

permit application if the owner or operator does not have such a 60962
permit for any hazardous waste treatment, storage, or disposal 60963
activities at the facility or, if the owner or operator has such a 60964
permit for hazardous waste treatment, storage, or disposal 60965
activities at the facility other than thermal treatment activities 60966
authorized by the permit by rule, a modification application to 60967
add those activities authorized by the permit by rule, whichever 60968
is applicable, within one hundred eighty days after the director 60969
has requested the submission of the application or upon a later 60970
date if the owner or operator demonstrates to the director good 60971
cause for the late submittal. The application shall be accompanied 60972
by information necessary to support the request. The director 60973
shall approve or disapprove an application for a hazardous waste 60974
facility installation and operation permit in accordance with 60975
division (D) of this section and approve or disapprove an 60976
application for a modification in accordance with division (I)(3) 60977
of this section, except that the director shall not disapprove an 60978
application for the thermal treatment activities on the basis of 60979
the criteria set forth in division (D)(2)(g) or (h) of this 60980
section. 60981

(3) As used in division (J) of this section: 60982

(a) "Modification application" means a request for a 60983
modification submitted in accordance with division (I) of this 60984
section. 60985

(b) "Thermal treatment," "boiler," and "industrial furnace" 60986
have the same meanings as in rules adopted under section 3734.12 60987
of the Revised Code. 60988

(K) The director shall adopt, and may amend, suspend, or 60989
rescind, rules in accordance with Chapter 119. of the Revised Code 60990
in order to implement divisions (H) and (I) of this section. 60991
Except when in actual conflict with this section, rules governing 60992
the classification of and procedures for the modification of 60993

hazardous waste facility installation and operation permits shall 60994
be substantively and procedurally identical to the regulations 60995
governing hazardous waste facility permitting and permit 60996
modifications adopted under the "Resource Conservation and 60997
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 60998
amended. 60999

Sec. 3734.28. ~~All~~ Except as otherwise provided in section 61000
3734.282 of the Revised Code, moneys collected under sections 61001
3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the 61002
Revised Code and ~~natural resource damages collected by the state~~ 61003
under the "Comprehensive Environmental Response, Compensation, and 61004
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 61005
amended, shall be paid into the state treasury to the credit of 61006
the hazardous waste clean-up fund, which is hereby created. In 61007
addition, any moneys recovered for costs paid from the fund for 61008
activities described in ~~division~~ divisions (A)(1) and (2) of 61009
section 3745.12 of the Revised Code shall be credited to the fund. 61010
The environmental protection agency shall use the moneys in the 61011
fund for the purposes set forth in division (D) of section 61012
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 61013
3734.26, and 3734.27, ~~and, through October 15, 2005,~~ divisions 61014
(A)(1) and (2) of section 3745.12, and Chapter 3746. of the 61015
Revised Code, including any related enforcement expenses. In 61016
addition, the agency shall use the moneys in the fund to pay the 61017
state's long-term operation and maintenance costs or matching 61018
share for actions taken under the "Comprehensive Environmental 61019
Response, Compensation, and Liability Act of 1980," as amended. If 61020
those moneys are reimbursed by grants or other moneys from the 61021
United States or any other person, the moneys shall be placed in 61022
the fund and not in the general revenue fund. 61023

The director of environmental protection may enter into 61024
contracts and grant agreements with federal, state, or local 61025

government agencies, nonprofit organizations, and colleges and 61026
universities for the purpose of carrying out the responsibilities 61027
of the environmental protection agency for which money may be 61028
expended from the fund. 61029

Sec. 3734.281. ~~Notwithstanding any provision of law to the~~ 61030
~~contrary, any moneys set aside by the state for the cleanup and~~ 61031
~~remediation of the Ashtabula river; any~~ Except as otherwise 61032
provided in section 3734.282 of the Revised Code, moneys collected 61033
from judgements for the state or settlements ~~made by~~ with the 61034
director of environmental protection, including those associated 61035
with bankruptcies, related to actions brought under Chapter 3714. 61036
and section 3734.13, 3734.20, 3734.22, 6111.03, or 6111.04 of the 61037
Revised Code; and ~~any~~ moneys received under the "Comprehensive 61038
Environmental Response, Compensation, and Liability Act of 1980," 61039
94 Stat. 2767, 42 U.S.C. ~~9602~~ 9601 et seq., as amended, may be 61040
paid into the state treasury to the credit of the environmental 61041
protection remediation fund, which is hereby created. The 61042
environmental protection agency shall use the moneys in the fund 61043
only for the purpose of remediating conditions at a hazardous 61044
waste facility, a solid waste facility, a construction and 61045
demolition debris facility licensed under Chapter 3714. of the 61046
Revised Code, or another location at which the director has reason 61047
to believe there is a substantial threat to public health or 61048
safety or the environment. Remediation may include the direct and 61049
indirect costs associated with the overseeing, supervising, 61050
performing, verifying, or reviewing of remediation activities by 61051
agency employees. All investment earnings of the fund shall be 61052
credited to the fund. 61053

The director of environmental protection may enter into 61054
contracts and grant agreements with federal, state, or local 61055
government agencies, nonprofit organizations, and colleges and 61056
universities for the purpose of carrying out the responsibilities 61057

of the environmental protection agency for which money may be 61058
expended from the fund. 61059

Sec. 3734.282. All money collected by the state for natural 61060
resources damages under the "Comprehensive Environmental Response, 61061
Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 61062
9601 et seq., as amended, the "Oil Pollution Act of 1990," 104 61063
Stat. 484, 33 U.S.C. 2701 et seq., as amended, the "Clean Water 61064
Act," 86 Stat. 862, 33 U.S.C. 1321, as amended, or any other 61065
applicable federal or state law shall be paid into the state 61066
treasury to the credit of the natural resource damages fund, which 61067
is hereby created. The director of environmental protection shall 61068
use money in the fund only in accordance with the purposes of and 61069
the limitations on natural resources damages set forth in the 61070
"Comprehensive Environmental Response, Compensation, and Liability 61071
Act of 1980," as amended, the "Oil Pollution Act of 1990," as 61072
amended, the "Clean Water Act," as amended, or another applicable 61073
federal or state law. All investment earnings of the fund shall be 61074
credited to the fund. 61075

The director of environmental protection may enter into 61076
contracts and grant agreements with federal, state, or local 61077
government agencies, nonprofit organizations, and colleges and 61078
universities for the purpose of carrying out the director's 61079
responsibilities for which money may be expended from the fund. 61080

Sec. 3734.53. (A) The solid waste management plan of any 61081
county or joint solid waste management district shall be prepared 61082
in a format prescribed by the director of environmental protection 61083
and shall provide for compliance with the objectives of the state 61084
solid waste management plan and rules adopted under section 61085
3734.50 of the Revised Code. The plan shall provide for, 61086
demonstrate, and certify the availability of and access to 61087
sufficient solid waste management facility capacity to meet the 61088

solid waste management needs of the district for the ten-year 61089
period covered by the plan. The solid waste management policy 61090
committee of a county or joint district created in section 3734.54 61091
of the Revised Code may prepare and submit a solid waste 61092
management plan that covers and makes the required demonstration 61093
for a longer period of time. 61094

The solid waste management plan shall contain all of the 61095
following: 61096

(1) An inventory of the sources, composition, and quantities 61097
of solid wastes generated in the district during the current year; 61098

(2) An inventory of all existing facilities where solid 61099
wastes are being disposed of, all resource recovery facilities, 61100
and all recycling activities within the district. The inventory 61101
shall identify each such facility or activity and, for each 61102
disposal facility, shall estimate the remaining disposal capacity 61103
available at the facility. The inventory shall be accompanied by a 61104
map that shows the location of each such existing facility or 61105
activity. 61106

(3) An inventory of existing solid waste collection systems 61107
and routes, transportation systems and routes, and transfer 61108
facilities within the district. The inventory shall identify the 61109
entities engaging in solid waste collection within the district. 61110

(4) An inventory of open dumping sites for solid wastes, 61111
including solid wastes consisting of scrap tires, and facilities 61112
for the disposal of fly ash and bottom ash, foundry sand, and slag 61113
within the district. The inventory shall identify each such site 61114
or facility and shall be accompanied by a map that shows the 61115
location of each of them. 61116

(5) A projection of population changes within the district 61117
during the next ten years; 61118

(6) For each year of the forecast period, projections of the 61119

amounts and composition of solid wastes that will be generated 61120
within the district, the amounts of solid wastes originating 61121
outside the district that will be brought into the district for 61122
disposal or resource recovery, the nature of industrial activities 61123
within the district, and the effect of newly regulated waste 61124
streams, solid waste minimization activities, and solid waste 61125
recycling and reuse activities on solid waste generation rates. 61126
For each year of the forecast period, projections of waste 61127
quantities shall be compiled as an aggregate quantity of wastes. 61128

(7) An identification of the additional solid waste 61129
management facilities and the amount of additional capacity needed 61130
to dispose of the quantities of wastes projected in division 61131
(A)(6) of this section; 61132

(8) A strategy for identification of sites for the additional 61133
solid waste management facilities and capacity identified under 61134
division (A)(7) of this section; 61135

(9) An analysis and comparison of the capital and operating 61136
costs of the solid waste disposal facilities, solid waste resource 61137
recovery facilities, and solid waste recycling and reuse 61138
activities necessary to meet the solid waste management needs of 61139
the district, projected in five- and ten-year increments; 61140

(10) An analysis of expenses for which the district is liable 61141
under section 3734.35 of the Revised Code; 61142

(11) A projection of solid waste transfer facilities that 61143
will be needed in conjunction with existing solid waste facilities 61144
and those projected under division (A)(7) of this section; 61145

(12) Such other projections as the district considers 61146
necessary or appropriate to ascertain and meet the solid waste 61147
management needs of the district during the period covered by the 61148
plan; 61149

(13) A schedule for implementation of the plan that, when 61150

applicable, contains all of the following: 61151

(a) An identification of the solid waste disposal, transfer, 61152
and resource recovery facilities and recycling activities 61153
contained in the plan where solid wastes generated within or 61154
transported into the district will be taken for disposal, 61155
transfer, resource recovery, or recycling. An initial or amended 61156
plan prepared and ordered to be implemented by the director under 61157
section 3734.521, 3734.55, or 3734.56 of the Revised Code may 61158
designate solid waste disposal, transfer, or resource recovery 61159
facilities or recycling activities that are owned by a municipal 61160
corporation, county, county or joint solid waste management 61161
district, township, or township waste disposal district created 61162
under section 505.28 of the Revised Code for which debt issued 61163
under Chapter 133., 343., or 6123. of the Revised Code is 61164
outstanding where solid wastes generated within or transported 61165
into the district shall be taken for disposal, transfer, resource 61166
recovery, or recycling. 61167

(b) A schedule for closure of existing solid waste 61168
facilities, expansion of existing facilities, and establishment of 61169
new facilities. The schedule for expansion of existing facilities 61170
or establishment of new facilities shall include, without 61171
limitation, the approximate dates for filing applications for 61172
appropriate permits to install or modify those facilities under 61173
section 3734.05 of the Revised Code. 61174

(c) A schedule for implementation of solid waste recycling, 61175
reuse, and reduction programs needed to meet the waste reduction, 61176
recycling, reuse, and minimization objectives of the state solid 61177
waste management plan and rules adopted by the director under 61178
section 3734.50 of the Revised Code; 61179

(d) The methods of financing implementation of the plan and a 61180
demonstration of the availability of financial resources for that 61181
purpose. 61182

(14) A program for providing informational or technical assistance regarding source reduction to solid waste generators, or particular categories of solid waste generators, within the district. The plan shall set forth the types of assistance to be provided by the district and the specific categories of generators that are to be served. The district has the sole discretion to determine the types of assistance that are to be provided under the program and the categories of generators to be served by it.

(B) In addition to the information, projections, demonstrations, and certification required by division (A) of this section, a plan shall do all of the following:

(1) Establish the schedule of fees, if any, to be levied under divisions (B)(1) to (3) of section 3734.57 of the Revised Code;

(2) Establish the fee, if any, to be levied under division (A) of section 3734.573 of the Revised Code;

(3) Contain provisions governing the allocation among the purposes enumerated in divisions (G)(1) to (10) of section 3734.57 of the Revised Code of the moneys credited to the special fund of the district under division (G) of that section that are available for expenditure by the district under that division. The plan shall do all of the following:

(a) Ensure that sufficient of the moneys so credited to and available from the special fund are available for use by the solid waste management policy committee of the district at the time the moneys are needed to monitor implementation of the plan and conduct its periodic review and amendment as required under section 3734.56 of the Revised Code;

(b) Contain provisions governing the allocation and distribution of moneys credited to and available from the special fund of the district to health districts within the county or

joint district that have approved programs under section 3734.08 61214
of the Revised Code for the purposes of division (G)(3) of section 61215
3734.57 of the Revised Code; 61216

(c) Contain provisions governing the allocation and 61217
distribution of moneys credited to and available from the special 61218
fund of the district to the county in which solid waste facilities 61219
are or are to be located and operated under the plan for the 61220
purposes of division (G)(4) of section 3734.57 of the Revised 61221
Code; 61222

(d) Contain provisions governing the allocation and 61223
distribution, pursuant to contracts entered into for that purpose, 61224
of moneys credited to and available from the special fund of the 61225
district to boards of health within the district in which solid 61226
waste facilities contained in the district's plan are located for 61227
the purposes of division (G)(5) of section 3734.57 of the Revised 61228
Code. 61229

(4) Incorporate all solid waste recycling activities that 61230
were in operation within the district on the effective date of the 61231
plan. 61232

(C) The solid waste management plan of a county or joint 61233
district may provide for the adoption of rules under division (G) 61234
of section 343.01 of the Revised Code after approval of the plan 61235
under section 3734.521 or 3734.55 of the Revised Code doing any or 61236
all of the following: 61237

(1) Prohibiting or limiting the receipt at facilities ~~covered~~ 61238
by the plan located within the solid waste management district of 61239
solid wastes generated outside the district or outside a 61240
prescribed service area consistent with the projections under 61241
divisions (A)(6) and (7) of this section, ~~except that.~~ However, 61242
rules adopted by a board under division (C)(1) of this section may 61243
be adopted and enforced with respect to facilities in the solid 61244

waste management district that are not owned by a county or the 61245
solid waste management district only if the board submits an 61246
application to the director of environmental protection that 61247
demonstrates that there is insufficient capacity to dispose of all 61248
solid wastes that are generated within the district at the 61249
facilities located within the district and the director approves 61250
the application. The demonstration in the application shall be 61251
based on projections contained in the plan or amended plan of the 61252
district. The director shall establish the form of the 61253
application. The approval or disapproval of such an application by 61254
the director is an action that is appealable under section 3745.04 61255
of the Revised Code. 61256

In addition, the director of environmental protection may 61257
issue an order modifying a rule authorized to be adopted under 61258
division (C)(1) of this section to allow the disposal in the 61259
district of wastes from another county or joint solid waste 61260
management district if all of the following apply: 61261

(a) The district in which the wastes were generated does not 61262
have sufficient capacity to dispose of solid wastes generated 61263
within it for six months following the date of the director's 61264
order; 61265

(b) No new solid waste facilities will begin operation during 61266
those six months in the district in which the wastes were 61267
generated and, despite good faith efforts to do so, it is 61268
impossible to site new solid waste facilities within the district 61269
because of its high population density; 61270

(c) The district in which the wastes were generated has made 61271
good faith efforts to negotiate with other districts to 61272
incorporate its disposal needs within those districts' solid waste 61273
management plans, including efforts to develop joint facilities 61274
authorized under section 343.02 of the Revised Code, and the 61275
efforts have been unsuccessful; 61276

(d) The district in which the wastes were generated has 61277
located a facility willing to accept the district's solid wastes 61278
for disposal within the receiving district; 61279

(e) The district in which the wastes were generated has 61280
demonstrated to the director that the conditions specified in 61281
divisions (C)(1)(a) to (d) of this section have been met; 61282

(f) The director finds that the issuance of the order will be 61283
consistent with the state solid waste management plan and that 61284
receipt of the out-of-district wastes will not limit the capacity 61285
of the receiving district to dispose of its in-district wastes to 61286
less than eight years. Any order issued under division (C)(1) of 61287
this section shall not become final until thirty days after it has 61288
been served by certified mail upon the county or joint solid waste 61289
management district that will receive the out-of-district wastes. 61290

(2) Governing the maintenance, protection, and use of solid 61291
waste collection, storage, disposal, transfer, recycling, 61292
processing, and resource recovery facilities within the district 61293
and requiring the submission of general plans and specifications 61294
for the construction, enlargement, or modification of any such 61295
facility to the board of county commissioners or board of 61296
directors of the district for review and approval as complying 61297
with the plan or amended plan of the district; 61298

(3) Governing development and implementation of a program for 61299
the inspection of solid wastes generated outside the boundaries of 61300
the state that are being disposed of at solid waste facilities 61301
included in the district's plan; 61302

(4) Exempting the owner or operator of any existing or 61303
proposed solid waste facility provided for in the plan from 61304
compliance with any amendment to a township zoning resolution 61305
adopted under section 519.12 of the Revised Code or to a county 61306
rural zoning resolution adopted under section 303.12 of the 61307

Revised Code that rezoned or redistricted the parcel or parcels 61308
upon which the facility is to be constructed or modified and that 61309
became effective within two years prior to the filing of an 61310
application for a permit required under division (A)(2)(a) of 61311
section 3734.05 of the Revised Code to open a new or modify an 61312
existing solid waste facility. 61313

(D) Except for the inventories required by divisions (A)(1), 61314
(2), and (4) of this section and the projections required by 61315
division (A)(6) of this section, neither this section nor the 61316
solid waste management plan of a county or joint district applies 61317
to the construction, operation, use, repair, or maintenance of 61318
either of the following: 61319

(1) A solid waste facility owned by a generator of solid 61320
wastes when the solid waste facility exclusively disposes of solid 61321
wastes generated at one or more premises owned by the generator 61322
regardless of whether the facility is located on a premises where 61323
the wastes are generated; 61324

(2) A facility that exclusively disposes of wastes that are 61325
generated from the combustion of coal, or from the combustion of 61326
primarily coal in combination with scrap tires, that is not 61327
combined in any way with garbage at one or more premises owned by 61328
the generator. 61329

(E)(1) The initial solid waste management plans prepared by 61330
county or joint districts under section 3734.521 of the Revised 61331
Code and the amended plans prepared under section 3734.521 or 61332
3734.56 of the Revised Code shall contain a clear statement as to 61333
whether the board of county commissioners or directors is 61334
authorized to or precluded from establishing facility designations 61335
under section 343.014 of the Revised Code. 61336

(2) A policy committee that is preparing a draft or revised 61337
draft plan under section 3734.55 of the Revised Code on October 61338

29, 1993, may include in the draft or revised draft plan only one 61339
of the following pertaining to the solid waste facilities or 61340
recycling activities where solid wastes generated within or 61341
transported into the district are to be taken for disposal, 61342
transfer, resource recovery, or recycling: 61343

(a) The designations required under former division 61344
(A)(12)(a) of this section as it existed prior to October 29, 61345
1993; 61346

(b) The identifications required in division (A)(12)(a) of 61347
this section and the statement required under division (E)(1) of 61348
this section; 61349

(c) Both of the following: 61350

(i) The designations required under former division 61351
(A)(12)(a) of this section as it existed prior to October 29, 61352
1993, except that those designations only shall pertain to solid 61353
waste disposal, transfer, or resource recovery facilities or 61354
recycling activities that are owned by a municipal corporation, 61355
county, county or joint solid waste management district, township, 61356
or township waste disposal district created under section 505.28 61357
of the Revised Code for which debt issued under Chapter 133., 61358
343., or 6123. of the Revised Code is outstanding; 61359

(ii) The identifications required under division (A)(12)(a) 61360
of this section, and the statement required under division (E)(1) 61361
of this section, pertaining to the solid waste facilities and 61362
recycling activities described in division (A) of section 343.014 61363
of the Revised Code. 61364

(F) Notwithstanding section 3734.01 of the Revised Code, 61365
"solid wastes" does not include scrap tires and "facility" does 61366
not include any scrap tire collection, storage, monocell, 61367
monofill, or recovery facility in either of the following 61368
circumstances: 61369

(1) For the purposes of an initial plan prepared and ordered to be implemented by the director under section 3734.55 of the Revised Code; 61370
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(2) For the purposes of an initial or amended plan prepared and ordered to be implemented by the director under division (D) or (F)(1) or (2) of section 3734.521 of the Revised Code in connection with a change in district composition as defined in that section that involves an existing district that is operating under either an initial plan approved or prepared and ordered to be implemented under section 3734.55 of the Revised Code or an initial or amended plan approved or prepared and ordered to be implemented under section 3734.521 of the Revised Code that does not provide for the management of scrap tires and scrap tire facilities. 61373
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(G) Notwithstanding section 3734.01 of the Revised Code, and except as provided in division (A)(4) of this section, "solid wastes" need not include scrap tires and "facility" need not include any scrap tire collection, storage, monocell, monofill, or recovery facility in either of the following circumstances: 61384
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(1) For the purposes of an initial plan prepared under sections 3734.54 and 3734.55 of the Revised Code unless the solid waste management policy committee preparing the initial plan chooses to include the management of scrap tires and scrap tire facilities in the plan; 61389
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(2) For the purposes of a preliminary demonstration of capacity as defined in section 3734.521 of the Revised Code, if any, and an initial or amended plan prepared under that section by the solid waste management policy committee of a solid waste management district resulting from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code that involves an existing district that is operating either under an initial plan approved or prepared and ordered to 61394
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be implemented under section 3734.55 of the Revised Code or under 61402
an initial or amended plan approved or prepared and ordered to be 61403
implemented under section 3734.521 of the Revised Code that does 61404
not provide for the management of scrap tires and scrap tire 61405
facilities unless the solid waste management policy committee of 61406
the district resulting from the change chooses to include the 61407
management of scrap tires and scrap tire facilities in the 61408
preliminary demonstration of capacity, if any, and the initial or 61409
amended plan prepared under section 3734.521 of the Revised Code 61410
in connection with the change proceedings. 61411

If a policy committee chooses to include the management of 61412
scrap tires and scrap tire facilities in an initial plan pursuant 61413
to division (G)(1) of this section, the initial plan shall 61414
incorporate all of the elements required under this section, and 61415
may incorporate any of the elements authorized under this section, 61416
for the purpose of managing solid wastes that consist of scrap 61417
tires and solid waste facilities that are scrap tire collection, 61418
storage, monocell, monofill, or recovery facilities. If a policy 61419
committee chooses to provide for the management of scrap tires and 61420
scrap tire facilities pursuant to division (G)(2) of this section, 61421
the preliminary demonstration of capacity, if one is required, 61422
shall incorporate all of the elements required under division 61423
(E)(1) or (2) of section 3734.521 of the Revised Code, as 61424
appropriate, for the purpose of managing solid wastes that consist 61425
of scrap tires and solid waste facilities that are scrap tire 61426
collection, storage, monocell, monofill, or recovery facilities. 61427
The initial or amended plan also shall incorporate all of the 61428
elements required under this section, and may incorporate any of 61429
the elements authorized under this section, for the purpose of 61430
managing solid wastes that consist of scrap tires and solid waste 61431
facilities that are scrap tire collection, storage, monocell, 61432
monofill, or recovery facilities. 61433

(H) Neither this section nor the solid waste management plan 61434
of a county or joint district applies to the construction, 61435
operation, use, repair, or maintenance of any compost facility 61436
that exclusively composts raw rendering material. 61437

Sec. 3734.57. (A) The following fees are hereby levied on the 61438
transfer or disposal of solid wastes in this state: 61439

(1) One dollar per ton on and after July 1, 2003, through 61440
June 30, ~~2010~~ 2012, one-half of the proceeds of which shall be 61441
deposited in the state treasury to the credit of the hazardous 61442
waste facility management fund created in section 3734.18 of the 61443
Revised Code and one-half of the proceeds of which shall be 61444
deposited in the state treasury to the credit of the hazardous 61445
waste clean-up fund created in section 3734.28 of the Revised 61446
Code; 61447

(2) An additional one dollar per ton on and after July 1, 61448
2003, through June 30, ~~2010~~ 2012, the proceeds of which shall be 61449
deposited in the state treasury to the credit of the solid waste 61450
fund, which is hereby created. The environmental protection agency 61451
shall use money in the solid waste fund to pay the costs of 61452
administering and enforcing the laws pertaining to solid wastes, 61453
infectious wastes, and construction and demolition debris, 61454
including, without limitation, ground water evaluations related to 61455
solid wastes, infectious wastes, and construction and demolition 61456
debris, under this chapter and Chapter 3714. of the Revised Code 61457
and any rules adopted under them, providing compliance assistance 61458
to small businesses, and paying a share of the administrative 61459
costs of the environmental protection agency pursuant to section 61460
3745.014 of the Revised Code. 61461

(3) An additional ~~one dollar~~ two dollars and fifty cents per 61462
ton on and after July 1, ~~2005~~ 2009, through June 30, ~~2010~~ 2012, 61463
the proceeds of which shall be deposited in the state treasury to 61464

the credit of the environmental protection fund created in section 61465
3745.015 of the Revised Code; 61466

(4) An additional twenty-five cents per ton on and after July 61467
1, 2009, through June 30, 2012, the proceeds of which shall be 61468
deposited in the state treasury to the credit of the soil and 61469
water conservation district assistance fund created in section 61470
1515.14 of the Revised Code. 61471

In the case of solid wastes that are taken to a solid waste 61472
transfer facility located in this state prior to being transported 61473
for disposal at a solid waste disposal facility located in this 61474
state or outside of this state, the fees levied under this 61475
division shall be collected by the owner or operator of the 61476
transfer facility as a trustee for the state. The amount of fees 61477
required to be collected under this division at such a transfer 61478
facility shall equal the total tonnage of solid wastes received at 61479
the facility multiplied by the fees levied under this division. In 61480
the case of solid wastes that are not taken to a solid waste 61481
transfer facility located in this state prior to being transported 61482
to a solid waste disposal facility, the fees shall be collected by 61483
the owner or operator of the solid waste disposal facility as a 61484
trustee for the state. The amount of fees required to be collected 61485
under this division at such a disposal facility shall equal the 61486
total tonnage of solid wastes received at the facility that was 61487
not previously taken to a solid waste transfer facility located in 61488
this state multiplied by the fees levied under this division. Fees 61489
levied under this division do not apply to materials separated 61490
from a mixed waste stream for recycling by a generator or 61491
materials removed from the solid waste stream through recycling, 61492
as "recycling" is defined in rules adopted under section 3734.02 61493
of the Revised Code. 61494

The owner or operator of a solid waste transfer facility or 61495
disposal facility, as applicable, shall prepare and file with the 61496

director of environmental protection each month a return 61497
indicating the total tonnage of solid wastes received at the 61498
facility during that month and the total amount of the fees 61499
required to be collected under this division during that month. In 61500
addition, the owner or operator of a solid waste disposal facility 61501
shall indicate on the return the total tonnage of solid wastes 61502
received from transfer facilities located in this state during 61503
that month for which the fees were required to be collected by the 61504
transfer facilities. The monthly returns shall be filed on a form 61505
prescribed by the director. Not later than thirty days after the 61506
last day of the month to which a return applies, the owner or 61507
operator shall mail to the director the return for that month 61508
together with the fees required to be collected under this 61509
division during that month as indicated on the return or may 61510
submit the return and fees electronically in a manner approved by 61511
the director. If the return is filed and the amount of the fees 61512
due is paid in a timely manner as required in this division, the 61513
owner or operator may retain a discount of three-fourths of one 61514
per cent of the total amount of the fees that are required to be 61515
paid as indicated on the return. 61516

The owner or operator may request an extension of not more 61517
than thirty days for filing the return and remitting the fees, 61518
provided that the owner or operator has submitted such a request 61519
in writing to the director together with a detailed description of 61520
why the extension is requested, the director has received the 61521
request not later than the day on which the return is required to 61522
be filed, and the director has approved the request. If the fees 61523
are not remitted within thirty days after the last day of the 61524
month to which the return applies or are not remitted by the last 61525
day of an extension approved by the director, the owner or 61526
operator shall not retain the three-fourths of one per cent 61527
discount and shall pay an additional ten per cent of the amount of 61528
the fees for each month that they are late. For purposes of 61529

calculating the late fee, the first month in which fees are late 61530
begins on the first day after the deadline has passed for timely 61531
submitting the return and fees, and one additional month shall be 61532
counted every thirty days thereafter. 61533

The owner or operator of a solid waste facility may request a 61534
refund or credit of fees levied under this division and remitted 61535
to the director that have not been paid to the owner or operator. 61536
Such a request shall be made only if the fees have not been 61537
collected by the owner or operator, have become a debt that has 61538
become worthless or uncollectable for a period of six months or 61539
more, and may be claimed as a deduction, including a deduction 61540
claimed if the owner or operator keeps accounts on an accrual 61541
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 61542
U.S.C. 166, as amended, and regulations adopted under it. Prior to 61543
making a request for a refund or credit, an owner or operator 61544
shall make reasonable efforts to collect the applicable fees. A 61545
request for a refund or credit shall not include any costs 61546
resulting from those efforts to collect unpaid fees. 61547

A request for a refund or credit of fees shall be made in 61548
writing, on a form prescribed by the director, and shall be 61549
supported by evidence that may be required in rules adopted by the 61550
director under this chapter. After reviewing the request, and if 61551
the request and evidence submitted with the request indicate that 61552
a refund or credit is warranted, the director shall grant a refund 61553
to the owner or operator or shall permit a credit to be taken by 61554
the owner or operator on a subsequent monthly return submitted by 61555
the owner or operator. The amount of a refund or credit shall not 61556
exceed an amount that is equal to ninety days' worth of fees owed 61557
to an owner or operator by a particular debtor of the owner or 61558
operator. A refund or credit shall not be granted by the director 61559
to an owner or operator more than once in any twelve-month period 61560
for fees owed to the owner or operator by a particular debtor. 61561

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after the effective date of this amendment. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located 61594
in the district of solid wastes generated within the district; 61595

(2) The disposal at a solid waste disposal facility within 61596
the district of solid wastes generated outside the boundaries of 61597
the district, but inside this state; 61598

(3) The disposal at a solid waste disposal facility within 61599
the district of solid wastes generated outside the boundaries of 61600
this state. 61601

The solid waste management plan of the county or joint 61602
district approved under section 3734.521 or 3734.55 of the Revised 61603
Code and any amendments to it, or the resolution adopted under 61604
this division, as appropriate, shall establish the rates of the 61605
fees levied under divisions (B)(1), (2), and (3) of this section, 61606
if any, and shall specify whether the fees are levied on the basis 61607
of tons or cubic yards as the unit of measurement. A solid waste 61608
management district that levies fees under this division on the 61609
basis of cubic yards shall do so in accordance with division (A) 61610
of this section. 61611

The fee levied under division (B)(1) of this section shall be 61612
not less than one dollar per ton nor more than two dollars per 61613
ton, the fee levied under division (B)(2) of this section shall be 61614
not less than two dollars per ton nor more than four dollars per 61615
ton, and the fee levied under division (B)(3) of this section 61616
shall be not more than the fee levied under division (B)(1) of 61617
this section. 61618

Prior to the approval of the solid waste management plan of a 61619
district under section 3734.55 of the Revised Code, the solid 61620
waste management policy committee of a district may levy fees 61621
under this division by adopting a resolution establishing the 61622
proposed amount of the fees. Upon adopting the resolution, the 61623
committee shall deliver a copy of the resolution to the board of 61624

county commissioners of each county forming the district and to 61625
the legislative authority of each municipal corporation and 61626
township under the jurisdiction of the district and shall prepare 61627
and publish the resolution and a notice of the time and location 61628
where a public hearing on the fees will be held. Upon adopting the 61629
resolution, the committee shall deliver written notice of the 61630
adoption of the resolution; of the amount of the proposed fees; 61631
and of the date, time, and location of the public hearing to the 61632
director and to the fifty industrial, commercial, or institutional 61633
generators of solid wastes within the district that generate the 61634
largest quantities of solid wastes, as determined by the 61635
committee, and to their local trade associations. The committee 61636
shall make good faith efforts to identify those generators within 61637
the district and their local trade associations, but the 61638
nonprovision of notice under this division to a particular 61639
generator or local trade association does not invalidate the 61640
proceedings under this division. The publication shall occur at 61641
least thirty days before the hearing. After the hearing, the 61642
committee may make such revisions to the proposed fees as it 61643
considers appropriate and thereafter, by resolution, shall adopt 61644
the revised fee schedule. Upon adopting the revised fee schedule, 61645
the committee shall deliver a copy of the resolution doing so to 61646
the board of county commissioners of each county forming the 61647
district and to the legislative authority of each municipal 61648
corporation and township under the jurisdiction of the district. 61649
Within sixty days after the delivery of a copy of the resolution 61650
adopting the proposed revised fees by the policy committee, each 61651
such board and legislative authority, by ordinance or resolution, 61652
shall approve or disapprove the revised fees and deliver a copy of 61653
the ordinance or resolution to the committee. If any such board or 61654
legislative authority fails to adopt and deliver to the policy 61655
committee an ordinance or resolution approving or disapproving the 61656
revised fees within sixty days after the policy committee 61657

delivered its resolution adopting the proposed revised fees, it 61658
shall be conclusively presumed that the board or legislative 61659
authority has approved the proposed revised fees. The committee 61660
shall determine if the resolution has been ratified in the same 61661
manner in which it determines if a draft solid waste management 61662
plan has been ratified under division (B) of section 3734.55 of 61663
the Revised Code. 61664

The committee may amend the schedule of fees levied pursuant 61665
to a resolution adopted and ratified under this division by 61666
adopting a resolution establishing the proposed amount of the 61667
amended fees. The committee may repeal the fees levied pursuant to 61668
such a resolution by adopting a resolution proposing to repeal 61669
them. Upon adopting such a resolution, the committee shall proceed 61670
to obtain ratification of the resolution in accordance with this 61671
division. 61672

Not later than fourteen days after declaring the new fees to 61673
be ratified or the fees to be repealed under this division, the 61674
committee shall notify by certified mail the owner or operator of 61675
each solid waste disposal facility that is required to collect the 61676
fees of the ratification and the amount of the fees or of the 61677
repeal of the fees. Collection of any fees shall commence or 61678
collection of repealed fees shall cease on the first day of the 61679
second month following the month in which notification is sent to 61680
the owner or operator. 61681

Fees levied under this division also may be established, 61682
amended, or repealed by a solid waste management policy committee 61683
through the adoption of a new district solid waste management 61684
plan, the adoption of an amended plan, or the amendment of the 61685
plan or amended plan in accordance with sections 3734.55 and 61686
3734.56 of the Revised Code or the adoption or amendment of a 61687
district plan in connection with a change in district composition 61688
under section 3734.521 of the Revised Code. 61689

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees

or amended fees levied under divisions (B)(1) to (3) of this 61723
section pursuant to the district's initial or amended plan as so 61724
approved or, if appropriate, the repeal of the district's fees by 61725
that initial or amended plan. Collection of any fees set forth in 61726
such a plan or amended plan shall commence on the first day of 61727
January immediately following the issuance of the notice. If such 61728
an initial or amended plan repeals a schedule of fees, collection 61729
of the fees shall cease on that first day of January. 61730

If, in the case of a change in district composition involving 61731
the withdrawal of a county from a joint district, the director 61732
completes the actions required under division (G)(1) or (3) of 61733
section 3734.521 of the Revised Code, as appropriate, less than 61734
forty-five days before the beginning of a calendar year, the 61735
director, on behalf of each of the districts resulting from the 61736
change that obtained the director's approval of an initial or 61737
amended plan in connection with the change proceedings, shall 61738
notify by certified mail the owner or operator of each solid waste 61739
disposal facility that is required to collect the district's fees 61740
that the change is to take effect on the first day of January 61741
immediately following the mailing of the notice and of the amount 61742
of the fees or amended fees levied under divisions (B)(1) to (3) 61743
of this section pursuant to the district's initial or amended plan 61744
as so approved or, if appropriate, the repeal of the district's 61745
fees by that initial or amended plan. Collection of any fees set 61746
forth in such a plan or amended plan shall commence on the first 61747
day of the second month following the month in which notification 61748
is sent to the owner or operator. If such an initial or amended 61749
plan repeals a schedule of fees, collection of the fees shall 61750
cease on the first day of the second month following the month in 61751
which notification is sent to the owner or operator. 61752

If the schedule of fees that a solid waste management 61753
district is levying under divisions (B)(1) to (3) of this section 61754

is amended or repealed, the fees in effect immediately prior to 61755
the amendment or repeal shall continue to be collected until 61756
collection of the amended fees commences or collection of the 61757
repealed fees ceases, as applicable, as specified in this 61758
division. In the case of a change in district composition, money 61759
so received from the collection of the fees of the former 61760
districts shall be divided among the resulting districts in 61761
accordance with division (B) of section 343.012 of the Revised 61762
Code and the agreements entered into under division (B) of section 61763
343.01 of the Revised Code to establish the former and resulting 61764
districts and any amendments to those agreements. 61765

For the purposes of the provisions of division (B) of this 61766
section establishing the times when newly established or amended 61767
fees levied by a district are required to commence and the 61768
collection of fees that have been amended or repealed is required 61769
to cease, "fees" or "schedule of fees" includes, in addition to 61770
fees levied under divisions (B)(1) to (3) of this section, those 61771
levied under section 3734.573 or 3734.574 of the Revised Code. 61772

(C) For the purposes of defraying the added costs to a 61773
municipal corporation or township of maintaining roads and other 61774
public facilities and of providing emergency and other public 61775
services, and compensating a municipal corporation or township for 61776
reductions in real property tax revenues due to reductions in real 61777
property valuations resulting from the location and operation of a 61778
solid waste disposal facility within the municipal corporation or 61779
township, a municipal corporation or township in which such a 61780
solid waste disposal facility is located may levy a fee of not 61781
more than twenty-five cents per ton on the disposal of solid 61782
wastes at a solid waste disposal facility located within the 61783
boundaries of the municipal corporation or township regardless of 61784
where the wastes were generated. 61785

The legislative authority of a municipal corporation or 61786

township may levy fees under this division by enacting an 61787
ordinance or adopting a resolution establishing the amount of the 61788
fees. Upon so doing the legislative authority shall mail a 61789
certified copy of the ordinance or resolution to the board of 61790
county commissioners or directors of the county or joint solid 61791
waste management district in which the municipal corporation or 61792
township is located or, if a regional solid waste management 61793
authority has been formed under section 343.011 of the Revised 61794
Code, to the board of trustees of that regional authority, the 61795
owner or operator of each solid waste disposal facility in the 61796
municipal corporation or township that is required to collect the 61797
fee by the ordinance or resolution, and the director of 61798
environmental protection. Although the fees levied under this 61799
division are levied on the basis of tons as the unit of 61800
measurement, the legislative authority, in its ordinance or 61801
resolution levying the fees under this division, may direct that 61802
the fees be levied on the basis of cubic yards as the unit of 61803
measurement based upon a conversion factor of three cubic yards 61804
per ton generally or one cubic yard per ton for baled wastes. 61805

Not later than five days after enacting an ordinance or 61806
adopting a resolution under this division, the legislative 61807
authority shall so notify by certified mail the owner or operator 61808
of each solid waste disposal facility that is required to collect 61809
the fee. Collection of any fee levied on or after March 24, 1992, 61810
shall commence on the first day of the second month following the 61811
month in which notification is sent to the owner or operator. 61812

(D)(1) The fees levied under divisions (A), (B), and (C) of 61813
this section do not apply to the disposal of solid wastes that: 61814

(a) Are disposed of at a facility owned by the generator of 61815
the wastes when the solid waste facility exclusively disposes of 61816
solid wastes generated at one or more premises owned by the 61817
generator regardless of whether the facility is located on a 61818

premises where the wastes are generated; 61819

(b) Are disposed of at facilities that exclusively dispose of 61820
wastes that are generated from the combustion of coal, or from the 61821
combustion of primarily coal in combination with scrap tires, that 61822
is not combined in any way with garbage at one or more premises 61823
owned by the generator. 61824

(2) Except as provided in section 3734.571 of the Revised 61825
Code, any fees levied under division (B)(1) of this section apply 61826
to solid wastes originating outside the boundaries of a county or 61827
joint district that are covered by an agreement for the joint use 61828
of solid waste facilities entered into under section 343.02 of the 61829
Revised Code by the board of county commissioners or board of 61830
directors of the county or joint district where the wastes are 61831
generated and disposed of. 61832

(3) When solid wastes, other than solid wastes that consist 61833
of scrap tires, are burned in a disposal facility that is an 61834
incinerator or energy recovery facility, the fees levied under 61835
divisions (A), (B), and (C) of this section shall be levied upon 61836
the disposal of the fly ash and bottom ash remaining after burning 61837
of the solid wastes and shall be collected by the owner or 61838
operator of the sanitary landfill where the ash is disposed of. 61839

(4) When solid wastes are delivered to a solid waste transfer 61840
facility, the fees levied under divisions (B) and (C) of this 61841
section shall be levied upon the disposal of solid wastes 61842
transported off the premises of the transfer facility for disposal 61843
and shall be collected by the owner or operator of the solid waste 61844
disposal facility where the wastes are disposed of. 61845

(5) The fees levied under divisions (A), (B), and (C) of this 61846
section do not apply to sewage sludge that is generated by a waste 61847
water treatment facility holding a national pollutant discharge 61848
elimination system permit and that is disposed of through 61849

incineration, land application, or composting or at another 61850
resource recovery or disposal facility that is not a landfill. 61851

(6) The fees levied under divisions (A), (B), and (C) of this 61852
section do not apply to solid wastes delivered to a solid waste 61853
composting facility for processing. When any unprocessed solid 61854
waste or compost product is transported off the premises of a 61855
composting facility and disposed of at a landfill, the fees levied 61856
under divisions (A), (B), and (C) of this section shall be 61857
collected by the owner or operator of the landfill where the 61858
unprocessed waste or compost product is disposed of. 61859

(7) When solid wastes that consist of scrap tires are 61860
processed at a scrap tire recovery facility, the fees levied under 61861
divisions (A), (B), and (C) of this section shall be levied upon 61862
the disposal of the fly ash and bottom ash or other solid wastes 61863
remaining after the processing of the scrap tires and shall be 61864
collected by the owner or operator of the solid waste disposal 61865
facility where the ash or other solid wastes are disposed of. 61866

(8) The director of environmental protection may issue an 61867
order exempting from the fees levied under this section solid 61868
wastes, including, but not limited to, scrap tires, that are 61869
generated, transferred, or disposed of as a result of a contract 61870
providing for the expenditure of public funds entered into by the 61871
administrator or regional administrator of the United States 61872
environmental protection agency, the director of environmental 61873
protection, or the director of administrative services on behalf 61874
of the director of environmental protection for the purpose of 61875
remediating conditions at a hazardous waste facility, solid waste 61876
facility, or other location at which the administrator or regional 61877
administrator or the director of environmental protection has 61878
reason to believe that there is a substantial threat to public 61879
health or safety or the environment or that the conditions are 61880
causing or contributing to air or water pollution or soil 61881

contamination. An order issued by the director of environmental 61882
protection under division (D)(8) of this section shall include a 61883
determination that the amount of the fees not received by a solid 61884
waste management district as a result of the order will not 61885
adversely impact the implementation and financing of the 61886
district's approved solid waste management plan and any approved 61887
amendments to the plan. Such an order is a final action of the 61888
director of environmental protection. 61889

(E) The fees levied under divisions (B) and (C) of this 61890
section shall be collected by the owner or operator of the solid 61891
waste disposal facility where the wastes are disposed of as a 61892
trustee for the county or joint district and municipal corporation 61893
or township where the wastes are disposed of. Moneys from the fees 61894
levied under division (B) of this section shall be forwarded to 61895
the board of county commissioners or board of directors of the 61896
district in accordance with rules adopted under division (H) of 61897
this section. Moneys from the fees levied under division (C) of 61898
this section shall be forwarded to the treasurer or such other 61899
officer of the municipal corporation as, by virtue of the charter, 61900
has the duties of the treasurer or to the fiscal officer of the 61901
township, as appropriate, in accordance with those rules. 61902

(F) Moneys received by the treasurer or other officer of the 61903
municipal corporation under division (E) of this section shall be 61904
paid into the general fund of the municipal corporation. Moneys 61905
received by the fiscal officer of the township under that division 61906
shall be paid into the general fund of the township. The treasurer 61907
or other officer of the municipal corporation or the township 61908
fiscal officer, as appropriate, shall maintain separate records of 61909
the moneys received from the fees levied under division (C) of 61910
this section. 61911

(G) Moneys received by the board of county commissioners or 61912
board of directors under division (E) of this section or section 61913

3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 61914
shall be paid to the county treasurer, or other official acting in 61915
a similar capacity under a county charter, in a county district or 61916
to the county treasurer or other official designated by the board 61917
of directors in a joint district and kept in a separate and 61918
distinct fund to the credit of the district. If a regional solid 61919
waste management authority has been formed under section 343.011 61920
of the Revised Code, moneys received by the board of trustees of 61921
that regional authority under division (E) of this section shall 61922
be kept by the board in a separate and distinct fund to the credit 61923
of the district. Moneys in the special fund of the county or joint 61924
district arising from the fees levied under division (B) of this 61925
section and the fee levied under division (A) of section 3734.573 61926
of the Revised Code shall be expended by the board of county 61927
commissioners or directors of the district in accordance with the 61928
district's solid waste management plan or amended plan approved 61929
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 61930
exclusively for the following purposes: 61931

(1) Preparation of the solid waste management plan of the 61932
district under section 3734.54 of the Revised Code, monitoring 61933
implementation of the plan, and conducting the periodic review and 61934
amendment of the plan required by section 3734.56 of the Revised 61935
Code by the solid waste management policy committee; 61936

(2) Implementation of the approved solid waste management 61937
plan or amended plan of the district, including, without 61938
limitation, the development and implementation of solid waste 61939
recycling or reduction programs; 61940

(3) Providing financial assistance to boards of health within 61941
the district, if solid waste facilities are located within the 61942
district, for enforcement of this chapter and rules, orders, and 61943
terms and conditions of permits, licenses, and variances adopted 61944
or issued under it, other than the hazardous waste provisions of 61945

this chapter and rules adopted and orders and terms and conditions 61946
of permits issued under those provisions; 61947

(4) Providing financial assistance to each county within the 61948
district to defray the added costs of maintaining roads and other 61949
public facilities and of providing emergency and other public 61950
services resulting from the location and operation of a solid 61951
waste facility within the county under the district's approved 61952
solid waste management plan or amended plan; 61953

(5) Pursuant to contracts entered into with boards of health 61954
within the district, if solid waste facilities contained in the 61955
district's approved plan or amended plan are located within the 61956
district, for paying the costs incurred by those boards of health 61957
for collecting and analyzing samples from public or private water 61958
wells on lands adjacent to those facilities; 61959

(6) Developing and implementing a program for the inspection 61960
of solid wastes generated outside the boundaries of this state 61961
that are disposed of at solid waste facilities included in the 61962
district's approved solid waste management plan or amended plan; 61963

(7) Providing financial assistance to boards of health within 61964
the district for the enforcement of section 3734.03 of the Revised 61965
Code or to local law enforcement agencies having jurisdiction 61966
within the district for enforcing anti-littering laws and 61967
ordinances; 61968

(8) Providing financial assistance to boards of health of 61969
health districts within the district that are on the approved list 61970
under section 3734.08 of the Revised Code to defray the costs to 61971
the health districts for the participation of their employees 61972
responsible for enforcement of the solid waste provisions of this 61973
chapter and rules adopted and orders and terms and conditions of 61974
permits, licenses, and variances issued under those provisions in 61975
the training and certification program as required by rules 61976

adopted under division (L) of section 3734.02 of the Revised Code; 61977

(9) Providing financial assistance to individual municipal 61978
corporations and townships within the district to defray their 61979
added costs of maintaining roads and other public facilities and 61980
of providing emergency and other public services resulting from 61981
the location and operation within their boundaries of a 61982
composting, energy or resource recovery, incineration, or 61983
recycling facility that either is owned by the district or is 61984
furnishing solid waste management facility or recycling services 61985
to the district pursuant to a contract or agreement with the board 61986
of county commissioners or directors of the district; 61987

(10) Payment of any expenses that are agreed to, awarded, or 61988
ordered to be paid under section 3734.35 of the Revised Code and 61989
of any administrative costs incurred pursuant to that section. In 61990
the case of a joint solid waste management district, if the board 61991
of county commissioners of one of the counties in the district is 61992
negotiating on behalf of affected communities, as defined in that 61993
section, in that county, the board shall obtain the approval of 61994
the board of directors of the district in order to expend moneys 61995
for administrative costs incurred. 61996

Prior to the approval of the district's solid waste 61997
management plan under section 3734.55 of the Revised Code, moneys 61998
in the special fund of the district arising from the fees shall be 61999
expended for those purposes in the manner prescribed by the solid 62000
waste management policy committee by resolution. 62001

Notwithstanding division (G)(6) of this section as it existed 62002
prior to October 29, 1993, or any provision in a district's solid 62003
waste management plan prepared in accordance with division 62004
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 62005
prior to that date, any moneys arising from the fees levied under 62006
division (B)(3) of this section prior to January 1, 1994, may be 62007
expended for any of the purposes authorized in divisions (G)(1) to 62008

(10) of this section. 62009

(H) The director shall adopt rules in accordance with Chapter 62010
119. of the Revised Code prescribing procedures for collecting and 62011
forwarding the fees levied under divisions (B) and (C) of this 62012
section to the boards of county commissioners or directors of 62013
county or joint solid waste management districts and to the 62014
treasurers or other officers of municipal corporations and the 62015
fiscal officers of townships. The rules also shall prescribe the 62016
dates for forwarding the fees to the boards and officials and may 62017
prescribe any other requirements the director considers necessary 62018
or appropriate to implement and administer divisions (A), (B), and 62019
(C) of this section. 62020

Sec. 3734.573. (A) For the purposes specified in division (G) 62021
of section 3734.57 of the Revised Code, the solid waste management 62022
policy committee of a county or joint solid waste management 62023
district may levy a fee on the generation of solid wastes within 62024
the district. 62025

The initial or amended solid waste management plan of the 62026
county or joint district approved under section 3734.521, 3734.55, 62027
or 3734.56 of the Revised Code, an amendment to the district's 62028
plan adopted under division (E) of section 3734.56 of the Revised 62029
Code, or the resolution adopted and ratified under division (B) of 62030
this section shall establish the rate of the fee levied under this 62031
division and shall specify whether the fee is levied on the basis 62032
of tons or cubic yards as the unit of measurement. 62033

(B) Prior to the approval under division (A) of section 62034
3734.56 of the Revised Code of the first amended plan that the 62035
district is required to submit for approval under that section, 62036
the approval of an initial plan under section 3734.521 of the 62037
Revised Code, the approval of an amended plan under section 62038
3734.521 or division (D) of section 3734.56 of the Revised Code, 62039

or the amendment of the district's plan under division (E) of 62040
section 3734.56 of the Revised Code, the solid waste management 62041
policy committee of a county or joint district that is operating 62042
under an initial plan approved under section 3734.55 of the 62043
Revised Code, or one for which approval of its initial plan is 62044
pending before the director of environmental protection on October 62045
29, 1993, under section 3734.55 of the Revised Code, may levy a 62046
fee under division (A) of this section by adopting and obtaining 62047
ratification of a resolution establishing the amount of the fee. A 62048
policy committee that, after December 1, 1993, concurrently 62049
proposes to levy a fee under division (A) of this section and to 62050
amend the fees levied by the district under divisions (B)(1) to 62051
(3) of section 3734.57 of the Revised Code may adopt and obtain 62052
ratification of one resolution proposing to do both. The 62053
requirements and procedures set forth in division (B) of section 62054
3734.57 of the Revised Code governing the adoption, amendment, and 62055
repeal of resolutions levying fees under divisions (B)(1) to (3) 62056
of that section, the ratification of those resolutions, and the 62057
notification of owners and operators of solid waste facilities 62058
required to collect fees levied under those divisions govern the 62059
adoption of the resolutions authorized to be adopted under this 62060
division, the ratification thereof, and the notification of owners 62061
and operators required to collect the fees, except as otherwise 62062
specifically provided in division (C) of this section. 62063

62064

(C) Any initial or amended plan of a district adopted under 62065
section 3734.521 or 3734.56 of the Revised Code, or resolution 62066
adopted under division (B) of this section, that proposes to levy 62067
a fee under division (A) of this section that exceeds five dollars 62068
per ton shall be ratified in accordance with the provisions of 62069
section 3734.55 or division (B) of section 3734.57 of the Revised 62070
Code, as applicable, except that such an initial or amended plan 62071
or resolution shall be approved by a combination of municipal 62072

corporations and townships with a combined population within the 62073
boundaries of the district comprising at least seventy-five per 62074
cent, rather than at least sixty per cent, of the total population 62075
of the district. 62076

(D) The policy committee of a county or joint district may 62077
amend the fee levied by the district under division (A) of this 62078
section by adopting and obtaining ratification of a resolution 62079
establishing the amount of the amended fee. The policy committee 62080
may abolish the fee or an amended fee established under this 62081
division by adopting and obtaining ratification of a resolution 62082
proposing to repeal it. The requirements and procedures under 62083
division (B) and, if applicable, division (C) of this section 62084
govern the adoption and ratification of a resolution authorized to 62085
be adopted under this division and the notification of owners and 62086
operators of solid waste facilities required to collect the fees. 62087

(E) Collection of a fee or amended fee levied under division 62088
(A) or (D) of this section shall commence or cease in accordance 62089
with division (B) of section 3734.57 of the Revised Code. If a 62090
district is levying a fee under section 3734.572 of the Revised 62091
Code, collection of that fee shall cease on the date on which 62092
collection of the fee levied under division (A) of this section 62093
commences in accordance with division (B) of section 3734.57 of 62094
the Revised Code. 62095

(F) In the case of solid wastes that are taken to a solid 62096
waste transfer facility prior to being transported to a solid 62097
waste disposal facility for disposal, the fee levied under 62098
division (A) of this section shall be collected by the owner or 62099
operator of the transfer facility as a trustee for the district. 62100
In the case of solid wastes that are not taken to a solid waste 62101
transfer facility prior to being transported to a solid waste 62102
disposal facility, the fee shall be collected by the owner or 62103
operator of the solid waste disposal facility where the wastes are 62104

disposed of. An owner or operator of a solid waste transfer or 62105
disposal facility who is required to collect the fee shall collect 62106
and forward the fee to the district in accordance with section 62107
3734.57 of the Revised Code and rules adopted under division (H) 62108
of that section. 62109

If the owner or operator of a solid waste transfer or 62110
disposal facility who did not receive notice pursuant to division 62111
(B) of this section to collect the fee levied by a district under 62112
division (A) of this section receives solid wastes generated in 62113
the district, the owner or operator, within thirty days after 62114
receiving the wastes, shall send written notice of that fact to 62115
the board of county commissioners or directors of the district. 62116
Within thirty days after receiving such a notice, the board of 62117
county commissioners or directors shall send written notice to the 62118
owner or operator indicating whether the district is levying a fee 62119
under division (A) of this section and, if so, the amount of the 62120
fee. 62121

(G) Moneys received by a district levying a fee under 62122
division (A) of this section shall be credited to the special fund 62123
of the district created in division (G) of section 3734.57 of the 62124
Revised Code and shall be used exclusively for the purposes 62125
specified in that division. Prior to the approval under division 62126
(A) of section 3734.56 of the Revised Code of the first amended 62127
plan that the district is required to submit for approval under 62128
that section, the approval of an initial plan under section 62129
3734.521 of the Revised Code, the approval of an amended plan 62130
under that section or division (D) of section 3734.56 of the 62131
Revised Code, or the amendment of the district's plan under 62132
division (E) of section 3734.56 of the Revised Code, moneys 62133
credited to the special fund arising from the fee levied pursuant 62134
to a resolution adopted and ratified under division (B) of this 62135
section shall be expended for those purposes in the manner 62136

prescribed by the solid waste management policy committee by 62137
resolution. 62138

(H) The fee levied under division (A) of this section does 62139
not apply to the management of solid wastes that: 62140

(1) Are disposed of at a facility owned by the generator of 62141
the wastes when the solid waste facility exclusively disposes of 62142
solid wastes generated at one or more premises owned by the 62143
generator regardless of whether the facility is located on a 62144
premises where the wastes were generated; 62145

(2) Are disposed of at facilities that exclusively dispose of 62146
wastes that are generated from the combustion of coal, or from the 62147
combustion of primarily coal in combination with scrap tires, that 62148
is not combined in any way with garbage at one or more premises 62149
owned by the generator. 62150

(I) When solid wastes that are burned in a disposal facility 62151
that is an incinerator or energy recovery facility are delivered 62152
to a solid waste transfer facility prior to being transported to 62153
the incinerator or energy recovery facility where they are burned, 62154
the fee levied under division (A) of this section shall be levied 62155
on the wastes delivered to the transfer facility. 62156

(J) When solid wastes that are burned in a disposal facility 62157
that is an incinerator or energy recovery facility are not 62158
delivered to a solid waste transfer facility prior to being 62159
transported to the incinerator or energy recovery facility where 62160
they are burned, the fee levied under division (A) of this section 62161
shall be levied on the wastes delivered to the incinerator or 62162
energy recovery facility. 62163

(K) The fee levied under division (A) of this section does 62164
not apply to sewage sludge that is generated by a waste water 62165
treatment facility holding a national pollutant discharge 62166
elimination system permit and that is disposed of through 62167

incineration, land application, or composting or at another 62168
resource recovery or disposal facility that is not a landfill. 62169

(L) The fee levied under division (A) of this section does 62170
not apply to ~~yard waste~~ solid waste delivered to a solid waste 62171
composting facility for processing ~~or to a solid waste transfer~~ 62172
~~facility. If any unprocessed solid waste or compost product is~~ 62173
transported off the premises of a composting facility for disposal 62174
at a landfill, the fee levied under division (A) of this section 62175
applies and shall be collected by the owner or operator of the 62176
landfill. 62177

(M) The fee levied under division (A) of this section does 62178
not apply to materials separated from a mixed waste stream for 62179
recycling by the generator or materials removed from the solid 62180
waste stream as a result of recycling, as "recycling" is defined 62181
in rules adopted under section 3734.02 of the Revised Code. 62182

(N) The director of environmental protection may issue an 62183
order exempting from the fees levied under this section solid 62184
wastes, including, but not limited to, scrap tires, that are 62185
generated, transferred, or disposed of as a result of a contract 62186
providing for the expenditure of public funds entered into by the 62187
administrator or regional administrator of the United States 62188
environmental protection agency, the director of environmental 62189
protection, or the director of administrative services on behalf 62190
of the director of environmental protection for the purpose of 62191
remediating conditions at a hazardous waste facility, solid waste 62192
facility, or other location at which the administrator or regional 62193
administrator or the director of environmental protection has 62194
reason to believe that there is a substantial threat to public 62195
health or safety or the environment or that the conditions are 62196
causing or contributing to air or water pollution or soil 62197
contamination. An order issued by the director of environmental 62198
protection under this division shall include a determination that 62199

the amount of fees not received by a solid waste management 62200
district as a result of the order will not adversely impact the 62201
implementation and financing of the district's approved solid 62202
waste ~~management~~ management plan and any approved amendments to the 62203
plan. Such an order is a final action of the director of 62204
environmental protection. 62205

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 62206
facility license issued under section 3734.81 of the Revised Code 62207
shall be in accordance with the following schedule: 62208

Daily Design	Annual	62209
Input Capacity	License	62210
(Tons)	Fee	62211
1 or less	\$ 100	62212
2 to 25	500	62213
26 to 50	1,000	62214
51 to 100	1,500	62215
101 to 200	2,500	62216
201 to 500	3,500	62217
501 or more	5,500	62218

For the purpose of determining the applicable license fee 62219
under this division, the daily design input capacity shall be the 62220
quantity of scrap tires the facility is designed to process daily 62221
as set forth in the registration certificate or permit for the 62222
facility, and any modifications to the permit, if applicable, 62223
issued under section 3734.78 of the Revised Code. 62224

(B) The annual fee for a scrap tire monocell or monofill 62225
facility license shall be in accordance with the following 62226
schedule: 62227

Authorized Maximum	Annual	62228
Daily Waste Receipt	License	62229
(Tons)	Fee	62230

100 or less	\$ 5,000	62231
101 to 200	12,500	62232
201 to 500	30,000	62233
501 or more	60,000	62234

For the purpose of determining the applicable license fee 62235
under this division, the authorized maximum daily waste receipt 62236
shall be the maximum amount of scrap tires the facility is 62237
authorized to receive daily that is established in the permit for 62238
the facility, and any modification to that permit, issued under 62239
section 3734.77 of the Revised Code. 62240

(C)(1) Except as otherwise provided in division (C)(2) of 62241
this section, the annual fee for a scrap tire storage facility 62242
license shall equal one thousand dollars times the number of acres 62243
on which scrap tires are to be stored at the facility during the 62244
license year, as set forth on the application for the annual 62245
license, except that the total annual license fee for any such 62246
facility shall not exceed three thousand dollars. 62247

(2) The annual fee for a scrap tire storage facility license 62248
for a storage facility that is owned or operated by a motor 62249
vehicle salvage dealer licensed under Chapter 4738. of the Revised 62250
Code is one hundred dollars. 62251

(D)(1) Except as otherwise provided in division (D)(2) of 62252
this section, the annual fee for a scrap tire collection facility 62253
license is two hundred dollars. 62254

(2) The annual fee for a scrap tire collection facility 62255
license for a collection facility that is owned or operated by a 62256
motor vehicle salvage dealer licensed under Chapter 4738. of the 62257
Revised Code is fifty dollars. 62258

(E) Except as otherwise provided in divisions (C)(2) and 62259
(D)(2) of this section, the same fees apply to private operators 62260
and to the state and its political subdivisions and shall be paid 62261

within thirty days after the issuance of a license. The fees 62262
include the cost of licensing, all inspections, and other costs 62263
associated with the administration of the scrap tire provisions of 62264
this chapter and rules adopted under them. Each license shall 62265
specify that it is conditioned upon payment of the applicable fee 62266
to the board of health or the director of environmental 62267
protection, as appropriate, within thirty days after the issuance 62268
of the license. 62269

(F) The board of health shall retain fifteen thousand dollars 62270
of each license fee collected by the board under division (B) of 62271
this section, or the entire amount of any such fee that is less 62272
than fifteen thousand dollars, and the entire amount of each 62273
license fee collected by the board under divisions (A), (C), and 62274
(D) of this section. The moneys retained shall be paid into a 62275
special fund, which is hereby created in each health district, and 62276
used solely to administer and enforce the scrap tire provisions of 62277
this chapter and rules adopted under them. The remainder, if any, 62278
of each license fee collected by the board under division (B) of 62279
this section shall be transmitted to the director within 62280
forty-five days after receipt of the fee. 62281

(G) The director shall transmit the moneys received by the 62282
director from license fees collected under division (B) of this 62283
section to the treasurer of state to be credited to the scrap tire 62284
management fund, which is hereby created in the state treasury. 62285
The fund shall consist of all federal moneys received by the 62286
environmental protection agency for the scrap tire management 62287
program; all grants, gifts, and contributions made to the director 62288
for that program; and all other moneys that may be provided by law 62289
for that program. The director shall use moneys in the fund as 62290
follows: 62291

(1) ~~Expend not more than seven hundred fifty thousand dollars~~ 62292
~~during each fiscal year~~ amounts determined necessary by the 62293

director to implement, administer, and enforce the scrap tire provisions of this chapter and rules adopted under them; 62294
62295

(2) During each fiscal year, request the director of budget and management to, and the director of budget and management shall, transfer one million dollars to the scrap tire grant fund created in section 1502.12 of the Revised Code for ~~the purposes specified in that section;~~ supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes. In addition, during a fiscal year, the director of environmental protection may request the director of budget and management to, and the director of budget and management shall, transfer up to an additional five hundred thousand dollars to the scrap tire grant fund for scrap tire amnesty events and scrap tire cleanup events. 62296
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(3) ~~Expend not more than three million dollars per year during fiscal years 2002 and 2003 to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than three million dollars may be expended in fiscal years 2002 and 2003 for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. During each subsequent fiscal year the director shall expend not more than four million five hundred thousand dollars to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than four million five hundred thousand dollars may be expended in a fiscal year for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. The director shall request the approval of the controlling board prior to the use of the moneys to conduct~~ 62308
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~~removal actions under section 3734.85 of the Revised Code. The 62326
request shall be accompanied by a plan describing the removal 62327
actions to be conducted during the fiscal year and an estimate of 62328
the costs of conducting them. The controlling board shall approve 62329
the plan only if it finds that the proposed removal actions are in 62330
accordance with the priorities set forth in division (B) of 62331
section 3734.85 of the Revised Code and that the costs of 62332
conducting them are reasonable. Controlling board approval is not 62333
required for grants made to boards of health under section 62334
3734.042 of the Revised Code. 62335~~

~~(H) If, during a fiscal year, more than seven million dollars 62336
are credited to the scrap tire management fund, the director, at 62337
the conclusion of the fiscal year, shall request the director of 62338
budget and management to, and the director of budget and 62339
management shall, transfer one half of those excess moneys to the 62340
scrap tire grant fund. The director shall expend the remaining 62341
excess moneys in the scrap tire management fund to conduct removal 62342
actions under section 3734.85 of the Revised Code in accordance 62343
with the procedures established under division (I) of this 62344
section. 62345~~

~~(I) After the actions in divisions (C)(1) to (3) and (H) of 62346
this section are completed during each prior fiscal year, the 62347
director may expend up to the balance remaining from prior fiscal 62348
years in the scrap tire management fund to conduct removal actions 62349
under section 3734.85 of the Revised Code. Prior to using any 62350
moneys in the fund for that purpose in a fiscal year, the director 62351
shall request the approval of the controlling board for that use 62352
of the moneys. The request shall be accompanied by a plan 62353
describing the removal actions to be conducted during the fiscal 62354
year and an estimate of the costs of conducting them. The 62355
controlling board shall approve the plan only if the board finds 62356
that the proposed removal actions are in accordance with the 62357~~

~~priorities set forth in division (B) of section 3734.85 of the~~ 62358
~~Revised Code and that the costs of conducting them are reasonable~~ 62359
After the expenditures and transfers are made under divisions 62360
(G)(1) and (2) of this section, expend the balance of the money in 62361
the scrap tire management fund remaining in each fiscal year to 62362
conduct removal actions under section 3734.85 of the Revised Code 62363
and to provide grants to boards of health under section 3734.042 62364
of the Revised Code. 62365

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 62366
defray the cost of administering and enforcing the scrap tire 62367
provisions of this chapter, rules adopted under those provisions, 62368
and terms and conditions of orders, variances, and licenses issued 62369
under those provisions; to abate accumulations of scrap tires; to 62370
make grants ~~to promote research regarding alternative methods of~~ 62371
~~recycling scrap tires and~~ supporting market development activities 62372
for scrap tires and synthetic rubber from tire manufacturing 62373
processes and tire recycling processes and to support scrap tire 62374
amnesty and cleanup events; to make loans to promote the recycling 62375
or recovery of energy from scrap tires; and to defray the costs of 62376
administering and enforcing sections 3734.90 to 3734.9014 of the 62377
Revised Code, a fee of fifty cents per tire is hereby levied on 62378
the sale of tires. The proceeds of the fee shall be deposited in 62379
the state treasury to the credit of the scrap tire management fund 62380
created in section 3734.82 of the Revised Code. The fee is levied 62381
from the first day of the calendar month that begins next after 62382
thirty days from October 29, 1993, through June 30, 2011. 62383

(2) Beginning on September 5, 2001, and ending on June 30, 62384
2011, there is hereby levied an additional fee of fifty cents per 62385
tire on the sale of tires the proceeds of which shall be deposited 62386
in the state treasury to the credit of the scrap tire management 62387
fund ~~created in section 3734.82 of the Revised Code~~ and be used 62388
exclusively for the purposes specified in division (G)(3) of that 62389

section. 62390

(B) Only one sale of the same article shall be used in 62391
computing the amount of the fee due. 62392

Sec. 3734.9010. Two per cent of all amounts paid to the 62393
treasurer of state pursuant to sections 3734.90 to 3734.9014 of 62394
the Revised Code shall be certified directly to the credit of the 62395
tire fee administrative fund, which is hereby created in the state 62396
treasury, for appropriation to the department of taxation for use 62397
in administering those sections. The remainder of the amounts paid 62398
to the treasurer of state shall be deposited ~~to the credit of the~~ 62399
~~scrap tire management fund created~~ and credited in accordance with 62400
section ~~3734.82~~ 3734.901 of the Revised Code. 62401

Sec. 3737.71. Each insurance company doing business in this 62402
state shall pay to the state in installments, at the time of 62403
making the payments required by section 5729.05 of the Revised 62404
Code, in addition to the taxes required to be paid by it, 62405
three-fourths of one per cent on the gross premium receipts 62406
derived from fire insurance and that portion of the premium 62407
reasonably allocable to insurance against the hazard of fire 62408
included in other coverages except life and sickness and accident 62409
insurance, after deducting return premiums paid and considerations 62410
received for reinsurances as shown by the annual statement of such 62411
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 62412
the Revised Code. The money received shall be paid into the state 62413
treasury to the credit of the state fire marshal's fund, which is 62414
hereby created. The fund shall be used for the maintenance and 62415
administration of the office of the fire marshal and the Ohio fire 62416
academy established by section 3737.33 of the Revised Code. If the 62417
director of commerce certifies to the director of budget and 62418
management that the cash balance in the state fire marshal's fund 62419
is in excess of the amount needed to pay ongoing operating 62420

expenses, the director of commerce, with the approval of the 62421
director of budget and management, may use the excess amount to 62422
acquire by purchase, lease, or otherwise, real property or 62423
interests in real property to be used for the benefit of the 62424
office of the state fire marshal, or to construct, acquire, 62425
enlarge, equip, furnish, or improve the fire marshal's office 62426
facilities or the facilities of the Ohio fire academy. The state 62427
fire marshal's fund shall be assessed a proportionate share of the 62428
administrative costs of the department of commerce in accordance 62429
with procedures prescribed by the director of commerce and 62430
approved by the director of budget and management. Such assessment 62431
shall be paid from the state fire marshal's fund to the division 62432
of administration fund. 62433

Notwithstanding any other provision in this section, if the 62434
director of budget and management determines at any time that the 62435
money in the state fire marshal's fund exceeds the amount 62436
necessary to defray ongoing operating expenses in a fiscal year, 62437
the director may transfer the excess to the general revenue fund . 62438
62439

Sec. 3743.04. (A) The license of a manufacturer of fireworks 62440
is effective for one year beginning on the first day of December. 62441
The state fire marshal shall issue or renew a license only on that 62442
date and at no other time. If a manufacturer of fireworks wishes 62443
to continue manufacturing fireworks at the designated fireworks 62444
plant after its then effective license expires, it shall apply no 62445
later than the first day of October for a new license pursuant to 62446
section 3743.02 of the Revised Code. The state fire marshal shall 62447
send a written notice of the expiration of its license to a 62448
licensed manufacturer at least three months before the expiration 62449
date. 62450

(B) If, during the effective period of its licensure, a 62451

licensed manufacturer of fireworks wishes to construct, locate, or 62452
relocate any buildings or other structures on the premises of its 62453
fireworks plant, to make any structural change or renovation in 62454
any building or other structure on the premises of its fireworks 62455
plant, or to change the nature of its manufacturing of fireworks 62456
so as to include the processing of fireworks, the manufacturer 62457
shall notify the state fire marshal in writing. The state fire 62458
marshal may require a licensed manufacturer also to submit 62459
documentation, including, but not limited to, plans covering the 62460
proposed construction, location, relocation, structural change or 62461
renovation, or change in manufacturing of fireworks, if the state 62462
fire marshal determines the documentation is necessary for 62463
evaluation purposes in light of the proposed construction, 62464
location, relocation, structural change or renovation, or change 62465
in manufacturing of fireworks. 62466

Upon receipt of the notification and additional documentation 62467
required by the state fire marshal, the state fire marshal shall 62468
inspect the premises of the fireworks plant to determine if the 62469
proposed construction, location, relocation, structural change or 62470
renovation, or change in manufacturing of fireworks conforms to 62471
sections 3743.02 to 3743.08 of the Revised Code and the rules 62472
adopted by the state fire marshal pursuant to section 3743.05 of 62473
the Revised Code. The state fire marshal shall issue a written 62474
authorization to the manufacturer for the construction, location, 62475
relocation, structural change or renovation, or change in 62476
manufacturing of fireworks if the state fire marshal determines, 62477
upon the inspection and a review of submitted documentation, that 62478
the construction, location, relocation, structural change or 62479
renovation, or change in manufacturing of fireworks conforms to 62480
those sections and rules. Upon authorizing a change in 62481
manufacturing of fireworks to include the processing of fireworks, 62482
the state fire marshal shall make notations on the manufacturer's 62483
license and in the list of licensed manufacturers in accordance 62484

with section 3743.03 of the Revised Code. 62485

On or before June 1, 1998, a licensed manufacturer shall 62486
install, in every licensed building in which fireworks are 62487
manufactured, stored, or displayed and to which the public has 62488
access, interlinked fire detection, smoke exhaust, and smoke 62489
evacuation systems that are approved by the superintendent of ~~the~~ 62490
~~division of industrial compliance~~ labor, and shall comply with 62491
floor plans showing occupancy load limits and internal circulation 62492
and egress patterns that are approved by the state fire marshal 62493
and superintendent, and that are submitted under seal as required 62494
by section 3791.04 of the Revised Code. Notwithstanding section 62495
3743.59 of the Revised Code, the construction and safety 62496
requirements established in this division are not subject to any 62497
variance, waiver, or exclusion. 62498

(C) The license of a manufacturer of fireworks authorizes the 62499
manufacturer to engage only in the following activities: 62500

(1) The manufacturing of fireworks on the premises of the 62501
fireworks plant as described in the application for licensure or 62502
in the notification submitted under division (B) of this section, 62503
except that a licensed manufacturer shall not engage in the 62504
processing of fireworks unless authorized to do so by its license. 62505

(2) To possess for sale at wholesale and sell at wholesale 62506
the fireworks manufactured by the manufacturer, to persons who are 62507
licensed wholesalers of fireworks, to out-of-state residents in 62508
accordance with section 3743.44 of the Revised Code, to residents 62509
of this state in accordance with section 3743.45 of the Revised 62510
Code, or to persons located in another state provided the 62511
fireworks are shipped directly out of this state to them by the 62512
manufacturer. A person who is licensed as a manufacturer of 62513
fireworks on June 14, 1988, also may possess for sale and sell 62514
pursuant to division (C)(2) of this section fireworks other than 62515
those the person manufactures. The possession for sale shall be on 62516

the premises of the fireworks plant described in the application 62517
for licensure or in the notification submitted under division (B) 62518
of this section, and the sale shall be from the inside of a 62519
licensed building and from no other structure or device outside a 62520
licensed building. At no time shall a licensed manufacturer sell 62521
any class of fireworks outside a licensed building. 62522

(3) Possess for sale at retail and sell at retail the 62523
fireworks manufactured by the manufacturer, other than 1.4G 62524
fireworks as designated by the state fire marshal in rules adopted 62525
pursuant to division (A) of section 3743.05 of the Revised Code, 62526
to licensed exhibitors in accordance with sections 3743.50 to 62527
3743.55 of the Revised Code, and possess for sale at retail and 62528
sell at retail the fireworks manufactured by the manufacturer, 62529
including 1.4G fireworks, to out-of-state residents in accordance 62530
with section 3743.44 of the Revised Code, to residents of this 62531
state in accordance with section 3743.45 of the Revised Code, or 62532
to persons located in another state provided the fireworks are 62533
shipped directly out of this state to them by the manufacturer. A 62534
person who is licensed as a manufacturer of fireworks on June 14, 62535
1988, may also possess for sale and sell pursuant to division 62536
(C)(3) of this section fireworks other than those the person 62537
manufactures. The possession for sale shall be on the premises of 62538
the fireworks plant described in the application for licensure or 62539
in the notification submitted under division (B) of this section, 62540
and the sale shall be from the inside of a licensed building and 62541
from no other structure or device outside a licensed building. At 62542
no time shall a licensed manufacturer sell any class of fireworks 62543
outside a licensed building. 62544

A licensed manufacturer of fireworks shall sell under 62545
division (C) of this section only fireworks that meet the 62546
standards set by the consumer product safety commission or by the 62547
American fireworks standard laboratories or that have received an 62548

EX number from the United States department of transportation. 62549

(D) The license of a manufacturer of fireworks shall be 62550
protected under glass and posted in a conspicuous place on the 62551
premises of the fireworks plant. Except as otherwise provided in 62552
this division, the license is not transferable or assignable. A 62553
license may be transferred to another person for the same 62554
fireworks plant for which the license was issued if the assets of 62555
the plant are transferred to that person by inheritance or by a 62556
sale approved by the state fire marshal. The license is subject to 62557
revocation in accordance with section 3743.08 of the Revised Code. 62558

(E) The state fire marshal shall not place the license of a 62559
manufacturer of fireworks in a temporarily inactive status while 62560
the holder of the license is attempting to qualify to retain the 62561
license. 62562

(F) Each licensed manufacturer of fireworks that possesses 62563
fireworks for sale and sells fireworks under division (C) of 62564
section 3743.04 of the Revised Code, or a designee of the 62565
manufacturer, whose identity is provided to the state fire marshal 62566
by the manufacturer, annually shall attend a continuing education 62567
program. The state fire marshal shall develop the program and the 62568
state fire marshal or a person or public agency approved by the 62569
state fire marshal shall conduct it. A licensed manufacturer or 62570
the manufacturer's designee who attends a program as required 62571
under this division, within one year after attending the program, 62572
shall conduct in-service training as approved by the state fire 62573
marshal for other employees of the licensed manufacturer regarding 62574
the information obtained in the program. A licensed manufacturer 62575
shall provide the state fire marshal with notice of the date, 62576
time, and place of all in-service training. For any program 62577
conducted under this division, the state fire marshal shall, in 62578
accordance with rules adopted by the state fire marshal under 62579
Chapter 119. of the Revised Code, establish the subjects to be 62580

taught, the length of classes, the standards for approval, and 62581
time periods for notification by the licensee to the state fire 62582
marshal of any in-service training. 62583

(G) A licensed manufacturer shall maintain comprehensive 62584
general liability insurance coverage in the amount and type 62585
specified under division (B)(2) of section 3743.02 of the Revised 62586
Code at all times. Each policy of insurance required under this 62587
division shall contain a provision requiring the insurer to give 62588
not less than fifteen days' prior written notice to the state fire 62589
marshal before termination, lapse, or cancellation of the policy, 62590
or any change in the policy that reduces the coverage below the 62591
minimum required under this division. Prior to canceling or 62592
reducing the amount of coverage of any comprehensive general 62593
liability insurance coverage required under this division, a 62594
licensed manufacturer shall secure supplemental insurance in an 62595
amount and type that satisfies the requirements of this division 62596
so that no lapse in coverage occurs at any time. A licensed 62597
manufacturer who secures supplemental insurance shall file 62598
evidence of the supplemental insurance with the state fire marshal 62599
prior to canceling or reducing the amount of coverage of any 62600
comprehensive general liability insurance coverage required under 62601
this division. 62602

(H) The state fire marshal shall adopt rules for the 62603
expansion or contraction of a licensed premises and for approval 62604
of such expansions or contractions. The boundaries of a licensed 62605
premises, including any geographic expansion or contraction of 62606
those boundaries, shall be approved by the state fire marshal in 62607
accordance with rules the state fire marshal adopts. If the 62608
licensed premises consists of more than one parcel of real estate, 62609
those parcels shall be contiguous unless an exception is allowed 62610
pursuant to division (I) of this section. 62611

(I)(1) A licensed manufacturer may expand its licensed 62612

premises within this state to include not more than two storage 62613
locations that are located upon one or more real estate parcels 62614
that are noncontiguous to the licensed premises as that licensed 62615
premises exists on the date a licensee submits an application as 62616
described below, if all of the following apply: 62617

(a) The licensee submits an application to the state fire 62618
marshal and an application fee of one hundred dollars per storage 62619
location for which the licensee is requesting approval. 62620

(b) The identity of the holder of the license remains the 62621
same at the storage location. 62622

(c) The storage location has received a valid certificate of 62623
zoning compliance as applicable and a valid certificate of 62624
occupancy for each building or structure at the storage location 62625
issued by the authority having jurisdiction to issue the 62626
certificate for the storage location, and those certificates 62627
permit the distribution and storage of fireworks regulated under 62628
this chapter at the storage location and in the buildings or 62629
structures. The storage location shall be in compliance with all 62630
other applicable federal, state, and local laws and regulations. 62631

(d) Every building or structure located upon the storage 62632
location is separated from occupied residential and nonresidential 62633
buildings or structures, railroads, highways, or any other 62634
buildings or structures on the licensed premises in accordance 62635
with the distances specified in the rules adopted by the state 62636
fire marshal pursuant to section 3743.05 of the Revised Code. 62637

(e) Neither the licensee nor any person holding, owning, or 62638
controlling a five per cent or greater beneficial or equity 62639
interest in the licensee has been convicted of or pleaded guilty 62640
to a felony under the laws of this state, any other state, or the 62641
United States, after September 29, 2005. 62642

(f) The state fire marshal approves the application for 62643

expansion. 62644

(2) The state fire marshal shall approve an application for 62645
expansion requested under division (I)(1) of this section if the 62646
state fire marshal receives the application fee and proof that the 62647
requirements of divisions (I)(1)(b) to (e) of this section are 62648
satisfied. The storage location shall be considered part of the 62649
original licensed premises and shall use the same distinct number 62650
assigned to the original licensed premises with any additional 62651
designations as the state fire marshal deems necessary in 62652
accordance with section 3743.03 of the Revised Code. 62653

(J)(1) A licensee who obtains approval for the use of a 62654
storage location in accordance with division (I) of this section 62655
shall use the storage location exclusively for the following 62656
activities, in accordance with division (C) of this section: 62657

(a) The packaging, assembling, or storing of fireworks, which 62658
shall only occur in buildings or structures approved for such 62659
hazardous uses by the building code official having jurisdiction 62660
for the storage location or, for 1.4G fireworks, in containers or 62661
trailers approved for such hazardous uses by the state fire 62662
marshal if such containers or trailers are not subject to 62663
regulation by the building code adopted in accordance with Chapter 62664
3781. of the Revised Code. All such storage shall be in accordance 62665
with the rules adopted by the state fire marshal under division 62666
(G) of section 3743.05 of the Revised Code for the packaging, 62667
assembling, and storage of fireworks. 62668

(b) Distributing fireworks to other parcels of real estate 62669
located on the manufacturer's licensed premises, to licensed 62670
wholesalers or other licensed manufacturers in this state or to 62671
similarly licensed persons located in another state or country; 62672

(c) Distributing fireworks to a licensed exhibitor of 62673
fireworks pursuant to a properly issued permit in accordance with 62674

section 3743.54 of the Revised Code. 62675

(2) A licensed manufacturer shall not engage in any sales 62676
activity, including the retail sale of fireworks otherwise 62677
permitted under division (C)(2) or (C)(3) of this section, or 62678
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 62679
storage location approved under this section. 62680

(3) A storage location may not be relocated for a minimum 62681
period of five years after the storage location is approved by the 62682
state fire marshal in accordance with division (I) of this 62683
section. 62684

(K) The licensee shall prohibit public access to the storage 62685
location. The state fire marshal shall adopt rules to describe the 62686
acceptable measures a manufacturer shall use to prohibit access to 62687
the storage site. 62688

Sec. 3743.25. (A)(1) Except as described in division (A)(2) 62689
of this section, all retail sales of 1.4G fireworks by a licensed 62690
manufacturer or wholesaler shall only occur from an approved 62691
retail sales showroom on a licensed premises or from a 62692
representative sample showroom as described in this section on a 62693
licensed premises. For the purposes of this section, a retail sale 62694
includes the transfer of the possession of the 1.4G fireworks from 62695
the licensed manufacturer or wholesaler to the purchaser of the 62696
fireworks. 62697

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 62698
properly permitted exhibition shall occur in accordance with the 62699
provisions of the Revised Code and rules adopted by the state fire 62700
marshal under Chapter 119. of the Revised Code. Such rules shall 62701
specify, at a minimum, that the licensed exhibitor holds a license 62702
under section 3743.51 of the Revised Code, that the exhibitor 62703
possesses a valid exhibition permit issued in accordance with 62704
section 3743.54 of the Revised Code, and that the fireworks 62705

shipped are to be used at the specifically permitted exhibition. 62706

(B) All wholesale sales of fireworks by a licensed 62707
manufacturer or wholesaler shall only occur from a licensed 62708
premises to persons who intend to resell the fireworks purchased 62709
at wholesale. A wholesale sale by a licensed manufacturer or 62710
wholesaler may occur as follows: 62711

(1) The direct sale and shipment of fireworks to a person 62712
outside of this state; 62713

(2) From an approved retail sales showroom as described in 62714
this section; 62715

(3) From a representative sample showroom as described in 62716
this section; 62717

(4) By delivery of wholesale fireworks to a purchaser at a 62718
licensed premises outside of a structure or building on that 62719
premises. All other portions of the wholesale sales transaction 62720
may occur at any location on a licensed premises. 62721

(5) Any other method as described in rules adopted by the 62722
state fire marshal under Chapter 119. of the Revised Code. 62723

(C) A licensed manufacturer or wholesaler shall only sell 62724
1.4G fireworks from a representative sample showroom or a retail 62725
sales showroom. Each licensed premises shall only contain one 62726
sales structure. 62727

A representative sample showroom shall consist of a structure 62728
constructed and maintained in accordance with the nonresidential 62729
building code adopted under Chapter 3781. of the Revised Code and 62730
the fire code adopted under section 3737.82 of the Revised Code 62731
for a use and occupancy group that permits mercantile sales. A 62732
representative sample showroom shall not contain any pyrotechnics, 62733
pyrotechnic materials, fireworks, explosives, explosive materials, 62734
or any similar hazardous materials or substances. A representative 62735

sample showroom shall be used only for the public viewing of 62736
fireworks product representations, including paper materials, 62737
packaging materials, catalogs, photographs, or other similar 62738
product depictions. The delivery of product to a purchaser of 62739
fireworks at a licensed premises that has a representative sample 62740
structure shall not occur inside any structure on a licensed 62741
premises. Such product delivery shall occur on the licensed 62742
premises in a manner prescribed by rules adopted by the state fire 62743
marshal pursuant to Chapter 119. of the Revised Code. 62744

If a manufacturer or wholesaler elects to conduct sales from 62745
a retail sales showroom, the showroom structures, to which the 62746
public may have any access and in which employees are required to 62747
work, on all licensed premises, shall comply with the following 62748
safety requirements: 62749

(1) A fireworks showroom that is constructed or upon which 62750
expansion is undertaken on and after June 30, 1997, shall be 62751
equipped with interlinked fire detection, fire suppression, smoke 62752
exhaust, and smoke evacuation systems that are approved by the 62753
superintendent of ~~the division of industrial compliance~~ labor in 62754
the department of commerce. 62755

(2) A fireworks showroom that first begins to operate on or 62756
after June 30, 1997, and to which the public has access for retail 62757
purposes shall not exceed five thousand square feet in floor area. 62758
62759

(3) A newly constructed or an existing fireworks showroom 62760
structure that exists on ~~the effective date of this amendment~~ 62761
September 23, 2008, but that, on or after ~~the effective date of~~ 62762
~~this amendment~~ September 23, 2008, is altered or added to in a 62763
manner requiring the submission of plans, drawings, 62764
specifications, or data pursuant to section 3791.04 of the Revised 62765
Code, shall comply with a graphic floor plan layout that is 62766
approved by the state fire marshal and superintendent ~~of the~~ 62767

~~division of industrial compliance~~ showing width of aisles, 62768
parallel arrangement of aisles to exits, number of exits per wall, 62769
maximum occupancy load, evacuation plan for occupants, height of 62770
storage or display of merchandise, and other information as may be 62771
required by the state fire marshal and superintendent. 62772
62773

(4) A fireworks showroom structure that exists on June 30, 62774
1997, shall be in compliance on or after June 30, 1997, with floor 62775
plans showing occupancy load limits and internal circulation and 62776
egress patterns that are approved by the state fire marshal and 62777
superintendent ~~of industrial compliance~~, and that are submitted 62778
under seal as required by section 3791.04 of the Revised Code. 62779
62780

(D) The safety requirements established in division (C) of 62781
this section are not subject to any variance, waiver, or exclusion 62782
pursuant to this chapter or any applicable building code. 62783
62784

Sec. 3745.015. There is hereby created in the state treasury 62785
the environmental protection fund consisting of money credited to 62786
the fund under division (A)(3) of section 3714.073 and division 62787
(A)(3) of section 3734.57 of the Revised Code. The environmental 62788
protection agency shall use money in the fund to pay the agency's 62789
costs associated with administering and enforcing, or otherwise 62790
conducting activities under, this chapter and Chapters 3704., 62791
3734., 3746., 3747., 3748., 3750., 3751., 3752., 3753., 5709., 62792
6101., 6103., 6105., 6109., 6111., 6112., 6113., 6115., 6117., and 62793
6119. and sections 122.65 and 1521.19 of the Revised Code. 62794

Sec. 3745.11. (A) Applicants for and holders of permits, 62795
licenses, variances, plan approvals, and certifications issued by 62796
the director of environmental protection pursuant to Chapters 62797

3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 62798
to the environmental protection agency for each such issuance and 62799
each application for an issuance as provided by this section. No 62800
fee shall be charged for any issuance for which no application has 62801
been submitted to the director. 62802

(B) Each person who is issued a permit to install prior to 62803
July 1, 2003, pursuant to rules adopted under division (F) of 62804
section 3704.03 of the Revised Code shall pay the fees specified 62805
in the following schedules: 62806

(1) Fuel-burning equipment (boilers) 62807

Input capacity (maximum) 62808

(million British thermal units per hour) Permit to install 62809

Greater than 0, but less than 10 \$ 200 62810

10 or more, but less than 100 400 62811

100 or more, but less than 300 800 62812

300 or more, but less than 500 1500 62813

500 or more, but less than 1000 2500 62814

1000 or more, but less than 5000 4000 62815

5000 or more 6000 62816

Units burning exclusively natural gas, number two fuel oil, 62817

or both shall be assessed a fee that is one-half of the applicable 62818

amount established in division (F)(1) of this section. 62819

(2) Incinerators 62820

Input capacity (pounds per hour) Permit to install 62821

0 to 100 \$ 100 62822

101 to 500 400 62823

501 to 2000 750 62824

2001 to 20,000 1000 62825

more than 20,000 2500 62826

(3)(a) Process 62827

Process weight rate (pounds per hour) Permit to install 62828

0 to 1000	\$ 200	62829
1001 to 5000	400	62830
5001 to 10,000	600	62831
10,001 to 50,000	800	62832
more than 50,000	1000	62833

In any process where process weight rate cannot be 62834
ascertained, the minimum fee shall be assessed. 62835

(b) Notwithstanding division (B)(3)(a) of this section, any 62836
person issued a permit to install pursuant to rules adopted under 62837
division (F) of section 3704.03 of the Revised Code shall pay the 62838
fees established in division (B)(3)(c) of this section for a 62839
process used in any of the following industries, as identified by 62840
the applicable four-digit standard industrial classification code 62841
according to the Standard Industrial Classification Manual 62842
published by the United States office of management and budget in 62843
the executive office of the president, 1972, as revised: 62844

1211 Bituminous coal and lignite mining; 62845

1213 Bituminous coal and lignite mining services; 62846

1411 Dimension stone; 62847

1422 Crushed and broken limestone; 62848

1427 Crushed and broken stone, not elsewhere classified; 62849

1442 Construction sand and gravel; 62850

1446 Industrial sand; 62851

3281 Cut stone and stone products; 62852

3295 Minerals and earth, ground or otherwise treated. 62853

(c) The fees established in the following schedule apply to 62854
the issuance of a permit to install pursuant to rules adopted 62855
under division (F) of section 3704.03 of the Revised Code for a 62856
process listed in division (B)(3)(b) of this section: 62857

Process weight rate (pounds per hour)	Permit to install	62858
0 to 1000	\$ 200	62859
10,001 to 50,000	300	62860
50,001 to 100,000	400	62861
100,001 to 200,000	500	62862
200,001 to 400,000	600	62863
400,001 or more	700	62864
(4) Storage tanks		62865
Gallons (maximum useful capacity)	Permit to install	62866
0 to 20,000	\$ 100	62867
20,001 to 40,000	150	62868
40,001 to 100,000	200	62869
100,001 to 250,000	250	62870
250,001 to 500,000	350	62871
500,001 to 1,000,000	500	62872
1,000,001 or greater	750	62873
(5) Gasoline/fuel dispensing facilities		62874
For each gasoline/fuel dispensing facility	Permit to install	62875
	\$ 100	62876
(6) Dry cleaning facilities		62877
For each dry cleaning facility	Permit to install	62878
(includes all units at the facility)	\$ 100	62879
(7) Registration status		62880
For each source covered by registration status	Permit to install	62881
	\$ 75	62882
(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering		62883 62884 62885 62886 62887 62888 62889

calculations, emissions factors, material balance calculations, or 62890
performance testing procedures, as authorized by the director. 62891

The following fees shall be assessed on the total actual 62892
emissions from a source in tons per year of the regulated 62893
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 62894
organic compounds, and lead: 62895

(a) Fifteen dollars per ton on the total actual emissions of 62896
each such regulated pollutant during the period July through 62897
December 1993, to be collected no sooner than July 1, 1994; 62898

(b) Twenty dollars per ton on the total actual emissions of 62899
each such regulated pollutant during calendar year 1994, to be 62900
collected no sooner than April 15, 1995; 62901

(c) Twenty-five dollars per ton on the total actual emissions 62902
of each such regulated pollutant in calendar year 1995, and each 62903
subsequent calendar year, to be collected no sooner than the 62904
fifteenth day of April of the year next succeeding the calendar 62905
year in which the emissions occurred. 62906

The fees levied under division (C)(1) of this section do not 62907
apply to that portion of the emissions of a regulated pollutant at 62908
a facility that exceed four thousand tons during a calendar year. 62909

(2) The fees assessed under division (C)(1) of this section 62910
are for the purpose of providing funding for the Title V permit 62911
program. 62912

(3) The fees assessed under division (C)(1) of this section 62913
do not apply to emissions from any electric generating unit 62914
designated as a Phase I unit under Title IV of the federal Clean 62915
Air Act prior to calendar year 2000. Those fees shall be assessed 62916
on the emissions from such a generating unit commencing in 62917
calendar year 2001 based upon the total actual emissions from the 62918
generating unit during calendar year 2000 and shall continue to be 62919
assessed each subsequent calendar year based on the total actual 62920

emissions from the generating unit during the preceding calendar year. 62921
62922

(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 62923
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(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule: 62931
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Total tons per year of regulated pollutants emitted	Annual fee per facility	62942 62943 62944
More than 0, but less than 50	\$ 75	62945
50 or more, but less than 100	300	62946
100 or more	700	62947

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the 62948
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Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 10	\$ 100
10 or more, but less than 50	200
50 or more, but less than 100	300
100 or more	700

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2010~~ 2012, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670

30 or more, but less than 40	1,010	62985
40 or more, but less than 50	1,340	62986
50 or more, but less than 60	1,680	62987
60 or more, but less than 70	2,010	62988
70 or more, but less than 80	2,350	62989
80 or more, but less than 90	2,680	62990
90 or more, but less than 100	3,020	62991
100 or more	3,350	62992

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for

the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		
Input capacity (maximum (million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	1000	
300 or more, but less than 500	2250	
500 or more, but less than 1000	3750	
1000 or more, but less than 5000	6000	
5000 or more	9000	

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		63049
		63050
Generating capacity (mega watts)	Permit to install	63051
0 or more, but less than 10	\$ 25	63052
10 or more, but less than 25	150	63053
25 or more, but less than 50	300	63054
50 or more, but less than 100	500	63055
100 or more, but less than 250	1000	63056
250 or more	2000	63057
(3) Incinerators		63058
Input capacity (pounds per hour)	Permit to install	63059
0 to 100	\$ 100	63060
101 to 500	500	63061
501 to 2000	1000	63062
2001 to 20,000	1500	63063
more than 20,000	3750	63064
(4)(a) Process		63065
Process weight rate (pounds per hour)	Permit to install	63066
0 to 1000	\$ 200	63067
1001 to 5000	500	63068
5001 to 10,000	750	63069
10,001 to 50,000	1000	63070
more than 50,000	1250	63071
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		63072
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(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining; 63091
- Major group 12, coal mining; 63092
- Major group 14, mining and quarrying of nonmetallic minerals; 63093
- Industry group 204, grain mill products; 63094
- 2873 Nitrogen fertilizers; 63095
- 2874 Phosphatic fertilizers; 63096
- 3281 Cut stone and stone products; 63097
- 3295 Minerals and earth, ground or otherwise treated; 63098
- 4221 Grain elevators (storage only); 63099
- 5159 Farm related raw materials; 63100
- 5261 Retail nurseries and lawn and garden supply stores. 63101

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	63107
10,001 to 50,000	400	63108

50,001 to 100,000	500	63109
100,001 to 200,000	600	63110
200,001 to 400,000	750	63111
400,001 or more	900	63112
(5) Storage tanks		63113
Gallons (maximum useful capacity)	Permit to install	63114
0 to 20,000	\$ 100	63115
20,001 to 40,000	150	63116
40,001 to 100,000	250	63117
100,001 to 500,000	400	63118
500,001 or greater	750	63119
(6) Gasoline/fuel dispensing facilities		63120
For each gasoline/fuel		63121
dispensing facility (includes all	Permit to install	63122
units at the facility)	\$ 100	63123
(7) Dry cleaning facilities		63124
For each dry cleaning		63125
facility (includes all units	Permit to install	63126
at the facility)	\$ 100	63127
(8) Registration status		63128
For each source covered	Permit to install	63129
by registration status	\$ 75	63130
(G) An owner or operator who is responsible for an asbestos		63131
demolition or renovation project pursuant to rules adopted under		63132
section 3704.03 of the Revised Code shall pay the fees set forth		63133
in the following schedule:		63134
Action	Fee	63135
Each notification	\$75	63136
Asbestos removal	\$3/unit	63137
Asbestos cleanup	\$4/cubic yard	63138
For purposes of this division, "unit" means any combination of		63139

linear feet or square feet equal to fifty. 63140

(H) A person who is issued an extension of time for a permit 63141
to install an air contaminant source pursuant to rules adopted 63142
under division (F) of section 3704.03 of the Revised Code shall 63143
pay a fee equal to one-half the fee originally assessed for the 63144
permit to install under this section, except that the fee for such 63145
an extension shall not exceed two hundred dollars. 63146

(I) A person who is issued a modification to a permit to 63147
install an air contaminant source pursuant to rules adopted under 63148
section 3704.03 of the Revised Code shall pay a fee equal to 63149
one-half of the fee that would be assessed under this section to 63150
obtain a permit to install the source. The fee assessed by this 63151
division only applies to modifications that are initiated by the 63152
owner or operator of the source and shall not exceed two thousand 63153
dollars. 63154

(J) Notwithstanding division (B) or (F) of this section, a 63155
person who applies for or obtains a permit to install pursuant to 63156
rules adopted under division (F) of section 3704.03 of the Revised 63157
Code after the date actual construction of the source began shall 63158
pay a fee for the permit to install that is equal to twice the fee 63159
that otherwise would be assessed under the applicable division 63160
unless the applicant received authorization to begin construction 63161
under division (W) of section 3704.03 of the Revised Code. This 63162
division only applies to sources for which actual construction of 63163
the source begins on or after July 1, 1993. The imposition or 63164
payment of the fee established in this division does not preclude 63165
the director from taking any administrative or judicial 63166
enforcement action under this chapter, Chapter 3704., 3714., 63167
3734., or 6111. of the Revised Code, or a rule adopted under any 63168
of them, in connection with a violation of rules adopted under 63169
division (F) of section 3704.03 of the Revised Code. 63170

As used in this division, "actual construction of the source" 63171

means the initiation of physical on-site construction activities 63172
in connection with improvements to the source that are permanent 63173
in nature, including, without limitation, the installation of 63174
building supports and foundations and the laying of underground 63175
pipework. 63176

(K) Fifty cents per ton of each fee assessed under division 63177
(C) of this section on actual emissions from a source and received 63178
by the environmental protection agency pursuant to that division 63179
shall be deposited into the state treasury to the credit of the 63180
small business assistance fund created in section 3706.19 of the 63181
Revised Code. The remainder of the moneys received by the division 63182
pursuant to that division and moneys received by the agency 63183
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 63184
section shall be deposited in the state treasury to the credit of 63185
the clean air fund created in section 3704.035 of the Revised 63186
Code. 63187

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 63188
or (c) of this section, a person issued a water discharge permit 63189
or renewal of a water discharge permit pursuant to Chapter 6111. 63190
of the Revised Code shall pay a fee based on each point source to 63191
which the issuance is applicable in accordance with the following 63192
schedule: 63193

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	63195
1,001 to 5000	100	63196
5,001 to 50,000	200	63197
50,001 to 100,000	300	63198
100,001 to 300,000	525	63199
over 300,000	750	63200

(b) Notwithstanding the fee schedule specified in division 63201
(L)(1)(a) of this section, the fee for a water discharge permit 63202
that is applicable to coal mining operations regulated under 63203

Chapter 1513. of the Revised Code shall be two hundred fifty 63204
dollars per mine. 63205

(c) Notwithstanding the fee schedule specified in division 63206
(L)(1)(a) of this section, the fee for a water discharge permit 63207
for a public discharger identified by I in the third character of 63208
the permittee's NPDES permit number shall not exceed seven hundred 63209
fifty dollars. 63210

(2) A person applying for a plan approval for a wastewater 63211
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 63212
of the Revised Code shall pay a fee of one hundred dollars plus 63213
sixty-five one-hundredths of one per cent of the estimated project 63214
cost through June 30, ~~2010~~ 2012, and one hundred dollars plus 63215
two-tenths of one per cent of the estimated project cost on and 63216
after July 1, ~~2010~~ 2012, except that the total fee shall not 63217
exceed fifteen thousand dollars through June 30, ~~2010~~ 2012, and 63218
five thousand dollars on and after July 1, ~~2010~~ 2012. The fee 63219
shall be paid at the time the application is submitted. 63220

(3) A person issued a modification of a water discharge 63221
permit shall pay a fee equal to one-half the fee that otherwise 63222
would be charged for a water discharge permit, except that the fee 63223
for the modification shall not exceed four hundred dollars. 63224

(4) A person who has entered into an agreement with the 63225
director under section 6111.14 of the Revised Code shall pay an 63226
administrative service fee for each plan submitted under that 63227
section for approval that shall not exceed the minimum amount 63228
necessary to pay administrative costs directly attributable to 63229
processing plan approvals. The director annually shall calculate 63230
the fee and shall notify all persons who have entered into 63231
agreements under that section, or who have applied for agreements, 63232
of the amount of the fee. 63233

(5)(a)(i) Not later than January 30, ~~2008~~ 2010, and January 63234

30, ~~2009~~ 2011, a person holding an NPDES discharge permit issued 63235
pursuant to Chapter 6111. of the Revised Code with an average 63236
daily discharge flow of five thousand gallons or more shall pay a 63237
nonrefundable annual discharge fee. Any person who fails to pay 63238
the fee at that time shall pay an additional amount that equals 63239
ten per cent of the required annual discharge fee. 63240

(ii) The billing year for the annual discharge fee 63241
established in division (L)(5)(a)(i) of this section shall consist 63242
of a twelve-month period beginning on the first day of January of 63243
the year preceding the date when the annual discharge fee is due. 63244
In the case of an existing source that permanently ceases to 63245
discharge during a billing year, the director shall reduce the 63246
annual discharge fee, including the surcharge applicable to 63247
certain industrial facilities pursuant to division (L)(5)(c) of 63248
this section, by one-twelfth for each full month during the 63249
billing year that the source was not discharging, but only if the 63250
person holding the NPDES discharge permit for the source notifies 63251
the director in writing, not later than the first day of October 63252
of the billing year, of the circumstances causing the cessation of 63253
discharge. 63254

(iii) The annual discharge fee established in division 63255
(L)(5)(a)(i) of this section, except for the surcharge applicable 63256
to certain industrial facilities pursuant to division (L)(5)(c) of 63257
this section, shall be based upon the average daily discharge flow 63258
in gallons per day calculated using first day of May through 63259
thirty-first day of October flow data for the period two years 63260
prior to the date on which the fee is due. In the case of NPDES 63261
discharge permits for new sources, the fee shall be calculated 63262
using the average daily design flow of the facility until actual 63263
average daily discharge flow values are available for the time 63264
period specified in division (L)(5)(a)(iii) of this section. The 63265
annual discharge fee may be prorated for a new source as described 63266

in division (L)(5)(a)(ii) of this section. 63267

(b) An NPDES permit holder that is a public discharger shall 63268
pay the fee specified in the following schedule: 63269

Average daily discharge flow	Fee due by	
	January 30,	63271
	2008 <u>2010</u> , and	63272
	January 30, 2009	63273
	<u>2011</u>	
5,000 to 49,999	\$ 200	63274
50,000 to 100,000	500	63275
100,001 to 250,000	1,050	63276
250,001 to 1,000,000	2,600	63277
1,000,001 to 5,000,000	5,200	63278
5,000,001 to 10,000,000	10,350	63279
10,000,001 to 20,000,000	15,550	63280
20,000,001 to 50,000,000	25,900	63281
50,000,001 to 100,000,000	41,400	63282
100,000,001 or more	62,100	63283

Public dischargers owning or operating two or more publicly 63284
owned treatment works serving the same political subdivision, as 63285
"treatment works" is defined in section 6111.01 of the Revised 63286
Code, and that serve exclusively political subdivisions having a 63287
population of fewer than one hundred thousand shall pay an annual 63288
discharge fee under division (L)(5)(b) of this section that is 63289
based on the combined average daily discharge flow of the 63290
treatment works. 63291

(c) An NPDES permit holder that is an industrial discharger, 63292
other than a coal mining operator identified by P in the third 63293
character of the permittee's NPDES permit number, shall pay the 63294
fee specified in the following schedule: 63295

Average daily discharge flow	Fee due by	
	January 30,	63297

	2008 <u>2010</u> , and	63298
	January 30, 2009	63299
	<u>2011</u>	
5,000 to 49,999	\$ 250	63300
50,000 to 250,000	1,200	63301
250,001 to 1,000,000	2,950	63302
1,000,001 to 5,000,000	5,850	63303
5,000,001 to 10,000,000	8,800	63304
10,000,001 to 20,000,000	11,700	63305
20,000,001 to 100,000,000	14,050	63306
100,000,001 to 250,000,000	16,400	63307
250,000,001 or more	18,700	63308

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2008~~ 2010, and not later than January 30, ~~2009~~ 2011. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2008~~ 2010, and not later than January 30, ~~2009~~ 2011. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge

elimination system general or individual permit for municipal 63329
storm water discharge shall pay a nonrefundable storm water 63330
discharge fee of one hundred dollars per square mile of area 63331
permitted. The fee shall not exceed ten thousand dollars and shall 63332
be payable on or before January 30, 2004, and the thirtieth day of 63333
January of each year thereafter. Any person who fails to pay the 63334
fee on the date specified in division (L)(6) of this section shall 63335
pay an additional amount per year equal to ten per cent of the 63336
annual fee that is unpaid. 63337

(7) The director shall transmit all moneys collected under 63338
division (L) of this section to the treasurer of state for deposit 63339
into the state treasury to the credit of the surface water 63340
protection fund created in section 6111.038 of the Revised Code. 63341

(8) As used in division (L) of this section: 63342

(a) "NPDES" means the federally approved national pollutant 63343
discharge elimination system program for issuing, modifying, 63344
revoking, reissuing, terminating, monitoring, and enforcing 63345
permits and imposing and enforcing pretreatment requirements under 63346
Chapter 6111. of the Revised Code and rules adopted under it. 63347

(b) "Public discharger" means any holder of an NPDES permit 63348
identified by P in the second character of the NPDES permit number 63349
assigned by the director. 63350

(c) "Industrial discharger" means any holder of an NPDES 63351
permit identified by I in the second character of the NPDES permit 63352
number assigned by the director. 63353

(d) "Major discharger" means any holder of an NPDES permit 63354
classified as major by the regional administrator of the United 63355
States environmental protection agency in conjunction with the 63356
director. 63357

(M) Through June 30, ~~2010~~ 2012, a person applying for a 63358
license or license renewal to operate a public water system under 63359

section 6109.21 of the Revised Code shall pay the appropriate fee 63360
established under this division at the time of application to the 63361
director. Any person who fails to pay the fee at that time shall 63362
pay an additional amount that equals ten per cent of the required 63363
fee. The director shall transmit all moneys collected under this 63364
division to the treasurer of state for deposit into the drinking 63365
water protection fund created in section 6109.30 of the Revised 63366
Code. 63367

Except as provided in division (M)(4) of this section, fees 63368
required under this division shall be calculated and paid in 63369
accordance with the following schedule: 63370

(1) For the initial license required under division (A)(1) of 63371
section 6109.21 of the Revised Code for any public water system 63372
that is a community water system as defined in section 6109.01 of 63373
the Revised Code, and for each license renewal required for such a 63374
system prior to January 31, ~~2010~~ 2012, the fee is: 63375

Number of service connections	Fee amount	
Not more than 49	\$ 112	63377
50 to 99	176	63378
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	63380
2,500 to 4,999	1.48	63381
5,000 to 7,499	1.42	63382
7,500 to 9,999	1.34	63383
10,000 to 14,999	1.16	63384
15,000 to 24,999	1.10	63385
25,000 to 49,999	1.04	63386
50,000 to 99,999	.92	63387
100,000 to 149,999	.86	63388
150,000 to 199,999	.80	63389
200,000 or more	.76	63390

A public water system may determine how it will pay the total 63391

amount of the fee calculated under division (M)(1) of this 63392
section, including the assessment of additional user fees that may 63393
be assessed on a volumetric basis. 63394

As used in division (M)(1) of this section, "service 63395
connection" means the number of active or inactive pipes, 63396
goosenecks, pigtails, and any other fittings connecting a water 63397
main to any building outlet. 63398

(2) For the initial license required under division (A)(2) of 63399
section 6109.21 of the Revised Code for any public water system 63400
that is not a community water system and serves a nontransient 63401
population, and for each license renewal required for such a 63402
system prior to January 31, ~~2010~~ 2012, the fee is: 63403

Population served	Fee amount	
Fewer than 150	\$ 112	63405
150 to 299	176	63406
300 to 749	384	63407
750 to 1,499	628	63408
1,500 to 2,999	1,268	63409
3,000 to 7,499	2,816	63410
7,500 to 14,999	5,510	63411
15,000 to 22,499	9,048	63412
22,500 to 29,999	12,430	63413
30,000 or more	16,820	63414

As used in division (M)(2) of this section, "population 63415
served" means the total number of individuals receiving water from 63416
the water supply during a twenty-four-hour period for at least 63417
sixty days during any calendar year. In the absence of a specific 63418
population count, that number shall be calculated at the rate of 63419
three individuals per service connection. 63420

(3) For the initial license required under division (A)(3) of 63421
section 6109.21 of the Revised Code for any public water system 63422
that is not a community water system and serves a transient 63423

population, and for each license renewal required for such a 63424
system prior to January 31, ~~2010~~ 2012, the fee is: 63425

Number of wells supplying system	Fee amount	
1	\$112	63427
2	112	63428
3	176	63429
4	278	63430
5	568	63431
System designated as using a		63432
surface water source	792	63433

As used in division (M)(3) of this section, "number of wells 63434
supplying system" means those wells that are physically connected 63435
to the plumbing system serving the public water system. 63436

(4) A public water system designated as using a surface water 63437
source shall pay a fee of seven hundred ninety-two dollars or the 63438
amount calculated under division (M)(1) or (2) of this section, 63439
whichever is greater. 63440

(N)(1) A person applying for a plan approval for a public 63441
water supply system under section 6109.07 of the Revised Code 63442
shall pay a fee of one hundred fifty dollars plus thirty-five 63443
hundredths of one per cent of the estimated project cost, except 63444
that the total fee shall not exceed twenty thousand dollars 63445
through June 30, ~~2010~~ 2012, and fifteen thousand dollars on and 63446
after July 1, ~~2010~~ 2012. The fee shall be paid at the time the 63447
application is submitted. 63448

(2) A person who has entered into an agreement with the 63449
director under division (A)(2) of section 6109.07 of the Revised 63450
Code shall pay an administrative service fee for each plan 63451
submitted under that section for approval that shall not exceed 63452
the minimum amount necessary to pay administrative costs directly 63453
attributable to processing plan approvals. The director annually 63454
shall calculate the fee and shall notify all persons that have 63455

entered into agreements under that division, or who have applied 63456
for agreements, of the amount of the fee. 63457

(3) Through June 30, ~~2010~~ 2012, the following fee, on a per 63458
survey basis, shall be charged any person for services rendered by 63459
the state in the evaluation of laboratories and laboratory 63460
personnel for compliance with accepted analytical techniques and 63461
procedures established pursuant to Chapter 6109. of the Revised 63462
Code for determining the qualitative characteristics of water: 63463

microbiological		63464
MMO-MUG	\$2,000	63465
MF	2,100	63466
MMO-MUG and MF	2,550	63467
organic chemical	5,400	63468
trace metals	5,400	63469
standard chemistry	2,800	63470
limited chemistry	1,550	63471

On and after July 1, ~~2010~~ 2012, the following fee, on a per 63472
survey basis, shall be charged any such person: 63473

microbiological	\$ 1,650	63474
organic chemicals	3,500	63475
trace metals	3,500	63476
standard chemistry	1,800	63477
limited chemistry	1,000	63478

The fee for those services shall be paid at the time the request 63479
for the survey is made. Through June 30, ~~2010~~ 2012, an individual 63480
laboratory shall not be assessed a fee under this division more 63481
than once in any three-year period unless the person requests the 63482
addition of analytical methods or analysts, in which case the 63483
person shall pay eighteen hundred dollars for each additional 63484
survey requested. 63485

As used in division (N)(3) of this section: 63486

- (a) "MF" means microfiltration. 63487
- (b) "MMO" means minimal medium ONPG. 63488
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 63489
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 63490

The director shall transmit all moneys collected under this 63491
division to the treasurer of state for deposit into the drinking 63492
water protection fund created in section 6109.30 of the Revised 63493
Code. 63494

(O) Any person applying to the director for examination for 63495
certification as an operator of a water supply system or 63496
wastewater system under Chapter 6109. or 6111. of the Revised 63497
Code, at the time the application is submitted, shall pay an 63498
application fee of forty-five dollars through November 30, ~~2010~~ 63499
2012, and twenty-five dollars on and after December 1, ~~2010~~ 2012. 63500
Upon approval from the director that the applicant is eligible to 63501
take the examination therefor, the applicant shall pay a fee in 63502
accordance with the following schedule through November 30, ~~2010~~ 63503
2012: 63504

Class A operator	\$35	63505
Class I operator	60	63506
Class II operator	75	63507
Class III operator	85	63508
Class IV operator	100	63509

On and after December 1, ~~2010~~ 2012, the applicant shall pay a 63510
fee in accordance with the following schedule: 63511

Class A operator	\$25	63512
Class I operator	\$45	63513
Class II operator	55	63514
Class III operator	65	63515
Class IV operator	75	63516

A person shall pay a biennial certification renewal fee for 63517

each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	63520
Class I operator	35	63521
Class II operator	45	63522
Class III operator	55	63523
Class IV operator	65	63524

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	63530
Class I operator	55	63531
Class II operator	65	63532
Class III operator	75	63533
Class IV operator	85	63534

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay

an application fee under division (S)(1) of this section. On and 63550
after June 26, 2003, persons shall file such applications and pay 63551
the fee as required under sections 5709.20 to 5709.27 of the 63552
Revised Code, and proceeds from the fee shall be credited as 63553
provided in section 5709.212 of the Revised Code. 63554

(Q) Except as otherwise provided in division (R) of this 63555
section, a person issued a permit by the director for a new solid 63556
waste disposal facility other than an incineration or composting 63557
facility, a new infectious waste treatment facility other than an 63558
incineration facility, or a modification of such an existing 63559
facility that includes an increase in the total disposal or 63560
treatment capacity of the facility pursuant to Chapter 3734. of 63561
the Revised Code shall pay a fee of ten dollars per thousand cubic 63562
yards of disposal or treatment capacity, or one thousand dollars, 63563
whichever is greater, except that the total fee for any such 63564
permit shall not exceed eighty thousand dollars. A person issued a 63565
modification of a permit for a solid waste disposal facility or an 63566
infectious waste treatment facility that does not involve an 63567
increase in the total disposal or treatment capacity of the 63568
facility shall pay a fee of one thousand dollars. A person issued 63569
a permit to install a new, or modify an existing, solid waste 63570
transfer facility under that chapter shall pay a fee of two 63571
thousand five hundred dollars. A person issued a permit to install 63572
a new or to modify an existing solid waste incineration or 63573
composting facility, or an existing infectious waste treatment 63574
facility using incineration as its principal method of treatment, 63575
under that chapter shall pay a fee of one thousand dollars. The 63576
increases in the permit fees under this division resulting from 63577
the amendments made by Amended Substitute House Bill 592 of the 63578
117th general assembly do not apply to any person who submitted an 63579
application for a permit to install a new, or modify an existing, 63580
solid waste disposal facility under that chapter prior to 63581
September 1, 1987; any such person shall pay the permit fee 63582

established in this division as it existed prior to June 24, 1988. 63583
In addition to the applicable permit fee under this division, a 63584
person issued a permit to install or modify a solid waste facility 63585
or an infectious waste treatment facility under that chapter who 63586
fails to pay the permit fee to the director in compliance with 63587
division (V) of this section shall pay an additional ten per cent 63588
of the amount of the fee for each week that the permit fee is 63589
late. 63590

Permit and late payment fees paid to the director under this 63591
division shall be credited to the general revenue fund. 63592

(R)(1) A person issued a registration certificate for a scrap 63593
tire collection facility under section 3734.75 of the Revised Code 63594
shall pay a fee of two hundred dollars, except that if the 63595
facility is owned or operated by a motor vehicle salvage dealer 63596
licensed under Chapter 4738. of the Revised Code, the person shall 63597
pay a fee of twenty-five dollars. 63598

(2) A person issued a registration certificate for a new 63599
scrap tire storage facility under section 3734.76 of the Revised 63600
Code shall pay a fee of three hundred dollars, except that if the 63601
facility is owned or operated by a motor vehicle salvage dealer 63602
licensed under Chapter 4738. of the Revised Code, the person shall 63603
pay a fee of twenty-five dollars. 63604

(3) A person issued a permit for a scrap tire storage 63605
facility under section 3734.76 of the Revised Code shall pay a fee 63606
of one thousand dollars, except that if the facility is owned or 63607
operated by a motor vehicle salvage dealer licensed under Chapter 63608
4738. of the Revised Code, the person shall pay a fee of fifty 63609
dollars. 63610

(4) A person issued a permit for a scrap tire monocell or 63611
monofill facility under section 3734.77 of the Revised Code shall 63612
pay a fee of ten dollars per thousand cubic yards of disposal 63613

capacity or one thousand dollars, whichever is greater, except 63614
that the total fee for any such permit shall not exceed eighty 63615
thousand dollars. 63616

(5) A person issued a registration certificate for a scrap 63617
tire recovery facility under section 3734.78 of the Revised Code 63618
shall pay a fee of one hundred dollars. 63619

(6) A person issued a permit for a scrap tire recovery 63620
facility under section 3734.78 of the Revised Code shall pay a fee 63621
of one thousand dollars. 63622

(7) In addition to the applicable registration certificate or 63623
permit fee under divisions (R)(1) to (6) of this section, a person 63624
issued a registration certificate or permit for any such scrap 63625
tire facility who fails to pay the registration certificate or 63626
permit fee to the director in compliance with division (V) of this 63627
section shall pay an additional ten per cent of the amount of the 63628
fee for each week that the fee is late. 63629

(8) The registration certificate, permit, and late payment 63630
fees paid to the director under divisions (R)(1) to (7) of this 63631
section shall be credited to the scrap tire management fund 63632
created in section 3734.82 of the Revised Code. 63633

(S)(1) Except as provided by divisions (L), (M), (N), (O), 63634
(P), and (S)(2) of this section, division (A)(2) of section 63635
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 63636
and rules adopted under division (T)(1) of this section, any 63637
person applying for a registration certificate under section 63638
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 63639
variance, or plan approval under Chapter 3734. of the Revised Code 63640
shall pay a nonrefundable fee of fifteen dollars at the time the 63641
application is submitted. 63642

Except as otherwise provided, any person applying for a 63643
permit, variance, or plan approval under Chapter 6109. or 6111. of 63644

the Revised Code shall pay a nonrefundable fee of one hundred 63645
dollars at the time the application is submitted through June 30, 63646
~~2010~~ 2012, and a nonrefundable fee of fifteen dollars at the time 63647
the application is submitted on and after July 1, ~~2010~~ 2012. 63648
Through June 30, ~~2010~~ 2012, any person applying for a national 63649
pollutant discharge elimination system permit under Chapter 6111. 63650
of the Revised Code shall pay a nonrefundable fee of two hundred 63651
dollars at the time of application for the permit. On and after 63652
July 1, ~~2010~~ 2012, such a person shall pay a nonrefundable fee of 63653
fifteen dollars at the time of application. 63654

In addition to the application fee established under division 63655
(S)(1) of this section, any person applying for a national 63656
pollutant discharge elimination system general storm water 63657
construction permit shall pay a nonrefundable fee of twenty 63658
dollars per acre for each acre that is permitted above five acres 63659
at the time the application is submitted. However, the per acreage 63660
fee shall not exceed three hundred dollars. In addition, any 63661
person applying for a national pollutant discharge elimination 63662
system general storm water industrial permit shall pay a 63663
nonrefundable fee of one hundred fifty dollars at the time the 63664
application is submitted. 63665

The director shall transmit all moneys collected under 63666
division (S)(1) of this section pursuant to Chapter 6109. of the 63667
Revised Code to the treasurer of state for deposit into the 63668
drinking water protection fund created in section 6109.30 of the 63669
Revised Code. 63670

The director shall transmit all moneys collected under 63671
division (S)(1) of this section pursuant to Chapter 6111. of the 63672
Revised Code to the treasurer of state for deposit into the 63673
surface water protection fund created in section 6111.038 of the 63674
Revised Code. 63675

If a registration certificate is issued under section 63676

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 63677
the application fee paid shall be deducted from the amount of the 63678
registration certificate fee due under division (R)(1), (2), or 63679
(5) of this section, as applicable. 63680

If a person submits an electronic application for a 63681
registration certificate, permit, variance, or plan approval for 63682
which an application fee is established under division (S)(1) of 63683
this section, the person shall pay the applicable application fee 63684
as expeditiously as possible after the submission of the 63685
electronic application. An application for a registration 63686
certificate, permit, variance, or plan approval for which an 63687
application fee is established under division (S)(1) of this 63688
section shall not be reviewed or processed until the applicable 63689
application fee, and any other fees established under this 63690
division, are paid. 63691

(2) Division (S)(1) of this section does not apply to an 63692
application for a registration certificate for a scrap tire 63693
collection or storage facility submitted under section 3734.75 or 63694
3734.76 of the Revised Code, as applicable, if the owner or 63695
operator of the facility or proposed facility is a motor vehicle 63696
salvage dealer licensed under Chapter 4738. of the Revised Code. 63697

(T) The director may adopt, amend, and rescind rules in 63698
accordance with Chapter 119. of the Revised Code that do all of 63699
the following: 63700

(1) Prescribe fees to be paid by applicants for and holders 63701
of any license, permit, variance, plan approval, or certification 63702
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 63703
the Revised Code that are not specifically established in this 63704
section. The fees shall be designed to defray the cost of 63705
processing, issuing, revoking, modifying, denying, and enforcing 63706
the licenses, permits, variances, plan approvals, and 63707
certifications. 63708

The director shall transmit all moneys collected under rules 63709
adopted under division (T)(1) of this section pursuant to Chapter 63710
6109. of the Revised Code to the treasurer of state for deposit 63711
into the drinking water protection fund created in section 6109.30 63712
of the Revised Code. 63713

The director shall transmit all moneys collected under rules 63714
adopted under division (T)(1) of this section pursuant to Chapter 63715
6111. of the Revised Code to the treasurer of state for deposit 63716
into the surface water protection fund created in section 6111.038 63717
of the Revised Code. 63718

(2) Exempt the state and political subdivisions thereof, 63719
including education facilities or medical facilities owned by the 63720
state or a political subdivision, or any person exempted from 63721
taxation by section 5709.07 or 5709.12 of the Revised Code, from 63722
any fee required by this section; 63723

(3) Provide for the waiver of any fee, or any part thereof, 63724
otherwise required by this section whenever the director 63725
determines that the imposition of the fee would constitute an 63726
unreasonable cost of doing business for any applicant, class of 63727
applicants, or other person subject to the fee; 63728

(4) Prescribe measures that the director considers necessary 63729
to carry out this section. 63730

(U) When the director reasonably demonstrates that the direct 63731
cost to the state associated with the issuance of a permit to 63732
install, license, variance, plan approval, or certification 63733
exceeds the fee for the issuance or review specified by this 63734
section, the director may condition the issuance or review on the 63735
payment by the person receiving the issuance or review of, in 63736
addition to the fee specified by this section, the amount, or any 63737
portion thereof, in excess of the fee specified under this 63738
section. The director shall not so condition issuances for which 63739

fees are prescribed in divisions (B)(7) and (L)(1)(b) of this section. 63740
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(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late. 63742
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(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code. 63751
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(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: 63759
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(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 63763
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(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 63766
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(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its 63769
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implementation or enforcement; 63771

(b) Reviewing and acting on any application for a Title V 63772
permit, permit revision, or permit renewal, including the 63773
development of an applicable requirement as part of the processing 63774
of a permit, permit revision, or permit renewal; 63775

(c) Administering the permit program, including the 63776
supporting and tracking of permit applications, compliance 63777
certification, and related data entry; 63778

(d) Determining which sources are subject to the program and 63779
implementing and enforcing the terms of any Title V permit, not 63780
including any court actions or other formal enforcement actions; 63781

(e) Emission and ambient monitoring; 63782

(f) Modeling, analyses, or demonstrations; 63783

(g) Preparing inventories and tracking emissions; 63784

(h) Providing direct and indirect support to small business 63785
stationary sources to determine and meet their obligations under 63786
the federal Clean Air Act pursuant to the small business 63787
stationary source technical and environmental compliance 63788
assistance program required by section 507 of that act and 63789
established in sections 3704.18, 3704.19, and 3706.19 of the 63790
Revised Code. 63791

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 63792
of this section, each sewage sludge facility shall pay a 63793
nonrefundable annual sludge fee equal to three dollars and fifty 63794
cents per dry ton of sewage sludge, including the dry tons of 63795
sewage sludge in materials derived from sewage sludge, that the 63796
sewage sludge facility treats or disposes of in this state. The 63797
annual volume of sewage sludge treated or disposed of by a sewage 63798
sludge facility shall be calculated using the first day of January 63799
through the thirty-first day of December of the calendar year 63800

preceding the date on which payment of the fee is due. 63801

(2)(a) Except as provided in division (Y)(2)(d) of this 63802
section, each sewage sludge facility shall pay a minimum annual 63803
sewage sludge fee of one hundred dollars. 63804

(b) The annual sludge fee required to be paid by a sewage 63805
sludge facility that treats or disposes of exceptional quality 63806
sludge in this state shall be thirty-five per cent less per dry 63807
ton of exceptional quality sludge than the fee assessed under 63808
division (Y)(1) of this section, subject to the following 63809
exceptions: 63810

(i) Except as provided in division (Y)(2)(d) of this section, 63811
a sewage sludge facility that treats or disposes of exceptional 63812
quality sludge shall pay a minimum annual sewage sludge fee of one 63813
hundred dollars. 63814

(ii) A sewage sludge facility that treats or disposes of 63815
exceptional quality sludge shall not be required to pay the annual 63816
sludge fee for treatment or disposal in this state of exceptional 63817
quality sludge generated outside of this state and contained in 63818
bags or other containers not greater than one hundred pounds in 63819
capacity. 63820

A thirty-five per cent reduction for exceptional quality 63821
sludge applies to the maximum annual fees established under 63822
division (Y)(3) of this section. 63823

(c) A sewage sludge facility that transfers sewage sludge to 63824
another sewage sludge facility in this state for further treatment 63825
prior to disposal in this state shall not be required to pay the 63826
annual sludge fee for the tons of sewage sludge that have been 63827
transferred. In such a case, the sewage sludge facility that 63828
disposes of the sewage sludge shall pay the annual sludge fee. 63829
However, the facility transferring the sewage sludge shall pay the 63830
one-hundred-dollar minimum fee required under division (Y)(2)(a) 63831

of this section. 63832

In the case of a sewage sludge facility that treats sewage 63833
sludge in this state and transfers it out of this state to another 63834
entity for disposal, the sewage sludge facility in this state 63835
shall be required to pay the annual sludge fee for the tons of 63836
sewage sludge that have been transferred. 63837

(d) A sewage sludge facility that generates sewage sludge 63838
resulting from an average daily discharge flow of less than five 63839
thousand gallons per day is not subject to the fees assessed under 63840
division (Y) of this section. 63841

(3) No sewage sludge facility required to pay the annual 63842
sludge fee shall be required to pay more than the maximum annual 63843
fee for each disposal method that the sewage sludge facility uses. 63844
The maximum annual fee does not include the additional amount that 63845
may be charged under division (Y)(5) of this section for late 63846
payment of the annual sludge fee. The maximum annual fee for the 63847
following methods of disposal of sewage sludge is as follows: 63848

(a) Incineration: five thousand dollars; 63849

(b) Preexisting land reclamation project or disposal in a 63850
landfill: five thousand dollars; 63851

(c) Land application, land reclamation, surface disposal, or 63852
any other disposal method not specified in division (Y)(3)(a) or 63853
(b) of this section: twenty thousand dollars. 63854

(4)(a) In the case of an entity that generates sewage sludge 63855
or a sewage sludge facility that treats sewage sludge and 63856
transfers the sewage sludge to an incineration facility for 63857
disposal, the incineration facility, and not the entity generating 63858
the sewage sludge or the sewage sludge facility treating the 63859
sewage sludge, shall pay the annual sludge fee for the tons of 63860
sewage sludge that are transferred. However, the entity or 63861
facility generating or treating the sewage sludge shall pay the 63862

one-hundred-dollar minimum fee required under division (Y)(2)(a) 63863
of this section. 63864

(b) In the case of an entity that generates sewage sludge and 63865
transfers the sewage sludge to a landfill for disposal or to a 63866
sewage sludge facility for land reclamation or surface disposal, 63867
the entity generating the sewage sludge, and not the landfill or 63868
sewage sludge facility, shall pay the annual sludge fee for the 63869
tons of sewage sludge that are transferred. 63870

(5) Not later than the first day of April of the calendar 63871
year following March 17, 2000, and each first day of April 63872
thereafter, the director shall issue invoices to persons who are 63873
required to pay the annual sludge fee. The invoice shall identify 63874
the nature and amount of the annual sludge fee assessed and state 63875
the first day of May as the deadline for receipt by the director 63876
of objections regarding the amount of the fee and the first day of 63877
July as the deadline for payment of the fee. 63878

Not later than the first day of May following receipt of an 63879
invoice, a person required to pay the annual sludge fee may submit 63880
objections to the director concerning the accuracy of information 63881
regarding the number of dry tons of sewage sludge used to 63882
calculate the amount of the annual sludge fee or regarding whether 63883
the sewage sludge qualifies for the exceptional quality sludge 63884
discount established in division (Y)(2)(b) of this section. The 63885
director may consider the objections and adjust the amount of the 63886
fee to ensure that it is accurate. 63887

If the director does not adjust the amount of the annual 63888
sludge fee in response to a person's objections, the person may 63889
appeal the director's determination in accordance with Chapter 63890
119. of the Revised Code. 63891

Not later than the first day of June, the director shall 63892
notify the objecting person regarding whether the director has 63893

found the objections to be valid and the reasons for the finding. 63894
If the director finds the objections to be valid and adjusts the 63895
amount of the annual sludge fee accordingly, the director shall 63896
issue with the notification a new invoice to the person 63897
identifying the amount of the annual sludge fee assessed and 63898
stating the first day of July as the deadline for payment. 63899

Not later than the first day of July, any person who is 63900
required to do so shall pay the annual sludge fee. Any person who 63901
is required to pay the fee, but who fails to do so on or before 63902
that date shall pay an additional amount that equals ten per cent 63903
of the required annual sludge fee. 63904

(6) The director shall transmit all moneys collected under 63905
division (Y) of this section to the treasurer of state for deposit 63906
into the surface water protection fund created in section 6111.038 63907
of the Revised Code. The moneys shall be used to defray the costs 63908
of administering and enforcing provisions in Chapter 6111. of the 63909
Revised Code and rules adopted under it that govern the use, 63910
storage, treatment, or disposal of sewage sludge. 63911

(7) Beginning in fiscal year 2001, and every two years 63912
thereafter, the director shall review the total amount of moneys 63913
generated by the annual sludge fees to determine if that amount 63914
exceeded six hundred thousand dollars in either of the two 63915
preceding fiscal years. If the total amount of moneys in the fund 63916
exceeded six hundred thousand dollars in either fiscal year, the 63917
director, after review of the fee structure and consultation with 63918
affected persons, shall issue an order reducing the amount of the 63919
fees levied under division (Y) of this section so that the 63920
estimated amount of moneys resulting from the fees will not exceed 63921
six hundred thousand dollars in any fiscal year. 63922

If, upon review of the fees under division (Y)(7) of this 63923
section and after the fees have been reduced, the director 63924
determines that the total amount of moneys collected and 63925

accumulated is less than six hundred thousand dollars, the 63926
director, after review of the fee structure and consultation with 63927
affected persons, may issue an order increasing the amount of the 63928
fees levied under division (Y) of this section so that the 63929
estimated amount of moneys resulting from the fees will be 63930
approximately six hundred thousand dollars. Fees shall never be 63931
increased to an amount exceeding the amount specified in division 63932
(Y)(7) of this section. 63933

Notwithstanding section 119.06 of the Revised Code, the 63934
director may issue an order under division (Y)(7) of this section 63935
without the necessity to hold an adjudicatory hearing in 63936
connection with the order. The issuance of an order under this 63937
division is not an act or action for purposes of section 3745.04 63938
of the Revised Code. 63939

(8) As used in division (Y) of this section: 63940

(a) "Sewage sludge facility" means an entity that performs 63941
treatment on or is responsible for the disposal of sewage sludge. 63942

(b) "Sewage sludge" means a solid, semi-solid, or liquid 63943
residue generated during the treatment of domestic sewage in a 63944
treatment works as defined in section 6111.01 of the Revised Code. 63945
"Sewage sludge" includes, but is not limited to, scum or solids 63946
removed in primary, secondary, or advanced wastewater treatment 63947
processes. "Sewage sludge" does not include ash generated during 63948
the firing of sewage sludge in a sewage sludge incinerator, grit 63949
and screenings generated during preliminary treatment of domestic 63950
sewage in a treatment works, animal manure, residue generated 63951
during treatment of animal manure, or domestic septage. 63952

(c) "Exceptional quality sludge" means sewage sludge that 63953
meets all of the following qualifications: 63954

(i) Satisfies the class A pathogen standards in 40 C.F.R. 63955
503.32(a); 63956

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	63957 63958
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	63959 63960
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	63961 63962
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	63963 63964 63965
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	63966 63967 63968
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	63969 63970 63971 63972 63973
(g) "Land reclamation" means the returning of disturbed land to productive use.	63974 63975
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	63976 63977 63978 63979
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	63980 63981 63982 63983
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if	63984 63985 63986

they are separated by a public road or highway. 63987

(k) "Annual sludge fee" means the fee assessed under division 63988
(Y)(1) of this section. 63989

(l) "Landfill" means a sanitary landfill facility, as defined 63990
in rules adopted under section 3734.02 of the Revised Code, that 63991
is licensed under section 3734.05 of the Revised Code. 63992

(m) "Preexisting land reclamation project" means a 63993
property-specific land reclamation project that has been in 63994
continuous operation for not less than five years pursuant to 63995
approval of the activity by the director and includes the 63996
implementation of a community outreach program concerning the 63997
activity. 63998

Sec. 3745.50. As used in sections 3745.50 to 3745.58 of the 63999
Revised Code: 64000

(A) "State agency" means the department of administrative 64001
services, the department of agriculture, the department of 64002
commerce, the department of development, the department of 64003
education, the environmental protection agency, the department of 64004
health, the industrial commission, the department of insurance, 64005
the department of natural resources, the department of 64006
rehabilitation and correction, and the department of 64007
transportation. 64008

(B) "Environmental justice" means the fair treatment of all 64009
people regardless of race, color, national origin, educational 64010
level, or income with respect to the development, implementation, 64011
and enforcement of laws related to human health or the 64012
environment, and rules and policies adopted under those laws, and 64013
with respect to compliance with those laws, rules, and policies by 64014
state agencies. 64015

(C) "Fair treatment" means policies and practices that ensure 64016

that no group of people, including racial, ethnic, or 64017
socio-economic groups, bears disproportionately high and adverse 64018
human health or environmental effects resulting from the 64019
implementation of laws related to human health or the environment 64020
and rules and policies adopted under those laws. 64021

Sec. 3745.51. (A) The head of a state agency shall appoint an 64022
employee of the state agency to serve as the environmental justice 64023
coordinator for the state agency. An environmental justice 64024
coordinator shall be a part of the senior management of the state 64025
agency. An environmental justice coordinator shall be appointed 64026
for a period of three years. A vacancy in the position of 64027
environmental justice coordinator shall be filled in the same 64028
manner as the original appointment. An environmental justice 64029
coordinator may be reappointed. 64030

(B) A state agency environmental justice coordinator shall do 64031
all of the following: 64032

(1) Promote compliance with or implementation and enforcement 64033
of applicable laws related to human health or the environment and 64034
rules and policies adopted under those laws to ensure, to the 64035
extent possible, the fair treatment of all people; 64036

(2) Promote public participation with regard to the state 64037
agency's compliance with or implementation and enforcement of 64038
applicable laws related to human health or the environment and 64039
rules and policies adopted under those laws, in particular, public 64040
participation by racial and ethnic minority populations and 64041
low-income populations; 64042

(3) Implement recommendations of the environmental justice 64043
task force created in section 3745.53 of the Revised Code and the 64044
environmental justice advisory commission created in section 64045
3745.54 of the Revised Code; 64046

(4) Oversee the programs, policies, and activities of the state agency to ensure that those programs, policies, and activities that substantially affect human health or the environment are conducted in a manner that results in the fair treatment of all people; 64047
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(5) Coordinate the implementation of and provide for agency environmental justice strategies; 64052
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(6) Consult with and review information received from the environmental justice task force for the purpose of assisting the environmental justice coordinator in meeting the requirements of division (B) of this section. 64054
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Sec. 3745.52. A state agency, under the direction of its environmental justice coordinator, shall do all of the following: 64058
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(A) Conduct any programs or activities and implement any policies that substantially affect human health or the environment in a manner that ensures the fair treatment of all people; 64060
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(B) Promote the enforcement of and compliance with any applicable laws related to human health or the environment and rules or policies adopted under those laws in a manner that ensures the fair treatment of all people; 64063
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(C) Ensure public participation with regard to the state agency's compliance with or implementation and enforcement of applicable laws related to human health or the environment and rules and policies adopted under those laws, in particular, public participation by racial and ethnic minority populations and low-income populations; 64067
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(D) Improve research and data collection regarding the agency's compliance with or implementation and enforcement of applicable laws related to human health or the environment and any rules and policies adopted under those laws; 64073
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(E) For the purpose of providing assistance and resources to economically and environmentally distressed communities, coordinate environmental justice-related activities with the United States environmental protection agency's working group on environmental justice. 64077
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Sec. 3745.53. There is hereby created the environmental justice task force consisting of all of the environmental justice coordinators from state agencies. The task force shall convene its first meeting not later than ninety days after the effective date of this section. At that meeting, the task force shall elect a chairperson and a vice-chairperson who each shall serve a term of two years. The chairperson or vice-chairperson may be reelected. After the first meeting, the task force shall hold meetings at least once every three months. The task force shall do all of the following: 64082
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(A) Develop strategies for identifying and addressing gaps in existing state programs, policies, or activities that may impede the achievement of environmental justice; 64092
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(B) Recommend procedures and provide guidance to state agency environmental justice coordinators for the implementation and coordination of environmental justice strategies; 64095
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(C) Recommend procedures to state agency environmental justice coordinators for collecting, maintaining, analyzing, and coordinating information relating to environmental justice strategies; 64098
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(D) Recommend procedures to state agency environmental justice coordinators to ensure that public documents and notices related to human health or the environment are concise, understandable, and readily accessible to the public. The recommendations shall include guidance for determining when it is appropriate for a state agency to translate crucial public 64102
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documents and notices related to human health or the environment 64108
into languages other than English or conduct public hearings in 64109
languages other than English. 64110

(E) Develop a comprehensive inventory, by county, of all 64111
facilities requiring environmental permits and an inventory of all 64112
closed or abandoned solid waste landfills, construction and 64113
demolition debris facilities, hazardous waste disposal locations, 64114
brownfield sites, and property that is subject to the 64115
"Comprehensive Environmental Response, Compensation, and Liability 64116
Act of 1980," 94 Stat. 2779, 42 U.S.C. 9601, as amended, and 64117
regulations adopted under it; 64118

(F) Review state laws related to human health or the 64119
environment and rules and policies adopted under those laws to 64120
determine if they adequately identify, evaluate, and prevent the 64121
inequitable distribution of adverse human health and environmental 64122
impacts; 64123

(G) Make recommendations to the environmental justice 64124
advisory commission created in section 3745.54 of the Revised Code 64125
regarding statutory or regulatory changes that would enhance the 64126
state's policies regarding environmental justice. 64127

Sec. 3745.54. (A) There is hereby created the environmental 64128
justice advisory commission consisting of the following members: 64129

(1) The director of environmental protection or the 64130
director's designee; 64131

(2) Six members appointed by the governor as follows: 64132

(a) Two representatives of local or regional land use 64133
planning agencies; 64134

(b) Two members representing local air pollution control 64135
authorities, county sewer districts, or regional water and sewer 64136
districts; 64137

<u>(c) Two members representing statewide environmental advocacy organizations.</u>	64138 64139
<u>(3) Six members appointed by the president of the senate as follows:</u>	64140 64141
<u>(a) Two members representing the business community;</u>	64142
<u>(b) Two members representing local health, social service, or public interest organizations;</u>	64143 64144
<u>(c) Two members from institutions of higher education with expertise in environmental justice issues.</u>	64145 64146
<u>(4) Ten members appointed by the speaker of the house of representatives as follows:</u>	64147 64148
<u>(a) Six members representing groups from communities that are particularly impacted by environmental contamination, including representatives of low-income communities and communities consisting of racial and ethnic minority populations. Members appointed under division (A)(4)(a) of this section may be from nonprofit advocacy groups concerned with health and the environment in low-income communities and communities consisting of racial and ethnic minority populations.</u>	64149 64150 64151 64152 64153 64154 64155 64156
<u>(b) Two members representing civil rights organizations;</u>	64157
<u>(c) One member representing the religious community;</u>	64158
<u>(d) One member representing labor organizations.</u>	64159
<u>(B) Each member appointed to the advisory commission under division (A) of this section shall be appointed for a two-year term, except that each member appointed under division (A)(4)(a) of this section shall be appointed for a four-year term. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed.</u>	64160 64161 64162 64163 64164 64165
<u>Members may be reappointed. Members shall not be appointed for a period longer than two successive terms. Terms shall be</u>	64166 64167

considered successive unless separated by a period of four or more 64168
years for a member appointed under division (A)(4)(a) of this 64169
section or a period of two or more years for all other appointed 64170
members. Vacancies shall be filled in the manner provided for 64171
original appointments. Any member appointed to fill a vacancy 64172
occurring prior to the expiration date of the term for which the 64173
member was appointed shall serve for the remainder of that term. A 64174
member shall continue to serve subsequent to the expiration date 64175
of the member's term until the member's successor takes office or 64176
until a period of sixty days has elapsed, whichever occurs first. 64177
A member of the advisory commission may be removed by the member's 64178
appointing authority for inefficiency, malfeasance, misfeasance, 64179
or nonfeasance. 64180

Members of the advisory commission shall receive no 64181
compensation, but shall be reimbursed for their actual and 64182
necessary expenses incurred in the course of the performance of 64183
their duties as members of the advisory commission, including lost 64184
wages and mileage. Serving as a member of the commission does not 64185
constitute holding a public office or position of employment under 64186
the laws of this state and does not constitute grounds for removal 64187
of public officers or employees from their offices or positions of 64188
employment. The environmental protection agency shall provide 64189
office space and technical and administrative assistance to the 64190
advisory commission. 64191

(C) The advisory commission shall elect, by majority vote, 64192
one of its members to serve as chairperson. The chairperson shall 64193
facilitate and preside over meetings. The advisory commission also 64194
shall elect, by majority vote, one of its members as a liaison to 64195
the governor and one of its members as a liaison to the 64196
environmental justice task force. 64197

The advisory commission may form subcommittees to address 64198
specific environmental justice program areas. 64199

<u>(D) The advisory commission shall do all of the following:</u>	64200
<u>(1) Coordinate with, provide guidance to, and serve as an</u>	64201
<u>information clearinghouse for state agency environmental justice</u>	64202
<u>coordinators, the environmental justice task force created in</u>	64203
<u>section 3745.53 of the Revised Code, and the environmental justice</u>	64204
<u>ombudsperson created in section 3745.57 of the Revised Code</u>	64205
<u>regarding environmental justice issues;</u>	64206
<u>(2) Assist state agencies and the environmental justice task</u>	64207
<u>force in the development of environmental justice strategies that</u>	64208
<u>will help to ensure that state government programs, activities,</u>	64209
<u>and policies are administered, interpreted, and enforced</u>	64210
<u>consistently, effectively, and fairly;</u>	64211
<u>(3) Appoint subcommittees for the purpose of holding public</u>	64212
<u>meetings throughout each area of the state to receive comments and</u>	64213
<u>recommendations from citizens on the development of issue and</u>	64214
<u>community specific environmental justice strategies. The</u>	64215
<u>subcommittees shall hold not fewer than ten meetings throughout</u>	64216
<u>the state.</u>	64217
<u>(4) Recommend statutory or regulatory changes to the governor</u>	64218
<u>or the general assembly, as applicable, that would enhance the</u>	64219
<u>state's environmental justice policies;</u>	64220
<u>(5) Make recommendations to the governor and the</u>	64221
<u>environmental justice task force regarding the implementation of</u>	64222
<u>environmental justice strategies;</u>	64223
<u>(6) Develop environmental justice guidance documents for use</u>	64224
<u>by state agencies in developing and implementing environmental</u>	64225
<u>justice strategies;</u>	64226
<u>(7) Conduct public meetings to receive and respond to public</u>	64227
<u>comments regarding any recommendations that are required to be</u>	64228
<u>made under division (D) of this section. The advisory commission</u>	64229
<u>shall provide appropriate public notice of each public meeting not</u>	64230

<u>later than sixty days prior to the meeting.</u>	64231
<u>(8) Submit a report of the activities and findings of the advisory commission at least semiannually to the governor, general assembly, and the environmental justice task force;</u>	64232
	64233
	64234
<u>(9) Create and oversee the office of the advocate for environmental justice and assign duties and tasks to the office consistent with the duties established in section 3745.55 of the Revised Code;</u>	64235
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	64238
<u>(10) Determine and locate office space for the environmental justice ombudsperson.</u>	64239
	64240
<u>Sec. 3745.55. The office of the advocate for environmental justice created under division (D)(9) of section 3745.54 of the Revised Code shall do all of the following:</u>	64241
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	64243
<u>(A) Perform all duties and tasks assigned to it by the environmental justice advisory commission created in section 3745.54 of the Revised Code;</u>	64244
	64245
	64246
<u>(B) Take actions necessary to provide education and training regarding environmental justice to elected officials, employees of state agencies, and members of the public;</u>	64247
	64248
	64249
<u>(C) Coordinate and conduct meetings with members of local communities and state agencies and elected officials regarding environmental justice issues;</u>	64250
	64251
	64252
<u>(D) Establish a web site that provides all of the following:</u>	64253
<u>(1) An explanation of the duties of the office of the advocate for environmental justice;</u>	64254
	64255
<u>(2) A listing of notices of violations issued by the environmental protection agency and other state agencies under laws related to human health or the environment;</u>	64256
	64257
	64258
<u>(3) A listing of permit applications that are submitted to</u>	64259

the environmental protection agency and other state agencies under 64260
laws related to human health or the environment; 64261

(4) Any other information that the office of the advocate for 64262
environmental justice determines to be appropriate for inclusion 64263
on its web site. 64264

(E) Gather background information regarding permit applicants 64265
as provided in section 3745.56 of the Revised Code; 64266

(F) Establish partnerships with universities, colleges, 64267
nonprofit organizations, libraries, and professional 64268
organizations. 64269

Sec. 3745.56. (A) At the same time that an application for a 64270
permit for a facility or a proposed facility is submitted under 64271
Chapter 3704. or 6111. of the Revised Code to the director of 64272
environmental protection, the owner or operator of the facility or 64273
proposed facility shall submit the following to the office of the 64274
advocate for environmental justice created under division (D)(9) 64275
of section 3745.54 of the Revised Code: 64276

(1) A listing of all facilities permitted under Chapter 3704. 64277
or 6111. of the Revised Code that the owner or operator or a key 64278
employee of the owner or operator has operated or is operating in 64279
this state; 64280

(2) A listing of facilities that the owner or operator or a 64281
key employee of the owner or operator has operated or is operating 64282
elsewhere in the United States for which a permit or permits have 64283
been issued that are equivalent in nature to permits issued under 64284
Chapter 3704. or 6111. of the Revised Code together with a listing 64285
of such facilities that the owner or operator or a key employee of 64286
the owner or operator has operated or is operating outside the 64287
United States; 64288

(3) A listing of all administrative enforcement orders issued 64289

to the owner or operator or a key employee of the owner or 64290
operator, all civil actions in which the owner or operator or a 64291
key employee of the owner or operator was determined by the trier 64292
of fact to be liable in damages or was the subject of injunctive 64293
relief or another type of civil relief, and all criminal actions 64294
in which the owner or operator or a key employee of the owner or 64295
operator pleaded guilty or was convicted, during the ten years 64296
immediately preceding the submission of the application, in 64297
connection with any violation by the owner or operator or a key 64298
employee of the owner or operator of an applicable state or 64299
federal law pertaining to environmental protection or the 64300
environmental laws of another country; 64301

(4) A listing of all administrative enforcement orders, civil 64302
actions, or criminal actions pending at the time of the submission 64303
of the application for a permit under Chapter 3704. or 6111. of 64304
the Revised Code in connection with a violation of any applicable 64305
state or federal law or law of another country pertaining to 64306
environmental protection that was alleged to have been committed 64307
by the owner or operator or a key employee of the owner or 64308
operator. 64309

The lists of facilities operated by the owner or operator or 64310
a key employee of the owner or operator within or outside this 64311
state or outside the United States shall include all such 64312
facilities operated by the owner or operator or a key employee of 64313
the owner or operator during the ten-year period immediately 64314
preceding the submission of the application. 64315

(B) After the submission of information under division (A) of 64316
this section, the office of the advocate for environmental justice 64317
shall forward copies of the information to the director of 64318
environmental protection. The office of the advocate for 64319
environmental justice may make recommendations to the director 64320
regarding the approval or disapproval of an application for a 64321

permit under Chapter 3704. or 6111. of the Revised Code based on 64322
information received by the office under this section. 64323

(C) If an applicant for a permit under Chapter 3704. or 6111. 64324
of the Revised Code has been involved in any prior activity 64325
involving the operation of a facility for which permits have been 64326
issued under Chapter 3704. or 6111. of the Revised Code or an 64327
equivalent permit under the jurisdiction of another state, the 64328
United States, or another country, the director of environmental 64329
protection may deny the application if the director finds from the 64330
application, the information submitted under division (A) of this 64331
section, pertinent information submitted to the director, 64332
information included with recommendations made by the office of 64333
the advocate for environmental justice, and other pertinent 64334
information obtained by the director at the director's discretion 64335
that the applicant or any other person listed on the application, 64336
in the operation of facilities in this state, another state, or 64337
another country, has a history of substantial noncompliance with 64338
state and federal laws pertaining to environmental protection or 64339
the environmental laws of another country that indicates that the 64340
applicant lacks sufficient reliability, expertise, and competence 64341
to operate the facility or proposed facility in substantial 64342
compliance with Chapter 3704. or 6111. of the Revised Code and 64343
rules adopted under either chapter, as applicable. 64344

(D) A person to whom a permit issued under Chapter 3704. or 64345
6111. of the Revised Code is proposed to be transferred shall 64346
submit to the office of the advocate for environmental justice the 64347
information that is required to be submitted under division (A) of 64348
this section by an applicant for a permit under those chapters not 64349
later than one hundred twenty days prior to the proposed 64350
acquisition of the facility by the transferee. The office of the 64351
advocate for environmental justice shall transfer a copy of the 64352
information to the director. The director may deny the transfer of 64353

the permit if the information regarding the transferee indicates 64354
any of the reasons specified in division (C) of this section for 64355
the denial of an application for a permit. 64356

(E) When the owner or operator of a facility permitted under 64357
Chapter 3704. or 6111. of the Revised Code employs a new key 64358
employee, the owner or operator shall submit or shall require the 64359
new key employee to submit to the office of the advocate for 64360
environmental justice information regarding the new key employee 64361
that is required to be submitted under division (A) of this 64362
section by an applicant for a permit issued under Chapter 3704. or 64363
6111. of the Revised Code. The office of the advocate for 64364
environmental justice shall transfer a copy of the information to 64365
the director. The director may revoke any applicable permits for 64366
the facility issued under Chapter 3704. or 6111. of the Revised 64367
Code if the information regarding the new key employee indicates 64368
any of the reasons specified in division (C) of this section for 64369
the denial of an application for a permit. 64370

(F) As used in this section, "key employee" means an 64371
individual employed by the owner or operator of a facility or a 64372
proposed facility who has submitted an application for a permit 64373
for the facility under Chapter 3704. or 6111. of the Revised Code, 64374
or by the proposed transferee of such a permit, in a supervisory 64375
capacity or who is empowered to make discretionary management 64376
decisions with respect to the operations of the applicant or 64377
transferee. 64378

Sec. 3745.57. (A) There is created the environmental justice 64379
ombudsperson who shall be appointed by the governor with the 64380
advice and consent of the senate. The environmental justice 64381
ombudsperson shall serve during the term of the appointing 64382
governor and is subject to removal at the pleasure of the 64383
governor. 64384

- (B) The environmental justice ombudsperson shall do all of the following: 64385
64386
- (1) Act as a liaison between the citizens of this state and a state agency regarding environmental justice issues; 64387
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- (2) Furnish information and assistance to persons concerning state laws and rules that are relevant to environmental justice. In conjunction with those duties, the ombudsperson shall keep a record of all state agency rules that are relevant to environmental justice and may testify before the joint committee on agency rule review concerning any proposed rule that is relevant to environmental justice. 64389
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- (3) Receive complaints from citizens of this state concerning state agency activity, compile and analyze those complaints, and periodically make recommendations to the governor and the general assembly on changes in state laws or agency rules that are needed to promote environmental justice; 64396
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- (4) Receive complaints or questions from citizens of this state concerning environmental justice and direct those citizens to the appropriate state agency. If, within a reasonable period of time, a complaint is not satisfactorily resolved or a question is not satisfactorily answered, the ombudsperson shall make every effort to secure a satisfactory result on behalf of the citizen. For that purpose, the ombudsperson may consult with any state agency and may make any suggestion or request that is appropriate. 64401
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- (5) Represent a citizen's concerns regarding environmental justice before a state agency; 64409
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- (6) Utilize, to the maximum extent possible, the printed and electronic media to disseminate information regarding environmental justice of current concern and interest to the citizens of this state and to make known to the citizens the services that are available through the ombudsperson; 64411
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(7) Maintain and publicize a toll-free telephone number that 64416
the citizens of this state may call to reach the ombudsperson. 64417

(C) The ombudsperson, upon the request of a state agency, 64418
shall assist the agency with the preparation of any rule that 64419
substantially will affect human health or the environment to 64420
ensure the fair treatment of all people. 64421

(D) The ombudsperson shall be located in office space that is 64422
selected by the environmental justice advisory commission under 64423
division (D)(10) of section 3745.54 of the Revised Code. 64424

Sec. 3745.58. (A) There is hereby created in the state 64425
treasury the environmental justice fund consisting of money 64426
appropriated to the fund, money transferred to the fund from the 64427
general revenue fund, and money transferred to the fund in 64428
accordance with division (B) of this section. 64429

(B) The director of environmental protection shall annually 64430
determine the funding needs of the environmental justice advisory 64431
commission created in section 3745.54 of the Revised Code, the 64432
office of the advocate for environmental justice created under 64433
division (D)(9) of that section, and the environmental justice 64434
ombudsperson created in section 3745.58 of the Revised Code. Upon 64435
making the determination, the director shall request the director 64436
of budget and management to transfer the amount of money that the 64437
director has determined is needed from funds administered by the 64438
environmental protection agency to the environmental justice fund. 64439
Notwithstanding any provision of the Revised Code to the contrary, 64440
the director of budget and management shall comply with the 64441
request. 64442

(C) Money in the environmental justice fund shall be used to 64443
fund the operations of the environmental justice advisory 64444
commission, the office of the advocate for environmental justice, 64445
and the environmental justice ombudsperson. 64446

Sec. 3748.01. As used in this chapter:	64447
(A) "Byproduct material" means either of the following:	64448
(1) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material;	64449 64450 64451 64452
(2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.	64453 64454 64455
(B) "Certified radiation expert" means an individual who has complied with all of the following:	64456 64457
(1) Applied to the director of health for certification as a radiation expert under section 3748.12 of the Revised Code;	64458 64459
(2) Met minimum education and experience requirements established in rules adopted under division (C) of section 3748.04 of the Revised Code;	64460 64461 64462
(3) Been granted a certificate as a radiation expert by the director under section 3748.12 of the Revised Code.	64463 64464
(C) "Closure" or "site closure" refers to a facility for the disposal of low-level radioactive waste or a byproduct material site, as "byproduct material" is defined in division (A)(2) of this section, and means all activities performed at a licensed operation, such as stabilization and contouring, to ensure that the site where the operation occurred is in a stable condition so that only minor custodial care, surveillance, and monitoring are necessary at the site following the termination of the licensed operation.	64465 64466 64467 64468 64469 64470 64471 64472 64473
(D) "Decommissioning" means to safely remove any licensed operation from service and reduce residual radioactivity to a level that permits release of the licensee's property for	64474 64475 64476

unrestricted use. With regard to a facility for the disposal of 64477
low-level radioactive waste or a byproduct material site, as 64478
"byproduct material" is defined in division (A)(2) of this 64479
section, "decommissioning" does not include the reduction of 64480
residual radioactivity to a level that permits release of the 64481
facility for unrestricted use. 64482

(E) "Director of health" includes a designee or authorized 64483
representative of the director. 64484

(F) "Disposal," with regard to low-level radioactive waste, 64485
means the permanent isolation of that waste in accordance with 64486
requirements established by the United States nuclear regulatory 64487
commission or the licensing agreement state. 64488

(G) "Disposal site" means that portion of a facility that is 64489
used for the disposal of low-level radioactive waste and that 64490
consists of disposal units and a buffer zone. "Disposal unit" 64491
means a discrete portion of such a facility into which low-level 64492
radioactive waste is placed for disposal. 64493

(H)(1) Except as provided in division (H)(2) of this section, 64494
"facility" means the state, any political subdivision, person, 64495
public or private institution, or group, or any unit of one of 64496
those entities, but does not include the federal government or any 64497
of its agencies. 64498

(2) For the purposes of the disposal of low-level radioactive 64499
waste, "facility" has the same meaning as in section 3747.01 of 64500
the Revised Code. 64501

(I) "Handle" means receive, possess, use, store, transfer, 64502
install, service, or dispose of sources of radiation unless 64503
possession is solely for the purpose of transportation. 64504

(J) "Handler" means a facility that handles sources of 64505
radiation unless possession is solely for the purpose of 64506
transportation. 64507

(K) "Inspection" means an official review, examination, or observation, including, without limitation, tests, surveys, and monitoring, that is used to determine compliance with rules, orders, requirements, and conditions of the department of health and that is conducted by the director of health.

(L) "Low-level radioactive waste" has the same meaning as in section 3747.01 of the Revised Code with regard to the disposal of low-level radioactive waste. In regard to regulatory control at locations other than a disposal facility, "low-level radioactive waste" has the same meaning as in 42 U.S.C.A. 2021b.

(M) "Quality assurance program" means a program providing for verification by written procedures such as testing, auditing, and inspection to ensure that deficiencies, deviations, defective equipment, or unsafe practices, or a combination thereof, relating to the use, disposal, management, or manufacture of radiation sources are identified, promptly corrected, and reported to the appropriate regulatory authorities.

(N) "Radiation" means ionizing and nonionizing radiation.

(1) "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, but does not include sound or radio waves or visible, infrared, or ultraviolet light.

(2) "Nonionizing radiation" means any electromagnetic radiation, other than ionizing electromagnetic radiation, or any sonic, ultrasonic, or infrasonic wave.

(O) "Radioactive material" means any solid, liquid, or gaseous material that emits ionizing radiation spontaneously. "Radioactive material" includes accelerator-produced and naturally occurring materials and byproduct, source, and special nuclear material.

(P) "Radiation-generating equipment" means any manufactured

product or device, or component of such a product or device, or 64539
any machine or system that during operation can generate or emit 64540
radiation, except those that emit radiation only from radioactive 64541
material. "Radiation-generating equipment" does not include either 64542
of the following: 64543

(1) Diathermy machines; 64544

(2) Microwave ovens, including food service microwave ovens 64545
used for commercial and industrial uses, television receivers, 64546
electric lamps, and other household appliances and products that 64547
generate very low levels of radiation. 64548

(Q) "Source material" means uranium, thorium, or any 64549
combination thereof in any physical or chemical form, or any ores 64550
that contain by weight at least one-twentieth of one per cent of 64551
uranium, thorium, or any combination thereof. "Source material" 64552
does not include special nuclear material. 64553

(R) "Source of radiation" means radioactive material or 64554
radiation-generating equipment. 64555

(S) "Special nuclear material" means either of the following: 64556

(1) Plutonium, uranium 233, uranium enriched in the isotope 64557
233 or in the isotope 235, and any other material that the United 64558
States nuclear regulatory commission determines to be special 64559
nuclear material, but does not include source material pursuant to 64560
section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42 64561
U.S.C.A. 2071." 64562

(2) Except for any source material, any material artificially 64563
enriched by any of the materials identified in division (S)(1) of 64564
this section. 64565

(T) "Storage" means the retention of radioactive materials, 64566
including low-level radioactive waste, prior to disposal in a 64567
manner that allows for surveillance, control, and subsequent 64568

retrieval. 64569

(U) "Medical practitioner" means a person who is authorized 64570
pursuant to Chapter 4715. of the Revised Code to practice 64571
dentistry; pursuant to Chapter 4731. of the Revised Code to 64572
practice medicine and surgery, osteopathic medicine and surgery, 64573
or podiatric medicine and surgery; or pursuant to Chapter 4734. of 64574
the Revised Code to practice chiropractic. 64575

(V) "Medical-practitioner group" means a corporation, 64576
partnership, or other business entity, other than a hospital as 64577
defined in section 3727.01 of the Revised Code, consisting of 64578
medical practitioners. 64579

Sec. 3748.04. The public health council, in accordance with 64580
Chapter 119. of the Revised Code, shall adopt and may amend or 64581
rescind rules doing all of the following: 64582

(A) Listing types of radioactive material for which licensure 64583
by its handler is required and types of radiation-generating 64584
equipment for which registration by its handler is required, and 64585
establishing requirements governing them. Rules adopted under 64586
division (A) of this section shall be compatible with applicable 64587
federal regulations and shall establish all of the following, 64588
without limitation: 64589

(1) Requirements governing both of the following: 64590

(a) The licensing and inspection of handlers of radioactive 64591
material. Standards established in rules adopted under division 64592
(A)(1)(a) of this section regarding byproduct material or any 64593
activity that results in the production of that material, to the 64594
extent practicable, shall be equivalent to or more stringent than 64595
applicable standards established by the United States nuclear 64596
regulatory commission. 64597

(b) The registration and inspection of handlers of 64598

radiation-generating equipment. Standards established in rules 64599
adopted under division (A)(1)(b) of this section, to the extent 64600
practicable, shall be equivalent to applicable standards 64601
established by the food and drug administration in the United 64602
States department of health and human services. 64603

(2) Identification of and requirements governing possession 64604
and use of specifically licensed and generally licensed quantities 64605
of radioactive material as either sealed sources or unsealed 64606
sources; 64607

(3) A procedure for the issuance of and the frequency of 64608
renewal of the licenses of handlers of radioactive material, other 64609
than a license for a facility for the disposal of low-level 64610
radioactive waste, and of the certificates of registration of 64611
handlers of radiation-generating equipment; 64612

(4) Procedures for suspending and revoking the licenses of 64613
handlers of radioactive material and the certificates of 64614
registration of handlers of radiation-generating equipment; 64615

(5) Criteria to be used by the director of health in amending 64616
the license of a handler of radioactive material or the 64617
certificate of registration of a handler of radiation-generating 64618
equipment subsequent to its issuance; 64619

(6) Criteria for achieving and maintaining compliance with 64620
this chapter and rules adopted under it by licensees and 64621
registrants; 64622

(7) Criteria governing environmental monitoring of licensed 64623
and registered activities to assess compliance with this chapter 64624
and rules adopted under it; 64625

(8) ~~Except as otherwise provided in division (A)(8) of this~~ 64626
~~section, fees~~ Fees for the both of the following: 64627

(a) The licensing of handlers ~~of radioactive material~~, other 64628

than a ~~facility~~ facilities for the disposal of low-level 64629
radioactive waste, ~~and the~~ of radioactive material; 64630

(b) The registration of handlers, other than facilities that 64631
are, or are operated by, medical practitioners or 64632
medical-practitioner groups, of radiation-generating equipment ~~and~~ 64633
a. 64634

(9) A fee schedule for ~~their~~ both of the following that 64635
includes fees for reviews, conducted during an inspection, of 64636
shielding plans or the adequacy of shielding: 64637

(a) The inspection of handlers of radioactive material; 64638

(b) The inspection of handlers, other than facilities that 64639
are, or are operated by, medical practitioners or 64640
medical-practitioner groups, of radiation-generating equipment. 64641
~~Rules adopted under division (A)(8) of this section shall not~~ 64642
~~revise any fees established in section 3748.07 or 3748.13 of the~~ 64643
~~Revised Code to be paid by any handler of radiation generating~~ 64644
~~equipment that is a medical practitioner or a corporation,~~ 64645
~~partnership, or other business entity consisting of medical~~ 64646
~~practitioners, other than a hospital as defined in section 3727.01~~ 64647
~~of the Revised Code.~~ 64648

~~As used in division (A)(8) of this section, "medical~~ 64649
~~practitioner" means a person who is authorized to practice~~ 64650
~~dentistry pursuant to Chapter 4715. of the Revised Code; medicine~~ 64651
~~and surgery, osteopathic medicine and surgery, or podiatry~~ 64652
~~pursuant to Chapter 4731. of the Revised Code; or chiropractic~~ 64653
~~pursuant to Chapter 4734. of the Revised Code.~~ 64654

(B)(1) Identifying sources of radiation, circumstances of 64655
possession, use, or disposal of sources of radiation, and levels 64656
of radiation that constitute an unreasonable or unnecessary risk 64657
to human health or the environment; 64658

(2) Establishing requirements for the achievement and 64659

maintenance of compliance with standards for the receipt, 64660
possession, use, storage, installation, transfer, servicing, and 64661
disposal of sources of radiation to prevent levels of radiation 64662
that constitute an unreasonable or unnecessary risk to human 64663
health or the environment; 64664

(3) Requiring the maintenance of records on the receipt, use, 64665
storage, transfer, and disposal of radioactive material and on the 64666
radiological safety aspects of the use and maintenance of 64667
radiation-generating equipment. 64668

In adopting rules under divisions (A) and (B) of this 64669
section, the council shall use standards no less stringent than 64670
the "suggested state regulations for control of radiation" 64671
prepared by the conference of radiation control program directors, 64672
inc., and regulations adopted by the United States nuclear 64673
regulatory commission, the United States environmental protection 64674
agency, and the United States department of health and human 64675
services and shall consider reports of the national council on 64676
radiation protection and measurement and the relevant standards of 64677
the American national standards institute. 64678

(C) Establishing fees, procedures, and requirements for 64679
certification as a radiation expert, including all of the 64680
following, without limitation: 64681

(1) Minimum training and experience requirements; 64682

(2) Procedures for applying for certification; 64683

(3) Procedures for review of applications and issuance of 64684
certificates; 64685

(4) Procedures for suspending and revoking certification. 64686

(D) Establishing a schedule for inspection of sources of 64687
radiation and their shielding and surroundings; 64688

(E) Establishing the responsibilities of a radiation expert; 64689

(F) Establishing criteria for quality assurance programs for 64690
licensees of radioactive material and registrants of 64691
radiation-generating equipment; 64692

(G) Establishing fees to be paid by any facility that, on 64693
September 8, 1995, holds a license from the United States nuclear 64694
regulatory commission in order to provide moneys necessary for the 64695
transfer of licensing and other regulatory authority from the 64696
commission to the state pursuant to section 3748.03 of the Revised 64697
Code. Rules adopted under this division shall stipulate that fees 64698
so established do not apply to any functions dealing specifically 64699
with a facility for the disposal of low-level radioactive waste. 64700
Fees collected under this division shall be deposited into the 64701
state treasury to the credit of the general operations fund 64702
created in section 3701.83 of the Revised Code. The fees shall be 64703
used solely to administer and enforce this chapter and rules 64704
adopted under it. 64705

(H) Establishing fees to be collected annually from 64706
generators of low-level radioactive waste, which shall be based 64707
upon the volume and radioactivity of the waste generated and the 64708
costs of administering low-level radioactive waste management 64709
activities under this chapter and rules adopted under it. All fees 64710
collected under this division shall be deposited into the state 64711
treasury to the credit of the general operations fund created in 64712
section 3701.83 of the Revised Code. The fees shall be used solely 64713
to administer and enforce this chapter and rules adopted under it. 64714
Any fee required under this division that has not been paid within 64715
ninety days after the invoice date shall be assessed at two times 64716
the original invoiced fee. Any fee that has not been paid within 64717
one hundred eighty days after the invoice date shall be assessed 64718
at five times the original invoiced fee. 64719

(I) Establishing requirements governing closure, 64720
decontamination, decommissioning, reclamation, and long-term 64721

surveillance and care of a facility licensed under this chapter 64722
and rules adopted under it. Rules adopted under division (I) of 64723
this section shall include, without limitation, all of the 64724
following: 64725

(1) Standards and procedures to ensure that a licensee 64726
prepares a decommissioning funding plan that provides an adequate 64727
financial guaranty to permit the completion of all requirements 64728
governing the closure, decontamination, decommissioning, and 64729
reclamation of sites, structures, and equipment used in 64730
conjunction with a licensed activity; 64731

(2) For licensed activities where radioactive material that 64732
will require surveillance or care is likely to remain at the site 64733
after the licensed activities cease, as indicated in the 64734
application for the license submitted under section 3748.07 of the 64735
Revised Code, standards and procedures to ensure that the licensee 64736
prepares an additional decommissioning funding plan for long-term 64737
surveillance and care, before termination of the license, that 64738
provides an additional adequate financial guaranty as necessary to 64739
provide for that surveillance and care; 64740

(3) For the purposes of the decommissioning funding plans 64741
required in rules adopted under divisions (I)(1) and (2) of this 64742
section, the types of acceptable financial guaranties, which shall 64743
include bonds issued by fidelity or surety companies authorized to 64744
do business in the state, certificates of deposit, deposits of 64745
government securities, irrevocable letters or lines of credit, 64746
trust funds, escrow accounts, or other similar types of 64747
arrangements, but shall not include any arrangement that 64748
constitutes self-insurance; 64749

(4) A requirement that the decommissioning funding plans 64750
required in rules adopted under divisions (I)(1) and (2) of this 64751
section contain financial guaranties in amounts sufficient to 64752
ensure compliance with any standards established by the United 64753

States nuclear regulatory commission, or by the state if it has 64754
become an agreement state pursuant to section 3748.03 of the 64755
Revised Code, pertaining to closure, decontamination, 64756
decommissioning, reclamation, and long-term surveillance and care 64757
of licensed activities and sites of licensees. 64758

Standards established in rules adopted under division (I) of 64759
this section regarding any activity that resulted in the 64760
production of byproduct material, as defined in division (A)(2) of 64761
section 3748.01 of the Revised Code, to the extent practicable, 64762
shall be equivalent to or more stringent than standards 64763
established by the United States nuclear regulatory commission for 64764
sites at which ores were processed primarily for their source 64765
material content and at which byproduct material, as defined in 64766
division (A)(2) of section 3748.01 of the Revised Code, is 64767
deposited. 64768

(J) Establishing criteria governing inspections of a facility 64769
for the disposal of low-level radioactive waste, including, 64770
without limitation, the establishment of a resident inspector 64771
program at such a facility; 64772

(K) Establishing requirements and procedures governing the 64773
filing of complaints under section 3748.16 of the Revised Code, 64774
including, without limitation, those governing intervention in a 64775
hearing held under division (B)(3) of that section. 64776

Sec. 3748.07. (A) Every facility that proposes to handle 64777
radioactive material or radiation-generating equipment for which 64778
licensure or registration, respectively, by its handler is 64779
required shall apply in writing to the director of health on forms 64780
prescribed and provided by the director for licensure or 64781
registration. Terms and conditions of licenses and certificates of 64782
registration may be amended in accordance with rules adopted under 64783
section 3748.04 of the Revised Code or orders issued by the 64784

director pursuant to section 3748.05 of the Revised Code. 64785

~~(B) Until rules are adopted under section 3748.04 of the~~ 64786
~~Revised Code (1) Except as provided in division (B)(2) of this~~ 64787
~~section, an application for a license, registration certificate,~~ 64788
~~or renewal of either shall be accompanied by the appropriate fee~~ 64789
~~specified in rules adopted under section 3748.04 of the Revised~~ 64790
~~Code.~~ 64791

~~(2) In the case of an applicant that is, or is operated by, a~~ 64792
~~medical practitioner or medical-practitioner group and proposes to~~ 64793
~~handle radiation-generating equipment, an application for a~~ 64794
certificate of registration shall be accompanied by a biennial 64795
registration fee of two hundred ~~eighteen~~ sixty-two dollars and, in 64796
the case of a renewal application, a biennial renewal fee in the 64797
same amount. ~~On and after the effective date of those rules, an~~ 64798
~~applicant for a license, registration certificate, or renewal of~~ 64799
~~either shall pay the appropriate fee established in those rules.~~ 64800

~~(C)~~ (C) All fees collected under this section shall be deposited 64802
in the state treasury to the credit of the general operations fund 64803
created in section 3701.83 of the Revised Code. The fees shall be 64804
used solely to administer and enforce this chapter and rules 64805
adopted under it. 64806

(D) Any fee required under this section that has not been 64807
paid within ninety days after the invoice date shall be assessed 64808
at two times the original invoiced fee. Any fee that has not been 64809
paid within one hundred eighty days after the invoice date shall 64810
be assessed at five times the original invoiced fee. 64811

~~(C)~~(E) The director shall grant a license or registration to 64812
any applicant who has paid the required fee and is in compliance 64813
with this chapter and rules adopted under it. 64814

~~Until rules are adopted under section 3748.04 of the Revised~~ 64815

~~Code, certificates of registration shall be effective for two~~ 64816
~~years from the date of issuance. On and after the effective date~~ 64817
~~of these rules (F) Except as provided in division (B)(2) of this~~ 64818
~~section,~~ licenses and certificates of registration shall be 64819
effective for the applicable period established in ~~those rules~~ 64820
~~adopted under section 3748.04 of the Revised Code.~~ Licenses and 64821
certificates of registration shall be renewed in accordance with 64822
the ~~standard~~ renewal procedure established in ~~Chapter 4745. rules~~ 64823
~~adopted under section 3748.04 of the Revised Code.~~ 64824

Sec. 3748.12. The director of health shall certify radiation 64825
experts pursuant to rules adopted under division (C) of section 64826
3748.04 of the Revised Code. The director shall issue a 64827
certificate to each person certified under this section. An 64828
individual certified by the director is qualified to develop, 64829
provide periodic review of, and conduct audits of the quality 64830
assurance program for sources of radiation for which such a 64831
program is required under division (A) of section 3748.13 of the 64832
Revised Code. 64833

The public health council shall establish an application fee 64834
for applying for certification and a biennial certification 64835
renewal fee in rules adopted under division (C) of section 3748.04 64836
of the Revised Code. ~~Until those rules are adopted, the~~ 64837
~~application fee for initial certification shall be fifty dollars~~ 64838
~~plus an additional twenty five dollars for each type of~~ 64839
~~radiation-generating equipment listed in division (B) of section~~ 64840
~~3748.13 of the Revised Code for which application is being made.~~ 64841
~~The certification renewal fee shall be one hundred fifteen~~ 64842
~~dollars.~~ A certificate issued under this section shall expire two 64843
years after the date of its issuance. To maintain certification, a 64844
radiation expert shall apply to the director for renewal of 64845
certification in accordance with the standard renewal procedures 64846
established in Chapter 4745. of the Revised Code. The 64847

certification renewal fee is not required for initial 64848
certification, but shall be paid for every renewal of 64849
certification. Fees collected under this section shall be 64850
deposited into the state treasury to the credit of the general 64851
operations fund created in section 3701.83 of the Revised Code. 64852
The fees shall be used solely to administer and enforce this 64853
chapter and rules adopted under it. Any fee required under this 64854
section that has not been paid within ninety days after the 64855
invoice date shall be assessed at two times the original invoiced 64856
fee. Any fee that has not been paid within one hundred eighty days 64857
after the invoice date shall be assessed at five times the 64858
original invoiced fee. 64859

Sec. 3748.13. (A) The director of health shall inspect 64860
sources of radiation for which licensure or registration by the 64861
handler is required, and the sources' shielding and surroundings, 64862
according to the schedule established in rules adopted under 64863
division (D) of section 3748.04 of the Revised Code. In accordance 64864
with rules adopted under ~~that~~ section 3748.04 of the Revised Code, 64865
the director shall inspect all records and operating procedures of 64866
handlers that install or service sources of radiation and all 64867
sources of radiation for which licensure of radioactive material 64868
or registration of radiation-generating equipment by the handler 64869
is required. The director may make other inspections upon 64870
receiving complaints or other evidence of a violation of this 64871
chapter or rules adopted under it. 64872

The director shall require any hospital registered under 64873
division (A) of section 3701.07 of the Revised Code to develop and 64874
maintain a quality assurance program for all sources of 64875
radiation-generating equipment. A certified radiation expert shall 64876
conduct oversight and maintenance of the program and shall file a 64877
report of audits of the program with the director on forms 64878
prescribed by the director. The audit reports shall become part of 64879

the inspection record. 64880

(B) ~~Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code (1) Except as provided in division (B)(2) of this section,~~ a facility shall pay inspection fees for radioactive material and radiation-generating equipment according to the ~~following~~ schedule and categories established in rules adopted under division (A)(9) of section 3748.04 of the Revised Code. 64881
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(2) A facility that is, or is operated by, a medical practitioner or medical-practitioner group shall pay inspection fees for radiation-generating equipment according to the following schedule and categories: 64888
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First dental x-ray tube	\$ 129.00 <u>155.00</u>	64892
Each additional dental x-ray tube at the same location	\$ 64.00 <u>77.00</u>	64893
First medical x-ray tube	\$ 256.00 <u>307.00</u>	64894
Each additional medical x-ray tube at the same location	\$ 136.00 <u>163.00</u>	64895
Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$ 508.00 <u>610.00</u>	64896
First nonionizing radiation-generating equipment of any kind	\$ 256.00 <u>307.00</u>	64897
Each additional nonionizing radiation-generating equipment of any kind at the same location	\$ 136.00 <u>163.00</u>	64898
Assembler-maintainer inspection consisting of an inspection of records and operating procedures of handlers that install sources	\$ 317.00 <u>380.00</u>	64899

of radiation

~~Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the fee applicable under the schedule in this division. Until those rules are adopted (C)(1) Except as provided in division (C)(2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is ~~three four~~ seventy-four hundred ninety-five dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.~~

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(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred seventy-four dollars plus the fee applicable under the schedule in this division (B)(2) of this section.

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(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.

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(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the applicable fee under the

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schedule in division (B)(2) of this section. 64931

(E) The director may conduct a review of shielding plans or 64932
the adequacy of shielding on the request of a licensee or 64933
registrant or an applicant for licensure or registration or during 64934
an inspection when the director considers a review to be 64935
necessary. ~~Until rules are adopted under division (A)(8) of~~ 64936
~~section 3748.04 of the Revised Code~~ 64937

(1) Except as provided in division (E)(2) of this section, 64938
the fee for the review is ~~six~~ the applicable amount specified in 64939
rules adopted under division (A)(9) of section 3748.04 of the 64940
Revised Code. 64941

(2) For a facility that is, or is operated by, a medical 64942
practitioner or medical-practitioner group and handles or proposes 64943
to handle radiation-generating equipment, the fee for the review 64944
is seven hundred ~~thirty-five~~ sixty-two dollars for each room where 64945
a source of radiation is used and is in addition to any other fee 64946
applicable under the schedule in ~~this~~ division (B)(2) of this 64947
section. 64948

(F) All fees shall be paid to the department of health no 64949
later than thirty days after the invoice for the fee is mailed. 64950
Fees shall be deposited in the general operations fund created in 64951
section 3701.83 of the Revised Code. The fees shall be used solely 64952
to administer and enforce this chapter and rules adopted under it. 64953

(G) Any fee required under this section that has not been 64954
paid within ninety days after the invoice date shall be assessed 64955
at two times the original invoiced fee. Any fee that has not been 64956
paid within one hundred eighty days after the invoice date shall 64957
be assessed at five times the original invoiced fee. 64958

~~(C)~~(H) If the director determines that a board of health of a 64959
city or general health district is qualified to conduct 64960
inspections of radiation-generating equipment, the director may 64961

delegate to the board, by contract, the authority to conduct such 64962
inspections. In making a determination of the qualifications of a 64963
board of health to conduct those inspections, the director shall 64964
evaluate the credentials of the individuals who are to conduct the 64965
inspections of radiation-generating equipment and the radiation 64966
detection and measuring equipment available to them for that 64967
purpose. If a contract is entered into, the board shall have the 64968
same authority to make inspections of radiation-generating 64969
equipment as the director has under this chapter and rules adopted 64970
under it. The contract shall stipulate that only individuals 64971
approved by the director as qualified shall be permitted to 64972
inspect radiation-generating equipment under the contract's 64973
provisions. The contract shall provide for such compensation for 64974
services as is agreed to by the director and the board of health 64975
of the contracting health district. The director may reevaluate 64976
the credentials of the inspection personnel and their radiation 64977
detecting and measuring equipment as often as the director 64978
considers necessary and may terminate any contract with the board 64979
of health of any health district that, in the director's opinion, 64980
is not satisfactorily performing the terms of the contract. 64981

~~(D)~~(I) The director may enter at all reasonable times upon 64982
any public or private property to determine compliance with this 64983
chapter and rules adopted under it. 64984

Sec. 3749.04. (A) No person shall operate or maintain a 64985
public swimming pool, public spa, or special-use pool without a 64986
license issued by the licensor having jurisdiction. 64987

(B) Every person who intends to operate or maintain an 64988
existing public swimming pool, public spa, or special-use pool 64989
shall, during the month of April of each year, apply to the 64990
licensor having jurisdiction for a license to operate the pool or 64991
spa. Any person proposing to operate or maintain a new or 64992

otherwise unlicensed public swimming pool, public spa, or 64993
special-use pool shall apply to the licensor having jurisdiction 64994
at least thirty days prior to the intended start of operation of 64995
the pool or spa. Within thirty days of receipt of an application 64996
for licensure of a public swimming pool, public spa, or 64997
special-use pool, the licensor shall process the application and 64998
either issue a license or otherwise respond to the applicant 64999
regarding the application. 65000

(C) Each license issued shall be effective from the date of 65001
issuance until the last day of May of the following year. 65002

(D) Each licensor administering and enforcing sections 65003
3749.01 to 3749.09 of the Revised Code and the rules adopted 65004
thereunder may establish licensing and inspection fees in 65005
accordance with section 3709.09 of the Revised Code, which shall 65006
not exceed the cost of licensing and inspecting public swimming 65007
pools, public spas, and special-use pools. 65008

(E) Except as provided in division (F) of this section and in 65009
division (B) of section 3749.07 of the Revised Code, all license 65010
fees collected by a licensor shall be deposited into a swimming 65011
pool fund, which is hereby created in each health district. The 65012
fees shall be used by the licensor solely for the purpose of 65013
administering and enforcing this chapter and the rules adopted 65014
under this chapter. 65015

(F) An annual license fee established under division (D) of 65016
this section shall include any additional amount determined by 65017
rule of the public health council, which the ~~licensor~~ board of 65018
health shall collect and transmit to the ~~treasurer of state to be~~ 65019
~~deposited in the general operations fund created by section~~ 65020
~~3701.83 of the Revised Code~~ director of health pursuant to section 65021
3709.092 of the Revised Code. The amounts collected under this 65022
division shall be administered by the director of health and shall 65023
be used solely for the administration and enforcement of this 65024

chapter and the rules adopted under this chapter. 65025

Sec. 3770.05. (A) As used in this section, "person" means any 65026
person, association, corporation, partnership, club, trust, 65027
estate, society, receiver, trustee, person acting in a fiduciary 65028
or representative capacity, instrumentality of the state or any of 65029
its political subdivisions, or any other combination of 65030
individuals meeting the requirements set forth in this section or 65031
established by rule or order of the state lottery commission. 65032

(B) The director of the state lottery commission may license 65033
any person as a lottery sales agent. No license shall be issued to 65034
any person or group of persons to engage in the sale of lottery 65035
tickets as the person's or group's sole occupation or business. 65036

Before issuing any license to a lottery sales agent, the 65037
director shall consider all of the following: 65038

(1) The financial responsibility and security of the 65039
applicant and the applicant's business or activity; 65040

(2) The accessibility of the applicant's place of business or 65041
activity to the public; 65042

(3) The sufficiency of existing licensed agents to serve the 65043
public interest; 65044

(4) The volume of expected sales by the applicant; 65045

(5) Any other factors pertaining to the public interest, 65046
convenience, or trust. 65047

(C) Except as otherwise provided in division (F) of this 65048
section, the director of the state lottery commission shall refuse 65049
to grant, or shall suspend or revoke, a license if the applicant 65050
or licensee: 65051

(1) Has been convicted of a felony or has been convicted of a 65052
crime involving moral turpitude; 65053

(2) Has been convicted of an offense that involves illegal gambling; 65054
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(3) Has been found guilty of fraud or misrepresentation in any connection; 65056
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(4) Has been found to have violated any rule or order of the commission; or 65058
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(5) Has been convicted of illegal trafficking in ~~food stamps~~ supplemental nutrition assistance program benefits. 65060
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(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee is a corporation and any of the following applies: 65062
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(1) Any of the corporation's directors, officers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C)(1) to (5) of this section; 65066
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(2) It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, or controlling shareholder of the corporation, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust; 65069
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(3) The corporation is not the owner or lessee of the business at which it would conduct a lottery sales agency pursuant to the license applied for; 65075
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(4) Any person, firm, association, or corporation other than the applicant or licensee shares or will share in the profits of the applicant or licensee, other than receiving dividends or distributions as a shareholder, or participates or will participate in the management of the affairs of the applicant or licensee. 65078
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(E)(1) The director of the state lottery commission shall 65084
refuse to grant a license to an applicant for a lottery sales 65085
agent license and shall revoke a lottery sales agent license if 65086
the applicant or licensee is or has been convicted of a violation 65087
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 65088

(2) The director shall refuse to grant a license to an 65089
applicant for a lottery sales agent license that is a corporation 65090
and shall revoke the lottery sales agent license of a corporation 65091
if the corporation is or has been convicted of a violation of 65092
division (A) or (C)(1) of section 2913.46 of the Revised Code. 65093

(F) The director of the state lottery commission shall 65094
request the bureau of criminal identification and investigation, 65095
the department of public safety, or any other state, local, or 65096
federal agency to supply the director with the criminal records of 65097
any applicant for a lottery sales agent license, and may 65098
periodically request the criminal records of any person to whom a 65099
lottery sales agent license has been issued. At or prior to the 65100
time of making such a request, the director shall require an 65101
applicant or licensee to obtain fingerprint impressions on 65102
fingerprint cards prescribed by the superintendent of the bureau 65103
of criminal identification and investigation at a qualified law 65104
enforcement agency, and the director shall cause those fingerprint 65105
cards to be forwarded to the bureau of criminal identification and 65106
investigation, to the federal bureau of investigation, or to both 65107
bureaus. The commission shall assume the cost of obtaining the 65108
fingerprint cards. 65109

The director shall pay to each agency supplying criminal 65110
records for each investigation a reasonable fee, as determined by 65111
the agency. 65112

The commission may adopt uniform rules specifying time 65113
periods after which the persons described in divisions (C)(1) to 65114
(5) and (D)(1) to (4) of this section may be issued a license and 65115

establishing requirements for those persons to seek a court order 65116
to have records sealed in accordance with law. 65117

(G)(1) Each applicant for a lottery sales agent license shall 65118
do both of the following: 65119

(a) Pay to the state lottery commission, at the time the 65120
application is submitted, a fee in an amount that the director of 65121
the state lottery commission determines by rule adopted under 65122
Chapter 119. of the Revised Code and that the controlling board 65123
approves; 65124

(b) Prior to approval of the application, obtain a surety 65125
bond in an amount the director determines by rule adopted under 65126
Chapter 119. of the Revised Code or, alternatively, with the 65127
director's approval, deposit the same amount into a dedicated 65128
account for the benefit of the state lottery. The director also 65129
may approve the obtaining of a surety bond to cover part of the 65130
amount required, together with a dedicated account deposit to 65131
cover the remainder of the amount required. 65132

A surety bond may be with any company that complies with the 65133
bonding and surety laws of this state and the requirements 65134
established by rules of the commission pursuant to this chapter. A 65135
dedicated account deposit shall be conducted in accordance with 65136
policies and procedures the director establishes. 65137

A surety bond, dedicated account, or both, as applicable, may 65138
be used to pay for the lottery sales agent's failure to make 65139
prompt and accurate payments for lottery ticket sales, for missing 65140
or stolen lottery tickets, or for damage to equipment or materials 65141
issued to the lottery sales agent, or to pay for expenses the 65142
commission incurs in connection with the lottery sales agent's 65143
license. 65144

(2) A lottery sales agent license is effective for one year. 65145

A licensed lottery sales agent, on or before the date 65146

established by the director, shall renew the agent's license and 65147
provide at that time evidence to the director that the surety 65148
bond, dedicated account deposit, or both, required under division 65149
(G)(1)(b) of this section has been renewed or is active, whichever 65150
applies. 65151

Before the commission renews a lottery sales agent license, 65152
the lottery sales agent shall submit a renewal fee to the 65153
commission in an amount that the director determines by rule 65154
adopted under Chapter 119. of the Revised Code and that the 65155
controlling board approves. The renewal fee shall not exceed the 65156
actual cost of administering the license renewal and processing 65157
changes reflected in the renewal application. The renewal of the 65158
license is effective for up to one year. 65159

(3) A lottery sales agent license shall be complete, 65160
accurate, and current at all times during the term of the license. 65161
Any changes to an original license application or a renewal 65162
application may subject the applicant or lottery sales agent, as 65163
applicable, to paying an administrative fee that shall be in an 65164
amount that the director determines by rule adopted under Chapter 65165
119. of the Revised Code, that the controlling board approves, and 65166
that shall not exceed the actual cost of administering and 65167
processing the changes to an application. 65168

(4) The relationship between the commission and a lottery 65169
sales agent is one of trust. A lottery sales agent collects funds 65170
on behalf of the commission through the sale of lottery tickets 65171
for which the agent receives a compensation. 65172

(H) Pending a final resolution of any question arising under 65173
this section, the director of the state lottery commission may 65174
issue a temporary lottery sales agent license, subject to the 65175
terms and conditions the director considers appropriate. 65176

(I) If a lottery sales agent's rental payments for the 65177

lottery sales agent's premises are determined, in whole or in 65178
part, by the amount of retail sales the lottery sales agent makes, 65179
and if the rental agreement does not expressly provide that the 65180
amount of those retail sales includes the amounts the lottery 65181
sales agent receives from lottery ticket sales, only the amounts 65182
the lottery sales agent receives as compensation from the state 65183
lottery commission for selling lottery tickets shall be considered 65184
to be amounts the lottery sales agent receives from the retail 65185
sales the lottery sales agent makes, for the purpose of computing 65186
the lottery sales agent's rental payments. 65187

Sec. 3773.35. Any person who wishes to conduct a public or 65188
private competition that involves boxing ~~or~~, wrestling ~~match or~~ 65189
~~exhibition, mixed martial arts, kick boxing, tough man contests,~~ 65190
tough guy contests, or any other form of boxing or martial arts 65191
shall apply to the Ohio athletic commission for a promoter's 65192
license. Each application shall be filed with the commission on 65193
forms provided by the commission, and shall be accompanied by an 65194
application fee as prescribed in section 3773.43 of the Revised 65195
Code and, with the exception of wrestling events, by a ~~cash bond,~~ 65196
~~certified check, bank draft, or~~ surety bond of not less than five 65197
twenty thousand dollars conditioned for compliance with sections 65198
3773.31 to 3773.57 of the Revised Code and the rules of the 65199
commission. ~~The applicant shall verify the application under oath.~~ 65200
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The commission shall prescribe the form of the application 65202
for the promoter's license. The application shall include the name 65203
of the applicant, the post office address of the applicant, and 65204
any other information the commission requires. 65205

Sec. 3773.36. Upon the proper filing of an application to 65206
conduct any public or private competition that involves boxing ~~or~~ 65207
~~wrestling matches or exhibitions, mixed martial arts, kick boxing,~~ 65208

tough man contests, tough guy contests, or any other form of 65209
boxing or martial arts, accompanied by the ~~cash bond, certified~~ 65210
~~check, bank draft, or surety bond required by section 3773.35,~~ and 65211
the application fee ~~required by section 3773.43 of the Revised~~ 65212
~~Code, or upon the proper filing of an application to conduct any~~ 65213
public or private competition that involves wrestling accompanied 65214
by the application fee, the Ohio athletic commission shall issue a 65215
promoter's license to the applicant if it finds that the applicant 65216
is not in default on any payment, obligation, or debt payable to 65217
the state under sections 3773.31 to 3773.57 of the Revised Code, 65218
is financially responsible, and is knowledgeable in the proper 65219
conduct of such matches or exhibitions. 65220

Each license issued pursuant to this section shall bear the 65221
name of the licensee, the post office address of the licensee, the 65222
date of ~~issue~~ expiration, ~~a serial~~ an identification number 65223
designated by the commission, and the seal of the commission, ~~and~~ 65224
~~the signature of the commission chairperson.~~ 65225

A promoter's license shall expire twelve months after its 65226
date of issuance and shall become invalid on that date unless 65227
renewed. A promoter's license may be renewed upon application to 65228
the commission and upon payment of the renewal fee prescribed in 65229
section 3773.43 of the Revised Code. The commission shall renew 65230
the license unless it denies the application for renewal for one 65231
or more reasons stated in section 3123.47 or 3773.53 of the 65232
Revised Code. 65233

Sec. 3773.43. The Ohio athletic commission shall charge the 65234
following fees: 65235

(A) For an application for or renewal of a promoter's license 65236
for a public or private competition that involves boxing matches 65237
or exhibitions, mixed martial arts, kick boxing, tough man 65238

contests, tough guy contests, or any other form of boxing or martial arts, one hundred dollars. 65239
65240

(B) For an application for or renewal of a license to participate in a public boxing match or exhibition as a contestant, or as a referee, judge, matchmaker, manager, timekeeper, trainer, or second of a contestant, twenty dollars. 65241
65242
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(C) For a permit to conduct a public boxing match or exhibition, fifty dollars. 65245
65246

(D) For an application for or renewal of a promoter's license for ~~professional~~ a public or private competition that involves wrestling matches or exhibitions, two hundred dollars. 65247
65248
65249

(E) For a permit to conduct a professional wrestling match or exhibition, one hundred dollars. 65250
65251

The commission, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent. 65252
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The fees prescribed by this section shall be paid to the treasurer of state, who shall deposit the fees in the occupational licensing and regulatory fund. 65256
65257
65258

Sec. 3773.45. (A) ~~Each contestant in a public boxing match or exhibition shall be examined not more than twenty four hours before entering the ring by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse midwife. Each contestant who has had a previous match or exhibition on or after July 27, 1981, and was knocked out at that match or exhibition shall present to the examiner a record of the physical examination performed at the conclusion of that match or exhibition. If, after reviewing such record and performing a physical examination of the contestant,~~ 65259
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~~the examiner determines that the contestant is physically fit to 65269
compete, the physician shall certify that fact on the contestant's 65270
physical examination form. No physician, physician assistant, 65271
clinical nurse specialist, certified nurse practitioner, or 65272
certified nurse midwife shall certify a contestant as physically 65273
fit to compete if the physician, physician assistant, clinical 65274
nurse specialist, certified nurse practitioner, or certified 65275
nurse midwife determines that the contestant was knocked out in a 65276
contest that took place within the preceding thirty days. No 65277
contestant shall compete in a public boxing match or exhibition 65278
unless the contestant has been certified as physically fit in 65279
accordance with this section. 65280~~

~~Immediately after the end of a match or exhibition, the 65281
examiner shall examine each contestant who was knocked out in the 65282
match or exhibition, and record the outcome of the match or 65283
exhibition and any physical injuries sustained by the contestant 65284
on the contestant's physical examination form. 65285~~

~~Within twenty four hours after the match or exhibition, the 65286
examiner shall mail one copy of the examination report to the Ohio 65287
athletic commission and one copy to the contestant. The commission 65288
shall furnish blank copies of the examination report to the 65289
examiner. The examiner shall answer all questions on the form. The 65290
person conducting the match or exhibition shall compensate the 65291
examiner. No person shall conduct such a match or exhibition 65292
unless an examiner appointed by the commission is in attendance. 65293
The Ohio athletic commission shall adopt, and may amend or 65294
rescind, rules that do both of the following: 65295~~

~~(1) Require the physical examination by appropriate medical 65296
personnel of each contestant in any public competition that 65297
involves boxing, mixed martial arts, kick boxing, karate, tough 65298
man contests, or any other form of boxing or martial arts within a 65299
specified time period before and after the competition to 65300~~

determine whether the contestant is physically fit to compete in 65301
the competition under specified standards, has sustained physical 65302
injuries in the competition, or requires follow-up examination; 65303
and 65304

(2) Require the reporting of each examination to the 65305
commission. 65306

(B) No holder of a promoter's license shall conduct a boxing 65307
match or exhibition that exceeds twelve rounds. Each round shall 65308
be not more than three minutes in length. A period of at least one 65309
minute, during which no boxing or sparring takes place, shall 65310
occur between rounds. 65311

No holder of a promoter's license or a permit issued under 65312
section 3773.39 of the Revised Code shall allow a professional 65313
boxer to participate in more than twelve rounds of boxing within a 65314
period of seventy-two consecutive hours. For any match or 65315
exhibition or for a class of contestants, the commission may limit 65316
the number of rounds within the maximum of twelve rounds. 65317

(C) No person shall conduct a boxing match or exhibition 65318
unless a licensed referee appointed by the commission and paid by 65319
the person is present. The referee shall direct and control the 65320
match or exhibition. Before each match or exhibition the referee 65321
shall obtain from each contestant the name of the contestant's 65322
chief second and shall hold the chief second responsible for the 65323
conduct of any assistant seconds during the match or exhibition. 65324
The referee may declare a prize, remuneration, or purse or any 65325
part thereof to which a contestant is otherwise entitled withheld 65326
if, in the referee's judgment, the contestant is not competing or 65327
did not compete honestly. A contestant may appeal the referee's 65328
decision in a hearing before the commission conducted in 65329
accordance with section 3773.52 of the Revised Code. 65330

(D) No person shall hold or conduct a boxing match or 65331

exhibition unless three licensed judges appointed by the 65332
commission and paid by the person are present. Each judge shall 65333
render a decision at the end of each match or exhibition. The 65334
judges shall determine the outcome of the match or exhibition, and 65335
their decision shall be final. 65336

(E) Each contestant in a boxing match or exhibition shall 65337
wear gloves weighing not less than six ounces during the boxing 65338
match or exhibition. 65339

Sec. 3773.53. The Ohio athletic commission may revoke, 65340
suspend, or refuse to renew any license issued under sections 65341
3773.31 to 3773.57 of the Revised Code if the licensee: 65342

(A) Has committed an act detrimental to any sport regulated 65343
by this chapter or to the public interest, convenience, or 65344
necessity; 65345

(B) Is associating or consorting with any person who has been 65346
convicted of a crime involving the sports regulated by the 65347
commission; 65348

(C) Is or has been consorting with bookmakers or gamblers, or 65349
has engaged in similar pursuits; 65350

(D) Is financially irresponsible; 65351

(E) Has been found guilty of any fraud or misrepresentation 65352
in connection with any sport regulated by this chapter; 65353

(F) Has violated any law with respect to any sport regulated 65354
by this chapter or any rule or order of the commission; 65355

(G) Has engaged in any other activity that the commission 65356
determines is detrimental to any sport regulated by this chapter. 65357

The commission, in addition to any other action it may take 65358
under this chapter, may impose a fine ~~of not more than one hundred~~ 65359
~~dollars~~ in an amount to be determined by rule of the commission 65360

adopted under Chapter 119. of the Revised Code against any person 65361
licensed under sections 3773.31 to 3773.57 of the Revised Code for 65362
a violation of any of these sections or a violation of any rule or 65363
order of the commission. The amount of fines collected shall be 65364
deposited into the general revenue fund. 65365
65366

Sec. 3781.03. (A) The state fire marshal, the fire chief of a 65367
municipal corporation that has a fire department, or the fire 65368
chief of a township that has a fire department shall enforce the 65369
provisions of this chapter and Chapter 3791. of the Revised Code 65370
that relate to fire prevention. 65371

(B) The superintendent of ~~the division of industrial~~ 65372
~~compliance labor~~, or the building inspector or commissioner of 65373
buildings in a municipal corporation, county, or township in which 65374
the building department is certified by the board of building 65375
standards under section 3781.10 of the Revised Code shall enforce 65376
in the jurisdiction of each entity all the provisions in this 65377
chapter and Chapter 3791. of the Revised Code and any rules 65378
adopted pursuant to those chapters that relate to the 65379
construction, arrangement, and erection of all buildings or parts 65380
of buildings, as defined in section 3781.06 of the Revised Code, 65381
including the sanitary condition of those buildings in relation to 65382
heating and ventilation. 65383

(C) The division of ~~industrial-compliance labor~~ labor in the 65384
department of commerce, boards of health of health districts, 65385
certified departments of building inspection of municipal 65386
corporations, and county building departments that have authority 65387
to perform inspections pursuant to a contract under division 65388
(C)(1) of section 3703.01 of the Revised Code, subject to Chapter 65389
3703. of the Revised Code, shall enforce this chapter and Chapter 65390
3791. of the Revised Code and the rules adopted pursuant to those 65391

chapters that relate to plumbing. Building drains are considered 65392
plumbing for the purposes of enforcement of those chapters. 65393

65394

(D)(1) In accordance with Chapter 3703. of the Revised Code, 65395
the department of the city engineer, in cities having such 65396
departments, the boards of health of health districts, or the 65397
sewer purveyor, as appropriate, shall have complete authority to 65398
supervise and regulate the entire sewerage and drainage system in 65399
the jurisdiction in which it is exercising the authority described 65400
in this division, including the building sewer and all laterals 65401
draining into the street sewers. 65402

(2) In accordance with Chapter 3703. of the Revised Code, the 65403
department of the city engineer, the boards of health of health 65404
districts, or the sewer purveyor, as appropriate, shall control 65405
and supervise the installation and construction of all drains and 65406
sewers that become a part of the sewerage system and shall issue 65407
all the necessary permits and licenses for the construction and 65408
installation of all building sewers and of all other lateral 65409
drains that empty into the main sewers. The department of the city 65410
engineer, the boards of health of health districts, and the sewer 65411
purveyor, as appropriate, shall keep a permanent record of the 65412
installation and location of every drain and sewer of the drainage 65413
and sewerage system of the jurisdiction in which it has exercised 65414
the authority described in this division. 65415

(E) This section does not exempt any officer or department 65416
from the obligation to enforce this chapter and Chapter 3791. of 65417
the Revised Code. 65418

Sec. 3781.102. (A) Any county or municipal building 65419
department certified pursuant to division (E) of section 3781.10 65420
of the Revised Code as of September 14, 1970, and that, as of that 65421
date, was inspecting single-family, two-family, and three-family 65422

residences, and any township building department certified 65423
pursuant to division (E) of section 3781.10 of the Revised Code, 65424
is hereby declared to be certified to inspect single-family, 65425
two-family, and three-family residences containing industrialized 65426
units, and shall inspect the buildings or classes of buildings 65427
subject to division (E) of section 3781.10 of the Revised Code. 65428

65429

(B) Each board of county commissioners may adopt, by 65430
resolution, rules establishing standards and providing for the 65431
licensing of electrical and heating, ventilating, and air 65432
conditioning contractors who are not required to hold a valid and 65433
unexpired license pursuant to Chapter 4740. of the Revised Code. 65434

Rules adopted by a board of county commissioners pursuant to 65435
this division may be enforced within the unincorporated areas of 65436
the county and within any municipal corporation where the 65437
legislative authority of the municipal corporation has contracted 65438
with the board for the enforcement of the county rules within the 65439
municipal corporation pursuant to section 307.15 of the Revised 65440
Code. The rules shall not conflict with rules adopted by the board 65441
of building standards pursuant to section 3781.10 of the Revised 65442
Code or by the department of commerce pursuant to Chapter 3703. of 65443
the Revised Code. This division does not impair or restrict the 65444
power of municipal corporations under Section 3 of Article XVIII, 65445
Ohio Constitution, to adopt rules concerning the erection, 65446
construction, repair, alteration, and maintenance of buildings and 65447
structures or of establishing standards and providing for the 65448
licensing of specialty contractors pursuant to section 715.27 of 65449
the Revised Code. 65450

A board of county commissioners, pursuant to this division, 65451
may require all electrical contractors and heating, ventilating, 65452
and air conditioning contractors, other than those who hold a 65453

valid and unexpired license issued pursuant to Chapter 4740. of 65454
the Revised Code, to successfully complete an examination, test, 65455
or demonstration of technical skills, and may impose a fee and 65456
additional requirements for a license to engage in their 65457
respective occupations within the jurisdiction of the board's 65458
rules under this division. 65459

(C) No board of county commissioners shall require any 65460
specialty contractor who holds a valid and unexpired license 65461
issued pursuant to Chapter 4740. of the Revised Code to 65462
successfully complete an examination, test, or demonstration of 65463
technical skills in order to engage in the type of contracting for 65464
which the license is held, within the unincorporated areas of the 65465
county and within any municipal corporation whose legislative 65466
authority has contracted with the board for the enforcement of 65467
county regulations within the municipal corporation, pursuant to 65468
section 307.15 of the Revised Code. 65469

(D) A board may impose a fee for registration of a specialty 65470
contractor who holds a valid and unexpired license issued pursuant 65471
to Chapter 4740. of the Revised Code before that specialty 65472
contractor may engage in the type of contracting for which the 65473
license is held within the unincorporated areas of the county and 65474
within any municipal corporation whose legislative authority has 65475
contracted with the board for the enforcement of county 65476
regulations within the municipal corporation, pursuant to section 65477
307.15 of the Revised Code, provided that the fee is the same for 65478
all specialty contractors who wish to engage in that type of 65479
contracting. If a board imposes such a fee, the board immediately 65480
shall permit a specialty contractor who presents proof of holding 65481
a valid and unexpired license and pays the required fee to engage 65482
in the type of contracting for which the license is held within 65483
the unincorporated areas of the county and within any municipal 65484
corporation whose legislative authority has contracted with the 65485

board for the enforcement of county regulations within the 65486
municipal corporation, pursuant to section 307.15 of the Revised 65487
Code. 65488

(E) The political subdivision associated with each municipal, 65489
township, and county building department the board of building 65490
standards certifies pursuant to division (E) of section 3781.10 of 65491
the Revised Code may prescribe fees to be paid by persons, 65492
political subdivisions, or any department, agency, board, 65493
commission, or institution of the state, for the acceptance and 65494
approval of plans and specifications, and for the making of 65495
inspections, pursuant to sections 3781.03 and 3791.04 of the 65496
Revised Code. 65497

(F) Each political subdivision that prescribes fees pursuant 65498
to division (E) of this section shall collect, on behalf of the 65499
board of building standards, fees equal to the following: 65500

(1) Three per cent of the fees the political subdivision 65501
collects in connection with nonresidential buildings; 65502

(2) One per cent of the fees the political subdivision 65503
collects in connection with residential buildings. 65504

(G)(1) The board shall adopt rules, in accordance with 65505
Chapter 119. of the Revised Code, specifying the manner in which 65506
the fee assessed pursuant to division (F) of this section shall be 65507
collected and remitted monthly to the board. The board shall pay 65508
the fees into the state treasury to the credit of the ~~industrial~~ 65509
~~compliance labor~~ operating fund created in section 121.084 of the 65510
Revised Code. 65511

(2) All money credited to the ~~industrial compliance labor~~ 65512
operating fund under this division shall be used exclusively for 65513
the following: 65514

(a) Operating costs of the board; 65515

(b) Providing services, including educational programs, for 65516
the building departments that are certified by the board pursuant 65517
to division (E) of section 3781.10 of the Revised Code; 65518

(c) Paying the expenses of the residential construction 65519
advisory committee, including the expenses of committee members as 65520
provided in section 4740.14 of the Revised Code. 65521

(H) A board of county commissioners that adopts rules 65522
providing for the licensing of electrical and heating, 65523
ventilating, and air conditioning contractors, pursuant to 65524
division (B) of this section, may accept, for purposes of 65525
satisfying the requirements of rules adopted under that division, 65526
a valid and unexpired license issued pursuant to Chapter 4740. of 65527
the Revised Code that is held by an electrical or heating, 65528
ventilating, and air conditioning contractor, for the 65529
construction, replacement, maintenance, or repair of one-family, 65530
two-family, or three-family dwelling houses or accessory 65531
structures incidental to those dwelling houses. 65532

(I) A board of county commissioners shall not register a 65533
specialty contractor who is required to hold a license under 65534
Chapter 4740. of the Revised Code but does not hold a valid 65535
license issued under that chapter. 65536

(J) As used in this section, "specialty contractor" means a 65537
heating, ventilating, and air conditioning contractor, 65538
refrigeration contractor, electrical contractor, plumbing 65539
contractor, or hydronics contractor, as those contractors are 65540
described in Chapter 4740. of the Revised Code. 65541

Sec. 3781.11. (A) The rules of the board of building 65542
standards shall: 65543

(1) For nonresidential buildings, provide uniform minimum 65544
standards and requirements, and for residential buildings, provide 65545

standards and requirements that are uniform throughout the state, 65546
for construction and construction materials, including 65547
construction of industrialized units, to make residential and 65548
nonresidential buildings safe and sanitary as defined in section 65549
3781.06 of the Revised Code; 65550

(2) Formulate such standards and requirements, so far as may 65551
be practicable, in terms of performance objectives, so as to make 65552
adequate performance for the use intended the test of 65553
acceptability; 65554

(3) Permit, to the fullest extent feasible, the use of 65555
materials and technical methods, devices, and improvements, 65556
including the use of industrialized units which tend to reduce the 65557
cost of construction and erection without affecting minimum 65558
requirements for the health, safety, and security of the occupants 65559
or users of buildings or industrialized units and without 65560
preferential treatment of types or classes of materials or 65561
products or methods of construction; 65562

(4) Encourage, so far as may be practicable, the 65563
standardization of construction practices, methods, equipment, 65564
material, and techniques, including methods employed to produce 65565
industrialized units; 65566

(5) Not require any alteration or repair of any part of a 65567
school building owned by a chartered nonpublic school or a city, 65568
local, exempted village, or joint vocational school district and 65569
operated in conjunction with any primary or secondary school 65570
program that is not being altered or repaired if all of the 65571
following apply: 65572

(a) The school building meets all of the applicable building 65573
code requirements in existence at the time of the construction of 65574
the building. 65575

(b) The school building otherwise satisfies the requirements 65576

of section 3781.06 of the Revised Code. 65577

(c) The part of the school building altered or repaired 65578
conforms to all rules of the board existing on the date of the 65579
repair or alteration. 65580

(6) Not require any alteration or repair to any part of a 65581
workshop or factory that is not otherwise being altered, repaired, 65582
or added to if all of the following apply: 65583

(a) The workshop or factory otherwise satisfies the 65584
requirements of section 3781.06 of the Revised Code. 65585

(b) The part of the workshop or factory altered, repaired, or 65586
added conforms to all rules of the board existing on the date of 65587
plan approval of the repair, alteration, or addition. 65588

(B) The rules of the board shall supersede and govern any 65589
order, standard, or rule of the division of ~~industrial compliance~~ 65590
labor in the department of commerce, division of the state fire 65591
marshal, the department of health, and of counties and townships, 65592
in all cases where such orders, standards, or rules are in 65593
conflict with the rules of the board, except that rules adopted 65594
and orders issued by the state fire marshal pursuant to Chapter 65595
3743. of the Revised Code prevail in the event of a conflict. 65596

(C) The construction, alteration, erection, and repair of 65597
buildings including industrialized units, and the materials and 65598
devices of any kind used in connection with them and the heating 65599
and ventilating of them and the plumbing and electric wiring in 65600
them shall conform to the statutes of this state or the rules 65601
adopted and promulgated by the board, and to provisions of local 65602
ordinances not inconsistent therewith. Any building, structure, or 65603
part thereof, constructed, erected, altered, manufactured, or 65604
repaired not in accordance with the statutes of this state or with 65605
the rules of the board, and any building, structure, or part 65606
thereof in which there is installed, altered, or repaired any 65607

fixture, device, and material, or plumbing, heating, or 65608
ventilating system, or electric wiring not in accordance with such 65609
statutes or rules is a public nuisance. 65610

(D) As used in this section: 65611

(1) "Nonpublic school" means a chartered school for which 65612
minimum standards are prescribed by the state board of education 65613
pursuant to division (D) of section 3301.07 of the Revised Code. 65614

(2) "Workshop or factory" includes manufacturing, mechanical, 65615
electrical, mercantile, art, and laundering establishments, 65616
printing, telegraph, and telephone offices, railroad depots, and 65617
memorial buildings, but does not include hotels and tenement and 65618
apartment houses. 65619

Sec. 3783.05. The board of building standards, in accordance 65620
with Chapters 119., 3781., and 3791. of the Revised Code, shall 65621
adopt, amend, or repeal such rules as may be reasonably necessary 65622
to administer this chapter. All fees collected by the board 65623
pursuant to this chapter shall be paid into the state treasury to 65624
the credit of the ~~industrial compliance labor~~ operating fund 65625
created in section 121.084 of the Revised Code. 65626

Sec. 3791.02. No owner, or person having the control as an 65627
officer or member of a board or committee or otherwise of any 65628
opera house, hall, theater, church, schoolhouse, college, academy, 65629
seminary, infirmary, sanitarium, children's home, hospital, 65630
medical institute, asylum, memorial building, armory, assembly 65631
hall, or other building for the assemblage or betterment of people 65632
shall fail to obey any order of the state fire marshal, boards of 65633
health of city and general health districts, the building 65634
inspector or commissioner in cities having a building inspection 65635
department, or the superintendent of ~~the division of industrial~~ 65636
~~compliance labor~~ in the department of commerce under Chapters 65637

3781. and 3791. of the Revised Code or rules or regulations 65638
adopted pursuant thereto. 65639

Whoever violates this section shall be fined not more than 65640
one thousand dollars. 65641

Sec. 3791.04. (A)(1) Before beginning the construction, 65642
erection, or manufacture of any building to which section 3781.06 65643
of the Revised Code applies, including all industrialized units, 65644
the owner of that building, in addition to any other submission 65645
required by law, shall submit plans or drawings, specifications, 65646
and data prepared for the construction, erection, equipment, 65647
alteration, or addition that indicate the portions that have been 65648
approved pursuant to section 3781.12 of the Revised Code and for 65649
which no further approval is required, to the municipal, township, 65650
or county building department having jurisdiction unless one of 65651
the following applies: 65652

(a) If no municipal, township, or county building department 65653
certified for nonresidential buildings pursuant to division (E) of 65654
section 3781.10 of the Revised Code has jurisdiction, the owner 65655
shall make the submissions described in division (A)(1) of this 65656
section to the superintendent of ~~the division of industrial~~ 65657
~~compliance~~ labor. 65658

(b) If no certified municipal, township, or county building 65659
department certified for residential buildings pursuant to 65660
division (E) of section 3781.10 of the Revised Code has 65661
jurisdiction, the owner is not required to make the submissions 65662
described in division (A)(1) of this section. 65663

(2)(a) The seal of an architect registered under Chapter 65664
4703. of the Revised Code or an engineer registered under Chapter 65665
4733. of the Revised Code is required for any plans, drawings, 65666
specifications, or data submitted for approval, unless the plans, 65667
drawings, specifications, or data are permitted to be prepared by 65668

persons other than registered architects pursuant to division (C) 65669
or (D) of section 4703.18 of the Revised Code, or by persons other 65670
than registered engineers pursuant to division (C) or (D) of 65671
section 4733.18 of the Revised Code. 65672

(b) No seal is required for any plans, drawings, 65673
specifications, or data submitted for approval for any residential 65674
buildings, as defined in section 3781.06 of the Revised Code, or 65675
erected as industrialized one-, two-, or three-family units or 65676
structures within the meaning of "industrialized unit" as defined 65677
in section 3781.06 of the Revised Code. 65678

(c) No seal is required for approval of the installation of 65679
replacement equipment or systems that are similar in type or 65680
capacity to the equipment or systems being replaced. No seal is 65681
required for approval for any new construction, improvement, 65682
alteration, repair, painting, decorating, or other modification of 65683
any buildings or structures subject to sections 3781.06 to 3781.18 65684
and 3791.04 of the Revised Code if the proposed work does not 65685
involve technical design analysis, as defined by rule adopted by 65686
the board of building standards. 65687

(B) No owner shall proceed with the construction, erection, 65688
alteration, or equipment of any building until the plans or 65689
drawings, specifications, and data have been approved as this 65690
section requires, or the industrialized unit inspected at the 65691
point of origin. No plans or specifications shall be approved or 65692
inspection approval given unless the building represented would, 65693
if constructed, repaired, erected, or equipped, comply with 65694
Chapters 3781. and 3791. of the Revised Code and any rule made 65695
under those chapters. 65696

(C) The approval of plans or drawings and specifications or 65697
data pursuant to this section is invalid if construction, 65698
erection, alteration, or other work upon the building has not 65699
commenced within twelve months of the approval of the plans or 65700

drawings and specifications. One extension shall be granted for an 65701
additional twelve-month period if the owner requests at least ten 65702
days in advance of the expiration of the permit and upon payment 65703
of a fee not to exceed one hundred dollars. If in the course of 65704
construction, work is delayed or suspended for more than six 65705
months, the approval of plans or drawings and specifications or 65706
data is invalid. Two extensions shall be granted for six months 65707
each if the owner requests at least ten days in advance of the 65708
expiration of the permit and upon payment of a fee for each 65709
extension of not more than one hundred dollars. Before any work 65710
may continue on the construction, erection, alteration, or 65711
equipment of any building for which the approval is invalid, the 65712
owner of the building shall resubmit the plans or drawings and 65713
specifications for approval pursuant to this section. 65714

(D) Subject to section 3791.042 of the Revised Code, the 65715
board of building standards or the legislative authority of a 65716
municipal corporation, township, or county, by rule, may regulate 65717
the requirements for the submission of plans and specifications to 65718
the respective enforcing departments and for processing by those 65719
departments. The board of building standards or the legislative 65720
authority of a municipal corporation, township, or county may 65721
adopt rules to provide for the approval, subject to section 65722
3791.042 of the Revised Code, by the department having 65723
jurisdiction of the plans for construction of a foundation or any 65724
other part of a building or structure before the complete plans 65725
and specifications for the entire building or structure are 65726
submitted. When any plans are approved by the department having 65727
jurisdiction, the structure and every particular represented by 65728
and disclosed in those plans shall, in the absence of fraud or a 65729
serious safety or sanitation hazard, be conclusively presumed to 65730
comply with Chapters 3781. and 3791. of the Revised Code and any 65731
rule issued pursuant to those chapters, if constructed, altered, 65732
or repaired in accordance with those plans and any rule in effect 65733

at the time of approval. 65734

(E) The approval of plans and specifications, including 65735
inspection of industrialized units, under this section is a 65736
"license" and the failure to approve plans or specifications as 65737
submitted or to inspect the unit at the point of origin within 65738
thirty days after the plans or specifications are filed or the 65739
request to inspect the industrialized unit is made, the 65740
disapproval of plans and specifications, or the refusal to approve 65741
an industrialized unit following inspection at the point of origin 65742
is "an adjudication order denying the issuance of a license" 65743
requiring an "adjudication hearing" as provided by sections 119.07 65744
to 119.13 of the Revised Code and as modified by sections 3781.031 65745
and 3781.19 of the Revised Code. An adjudication order denying the 65746
issuance of a license shall specify the reasons for that denial. 65747

(F) The board of building standards shall not require the 65748
submission of site preparation plans or plot plans to the division 65749
of ~~industrial-compliance~~ labor when industrialized units are used 65750
exclusively as one-, two-, or three-family dwellings. 65751

(G) Notwithstanding any procedures the board establishes, if 65752
the agency having jurisdiction objects to any portion of the plans 65753
or specifications, the owner or the owner's representative may 65754
request the agency to issue conditional approval to proceed with 65755
construction up to the point of the objection. Approval shall be 65756
issued only when the objection results from conflicting 65757
interpretations of the rules of the board of building standards 65758
rather than the application of specific technical requirements of 65759
the rules. Approval shall not be issued where the correction of 65760
the objection would cause extensive changes in the building design 65761
or construction. The giving of conditional approval is a 65762
"conditional license" to proceed with construction up to the point 65763
where the construction or materials objected to by the agency are 65764
to be incorporated into the building. No construction shall 65765

proceed beyond that point without the prior approval of the agency 65766
or another agency that conducts an adjudication hearing relative 65767
to the objection. The agency having jurisdiction shall specify its 65768
objections to the plans or specifications, which is an 65769
"adjudication order denying the issuance of a license" and may be 65770
appealed pursuant to sections 119.07 to 119.13 of the Revised Code 65771
and as modified by sections 3781.031 and 3781.19 of the Revised 65772
Code. 65773

(H) A certified municipal, township, or county building 65774
department having jurisdiction, or the superintendent ~~of the~~ 65775
~~division of industrial compliance~~, as appropriate, shall review 65776
any plans, drawings, specifications, or data described in this 65777
section that are submitted to it or to the superintendent. 65778

(I) No owner or persons having control as an officer, or as a 65779
member of a board or committee, or otherwise, of a building to 65780
which section 3781.06 of the Revised Code is applicable, and no 65781
architect, designer, engineer, builder, contractor, subcontractor, 65782
or any officer or employee of a municipal, township, or county 65783
building department shall violate this section. 65784

(J) Whoever violates this section shall be fined not more 65785
than five hundred dollars. 65786

Sec. 3791.05. No owner, lessee, agent, factor, architect, or 65787
contractor engaged in and having supervision or charge of the 65788
building, erection, or construction of a block, building, or 65789
structure, shall neglect or refuse to place or have placed upon 65790
the joists of each story thereof, as soon as joists are in 65791
position, counter floors of such quality and strength as to render 65792
perfectly safe the going to and from thereon of all mechanics, 65793
laborers, and other persons engaged upon the work of construction 65794
or supervision, or in placing materials for such construction. 65795

Whoever violates this section shall be fined not less than 65796

twenty-five nor more than two hundred dollars. 65797

Each day that such person neglects or refuses to have such 65798
counter floors so placed, after notice is given by a building 65799
inspector, a chief inspector, or deputy inspector of the city 65800
building inspection department in cities where such department is 65801
organized, or by the superintendent of ~~the division of industrial~~ 65802
~~compliance labor~~ of the state, in cities where such departments 65803
are not organized, or from a person whose life or personal safety 65804
may be endangered by such neglect or refusal, is a separate 65805
offense. 65806

Sec. 3791.07. (A) The board of building standards may 65807
establish such reasonable inspection fee schedules as it 65808
determines necessary or desirable relating to the inspection of 65809
all plans and specifications submitted for approval to the 65810
division of ~~industrial compliance labor~~, and all industrialized 65811
units inspected at the point of origin and at the construction 65812
site of the building. The inspection fee schedule established 65813
shall bear some reasonable relationship to the cost of 65814
administering and enforcing the provisions of Chapters 3781. and 65815
3791. of the Revised Code. 65816

(B) In addition to the fee assessed in division (A) of this 65817
section, the board shall assess a fee of not more than five 65818
dollars for each application for acceptance and approval of plans 65819
and specifications and for making inspections pursuant to section 65820
3791.04 of the Revised Code. The board shall adopt rules, in 65821
accordance with Chapter 119. of the Revised Code, specifying the 65822
manner by which the superintendent of ~~the division of industrial~~ 65823
~~compliance labor~~ shall collect and remit to the board the fees 65824
assessed under this division and requiring that remittance of the 65825
fees be made at least quarterly. 65826

(C) Any person who fails to pay an inspection fee required 65827

for any inspection conducted by the department of commerce 65828
pursuant to Chapters 3781. and 3791. of the Revised Code, except 65829
for fees charged for the inspection of plans and specifications, 65830
within forty-five days after the inspection is conducted, shall 65831
pay a late payment fee equal to twenty-five per cent of the 65832
inspection fee. 65833

(D) The board shall pay the fees assessed under this section 65834
into the state treasury to the credit of the ~~industrial compliance~~ 65835
labor operating fund created in section 121.084 of the Revised 65836
Code. 65837

Sec. 3793.02. (A) The department of alcohol and drug 65838
addiction services shall promote, assist in developing, and 65839
coordinate or conduct programs of education and research for the 65840
prevention of alcohol and drug addiction, the prevention of 65841
gambling addiction, the treatment, including intervention, of 65842
alcoholics and persons who abuse drugs of abuse, including 65843
anabolic steroids, and the treatment, including intervention, of 65844
persons with gambling addictions. Programs established by the 65845
department shall include abstinence-based prevention and treatment 65846
programs. 65847

(B) In addition to the other duties prescribed by this 65848
chapter, the department shall do all of the following: 65849

(1) Promote and coordinate efforts in the provision of 65850
alcohol and drug addiction services and of gambling addiction 65851
services by other state agencies, as defined in section 1.60 of 65852
the Revised Code; courts; hospitals; clinics; physicians in 65853
private practice; public health authorities; boards of alcohol, 65854
drug addiction, and mental health services; alcohol and drug 65855
addiction programs; law enforcement agencies; gambling addiction 65856
programs; and related groups; 65857

(2) Provide for education and training in prevention, 65858

diagnosis, treatment, and control of alcohol and drug addiction 65859
and of gambling addiction for medical students, physicians, 65860
nurses, social workers, professional counselors, psychologists, 65861
and other persons who provide alcohol and drug addiction services 65862
or gambling addiction services; 65863

(3) Provide training and consultation for persons who 65864
supervise alcohol and drug addiction programs and facilities or 65865
gambling addiction programs and facilities; 65866

(4) Develop measures for evaluating the effectiveness of 65867
alcohol and drug addiction services, including services that use 65868
methadone treatment, and of gambling addiction services, and for 65869
increasing the accountability of alcohol and drug addiction 65870
programs and of gambling addiction programs; 65871

(5) Provide to each court of record, and biennially update, a 65872
list of the treatment and education programs within that court's 65873
jurisdiction that the court may require an offender, sentenced 65874
pursuant to section 4511.19 of the Revised Code, to attend; 65875

(6) ~~Print and distribute~~ Make the warning sign described in 65876
sections 3313.752, 3345.41, and 3707.50 of the Revised Code 65877
available on the department's internet web site; 65878

(7) Provide a program of gambling addiction services on 65879
behalf of the state lottery commission, pursuant to an agreement 65880
entered into with the director of the commission under division 65881
(K) of section 3770.02 of the Revised Code. 65882

(C) The department may accept and administer grants from 65883
public or private sources for carrying out any of the duties 65884
enumerated in this section. 65885

(D) Pursuant to Chapter 119. of the Revised Code, the 65886
department shall adopt a rule defining the term "intervention" as 65887
it is used in this chapter in connection with alcohol and drug 65888
addiction services and in connection with gambling addiction 65889

services. The department may adopt other rules as necessary to 65890
implement the requirements of this chapter. 65891

Sec. 3793.04. The department of alcohol and drug addiction 65892
services shall develop, administer, and revise as necessary a 65893
comprehensive statewide alcohol and drug addiction services plan 65894
for the implementation of this chapter. The plan shall emphasize 65895
abstinence from the use of alcohol and drugs of abuse as the 65896
primary goal of alcohol and drug addiction services. The council 65897
on alcohol and drug addiction services shall advise the department 65898
in the development and implementation of the plan. 65899

The plan shall provide for the allocation of state and 65900
federal funds for service furnished by alcohol and drug addiction 65901
programs under contract with boards of alcohol, drug addiction, 65902
and mental health services and for distribution of the funds to 65903
such boards. The plan shall specify the methodology that the 65904
department will use for determining how funds will be allocated 65905
and distributed. A portion of the funds shall be allocated on the 65906
basis of the ratio of the population of each alcohol, drug 65907
addiction, and mental health service district to the total 65908
population of the state as determined from the most recent federal 65909
census or the most recent official estimate made by the United 65910
States census bureau. 65911

The plan shall ensure that alcohol and drug addiction 65912
services of a high quality are accessible to, and responsive to 65913
the needs of, all persons, especially those who are members of 65914
underserved groups, including, but not limited to, African 65915
Americans, Hispanics, native Americans, Asians, juvenile and adult 65916
offenders, women, and persons with special services needs due to 65917
age or disability. The plan shall include a program to promote and 65918
protect the rights of those who receive services. 65919

To aid in formulating the plan and in evaluating the 65920

effectiveness and results of alcohol and drug addiction services, 65921
the department, in consultation with the department of mental 65922
health, shall establish and maintain an information system or 65923
systems. The department of alcohol and drug addiction services 65924
shall specify the information that must be provided by boards of 65925
alcohol, drug addiction, and mental health services and by alcohol 65926
and drug addiction programs for inclusion in the system. The 65927
department shall not collect any personal information ~~for the~~ 65928
~~purpose of identifying by name any person who receives a service~~ 65929
~~through a board, from the boards~~ except as required or permitted 65930
by the state or federal law ~~to validate appropriate reimbursement~~ 65931
for purposes related to payment, health care operations, program 65932
and service evaluation, reporting activities, research, system 65933
administration, and oversight. 65934

In consultation with boards, programs, and persons receiving 65935
services, the department shall establish guidelines for the use of 65936
state and federal funds and for the boards' development of plans 65937
for services required by sections 340.033 and 3793.05 of the 65938
Revised Code. 65939

In any fiscal year, the department shall spend, or allocate 65940
to boards, for methadone maintenance programs or any similar 65941
programs not more than eight per cent of the total amount 65942
appropriated to the department for the fiscal year. 65943

Sec. 3793.21. (A) The department of alcohol and drug 65944
addiction services shall annually establish a limit on the amount 65945
or portion of state and federal funds provided by the department 65946
to boards of alcohol, drug addiction, and mental health services 65947
that may be used for a board's administrative functions. The 65948
department may deny state or federal funds to a board that exceeds 65949
the limit established by the department. Administrative functions 65950
for which funds may be provided may include continuous quality 65951

improvement, utilization review, resource development, fiscal 65952
administration, general administration, and any other 65953
administrative function required by Chapter 340. of the Revised 65954
Code. 65955

(B) Any state or federal funds used for board administrative 65956
functions shall be from the funds allocated by the department to 65957
the boards according to the methodology specified by the 65958
department under the plan described in section 3793.04 of the 65959
Revised Code. 65960

(C) The director of alcohol and drug addiction services may 65961
waive the limit described by this section for a board of alcohol, 65962
drug addiction, and mental health services if, based on the 65963
board's prior written request, the director determines that an 65964
exception to the limit is warranted. 65965

(D) Each board shall submit an annual report to the 65966
department detailing its use of state and federal funds for the 65967
administrative functions of the board. 65968

Sec. 3901.38. As used in this section and sections 3901.381 65969
to 3901.3814 of the Revised Code: 65970

(A) "Beneficiary" means any policyholder, subscriber, member, 65971
employee, or other person who is eligible for benefits under a 65972
benefits contract. 65973

(B) "Benefits contract" means a sickness and accident 65974
insurance policy providing hospital, surgical, or medical expense 65975
coverage, or a health insuring corporation contract or other 65976
policy or agreement under which a third-party payer agrees to 65977
reimburse for covered health care or dental services rendered to 65978
beneficiaries, up to the limits and exclusions contained in the 65979
benefits contract. 65980

(C) "Hospital" has the same meaning as in section 3727.01 of 65981

the Revised Code. 65982

(D) "Medicaid managed care organization" means a managed care organization that has a contract with the department of job and family services pursuant to section 5111.17 of the Revised Code. 65983
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(E) "Provider" means a hospital, nursing home, physician, podiatrist, dentist, pharmacist, chiropractor, or other health care provider entitled to reimbursement by a third-party payer for services rendered to a beneficiary under a benefits contract. 65986
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~~(E)~~(F) "Reimburse" means indemnify, make payment, or otherwise accept responsibility for payment for health care services rendered to a beneficiary, or arrange for the provision of health care services to a beneficiary. 65990
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~~(F)~~(G) "Third-party payer" means any of the following: 65994

(1) An insurance company; 65995

(2) A health insuring corporation; 65996

(3) A labor organization; 65997

(4) An employer; 65998

(5) An intermediary organization, as defined in section 1751.01 of the Revised Code, that is not a health delivery network contracting solely with self-insured employers; 65999
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(6) An administrator subject to sections 3959.01 to 3959.16 of the Revised Code; 66002
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(7) A health delivery network, as defined in section 1751.01 of the Revised Code; 66004
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(8) A medicaid managed care organization; 66006

(9) Any other person that is obligated pursuant to a benefits contract to reimburse for covered health care services rendered to beneficiaries under such contract. 66007
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Sec. 3901.383. (A) A provider and a third-party payer may do 66010
either of the following: 66011

(1) Enter into a contractual agreement under which time 66012
periods shorter than those set forth in section 3901.381 of the 66013
Revised Code are applicable to the third-party payer in paying a 66014
claim for any amount due for health care services rendered by the 66015
provider; 66016

(2) Enter into a contractual agreement under which the timing 66017
of payments by the third-party payer is not directly related to 66018
the receipt of a claim form. The contractual arrangement may 66019
include periodic interim payment arrangements, capitation payment 66020
arrangements, or other periodic payment arrangements acceptable to 66021
the provider and the third-party payer. Under a capitation payment 66022
arrangement, the third-party payer shall begin paying the 66023
capitated amounts to the beneficiary's primary care provider not 66024
later than sixty days after the date the beneficiary selects or is 66025
assigned to the provider. Under any other contractual periodic 66026
payment arrangement, the contractual agreement shall state, with 66027
specificity, the timing of payments by the third-party payer. 66028

~~(B) Regardless of whether a third party payer is exempted 66029
under division (D) of section 3901.3814 from sections 3901.38 and 66030
3901.381 to 3901.3813 of the Revised Code, a A provider and the a 66031
third-party payer, including a third-party payer that provides 66032
coverage under the medicaid program, shall not enter into a 66033
contractual arrangement under which time periods longer than those 66034
provided for in paragraph (c)(1) of 42 C.F.R. 447.46 are 66035
applicable to the third-party payer in paying a claim for any 66036
amount due for health care services rendered by the provider. 66037~~

Sec. 3901.3812. (A) If, after completion of an examination 66038
involving information collected from a six-month period, the 66039

superintendent finds that a third-party payer has committed a 66040
series of violations that, taken together, constitutes a 66041
consistent pattern or practice of violating division (A) of 66042
section 3901.3811 of the Revised Code, the superintendent may 66043
impose on the third-party payer any of the administrative remedies 66044
specified in division (B) of this section. In making a finding 66045
under this division, the superintendent shall apply the error 66046
tolerance standards for claims processing contained in the market 66047
conduct examiners handbook issued by the national association of 66048
insurance commissioners in effect at the time the claims were 66049
processed. 66050

Before imposing an administrative remedy, the superintendent 66051
shall provide written notice to the third-party payer informing 66052
the third-party payer of the reasons for the superintendent's 66053
finding, the administrative remedy the superintendent proposes to 66054
impose, and the opportunity to submit a written request for an 66055
administrative hearing regarding the finding and proposed remedy. 66056
If the third-party payer requests a hearing, the superintendent 66057
shall conduct the hearing in accordance with Chapter 119. of the 66058
Revised Code not later than fifteen days after receipt of the 66059
request. 66060

(B)(1) In imposing administrative remedies under division (A) 66061
of this section for violations of section 3901.381 of the Revised 66062
Code, the superintendent may do any of the following: 66063

(a) Levy a monetary penalty in an amount determined in 66064
accordance with division (B)(3) of this section; 66065

(b) Order the payment of interest directly to the provider in 66066
accordance with section 3901.389 of the Revised Code; 66067

(c) Order the third-party payer to cease and desist from 66068
engaging in the violations; 66069

(d) If a monetary penalty is not levied under division 66070
(B)(1)(a) of this section, impose any of the administrative 66071
remedies provided for in section 3901.22 of the Revised Code, 66072
other than those specified in divisions (D)(4) and (5) and (G) of 66073
that section. 66074

(2) In imposing administrative remedies under division (A) of 66075
this section for violations of sections 3901.384 to 3901.3810 of 66076
the Revised Code, the superintendent may do any of the following: 66077
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(a) Levy a monetary penalty in an amount determined in 66079
accordance with division (B)(3) of this section; 66080

(b) Order the payment of interest directly to the provider in 66081
accordance with section 3901.38 of the Revised Code; 66082

(c) Order the third-party payer to cease and desist from 66083
engaging in the violations; 66084

(d) If a monetary penalty is not levied under division 66085
(B)(2)(a) of this section, impose any of the administrative 66086
remedies provided for in section 3901.22 of the Revised Code, 66087
other than those specified in divisions (D)(4) and (5) and (G) of 66088
that section. For violations of sections 3901.384 to 3901.3810 of 66089
the Revised Code that did not comply with section 3901.381 of the 66090
Revised Code, the superintendent may also use section 3901.22 of 66091
the Revised Code except divisions (D)(4) and (5) of that section. 66092

(3) A finding by the superintendent that a third-party payer 66093
has committed a series of violations that, taken together, 66094
constitutes a consistent pattern or practice of violating division 66095
(A) of section 3901.3811 of the Revised Code, shall constitute a 66096
single offense for purposes of levying a fine under division 66097
(B)(1)(a) and (B)(2)(a) of this section. For a first offense, the 66098
superintendent may levy a fine of not more than one hundred 66099
thousand dollars. For a second offense that occurs on or earlier 66100

than four years from the first offense, the superintendent may 66101
levy a fine of not more than one hundred fifty thousand dollars. 66102
For a third or additional offense that occurs on or earlier than 66103
seven years after a first offense, the superintendent may levy a 66104
fine of not more than three hundred thousand dollars. In 66105
determining the amount of a fine to be levied within the specified 66106
limits, the superintendent shall consider the following factors: 66107

- (a) The extent and frequency of the violations; 66108
- (b) Whether the violations were due to circumstances beyond 66109
the third-party payer's control; 66110
- (c) Any remedial actions taken by the third-party payer to 66111
prevent future violations; 66112
- (d) The actual or potential harm to others resulting from the 66113
violations; 66114
- (e) If the third-party payer knowingly and willingly 66115
committed the violations; 66116
- (f) The third-party payer's financial condition; 66117
- (g) Any other factors the superintendent considers 66118
appropriate. 66119

(C) The remedies imposed by the superintendent under this 66120
section are in addition to, and not in lieu of, such other 66121
remedies as providers and beneficiaries may otherwise have by law. 66122

(D) Any fine collected under this section shall be paid into 66123
the state treasury as follows: 66124

- (1) Twenty-five per cent of the total to the credit of the 66125
department of insurance operating fund created by section 3901.021 66126
of the Revised Code; 66127
- (2) Sixty-five per cent of the total to the credit of the 66128
general revenue fund; 66129

(3) Ten per cent of the total to the credit of claims 66130
processing education ~~fund~~ account, which is hereby created within 66131
the department of insurance operating fund created by section 66132
3901.021 of the Revised Code. 66133

All money credited to the claims processing education ~~fund~~ 66134
account shall be used by the department of insurance to make 66135
technical assistance available to third-party payers, providers, 66136
and beneficiaries for effective implementation of the provisions 66137
of sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code. 66138

Sec. 3901.3814. (A) Sections 3901.38 and 3901.381 to 66139
3901.3813 of the Revised Code do not apply to the following: 66140

~~(A)~~(1) Policies offering coverage that is regulated under 66141
Chapters 3935. and 3937. of the Revised Code; 66142

~~(B)~~(2) An employer's self-insurance plan and any of its 66143
administrators, as defined in section 3959.01 of the Revised Code, 66144
to the extent that federal law supersedes, preempts, prohibits, or 66145
otherwise precludes the application of any provisions of those 66146
sections to the plan and its administrators; 66147

~~(C)~~(3) A third-party payer for coverage provided under the 66148
medicare advantage program operated under Title XVIII of the 66149
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 66150
amended; 66151

~~(D)~~ A third party payer for coverage provided under the 66152
medicaid program operated under Title XIX of the "Social Security 66153
Act," except that if a federal waiver applied for under section 66154
5111.178 of the Revised Code is granted or the director of job and 66155
family services determines that this provision can be implemented 66156
without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of 66157
the Revised Code apply to claims submitted electronically or 66158
non-electronically that are made with respect to coverage of 66159

~~medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46;~~

~~(E)(4) A third-party payer for coverage provided under the triccare program offered by the United States department of defense-;~~

~~(F)(5) A third-party payer for coverage provided under the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.~~

(B) The application of sections 3901.38 to 3901.3813 of the Revised Code to medicaid managed care organizations neither affects the department of job and family services' authority under section 5111.01 of the Revised Code to act as the single state medicaid agency nor affects the department's authority to enter into contracts with managed care organizations under section 5111.17 of the Revised Code.

Sec. 3903.77. (A) Every property and casualty insurance company doing business in this state, except as exempted by rule adopted by the superintendent of insurance, annually, shall cause to be prepared by an actuary, appointed by the company, the following documents:

(1) An actuarial opinion that certifies to the current adequacy of the insurance company's reserves and that shall be entitled a "statement of actuarial opinion";

(2) A summary that shall be in support of the statement of actuarial opinion and that shall be entitled an "actuarial opinion summary." An insurance company licensed but not domiciled in this state need not include the actuarial opinion summary in its submissions to the superintendent but shall make the summary available to the superintendent upon request.

(B) The insurance company annually shall submit the documents prepared pursuant to division (A) of this section to the superintendent in accordance with the national association of insurance commissioners' property and casualty annual statement instructions. The documents shall accompany the insurance company's annual financial statement described in section 3901.77 of the Revised Code. 66190
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(C)(1) Every property and casualty insurance company doing business in this state shall prior to preparation of the statement of actuarial opinion and the actuarial opinion summary prepare an actuarial report and underlying work papers to support the statement of actuarial opinion and the actuarial opinion summary required under division (A) of this section in accordance with the national association of insurance commissioners' property and casualty statement instructions. The insurance company shall make the actuarial report and underlying work papers available to the superintendent upon request. 66197
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(2) If an insurance company fails to provide the actuarial report or work papers at the request of the superintendent pursuant to division (C)(1) of this section or the superintendent determines that the actuarial report or work papers provided are unacceptable, the superintendent may contract with a qualified actuary at the expense of the insurance company to review the statement of actuarial opinion provided by the insurance company pursuant to division (A) of this section and the basis for that opinion and to prepare an actuarial report and work papers. 66207
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(D) Except in cases of fraud or willful misconduct on the part of the actuary, no actuary appointed by an insurance company to prepare the statement of actuarial opinion and actuarial opinion summary required under division (A) of this section is liable for damages to any person except the insurance company and the superintendent for any act, error, omission, decision, or 66216
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conduct with respect to the actuary's opinion. 66222

(E) The statement of actuarial opinion required under 66223
division (A) of this section is a public document and a public 66224
record as defined in section 149.43 of the Revised Code. However, 66225
the actuarial opinion summary, actuarial report, work papers, and 66226
any documents, materials or other information provided in support 66227
of the statement of actuarial opinion are privileged and 66228
confidential, are not a public record, and are not subject to 66229
subpoena or to discovery, and are not admissible in evidence in 66230
any private civil action. 66231

Neither the superintendent nor any person who receives 66232
documents, materials, or other information required to be kept 66233
confidential under this division while acting under the authority 66234
of the superintendent shall testify in any private civil action 66235
concerning any documents, materials, or other information required 66236
to be kept confidential under this division. 66237

This section shall not be construed to limit the 66238
superintendent's authority to release documents to the actuarial 66239
board for counseling and discipline so long as the documents are 66240
necessary for the purpose of professional disciplinary proceedings 66241
and the actuarial board for counseling and discipline establishes 66242
procedures satisfactory to the superintendent for preserving the 66243
confidentiality of the documents. Neither shall this section be 66244
construed to limit the superintendent's authority to use 66245
documents, materials, nor other information in furtherance of any 66246
regulatory or legal action brought as part of the superintendent's 66247
official duties. 66248

(F) In order to assist in the performance of the 66249
superintendent's duties, the superintendent may do all of the 66250
following: 66251

(1) Share documents, materials, or other information, 66252

including any documents, materials, or other information required 66253
to be kept confidential under division (E) of this section, with 66254
other state, federal, and international regulatory and law 66255
enforcement agencies and with the national association of 66256
insurance commissioners including its affiliates and subsidiaries 66257
if the recipient agrees to maintain the confidentiality and 66258
privileged status of the document, material, or other information 66259
and has the legal authority to maintain confidentiality; 66260

(2) Receive documents, materials, or other information, 66261
including otherwise confidential and privileged documents, 66262
materials, and information from other state, federal, and 66263
international regulatory and law enforcement agencies and from the 66264
national association of insurance commissioners including its 66265
affiliates and subsidiaries. The superintendent shall maintain the 66266
confidentiality and privileged status of any document, material, 66267
or other information received with notice of confidential and 66268
privileged status under the laws of the jurisdiction that is the 66269
source of the document, material, or information. 66270

(3) Enter into agreements consistent with divisions (E) and 66271
(F) of this section for the sharing and use of information. 66272

(G) No waiver of any privilege or claim of confidentiality of 66273
documents, materials, or other information shall occur as a result 66274
of any disclosure to the superintendent under this section or as a 66275
result of any sharing of documents, materials, or other 66276
information authorized by the superintendent under division (G) of 66277
this section. 66278

(H) As used in this section, "qualified actuary" means a 66279
person who is a member in good standing of the American academy of 66280
actuaries and who meets the requirements identified in the 66281
national association of insurance commissioners' property and 66282
casualty statement instructions. 66283

Sec. 3923.021. (A) As used in this section, ~~"benefits:~~ 66284

(1) "Benefits provided are not unreasonable in relation to 66285
the premium charged" means the rates were calculated in accordance 66286
with sound actuarial principles. 66287

(2) "Individual policy of sickness and accident insurance" 66288
includes sickness and accident insurance made available by 66289
insurers in the individual market to individuals, with or without 66290
family members or dependents, through group policies issued to one 66291
or more associations or entities. 66292

(B) With respect to any filing, made pursuant to section 66293
3923.02 of the Revised Code, of any premium rates for any 66294
individual policy of sickness and accident insurance or 66295
certificates made available by an insurer to individuals in the 66296
individual market through a group policy or for any indorsement or 66297
rider pertaining thereto, the superintendent of insurance may, 66298
within thirty days after filing: 66299

(1) Disapprove such filing after finding that the benefits 66300
provided are unreasonable in relation to the premium charged. Such 66301
disapproval shall be effected by written order of the 66302
superintendent, a copy of which shall be mailed to the insurer 66303
that has made the filing. In the order, the superintendent shall 66304
specify the reasons for the disapproval and state that a hearing 66305
will be held within fifteen days after requested in writing by the 66306
insurer. If a hearing is so requested, the superintendent shall 66307
also give such public notice as the superintendent considers 66308
appropriate. The superintendent, within fifteen days after the 66309
commencement of any hearing, shall issue a written order, a copy 66310
of which shall be mailed to the insurer that has made the filing, 66311
either affirming the prior disapproval or approving such filing 66312
after finding that the benefits provided are not unreasonable in 66313
relation to the premium charged. 66314

(2) Set a date for a public hearing to commence no later than 66315
forty days after the filing. The superintendent shall give the 66316
insurer making the filing twenty days' written notice of the 66317
hearing and shall give such public notice as the superintendent 66318
considers appropriate. The superintendent, within twenty days 66319
after the commencement of a hearing, shall issue a written order, 66320
a copy of which shall be mailed to the insurer that has made the 66321
filing, either approving such filing if the superintendent finds 66322
that the benefits provided are not unreasonable in relation to the 66323
premium charged, or disapproving such filing if the superintendent 66324
finds that the benefits provided are unreasonable in relation to 66325
the premium charged. This division does not apply to any insurer 66326
organized or transacting the business of insurance under Chapter 66327
3907. or 3909. of the Revised Code. 66328

(3) Take no action, in which case such filing shall be deemed 66329
to be approved and shall become effective upon the thirty-first 66330
day after such filing, unless the superintendent has previously 66331
given to the insurer a written approval. 66332

(C) At any time after any filing has been approved pursuant 66333
to this section, the superintendent may, after a hearing of which 66334
at least twenty days' written notice has been given to the insurer 66335
that has made such filing and for which such public notice as the 66336
superintendent considers appropriate has been given, withdraw 66337
approval of such filing after finding that the benefits provided 66338
are unreasonable in relation to the premium charged. Such 66339
withdrawal of approval shall be effected by written order of the 66340
superintendent, a copy of which shall be mailed to the insurer 66341
that has made the filing, which shall state the ground for such 66342
withdrawal and the date, not less than forty days after the date 66343
of such order, when the withdrawal or approval shall become 66344
effective. 66345

(D) The superintendent may retain at the insurer's expense 66346

such attorneys, actuaries, accountants, and other experts not 66347
otherwise a part of the superintendent's staff as shall be 66348
reasonably necessary to assist in the preparation for and conduct 66349
of any public hearing under this section. The expense for 66350
retaining such experts and the expenses of the department of 66351
insurance incurred in connection with such public hearing shall be 66352
assessed against the insurer in an amount not to exceed one 66353
one-hundredth of one per cent of the sum of premiums earned plus 66354
net realized investment gain or loss of such insurer as reflected 66355
in the most current annual statement on file with the 66356
superintendent. Any person retained shall be under the direction 66357
and control of the superintendent and shall act in a purely 66358
advisory capacity. 66359

Sec. 3923.022. (A) As used in this section: 66360

(1)(a) "Administrative expense" means the amount resulting 66361
from the following: the amount of premiums ~~received~~ earned by the 66362
insurer for sickness and accident insurance business plus the 66363
amount of losses recovered from reinsurance coverage minus the sum 66364
of the amount of claims for losses paid; the amount of losses 66365
incurred but not reported; the amount ~~paid~~ incurred for state 66366
fees, federal and state taxes, and reinsurance; and the incurred 66367
costs and expenses related, either directly or indirectly, to the 66368
payment of commissions, measures to control fraud, and managed 66369
care. 66370

(b) "Administrative expense" does not include any amounts 66371
collected, or administrative expenses incurred, by an insurer for 66372
the administration of an employee health benefit plan subject to 66373
regulation by the federal "Employee Retirement Income Security Act 66374
of 1974," 88 Stat. 832, 29 U.S.C.A. 1001, as amended. "Amounts 66375
collected or administrative expenses incurred" means the total 66376
amount paid to an administrator for the administration and payment 66377

of claims minus the sum of the amount of claims for losses paid 66378
and the amount of losses incurred but not reported. 66379

(2) "Insurer" means any insurance company authorized under 66380
Title XXXIX of the Revised Code to do the business of sickness and 66381
accident insurance in this state. 66382

(3) "Sickness and accident insurance business" does not 66383
include coverage provided by an insurer for specific diseases or 66384
accidents only; any hospital indemnity, medicare supplement, 66385
long-term care, disability income, one-time-limited-duration 66386
policy of no longer than six months, or other policy that offers 66387
only supplemental benefits; or coverage provided to individuals 66388
who are not residents of this state. 66389

(4) "Individual business" includes both individual sickness 66390
and accident insurance and sickness and accident insurance made 66391
available by insurers in the individual market to individuals, 66392
with or without family members or dependents, through group 66393
policies issued to one or more associations or entities. 66394

(B) Notwithstanding section 3941.14 of the Revised Code, ~~the 66395
following apply to every insurer:~~ 66396

~~(1) For calendar year 1993, each insurer shall have aggregate 66397
administrative expenses of no more than forty per cent of the 66398
premium income of the insurer, based on the premiums received in 66399
that year on the sickness and accident insurance business of the 66400
insurer. 66401~~

~~(2) For calendar year 1994, each insurer shall have aggregate 66402
administrative expenses of no more than thirty per cent of the 66403
premium income of the insurer, based on the premiums received in 66404
that year on the sickness and accident insurance business of the 66405
insurer. 66406~~

~~(3) For calendar year 1995, each insurer shall have aggregate 66407
administrative expenses of no more than twenty five per cent of 66408~~

~~the premium income of the insurer, based on the premiums received~~ 66409
~~in that year on the sickness and accident insurance business of~~ 66410
~~the insurer.~~ 66411

~~(4) For calendar year 1996 and every calendar year~~ 66412
~~thereafter,~~ each insurer shall have aggregate administrative 66413
expenses of no more than twenty per cent of the premium income of 66414
the insurer, based on the premiums ~~received~~ earned in that year on 66415
the sickness and accident insurance business of the insurer. 66416

(C)(1) Each insurer, on the first day of January or within 66417
sixty days thereafter, shall annually prepare, under oath, and 66418
deposit in the office of the superintendent of insurance a 66419
statement of the aggregate administrative expenses of the insurer, 66420
based on the premiums ~~received~~ earned in the immediately preceding 66421
calendar year on the sickness and accident insurance business of 66422
the insurer. The statement shall itemize and separately detail all 66423
of the following information with respect to the insurer's 66424
sickness and accident insurance business: 66425

(a) The amount of premiums earned by the insurer both before 66426
and after any costs related to the insurer's purchase of 66427
reinsurance coverage; 66428

(b) The total amount of claims for losses paid by the insurer 66429
both before and after reimbursement from reinsurance coverage; 66430

(c) The amount of any losses incurred by the insurer but not 66431
reported by the insurer in the current or prior year; 66432

(d) The amount of costs incurred by the insurer for state 66433
fees and federal and state taxes; 66434

(e) The amount of costs incurred by the insurer for 66435
reinsurance coverage; 66436

(f) The amount of costs incurred by the insurer that are 66437
related to the insurer's payment of commissions; 66438

(g) The amount of costs incurred by the insurer that are related to the insurer's fraud prevention measures; 66439
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(h) The amount of costs incurred by the insurer that are related to managed care; and 66441
66442

(i) Any other administrative expenses incurred by the insurer. 66443
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(2) The statement also shall include all of the information required under division (C)(1) of this section separately detailed for the insurer's individual business, small group business, and large group business. 66445
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(D) No insurer shall fail to comply with ~~division (B)~~ of this section. 66449
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(E) If the superintendent determines that an insurer has violated ~~division (D)~~ of this section, the superintendent, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, may order the suspension of the insurer's license to do the business of sickness and accident insurance in this state until the superintendent is satisfied that the insurer is in compliance with ~~division (B)~~ of this section. If the insurer continues to do the business of sickness and accident insurance in this state while under the suspension order, the superintendent shall order the insurer to pay one thousand dollars for each day of the violation. 66451
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(F) Any money collected by the superintendent under division (E) of this section shall be deposited by ~~him~~ the superintendent into the state treasury to the credit of the department of insurance operating fund. 66462
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Sec. 3923.122. (A) Every policy of group sickness and accident insurance providing hospital, surgical, or medical expense coverage for other than specific diseases or accidents 66466
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only, and delivered, issued for delivery, or renewed in this state 66469
on or after January 1, 1976, shall include a provision giving each 66470
insured the option to convert to the following: 66471

(1) In the case of an individual who is not a federally 66472
eligible individual, any of the individual policies of hospital, 66473
surgical, or medical expense insurance then being issued by the 66474
insurer with benefit limits not to exceed those in effect under 66475
the group policy; 66476

(2) In the case of a federally eligible individual, a basic 66477
or standard plan established ~~by the board of directors of the Ohio~~ 66478
~~health reinsurance program in accordance with section 3924.10 of~~ 66479
the Revised Code or plans substantially similar to the basic and 66480
standard plan in benefit design and scope of covered services. For 66481
purposes of division (A)(2) of this section, the superintendent of 66482
insurance shall determine whether a plan is substantially similar 66483
to the basic or standard plan in benefit design and scope of 66484
covered services. 66485

(B) An option for conversion to an individual policy shall be 66486
available without evidence of insurability to every insured, 66487
including any person eligible under division (D) of this section, 66488
who terminates employment or membership in the group holding the 66489
policy after having been continuously insured thereunder for at 66490
least one year. 66491

Upon receipt of the insured's written application and upon 66492
payment of at least the first quarterly premium not later than 66493
thirty-one days after the termination of coverage under the group 66494
policy, the insurer shall issue a converted policy on a form then 66495
available for conversion. The premium shall be in accordance with 66496
the insurer's table of premium rates in effect on the later of the 66497
following dates: 66498

(1) The effective date of the converted policy; 66499

(2) The date of application therefor; and shall be applicable 66500
to the class of risk to which each person covered belongs and to 66501
the form and amount of the policy at the person's then attained 66502
age. However, premiums charged federally eligible individuals may 66503
not exceed an amount that is ~~two~~ one and one-half times the 66504
~~midpoint of the standard~~ base rate charged any other individual of 66505
a group to which the insurer is currently accepting new business 66506
and for which similar copayments and deductibles are applied. 66507

At the election of the insurer, a separate converted policy 66508
may be issued to cover any dependent of an employee or member of 66509
the group. 66510

Except as provided in division (H) of this section, any 66511
converted policy shall become effective as of the day following 66512
the date of termination of insurance under the group policy. 66513

Any probationary or waiting period set forth in the converted 66514
policy is deemed to commence on the effective date of the 66515
insured's coverage under the group policy. 66516

(C) No insurer shall be required to issue a converted policy 66517
to any person who is, or is eligible to be, covered for benefits 66518
at least comparable to the group policy under: 66519

(1) Title XVIII of the Social Security Act, as amended or 66520
superseded; 66521

(2) Any act of congress or law under this or any other state 66522
of the United States that duplicates coverage offered under 66523
division (C)(1) of this section; 66524

(3) Any policy that duplicates coverage offered under 66525
division (C)(1) of this section; 66526

(4) Any other group sickness and accident insurance providing 66527
hospital, surgical, or medical expense coverage for other than 66528
specific diseases or accidents only. 66529

(D) The option for conversion shall be available: 66530

(1) Upon the death of the employee or member, to the 66531
surviving spouse with respect to such of the spouse and dependents 66532
as are then covered by the group policy; 66533

(2) To a child solely with respect to the child upon 66534
attaining the limiting age of coverage under the group policy 66535
while covered as a dependent thereunder; 66536

(3) Upon the divorce, dissolution, or annulment of the 66537
marriage of the employee or member, to the divorced spouse, or 66538
former spouse in the event of annulment, of such employee or 66539
member, or upon the legal separation of the spouse from such 66540
employee or member, to the spouse. 66541

Persons possessing the option for conversion pursuant to this 66542
division shall be considered members for the purposes of division 66543
(H) of this section. 66544

(E) If coverage is continued under a group policy on an 66545
employee following retirement prior to the time the employee is, 66546
or is eligible to be, covered by Title XVIII of the Social 66547
Security Act, the employee may elect, in lieu of the continuance 66548
of group insurance, to have the same conversion rights as would 66549
apply had the employee's insurance terminated at retirement by 66550
reason of termination of employment. 66551

(F) If the insurer and the group policyholder agree upon one 66552
or more additional plans of benefits to be available for converted 66553
policies, the applicant for the converted policy may elect such a 66554
plan in lieu of a converted policy. 66555

(G) The converted policy may contain provisions for avoiding 66556
duplication of benefits provided pursuant to divisions (C)(1), 66557
(2), (3), and (4) of this section or provided under any other 66558
insured or noninsured plan or program. 66559

(H) If an employee or member becomes entitled to obtain a converted policy pursuant to this section, and if the employee or member has not received notice of the conversion privilege at least fifteen days prior to the expiration of the thirty-one-day conversion period provided in division (B) of this section, then the employee or member has an additional period within which to exercise the privilege. This additional period shall expire fifteen days after the employee or member receives notice, but in no event shall the period extend beyond sixty days after the expiration of the thirty-one-day conversion period.

Written notice presented to the employee or member, or mailed by the policyholder to the last known address of the employee or member as indicated on its records, constitutes notice for the purpose of this division. In the case of a person who is eligible for a converted policy under division (D)(2) or (D)(3) of this section, a policyholder shall not be responsible for presenting or mailing such notice, unless such policyholder has actual knowledge of the person's eligibility for a converted policy.

If an additional period is allowed by an employee or member for the exercise of a conversion privilege, and if written application for the converted policy, accompanied by at least the first quarterly premium, is made after the expiration of the thirty-one-day conversion period, but within the additional period allowed an employee or member in accordance with this division, the effective date of the converted policy shall be the date of application.

(I) The converted policy may provide that any hospital, surgical, or medical expense benefits otherwise payable with respect to any person may be reduced by the amount of any such benefits payable under the group policy for the same loss after termination of coverage.

(J) The converted policy may contain:

(1) Any exclusion, reduction, or limitation contained in the group policy or customarily used in individual policies issued by the insurer; 66592
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(2) Any provision permitted in this section; 66595

(3) Any other provision not prohibited by law. 66596

Any provision required or permitted in this section may be made a part of any converted policy by means of an endorsement or rider. 66597
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(K) The time limit specified in a converted policy for certain defenses with respect to any person who was covered by a group policy shall commence on the effective date of such person's coverage under the group policy. 66600
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(L) No insurer shall use deterioration of health as the basis for refusing to renew a converted policy. 66604
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(M) No insurer shall use age or health status as the basis for refusing to renew a converted policy. 66606
66607

(N) A converted policy made available pursuant to this section shall, if delivery of the policy is to be made in this state, comply with this section. If delivery of a converted policy is to be made in another state, it may be on a form offered by the insurer in the jurisdiction where the delivery is to be made and which provides benefits substantially in compliance with those required in a policy delivered in this state. 66608
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(O) As used in this section, ~~"federally:~~ 66615

(1) "Base rate" means, as to any health benefit plan that is issued by an insurer in the individual market, the lowest premium rate for new or existing business prescribed by the insurer for the same or similar coverage under a plan or arrangement covering any individual with similar case characteristics. 66616
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(2) "Federally eligible individual" means an eligible 66621

individual as defined in 45 C.F.R. 148.103. 66622

Sec. 3923.24. Every (A) Notwithstanding section 3901.71 of 66623
the Revised Code, every certificate furnished by an insurer in 66624
connection with, or pursuant to any provision of, any group 66625
sickness and accident insurance policy delivered, issued for 66626
delivery, renewed, or used in this state on or after January 1, 66627
1972, ~~and~~ every policy of sickness and accident insurance 66628
delivered, issued for delivery, renewed, or used in this state on 66629
or after January 1, 1972, and every multiple employer welfare 66630
arrangement offering an insurance program, which provides that 66631
coverage of an unmarried dependent child of a parent or legal 66632
guardian will terminate upon attainment of the limiting age for 66633
dependent children specified in the contract shall also provide in 66634
substance ~~that~~ both of the following: 66635

(1) That the limiting age shall not be less than twenty-nine 66636
years of age if all of the following are true: 66637

(a) The child is a resident of this state or a full-time 66638
student at an accredited public or private institution of higher 66639
education. 66640

(b) The child is not employed by an employer that offers any 66641
health benefit plan under which the child is eligible for 66642
coverage. 66643

(c) The child is not eligible for coverage under the medicaid 66644
program established under Chapter 5111. of the Revised Code or the 66645
medicare program established under Title XVIII of the "Social 66646
Security Act," 42 U.S.C. 1395. 66647

(2) That attainment of such limiting age shall not operate to 66648
terminate the coverage of such child if the child is and continues 66649
to be both of the following: 66650

~~(A)~~(a) Incapable of self-sustaining employment by reason of 66651

mental retardation or physical handicap; 66652

~~(B)~~(b) Primarily dependent upon the policyholder or 66653
certificate holder for support and maintenance. 66654

(B) Proof of such incapacity and dependence shall be 66655
furnished by the policyholder or by the certificate holder to the 66656
insurer within thirty-one days of the child's attainment of the 66657
limiting age. Upon request, but not more frequently than annually 66658
after the two-year period following the child's attainment of the 66659
limiting age, the insurer may require proof satisfactory to it of 66660
the continuance of such incapacity and dependency. 66661

(C) Nothing in this section shall require an insurer to cover 66662
a dependent child who is mentally retarded or physically 66663
handicapped if the contract is underwritten on evidence of 66664
insurability based on health factors set forth in the application, 66665
or if such dependent child does not satisfy the conditions of the 66666
contract as to any requirement for evidence of insurability or 66667
other provision of the contract, satisfaction of which is required 66668
for coverage thereunder to take effect. In any such case, the 66669
terms of the contract shall apply with regard to the coverage or 66670
exclusion of the dependent from such coverage. Nothing in this 66671
section shall apply to accidental death or dismemberment benefits 66672
provided by any such policy of sickness and accident insurance. 66673

(D) Nothing in this section shall require an insurer to cover 66674
a dependent child's children as dependents on the policy of the 66675
parent or legal guardian of the dependent. 66676

(E) This section does not apply to any policies or 66677
certificates covering only accident, credit, dental, disability 66678
income, long-term care, hospital indemnity, medicare supplement, 66679
specified disease, or vision care; coverage under a 66680
one-time-limited-duration policy of not longer than six months; 66681
coverage issued as a supplement to liability insurance; insurance 66682

arising out of a workers' compensation or similar law; automobile
medical-payment insurance; or insurance under which benefits are
payable with or without regard to fault and that is statutorily
required to be contained in any liability insurance policy or
equivalent self-insurance. 66683
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(F) A sickness and accident insurer that offers
employer-sponsored group policies shall separately identify any
additional premium costs for coverage of dependent children who
are not described in division (A)(2) of this section and are
either nineteen to twenty-three years of age and are not full-time
students or are twenty-four years of age or older. Nothing in this
section shall be construed to require an employer to offer
coverage to the dependents of any employee. 66688
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(G) As used in this section, "health benefit plan" has the
same meaning as in section 3924.01 of the Revised Code and also
includes both of the following: 66696
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(1) A public employee benefit plan; 66699

(2) A health benefit plan as regulated under the "Employee
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 66700
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Sec. 3923.241. (A) Notwithstanding section 3901.71 of the
Revised Code, any public employee benefit plan that provides that
coverage of an unmarried dependent child will terminate upon
attainment of the limiting age for dependent children specified in
the plan shall also provide in substance both of the following: 66702
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(1) That the limiting age shall not be less than twenty-nine
years of age if all of the following are true: 66707
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(a) The child is a resident of this state or a full-time
student at an accredited public or private institution of higher
education. 66709
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(b) The child is not employed by an employer that offers any 66712

health benefit plan under which the child is eligible for 66713
coverage. 66714

(c) The child is not eligible for coverage under the medicaid 66715
program established under Chapter 5111. of the Revised Code or the 66716
medicare program established under Title XVIII of the "Social 66717
Security Act," 42 U.S.C. 1395. 66718

(2) That attainment of the limiting age shall not operate to 66719
terminate the coverage of the child if the child is and continues 66720
to be both of the following: 66721

(a) Incapable of self-sustaining employment by reason of 66722
mental retardation or physical handicap; 66723

(b) Primarily dependent upon the plan member for support and 66724
maintenance. 66725

(B) Proof of incapacity and dependence for purposes of 66726
division (A) of this section shall be furnished to the public 66727
employee benefit plan within thirty-one days of the child's 66728
attainment of the limiting age. Upon request, but not more 66729
frequently than annually, the public employee benefit plan may 66730
require proof satisfactory to it of the continuance of such 66731
incapacity and dependency. 66732

(C) Nothing in this section shall require a public employee 66733
benefit plan to cover a dependent child's children as dependents 66734
on the public employee benefit plan of the parent or legal 66735
guardian of the dependent. 66736

(D) This section does not apply to any public employee 66737
benefit plan covering only accident, credit, dental, disability 66738
income, long-term care, hospital indemnity, medicare supplement, 66739
specified disease, or vision care; coverage under a 66740
one-time-limited-duration policy of not longer than six months; 66741
coverage issued as a supplement to liability insurance; insurance 66742
arising out of a workers' compensation or similar law; automobile 66743

medical-payment insurance; or insurance under which benefits are 66744
payable with or without regard to fault and which is statutorily 66745
required to be contained in any liability insurance policy or 66746
equivalent self-insurance. 66747

(E) A public employee benefit plan shall separately identify 66748
any additional premium costs for coverage of dependent children 66749
who are not described in division (A)(2) of this section and are 66750
either nineteen to twenty-three years of age and are not full-time 66751
students or are twenty-four years of age or older. Nothing in this 66752
section shall be construed to require an employer to offer 66753
coverage to the dependents of any employee. 66754

(F) As used in this section, "health benefit plan" has the 66755
same meaning as in section 3924.01 of the Revised Code and also 66756
includes both of the following: 66757

(1) A public employee benefit plan; 66758

(2) A health benefit plan as regulated under the "Employee 66759
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 66760

Sec. 3923.57. Notwithstanding any provision of this chapter, 66761
every individual policy of sickness and accident insurance that is 66762
delivered, issued for delivery, or renewed in this state is 66763
subject to the following conditions, as applicable: 66764

(A) Pre-existing conditions provisions shall not exclude or 66765
limit coverage for a period beyond twelve months following the 66766
policyholder's effective date of coverage and may only relate to 66767
conditions during the six months immediately preceding the 66768
effective date of coverage. 66769

(B) In determining whether a pre-existing conditions 66770
provision applies to a policyholder or dependent, each policy 66771
shall credit the time the policyholder or dependent was covered 66772
under a previous policy, contract, or plan if the previous 66773

coverage was continuous to a date not more than ~~thirty~~ sixty-three 66774
days prior to the effective date of the new coverage, exclusive of 66775
any applicable service waiting period under the policy. 66776

(C)(1) Except as otherwise provided in division (C) of this 66777
section, an insurer that provides an individual sickness and 66778
accident insurance policy to an individual shall renew or continue 66779
in force such coverage at the option of the individual. 66780

(2) An insurer may nonrenew or discontinue coverage of an 66781
individual in the individual market based only on one or more of 66782
the following reasons: 66783

(a) The individual failed to pay premiums or contributions in 66784
accordance with the terms of the policy or the insurer has not 66785
received timely premium payments. 66786

(b) The individual performed an act or practice that 66787
constitutes fraud or made an intentional misrepresentation of 66788
material fact under the terms of the policy. 66789

(c) The insurer is ceasing to offer coverage in the 66790
individual market in accordance with division (D) of this section 66791
and the applicable laws of this state. 66792

(d) If the insurer offers coverage in the market through a 66793
network plan, the individual no longer resides, lives, or works in 66794
the service area, or in an area for which the insurer is 66795
authorized to do business; provided, however, that such coverage 66796
is terminated uniformly without regard to any health 66797
status-related factor of covered individuals. 66798

(e) If the coverage is made available in the individual 66799
market only through one or more bona fide associations, the 66800
membership of the individual in the association, on the basis of 66801
which the coverage is provided, ceases; provided, however, that 66802
such coverage is terminated under division (C)(2)(e) of this 66803
section uniformly without regard to any health status-related 66804

factor of covered individuals. 66805

An insurer offering coverage to individuals solely through 66806
membership in a bona fide association shall not be deemed, by 66807
virtue of that offering, to be in the individual market for 66808
purposes of sections 3923.58 and 3923.581 of the Revised Code. 66809
Such an insurer shall not be required to accept applicants for 66810
coverage in the individual market pursuant to sections 3923.58 and 66811
3923.581 of the Revised Code unless the insurer also offers 66812
coverage to individuals other than through bona fide associations. 66813

(3) An insurer may cancel or decide not to renew the coverage 66814
of a dependent of an individual if the dependent has performed an 66815
act or practice that constitutes fraud or made an intentional 66816
misrepresentation of material fact under the terms of the coverage 66817
and if the cancellation or nonrenewal is not based, either 66818
directly or indirectly, on any health status-related factor in 66819
relation to the dependent. 66820

(D)(1) If an insurer decides to discontinue offering a 66821
particular type of health insurance coverage offered in the 66822
individual market, coverage of such type may be discontinued by 66823
the insurer if the insurer does all of the following: 66824

(a) Provides notice to each individual provided coverage of 66825
this type in such market of the discontinuation at least ninety 66826
days prior to the date of the discontinuation of the coverage; 66827

(b) Offers to each individual provided coverage of this type 66828
in such market, the option to purchase any other individual health 66829
insurance coverage currently being offered by the insurer for 66830
individuals in that market; 66831

(c) In exercising the option to discontinue coverage of this 66832
type and in offering the option of coverage under division 66833
(D)(1)(b) of this section, acts uniformly without regard to any 66834
health status-related factor of covered individuals or of 66835

individuals who may become eligible for such coverage. 66836

(2) If an insurer elects to discontinue offering all health 66837
insurance coverage in the individual market in this state, health 66838
insurance coverage may be discontinued by the insurer only if both 66839
of the following apply: 66840

(a) The insurer provides notice to the department of 66841
insurance and to each individual of the discontinuation at least 66842
one hundred eighty days prior to the date of the expiration of the 66843
coverage. 66844

(b) All health insurance delivered or issued for delivery in 66845
this state in such market is discontinued and coverage under that 66846
health insurance in that market is not renewed. 66847

(3) In the event of a discontinuation under division (D)(2) 66848
of this section in the individual market, the insurer shall not 66849
provide for the issuance of any health insurance coverage in the 66850
market and this state during the five-year period beginning on the 66851
date of the discontinuation of the last health insurance coverage 66852
not so renewed. 66853

(E) Notwithstanding divisions (C) and (D) of this section, an 66854
insurer may, at the time of coverage renewal, modify the health 66855
insurance coverage for a policy form offered to individuals in the 66856
individual market if the modification is consistent with the law 66857
of this state and effective on a uniform basis among all 66858
individuals with that policy form. 66859

(F) Such policies are subject to sections 2743 and 2747 of 66860
the "Health Insurance Portability and Accountability Act of 1996," 66861
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-43 and 66862
300gg-47, as amended. 66863

(G) Sections 3924.031 and 3924.032 of the Revised Code shall 66864
apply to sickness and accident insurance policies offered in the 66865
individual market in the same manner as they apply to health 66866

benefit plans offered in the small employer market. 66867

In accordance with 45 C.F.R. 148.102, divisions (C) to (G) of 66868
this section also apply to all group sickness and accident 66869
insurance policies that are not sold in connection with an 66870
employment-related group health plan and that provide more than 66871
short-term, limited duration coverage. 66872

In applying divisions (C) to (G) of this section with respect 66873
to health insurance coverage that is made available by an insurer 66874
in the individual market to individuals only through one or more 66875
associations, the term "individual" includes the association of 66876
which the individual is a member. 66877

For purposes of this section, any policy issued pursuant to 66878
division (C) of section 3923.13 of the Revised Code in connection 66879
with a public or private college or university student health 66880
insurance program is considered to be issued to a bona fide 66881
association. 66882

As used in this section, "bona fide association" has the same 66883
meaning as in section 3924.03 of the Revised Code, and "health 66884
status-related factor" and "network plan" have the same meanings 66885
as in section 3924.031 of the Revised Code. 66886

This section does not apply to any policy that provides 66887
coverage for specific diseases or accidents only, or to any 66888
hospital indemnity, medicare supplement, long-term care, 66889
disability income, one-time-limited-duration policy of no longer 66890
than six months, or other policy that offers only supplemental 66891
benefits. 66892

Sec. 3923.58. (A) As used in sections 3923.58 and 3923.59 of 66893
the Revised Code: 66894

(1) "Health "Base rate" means, as to any health benefit plan 66895
that is issued by an insurer in the individual market, the lowest 66896

premium rate for new or existing business prescribed by the 66897
insurer for the same or similar coverage under a plan or 66898
arrangement covering any individual with similar case 66899
characteristics. 66900

(2) "Carrier," "health benefit plan," and "MEWA" have the 66901
same meanings as in section 3924.01 of the Revised Code. 66902

~~(2)~~(3) "Insurer" means any sickness and accident insurance 66903
company authorized to do business in this state, or MEWA 66904
authorized to issue insured health benefit plans in this state. 66905
"Insurer" does not include any health insuring corporation that is 66906
owned or operated by an insurer. 66907

~~(3)~~(4) "Ohio health care basic and standard plans" means 66908
those plans established under section 3924.10 of the Revised Code. 66909

(5) "Pre-existing conditions provision" means a policy 66910
provision that excludes or limits coverage for charges or expenses 66911
incurred during a specified period following the insured's 66912
effective date of coverage as to a condition which, during a 66913
specified period immediately preceding the effective date of 66914
coverage, had manifested itself in such a manner as would cause an 66915
ordinarily prudent person to seek medical advice, diagnosis, care, 66916
or treatment or for which medical advice, diagnosis, care, or 66917
treatment was recommended or received, or a pregnancy existing on 66918
the effective date of coverage. 66919

(B) Beginning in January of each year, insurers in the 66920
business of issuing individual policies of sickness and accident 66921
insurance as contemplated by section 3923.021 of the Revised Code, 66922
except individual policies issued pursuant to section 3923.122 of 66923
the Revised Code, shall accept applicants for open enrollment 66924
coverage, as set forth in this division, in the order in which 66925
they apply for coverage and subject to the limitation set forth in 66926
division (G) of this section. Insurers shall accept for coverage 66927

pursuant to this section individuals to whom both of the following 66928
conditions apply: 66929

(1) The individual is not applying for coverage as an 66930
employee of an employer, as a member of an association, or as a 66931
member of any other group. 66932

(2) The individual is not covered, and is not eligible for 66933
coverage, under any other private or public health benefits 66934
arrangement, including the medicare program established under 66935
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 66936
U.S.C.A. 301, as amended, or any other act of congress or law of 66937
this or any other state of the United States that provides 66938
benefits comparable to the benefits provided under this section, 66939
any medicare supplement policy, or any continuation of coverage 66940
policy under state or federal law. 66941

(C) An insurer shall offer to any individual accepted under 66942
this section the Ohio health care basic and standard plans 66943
~~established by the board of directors of the Ohio health~~ 66944
~~reinsurance program under division (A) of section 3924.10 of the~~ 66945
~~Revised Code~~ or health benefit plans that are substantially 66946
similar to the Ohio health care basic and standard plans in 66947
benefit plan design and scope of covered services. 66948

An insurer may offer other health benefit plans in addition 66949
to, but not in lieu of, the plans required to be offered under 66950
this division. A basic health benefit plan shall provide, at a 66951
minimum, the coverage provided by the Ohio health care basic plan 66952
or any health benefit plan that is substantially similar to the 66953
Ohio health care basic plan in benefit plan design and scope of 66954
covered services. A standard health benefit plan shall provide, at 66955
a minimum, the coverage provided by the Ohio health care standard 66956
plan or any health benefit plan that is substantially similar to 66957
the Ohio health care standard plan in benefit plan design and 66958
scope of covered services. 66959

For purposes of this division, the superintendent of insurance shall determine whether a health benefit plan is substantially similar to the Ohio health care basic and standard plans in benefit plan design and scope of covered services.

(D)(1) Health benefit plans issued under this section may establish pre-existing conditions provisions that exclude or limit coverage for a period of up to twelve months following the individual's effective date of coverage and that may relate only to conditions during the six months immediately preceding the effective date of coverage.

(2) In determining whether a pre-existing conditions provision applies to a policyholder or dependent, each policy shall credit the time the policyholder or dependent was covered under a previous policy, contract, or plan if the previous coverage was continuous to a date not more than sixty-three days prior to the effective date of the new coverage, exclusive of any applicable service waiting period under the policy.

(E) Premiums charged to individuals under this section may not exceed an amount that is ~~two~~ one and one-half times the ~~highest base rate charged for coverage offered to~~ any other individual to which the insurer is currently accepting new business, and for which similar copayments and deductibles are applied.

(F) In offering health benefit plans under this section, an insurer may require the purchase of health benefit plans that condition the reimbursement of health services upon the use of a specific network of providers.

~~(G)(1) In no event shall an~~ An insurer shall not be required to accept new applicants under this section if the total number of new insureds accepted annually under this section ~~individuals who, in the aggregate, would cause the insurer to have a total number~~

~~of new insureds that is more than and section 3923.581 of the~~ 66991
~~Revised Code exceeds four and one-half per cent of its the~~ 66992
~~insurer's total number of insured individuals and nonemployer~~ 66993
~~group insureds in this state per year, as contemplated by section~~ 66994
~~3923.021 of the Revised Code,~~ calculated as of the immediately 66995
preceding thirty-first day of December and excluding the insurer's 66996
medicare supplement policies and conversion or continuation of 66997
coverage policies under state or federal law and any policies 66998
described in division (L) of this section. 66999

(2) An officer of the insurer shall certify to the department 67000
of insurance when it has met the enrollment limit set forth in 67001
division (G)(1) of this section. Upon providing such 67002
certification, the insurer shall be relieved of its open 67003
enrollment requirement under this section for the remainder of the 67004
calendar year. 67005

(H) An insurer shall not be required to accept under this 67006
section applicants who, at the time of enrollment, are confined to 67007
a health care facility because of chronic illness, permanent 67008
injury, or other infirmity that would cause economic impairment to 67009
the insurer if the applicants were accepted, ~~or~~. An insurer shall 67010
not be required to make the effective date of benefits for 67011
individuals accepted under this section earlier than ninety days 67012
after the date of acceptance, except that when the individual had 67013
prior coverage with a health benefit plan that was terminated by a 67014
carrier because the carrier exited the market and the individual 67015
was accepted for open enrollment under this section within 67016
sixty-three days of that termination, the effective date of 67017
benefits shall be the date of enrollment. 67018

(I) The requirements of this section do not apply to any 67019
insurer that is currently in a state of supervision, insolvency, 67020
or liquidation. If an insurer demonstrates to the satisfaction of 67021
the superintendent that the requirements of this section would 67022

place the insurer in a state of supervision, insolvency, or 67023
liquidation, the superintendent may waive or modify the 67024
requirements of division (B) or (G) of this section. The actions 67025
of the superintendent under this division shall be effective for a 67026
period of not more than one year. At the expiration of such time, 67027
a new showing of need for a waiver or modification by the insurer 67028
shall be made before a new waiver or modification is issued or 67029
imposed. 67030

(J) No hospital, health care facility, or health care 67031
practitioner, and no person who employs any health care 67032
practitioner, shall balance bill any individual or dependent of an 67033
individual for any health care supplies or services provided to 67034
the individual or dependent who is insured under a policy issued 67035
under this section. The hospital, health care facility, or health 67036
care practitioner, or any person that employs the health care 67037
practitioner, shall accept payments made to it by the insurer 67038
under the terms of the policy or contract insuring or covering 67039
such individual as payment in full for such health care supplies 67040
or services. 67041

As used in this division, "hospital" has the same meaning as 67042
in section 3727.01 of the Revised Code; "health care practitioner" 67043
has the same meaning as in section 4769.01 of the Revised Code; 67044
and "balance bill" means charging or collecting an amount in 67045
excess of the amount reimbursable or payable under the policy or 67046
health care service contract issued to an individual under this 67047
section for such health care supply or service. "Balance bill" 67048
does not include charging for or collecting copayments or 67049
deductibles required by the policy or contract. 67050

(K) An insurer ~~shall~~ may pay an agent a commission in the 67051
amount of not more than five per cent of the premium charged for 67052
initial placement or for otherwise securing the issuance of a 67053
policy or contract issued to an individual under this section, and 67054

not more than four per cent of the premium charged for the renewal 67055
of such a policy or contract. The superintendent may adopt, in 67056
accordance with Chapter 119. of the Revised Code, such rules as 67057
are necessary to enforce this division. 67058

(L) This section does not apply to any policy that provides 67059
coverage for specific diseases or accidents only, or to any 67060
hospital indemnity, medicare supplement, long-term care, 67061
disability income, one-time-limited-duration policy of no longer 67062
than six months, or other policy that offers only supplemental 67063
benefits. 67064

Sec. 3923.581. (A) As used in this section: 67065

(1) "Base rate" means, as to any health benefit plan that is 67066
issued by a carrier in the individual market, the lowest premium 67067
rate for new or existing business prescribed by the carrier for 67068
the same or similar coverage under a plan or arrangement covering 67069
any individual with similar case characteristics. 67070

(2) "Carrier," "health benefit plan," "MEWA," and 67071
"pre-existing conditions provision" have the same meanings as in 67072
section 3924.01 of the Revised Code. 67073

~~(2)~~(3) "Federally eligible individual" means an eligible 67074
individual as defined in 45 C.F.R. 148.103. 67075

~~(3)~~(4) "Health status-related factor" means any of the 67076
following: 67077

(a) Health status; 67078

(b) Medical condition, including both physical and mental 67079
illnesses; 67080

(c) Claims experience; 67081

(d) Receipt of health care; 67082

(e) Medical history; 67083

(f) Genetic information;	67084
(g) Evidence of insurability, including conditions arising out of acts of domestic violence;	67085 67086
(h) Disability.	67087
(4) "Midpoint rate" means, for individuals with similar case characteristics and plan designs and as determined by the applicable carrier for a rating period, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.	67088 67089 67090 67091 67092
(5) "Network plan" means a health benefit plan of a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier.	67093 67094 67095 67096 67097
<u>(6) "Ohio health care basic and standard plans" means those plans established under section 3924.10 of the Revised Code.</u>	67098 67099
(B) Beginning in January of each year, carriers in the business of issuing health benefit plans to individuals or nonemployer groups shall accept federally eligible individuals for open enrollment coverage, as provided in this section, in the order in which they apply for coverage and subject to the limitation set forth in division (J) of this section.	67100 67101 67102 67103 67104 67105
(C) No carrier shall do either of the following:	67106
(1) Decline to offer such coverage to, or deny enrollment of, such individuals;	67107 67108
(2) Apply any pre-existing conditions provision to such coverage.	67109 67110
(D) A carrier shall offer to federally eligible individuals the <u>Ohio health care basic and standard plan established by the board of directors of the Ohio health reinsurance program plans</u> or	67111 67112 67113

plans substantially similar to the basic and standard ~~plan~~ plans 67114
in benefit design and scope of covered services. For purposes of 67115
this division, the superintendent of insurance shall determine 67116
whether a plan is substantially similar to the basic or standard 67117
plan in benefit design and scope of covered services. 67118

(E) Premiums charged to individuals under this section may 67119
not exceed an amount that is ~~two~~ one and one-half times the 67120
~~midpoint base rate charged for coverage offered to~~ any other 67121
individual to which the carrier is currently accepting new 67122
business, and for which similar copayments and deductibles are 67123
applied. 67124

(F) If a carrier offers a health benefit plan in the 67125
individual market through a network plan, the carrier may do both 67126
of the following: 67127

(1) Limit the federally eligible individuals that may apply 67128
for such coverage to those who live, work, or reside in the 67129
service area of the network plan; 67130

(2) Within the service area of the network plan, deny the 67131
coverage to federally eligible individuals if the carrier has 67132
demonstrated both of the following to the superintendent: 67133

(a) The carrier will not have the capacity to deliver 67134
services adequately ~~to~~ to any additional individuals because of the 67135
carrier's obligations to existing group contract holders and 67136
individuals. 67137

(b) The carrier is applying division (F)(2) of this section 67138
uniformly to all federally eligible individuals without regard to 67139
any health status-related factor of those individuals. 67140

(G) A carrier that, pursuant to division (F)(2) of this 67141
section, denies coverage to an individual in the service area of a 67142
network plan, shall not offer coverage in the individual market 67143
within that service area for at least one hundred eighty days 67144

after the date the coverage is denied. 67145

(H) A carrier may refuse to issue health benefit plans to 67146
federally eligible individuals if the carrier has demonstrated 67147
both of the following to the superintendent: 67148

(1) The carrier does not have the financial reserves 67149
necessary to underwrite additional coverage. 67150

(2) The carrier is applying division (H) of this section 67151
uniformly to all federally eligible individuals in this state 67152
consistent with the applicable laws and rules of this state and 67153
without regard to any health status-related factor relating to 67154
those individuals. 67155

(I) A carrier that, pursuant to division (H) of this section, 67156
refuses to issue health benefit plans to federally eligible 67157
individuals, shall not offer health benefit plans in the 67158
individual market in this state for at least one hundred eighty 67159
days after the date the coverage is denied or until the carrier 67160
has demonstrated to the superintendent that the carrier has 67161
sufficient financial reserves to underwrite additional coverage, 67162
whichever is later. 67163

(J)(1) Except as provided in division (J)(2) of this section, 67164
a carrier shall not be required to accept ~~annually new applicants~~ 67165
~~under this section federally eligible individuals who, in the~~ 67166
~~aggregate, would cause the carrier to have a total number of new~~ 67167
~~insureds that is more than~~ if the total number of new insureds 67168
accepted annually under this section and section 3923.58 of the 67169
Revised Code exceeds four and one-half per cent of its the 67170
carrier's total number of insured individuals and nonemployer 67171
~~groups~~ group insureds in this state per year, calculated as of the 67172
immediately preceding thirty-first day of December and excluding 67173
the carrier's medicare supplement policies and conversion or 67174
continuation of coverage policies under state or federal law and 67175

any policies described in division ~~(M)~~(L) of section 3923.58 of 67176
the Revised Code. 67177

(2) An officer of the carrier shall certify to the department 67178
of insurance when it has met the enrollment limit set forth in 67179
division (J)(1) of this section. Upon providing such 67180
certification, the carrier shall be relieved of its open 67181
enrollment requirement under this section for the remainder of the 67182
calendar year unless, prior to the end of the calendar year, all 67183
the carriers subject to this section have individually met the 67184
enrollment limit set forth in division (J)(1) of this section. In 67185
that event, carriers shall again accept applicants for open 67186
enrollment coverage pursuant to this section, subject to ~~the~~ an 67187
additional enrollment limit equal to that set forth in division 67188
(J)(1) of this section. 67189

(K) The superintendent may provide for the application of 67190
this section on a service-area-specific basis. 67191

(L) The requirements of this section do not apply to any 67192
health benefit plan described in division ~~(M)~~(L) of section 67193
3923.58 of the Revised Code. 67194

(M) A carrier may pay an agent a commission in the amount of 67195
not more than five per cent of the premium charged for initial 67196
placement or for otherwise securing the issuance of a policy or 67197
contract issued to an individual under this section, and not more 67198
than four per cent of the premium charged for the renewal of such 67199
a policy or contract. The superintendent may adopt, in accordance 67200
with Chapter 119. of the Revised Code, such rules as are necessary 67201
to enforce this division. 67202

Sec. 3923.66. (A) As used in sections 3923.66 to 3923.70 of 67203
the Revised Code: 67204

(1) "Clinical peer" and "physician" have the same meanings as 67205

in section 1751.77 of the Revised Code. 67206

(2) "Authorized person" means a parent, guardian, or other 67207
person authorized to act on behalf of an insured with respect to 67208
health care decisions. 67209

(B) Sections 3923.66 to 3923.70 of the Revised Code do not 67210
apply to any individual or group policy of sickness and accident 67211
insurance covering only accident, credit, dental, disability 67212
income, long-term care, hospital indemnity, medicare supplement, 67213
medicare, tricare, specified disease, or vision care; coverage 67214
issued as a supplement to liability insurance; insurance arising 67215
out of workers' compensation or similar law; automobile medical 67216
payment insurance; or insurance under which benefits are payable 67217
with or without regard to fault and which is statutorily required 67218
to be contained in any liability insurance policy or equivalent 67219
self-insurance. 67220

(C) The superintendent of insurance shall establish and 67221
maintain a system for receiving and reviewing requests for review 67222
from insureds who have been denied coverage of a health care 67223
service on the grounds that the service is not a service covered 67224
under the terms of the insured's policy or certificate. 67225

On receipt of a written request from an insured or authorized 67226
person, the superintendent shall consider whether the health care 67227
service is a service covered under the terms of the insured's 67228
policy or certificate, except that the superintendent shall not 67229
conduct a review under this section unless the insured has 67230
exhausted the insurer's internal review process. The insurer and 67231
the insured or authorized person shall provide the superintendent 67232
with any information required by the superintendent that is in 67233
their possession and is germane to the review. 67234

Unless the superintendent is not able to do so because making 67235
the determination requires resolution of a medical issue, the 67236

superintendent shall determine whether the health care service at 67237
issue is a service covered under the terms of the insured's policy 67238
or certificate. The superintendent shall notify the insured, or 67239
authorized person, and the insurer of its determination or that it 67240
is not able to make a determination because the determination 67241
requires the resolution of a medical issue. 67242

If the superintendent notifies the insurer that making the 67243
determination requires the resolution of a medical issue, the 67244
insurer shall ~~afford the insured an opportunity for~~ initiate an 67245
external review under section 3923.67 or 3923.68 of the Revised 67246
Code. If the superintendent notifies the insurer that the health 67247
care service is not a covered service, the insurer is not required 67248
to cover the service or afford the insured an external review. 67249

Sec. 3923.67. (A) Except as provided in divisions (B) and (C) 67250
of this section, an insurer shall afford an insured an opportunity 67251
for an external review of a coverage denial when requested by the 67252
insured or authorized person, if both of the following are the 67253
case: 67254

(1) The insurer has denied, reduced, or terminated coverage 67255
for what would be a covered health care service except that the 67256
insurer has determined that the health care service is not 67257
medically necessary. 67258

(2) Except in the case of expedited review, the proposed 67259
service, plus any ancillary services and follow-up care, will cost 67260
the insured more than five hundred dollars if the proposed service 67261
is not covered by the insurer. 67262

External review shall be conducted in accordance with this 67263
section, except that if an insured with a terminal condition meets 67264
all of the criteria of division (A) of section 3923.68 of the 67265
Revised Code, an external review shall be conducted under that 67266
section. 67267

(B) An insured need not be afforded a review under this section in any of the following circumstances:

(1) The superintendent of insurance has determined under section 3923.66 of the Revised Code that the health care service is not a service covered under the terms of the insured's policy or certificate.

(2) The insured has failed to exhaust the insurer's internal review process.

(3) The insured has previously afforded an external review for the same denial of coverage, and no new clinical information has been submitted to the insurer.

~~(C)(1) An insurer may deny a request for an external review if it is requested later than sixty days after receipt by the insured of notice from the superintendent of insurance under section 3923.66 of the Revised Code that making a determination requires the resolution of a medical issue.~~ An external review may be requested by the insured, an authorized person, the insured's provider, or a health care facility rendering health care service to the insured. The insured may request a review without the approval of the provider or the health care facility rendering the health care service. The provider or health care facility may not request a review without the prior consent of the insured.

(2) An external review must be requested in writing, except that if the insured has a condition that requires expedited review, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request must be submitted to the insurer not later than five days after the request is made.

Except in the case of an expedited review, a request for an external review must be accompanied by written certification from the insured's provider or the health care facility rendering the

health care service to the insured that the proposed service, plus 67299
any ancillary services and follow-up care, will cost the insured 67300
more than five hundred dollars if the proposed service is not 67301
covered by the insurer. 67302

(3) For an expedited review, the insured's provider must 67303
certify that the insured's condition could, in the absence of 67304
immediate medical attention, result in any of the following: 67305

(a) Placing the health of the insured or, with respect to a 67306
pregnant woman, the health of the insured or the unborn child, in 67307
serious jeopardy; 67308

(b) Serious impairment to bodily functions; 67309

(c) Serious dysfunction of any bodily organ or part. 67310

(D) The procedures used in conducting an external review 67311
shall include all of the following: 67312

(1) The review shall be conducted by an independent review 67313
organization assigned by the superintendent of insurance under 67314
section 3901.80 of the Revised Code. 67315

(2) Except as provided in divisions (D)(3) and (4) of this 67316
section, neither the clinical peer nor any health care facility 67317
with which the clinical peer is affiliated shall have any 67318
professional, familial, or financial affiliation with any of the 67319
following: 67320

(a) The insurer or any officer, director, or managerial 67321
employee of the insurer; 67322

(b) The insured, the insured's provider, or the practice 67323
group of the insured's provider; 67324

(c) The health care facility at which the health care service 67325
requested by the insured would be provided; 67326

(d) The development or manufacture of the principal drug, 67327
device, procedure, or therapy proposed for the insured. 67328

(3) Division (D)(2) of this section does not prohibit a 67329
clinical peer from conducting a review under any of the following 67330
circumstances: 67331

(a) The clinical peer is affiliated with an academic medical 67332
center that provides health care services to insureds of the 67333
insurer. 67334

(b) The clinical peer has staff privileges at a health care 67335
facility that provides health care services to insureds of the 67336
insurer. 67337

(c) The clinical peer has a contractual relationship with the 67338
insurer but was not involved with the insurer's coverage decision. 67339

(4) Division (D)(2) of this section does not prohibit the 67340
insurer from paying the independent review organization for the 67341
conduct of the review. 67342

(5) An insured shall not be required to pay for any part of 67343
the cost of the review. The cost of the review shall be borne by 67344
the insurer. 67345

(6)(a) The insurer shall provide to the independent review 67346
organization conducting the review a copy of those records in its 67347
possession that are relevant to the insured's medical condition 67348
and the review. 67349

Records shall be used solely for the purpose of this 67350
division. At the request of the independent review organization, 67351
the insurer, insured, provider, or health care facility rendering 67352
health care services to the insured shall provide any additional 67353
information the independent review organization requests to 67354
complete the review. A request for additional information may be 67355
made in writing, orally, or by electronic means. The independent 67356
review organization shall submit the request to the insured and 67357
insurer. If a request is submitted orally or by electronic means 67358
to an insured or insurer, not later than five days after the 67359

request is submitted, the independent review organization shall 67360
provide written confirmation of the request. If the review was 67361
initiated by a provider or health care facility, a copy of the 67362
request shall be submitted to the provider or health care 67363
facility. 67364

(b) An independent review organization is not required to 67365
make a decision if it has not received any requested information 67366
that it considers necessary to complete a review. An independent 67367
review organization that does not make a decision for this reason 67368
shall notify the insured and the insurer that a decision is not 67369
being made. The notice may be made in writing, orally, or by 67370
electronic means. An oral or electronic notice shall be confirmed 67371
in writing not later than five days after the oral or electronic 67372
notice is made. If the review was initiated by a provider or 67373
health care facility, a copy of the notice shall be submitted to 67374
the provider or health care facility. 67375

(7) The insurer may elect to cover the service requested and 67376
terminate the review. The insurer shall notify the insured and all 67377
other parties involved with the decision by mail, or with the 67378
consent or approval of the insured, by electronic means. 67379

(8) In making its decision, an independent review 67380
organization conducting the review shall take into account all of 67381
the following: 67382

(a) Information submitted by the insurer, the insured, the 67383
insured's provider, and the health care facility rendering the 67384
health care service, including the following: 67385

(i) The insured's medical records; 67386

(ii) The standards, criteria, and clinical rationale used by 67387
the insurer to make its decision. 67388

(b) Findings, studies, research, and other relevant documents 67389
of government agencies and nationally recognized organizations, 67390

including the national institutes of health or any board 67391
recognized by the national institutes of health, the national 67392
cancer institute, the national academy of sciences, the United 67393
States food and drug administration, the health care financing 67394
administration of the United States department of health and human 67395
services, and the agency for health care policy and research; 67396

(c) Relevant findings in peer-reviewed medical or scientific 67397
literature, published opinions of nationally recognized medical 67398
experts, and clinical guidelines adopted by relevant national 67399
medical societies. 67400

(9)(a) In the case of an expedited review, the independent 67401
review organization shall issue a written decision not later than 67402
seven days after the filing of the request for review. In all 67403
other cases, the independent review organization shall issue a 67404
written decision not later than thirty days after the filing of 67405
the request. The independent review organization shall send a copy 67406
of its decision to the insurer and the insured. If the insured's 67407
provider or the health care facility rendering health care 67408
services to the insured requested the review, the independent 67409
review organization shall also send a copy of its decision to the 67410
insured's provider or the health care facility. 67411

(b) The independent review organization's decision shall 67412
include a description of the insured's condition and the principal 67413
reasons for the decision and an explanation of the clinical 67414
rationale for the decision. 67415

(E) The independent review organization shall base its 67416
decision on the information submitted under division (D)(8) of 67417
this section. In making its decision, the independent review 67418
organization shall consider safety, efficacy, appropriateness, and 67419
cost-effectiveness. 67420

(F) The insurer shall provide any coverage determined by the 67421

independent review organization's decision to be medically 67422
necessary, subject to the other terms, limitations, and conditions 67423
of the insured's policy or certificate. 67424

Sec. 3923.68. (A) Each insurer shall establish a reasonable 67425
external, independent review process to examine the insurer's 67426
coverage decisions for insureds who meet all of the following 67427
criteria: 67428

(1) The insured has a terminal condition that, according to 67429
the current diagnosis of the insured's physician, has a high 67430
probability of causing death within two years. 67431

~~(2) The insured requests a review not later than sixty days 67432
after receipt by the insured of notice from the superintendent of 67433
insurance under section 3923.66 of the Revised Code that making a 67434
determination requires resolution of a medical issue. 67435~~

~~(3) The insured's physician certifies that the insured has 67436
the condition described in division (A)(1) of this section and any 67437
of the following situations are applicable: 67438~~

~~(a) Standard therapies have not been effective in improving 67439
the condition of the insured. 67440~~

~~(b) Standard therapies are not medically appropriate for the 67441
insured. 67442~~

~~(c) There is no standard therapy covered by the insurer that 67443
is more beneficial than therapy described in division (A)~~(4)~~(3) of 67444
this section. 67445~~

~~(4)(3) The insured's physician has recommended a drug, 67446
device, procedure, or other therapy that the physician certifies, 67447
in writing, is likely to be more beneficial to the insured, in the 67448
physician's opinion, than standard therapies, or the insured has 67449
requested a therapy that has been found in a preponderance of 67450
peer-reviewed published studies to be associated with effective 67451~~

clinical outcomes for the same condition. 67452

~~(5)~~(4) The insured has been denied coverage by the insurer 67453
for a drug, device, procedure, or other therapy recommended or 67454
requested pursuant to division (A)~~(4)~~(3) of this section, and has 67455
exhausted the insurer's internal review process. 67456

~~(6)~~(5) The drug, device, procedure, or other therapy, for 67457
which coverage has been denied, would be a covered health care 67458
service except for the insurer's determination that the drug, 67459
device, procedure, or other therapy is experimental or 67460
investigational. 67461

(B) A review shall be requested in writing, except that if 67462
the insured's physician determines that a therapy would be 67463
significantly less effective if not promptly initiated, the review 67464
may be requested orally or by electronic means. When an oral or 67465
electronic request for review is made, written confirmation of the 67466
request shall be submitted to the insurer not later than five days 67467
after the oral or written request is submitted. 67468

(C) The external, independent review process established by 67469
an insurer shall meet all of the following criteria: 67470

(1) Except as provided in division (E) of this section, the 67471
process shall afford all insureds who meet the criteria set forth 67472
in division (A) of this section the opportunity to have the 67473
insurer's decision to deny coverage of the recommended or 67474
requested therapy reviewed under the process. Each eligible 67475
insured shall be notified of that opportunity within thirty 67476
business days after the insurer denies coverage. 67477

(2) The review shall be conducted by an independent review 67478
organization assigned by the superintendent of insurance under 67479
section 3901.80 of the Revised Code. 67480

The independent review organization shall select a panel to 67481
conduct the review, which panel shall be composed of at least 67482

three physicians or other providers who, through clinical 67483
experience in the past three years, are experts in the treatment 67484
of the insured's medical condition and knowledgeable about the 67485
recommended or requested therapy. 67486

In either of the following circumstances, an exception may be 67487
made to the requirement that the review be conducted by an expert 67488
panel composed of a minimum of three physicians or other 67489
providers: 67490

(a) A review may be conducted by an expert panel composed of 67491
only two physicians or other providers if an insured has consented 67492
in writing to a review by the smaller panel. 67493

(b) A review may be conducted by a single expert physician or 67494
other provider if only the expert physician or other provider is 67495
available for the review. 67496

(3) Neither the insurer nor the insured shall choose, or 67497
control the choice of, the physician or other provider experts. 67498

(4) The selected experts, any health care facility with which 67499
an expert is affiliated, and the independent review organization 67500
arranging for the experts' review shall not have any professional, 67501
familial, or financial affiliation with any of the following: 67502

(a) The insurer or any officer, director, or managerial 67503
employee of the insurer; 67504

(b) The insured, the insured's physician, ~~of~~ or the practice 67505
group of the insured's physician; 67506

(c) The health care facility at which the recommended or 67507
requested therapy would be provided; 67508

(d) The development or manufacture of the principal drug, 67509
device, procedure, or therapy involved in the recommended or 67510
requested therapy. 67511

However, experts affiliated with academic medical centers who 67512

provide health care services to insureds of the insurer may serve 67513
as experts on the review panel. Further, experts with staff 67514
privileges at a health care facility that provides health care 67515
services to insureds of the insurer, as well as experts who have a 67516
contractual relationship with the insurer, but who were not 67517
involved with the insurer's denial of coverage for the therapy 67518
under review, may serve as experts on the review panel. These 67519
nonaffiliation provisions do not preclude an insurer from paying 67520
for the experts' review, as specified in division (C)(5) of this 67521
section. 67522

(5) Insureds shall not be required to pay for any part of the 67523
cost of the review. The cost of the review shall be borne by the 67524
insurer. 67525

(6) The insurer shall provide to the independent review 67526
organization arranging for the experts' review a copy of those 67527
records in the insurer's possession that are relevant to the 67528
insured's medical condition and the review. The records shall be 67529
disclosed solely to the expert reviewers and shall be used solely 67530
for the purpose of this section. At the request of the expert 67531
reviewers, the insurer or the physician requesting the therapy 67532
shall provide any additional information that the expert reviewers 67533
request to complete the review. An expert reviewer is not required 67534
to render an opinion if the reviewer has not received any 67535
requested information that the reviewer considers necessary to 67536
complete the review. 67537

(7)(a) In the case of an expedited review, the independent 67538
review organization shall issue a written decision not later than 67539
seven days after the filing of the request for review. In all 67540
other cases, the independent review organization shall issue a 67541
written decision not later than thirty days after the filing of 67542
the request. The independent review organization shall send a copy 67543
of its decision to the insurer and the insured. If the insured's 67544

provider or the health care facility rendering health care 67545
services to the insured requested the review, the independent 67546
review organization shall also send a copy of its decision to the 67547
insured's provider or the health care facility. 67548

(b) In conducting the review, the experts on the panel shall 67549
take into account all of the following: 67550

(i) Information submitted by the insurer, the insured, and 67551
the insured's physician, including the insured's medical records 67552
and the standards, criteria, and clinical rationale used by the 67553
insurer to reach its coverage decision; 67554

(ii) Findings, studies, research, and other relevant 67555
documents of government agencies and nationally recognized 67556
organizations; 67557

(iii) Relevant findings in peer-reviewed medical or 67558
scientific literature and published opinions of nationally 67559
recognized medical experts; 67560

(iv) Clinical guidelines adopted by relevant national medical 67561
societies; 67562

(v) Safety, efficacy, appropriateness, and cost 67563
effectiveness. 67564

(8) Each expert on the panel shall provide the independent 67565
review organization with a professional opinion as to whether 67566
there is sufficient evidence to demonstrate that the recommended 67567
or requested therapy is likely to be more beneficial to the 67568
insured than standard therapies. 67569

(9) Each expert's opinion shall be presented in written form 67570
and shall include the following information: 67571

(a) A description of the insured's condition; 67572

(b) A description of the indicators relevant to determining 67573
whether there is sufficient evidence to demonstrate that the 67574

recommended or requested therapy is more likely than not to be 67575
more beneficial to the insured than standard therapies; 67576

(c) A description and analysis of any relevant findings 67577
published in peer-reviewed medical or scientific literature or the 67578
published opinions of medical experts or specialty societies; 67579

(d) A description of the insured's suitability to receive the 67580
recommended or requested therapy according to a treatment protocol 67581
in a clinical trial, if applicable. 67582

(10) The independent review organization shall provide the 67583
insurer with the opinions of the experts. The insurer shall make 67584
the experts' opinions available to the insured and the insured's 67585
physician, upon request. 67586

(11) The opinion of the majority of the experts on the panel, 67587
rendered pursuant to division (C)(8) of this section, is binding 67588
on the insurer with respect to that insured. If the opinions of 67589
the experts on the panel are evenly divided as to whether the 67590
therapy should be covered, the insurer's final decision shall be 67591
in favor of coverage. If less than a majority of the experts on 67592
the panel recommend coverage of the therapy, the insurer may, in 67593
its discretion, cover the therapy. However, any coverage provided 67594
pursuant to division (C)(11) of this section is subject to the 67595
terms, limitations, and conditions of the insured's policy or 67596
certificate with the insurer. 67597

(12) The insurer shall have written policies describing the 67598
external, independent review process. 67599

(D) If an insurer's initial denial of coverage for a therapy 67600
recommended or requested pursuant to division (A)~~(3)~~(2) of this 67601
section is based upon an external, independent review of that 67602
therapy meeting the requirements of division (C) of this section, 67603
this section shall not be a basis for requiring a second external, 67604
independent review of the recommended or requested therapy. 67605

(E) At any time during the external, independent review process, the insurer may elect to cover the recommended or requested health care service and terminate the review. The insurer shall notify the insured and all other parties involved by mail or, with consent or approval of the insured, by electronic means.

(F) The insurer shall annually file a certificate with the superintendent of insurance certifying its compliance with the requirements of this section.

Sec. 3923.75. (A) As used in sections 3923.75 to 3923.79 of the Revised Code:

(1) "Clinical peer" and "physician" have the same meanings as in section 1751.77 of the Revised Code.

(2) "Authorized person" means a parent, guardian, or other person authorized to act on behalf of a plan member with respect to health care decisions.

(B) Sections 3923.75 to 3923.79 of the Revised Code do not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, medicare, tricare, specified disease, or vision care; coverage issued as a supplement to liability insurance; insurance arising out of workers' compensation or similar law; automobile medical payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(C) The superintendent of insurance shall establish and maintain a system for receiving and reviewing requests for review from plan members who have been denied coverage of a health care service on the grounds that the service is not a service covered

under the terms of the public employee benefit plan. 67636

On receipt of a written request from a plan member or 67637
authorized person, the superintendent shall consider whether the 67638
health care service is a service covered under the terms of the 67639
plan, except that the superintendent shall not conduct a review 67640
under this section unless the plan member has exhausted the plan's 67641
internal review process. The plan and the plan member or 67642
authorized person shall provide the superintendent with any 67643
information required by the superintendent that is in their 67644
possession and is germane to the review. 67645

Unless the superintendent is not able to do so because making 67646
the determination requires resolution of a medical issue, the 67647
superintendent shall determine whether the health care service at 67648
issue is a service covered under the terms of the plan. The 67649
superintendent shall notify the plan member, or authorized person, 67650
and the plan of its determination or that it is not able to make a 67651
determination because the determination requires the resolution of 67652
a medical issue. 67653

If the superintendent notifies the plan that making the 67654
determination requires the resolution of a medical issue, the plan 67655
shall ~~afford the plan member~~ initiate an ~~opportunity for~~ external 67656
review under section 3923.76 or 3923.77 of the Revised Code. If 67657
the superintendent notifies the plan that the health care service 67658
is not a covered service, the plan is not required to cover the 67659
service or afford the plan member an external review. 67660

Sec. 3923.76. (A) Except as provided in divisions (B) and (C) 67661
of this section, a public employee benefit plan shall afford a 67662
plan member an opportunity for an external review of a coverage 67663
denial when requested by the plan member or authorized person, if 67664
both of the following are the case: 67665

(1) The plan has denied, reduced, or terminated coverage for 67666

what would be a covered health care service except that the plan 67667
has determined that the health care service is not medically 67668
necessary. 67669

(2) Except in the case of expedited review, the proposed 67670
service, plus any ancillary services and follow-up care, will cost 67671
the plan member more than five hundred dollars if the proposed 67672
service is not covered by the plan. 67673

External review shall be conducted in accordance with this 67674
section, except that if a plan member with a terminal condition 67675
meets all of the criteria of division (A) of section 3923.77 of 67676
the Revised Code, an external review shall be conducted under that 67677
section. 67678

(B) A plan member need not be afforded a review under this 67679
section in any of the following circumstances: 67680

(1) The superintendent of insurance has determined under 67681
section 3923.75 of the Revised Code that the health care service 67682
is not a service covered under the terms of the plan. 67683

(2) The plan member has failed to exhaust the plan's internal 67684
review process. 67685

(3) The plan member has previously been afforded an external 67686
review for the same denial of coverage, and no new clinical 67687
information has been submitted to the plan. 67688

~~(C)(1) A plan may deny a request for an external review if it 67689
is requested later than sixty days after receipt by the plan 67690
member of notice from the superintendent of insurance under 67691
section 3923.75 of the Revised Code that making the determination 67692
requires the resolution of a medical issue. An external review may 67693
be requested by the plan member, an authorized person, the plan 67694
member's provider, or a health care facility rendering health care 67695
service to the plan member. The plan member may request a review 67696
without the approval of the provider or the health care facility 67697~~

rendering the health care service. The provider or health care facility may not request a review without the prior consent of the plan member.

(2) An external review must be requested in writing, except that if the plan member has a condition that requires expedited review, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request must be submitted to the plan not later than five days after the request is made.

Except in the case of an expedited review, a request for an external review must be accompanied by written certification from the plan member's provider or the health care facility rendering the health care service to the plan member that the proposed service, plus any ancillary services and follow-up care, will cost the plan member more than five hundred dollars if the proposed service is not covered by the plan.

(3) For an expedited review, the plan member's provider must certify that the plan member's condition could, in the absence of immediate medical attention, result in any of the following:

(a) Placing the health of the plan member or, with respect to a pregnant woman, the health of the plan member or the unborn child, in serious jeopardy;

(b) Serious impairment to bodily functions;

(c) Serious dysfunction of any bodily organ or part.

(D) The procedures used in conducting an external review shall include all of the following:

(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.

(2) Except as provided in divisions (D)(3) and (4) of this

section, neither the clinical peer nor any health care facility 67728
with which the clinical peer is affiliated shall have any 67729
professional, familial, or financial affiliation with any of the 67730
following: 67731

(a) The plan or any officer, director, or managerial employee 67732
of the plan; 67733

(b) The plan member, the plan member's provider, or the 67734
practice group of the plan member's provider; 67735

(c) The health care facility at which the health care service 67736
requested by the plan member would be provided; 67737

(d) The development or manufacture of the principal drug, 67738
device, procedure, or therapy proposed for the plan member. 67739

(3) Division (D)(2) of this section does not prohibit a 67740
clinical peer from conducting a review under any of the following 67741
circumstances: 67742

(a) The clinical peer is affiliated with an academic medical 67743
center that provides health care services to members of the plan. 67744

(b) The clinical peer has staff privileges at a health care 67745
facility that provides health care services to members of the 67746
plan. 67747

(c) The clinical peer has a contractual relationship with the 67748
plan but was not involved with the plan's coverage decision. 67749

(4) Division (D)(2) of this section does not prohibit the 67750
plan from paying the independent review organization for the 67751
conduct of the review. 67752

(5) A plan member shall not be required to pay for any part 67753
of the cost of the review. The cost of the review shall be borne 67754
by the plan. 67755

(6)(a) The plan shall provide to the independent review 67756
organization conducting the review a copy of those records in its 67757

possession that are relevant to the plan member's medical 67758
condition and the review. 67759

Records shall be used solely for the purpose of this 67760
division. At the request of the independent review organization, 67761
the plan, plan member, provider, or health care facility rendering 67762
health care services to the plan member shall provide any 67763
additional information the independent review organization 67764
requests to complete the review. A request for additional 67765
information may be made in writing, orally, or by electronic 67766
means. The independent review organization shall submit the 67767
request to the plan member and the plan. If a request is submitted 67768
orally or by electronic means to a plan member or plan, not later 67769
than five days after the request is submitted, the independent 67770
review organization shall provide written confirmation of the 67771
request. If the review was initiated by a provider or health care 67772
facility, a copy of the request shall be submitted to the provider 67773
or health care facility. 67774

(b) An independent review organization is not required to 67775
make a decision if it has not received any requested information 67776
that it considers necessary to complete a review. An independent 67777
review organization that does not make a decision for this reason 67778
shall notify the plan member and the plan that a decision is not 67779
being made. The notice may be made in writing, orally, or by 67780
electronic means. An oral or electronic notice shall be confirmed 67781
in writing not later than five days after the oral or electronic 67782
notice is made. If the review was initiated by a provider or 67783
health care facility, a copy of the notice shall be submitted to 67784
the provider or health care facility. 67785

(7) The plan may elect to cover the service requested and 67786
terminate the review. The plan shall notify the plan member and 67787
all other parties involved with the decision by mail, or with the 67788
consent or approval of the plan member, by electronic means. 67789

(8) In making its decision, an independent review organization conducting the review shall take into account all of the following:

(a) Information submitted by the plan, the plan member, the plan member's provider, and the health care facility rendering the health care service, including the following:

(i) The plan member's medical records;

(ii) The standards, criteria, and clinical rationale used by the plan to make its decision.

(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research;

(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the plan and the plan member. If the plan member's provider or the health care facility rendering health care services to the plan member requested the review, the independent review organization shall also send a copy of its

decision to the plan member's provider or the health care facility. 67821
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(b) The independent review organization's decision shall include a description of the plan member's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision. 67823
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(E) The independent review organization shall base its decision on the information submitted under division (D)(8) of this section. In making its decision, the independent review organization shall consider safety, efficacy, appropriateness, and cost-effectiveness. 67827
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(F) The plan shall provide any coverage determined by the independent review organization's decision to be medically necessary, subject to the other terms, limitations, and conditions of the plan. 67832
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Sec. 3923.77. (A) Each public employee benefit plan shall establish a reasonable external review process to examine the plan's coverage decisions for plan members who meet all of the following criteria: 67836
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(1) The plan member has a terminal condition that, according to the current diagnosis of the plan member's physician, has a high probability of causing death within two years. 67840
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~~(2) The plan member requests a review not later than sixty days after receipt by the plan member of notice from the superintendent of insurance under section 3923.75 of the Revised Code that making a determination requires resolution of a medical issue.~~ 67843
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~~(3)~~ The plan member's physician certifies that the plan member has the condition described in division (A)(1) of this section and any of the following situations are applicable: 67848
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(a) Standard therapies have not been effective in improving 67851
the condition of the plan member. 67852

(b) Standard therapies are not medically appropriate for the 67853
plan member. 67854

(c) There is no standard therapy covered by the plan that is 67855
more beneficial than therapy described in division (A)~~(4)~~(3) of 67856
this section. 67857

~~(4)~~(3) The plan member's physician has recommended a drug, 67858
device, procedure, or other therapy that the physician certifies, 67859
in writing, is likely to be more beneficial to the plan member, in 67860
the physician's opinion, than standard therapies, or the plan 67861
member has requested a therapy that has been found in a 67862
preponderance of peer-reviewed published studies to be associated 67863
with effective clinical outcomes for the same condition. 67864

~~(5)~~(4) The plan member has been denied coverage by the plan 67865
for a drug, device, procedure, or other therapy recommended or 67866
requested pursuant to division (A)~~(4)~~(3) of this section, and has 67867
exhausted all internal appeals. 67868

~~(6)~~(5) The drug, device, procedure, or other therapy, for 67869
which coverage has been denied, would be a covered health care 67870
service except for the plan's determination that the drug, device, 67871
procedure, or other therapy is experimental or investigational. 67872

(B) A review shall be requested in writing, except that if 67873
the plan member's physician determines that a therapy would be 67874
significantly less effective if not promptly initiated, the review 67875
may be requested orally or by electronic means. When an oral or 67876
electronic request for review is made, written confirmation of the 67877
request shall be submitted to the plan not later than five days 67878
after the oral or written request is submitted. For an expedited 67879
review, the plan member's provider must certify that the requested 67880
or recommended therapy would be significantly less effective if 67881

not promptly initiated. 67882

(C) The external review process established by a plan shall 67883
meet all of the following criteria: 67884

(1) Except as provided in division (E) of this section, the 67885
process shall afford all plan members who meet the criteria set 67886
forth in division (A) of this section the opportunity to have the 67887
plan's decision to deny coverage of the recommended or requested 67888
therapy reviewed under the process. Each eligible plan member 67889
shall be notified of that opportunity within thirty business days 67890
after the plan denies coverage. 67891

(2) The review shall be conducted by an independent review 67892
organization assigned by the superintendent of insurance under 67893
section 3901.80 of the Revised Code. The independent review 67894
organization shall select a panel to conduct the review, which 67895
panel shall be composed of at least three physicians or other 67896
providers who, through clinical experience in the past three 67897
years, are experts in the treatment of the plan member's medical 67898
condition and knowledgeable about the recommended or requested 67899
therapy. If the independent review organization retained by the 67900
plan is an academic medical center, the panel may include experts 67901
affiliated with or employed by the academic medical center. 67902

In either of the following circumstances, an exception may be 67903
made to the requirement that the review be conducted by an expert 67904
panel composed of a minimum of three physicians or other 67905
providers: 67906

(a) A review may be conducted by an expert panel composed of 67907
only two physicians or other providers if a plan member has 67908
consented in writing to a review by the smaller panel. 67909

(b) A review may be conducted by a single expert physician or 67910
other provider if only the expert physician or other provider is 67911
available for the review. 67912

(3) Neither the plan nor the plan member shall choose, or control the choice of, the physician or other provider experts. 67913
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(4) The selected experts, any health care facility with which an expert is affiliated, and the independent review organization arranging for the experts' review shall not have any professional, familial, or financial affiliation with any of the following: 67915
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(a) The plan or any officer, director, or managerial employee of the plan; 67919
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(b) The plan member, the plan member's physician, or the practice group of the plan member's physician; 67921
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(c) The health care facility at which the recommended or requested therapy would be provided; 67923
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(d) The development or manufacture of the principal drug, device, procedure, or therapy involved in the recommended or requested therapy. However, experts affiliated with academic medical centers who provide health care services to members of the plan may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to members of the plan, as well as experts who have a contractual relationship with the plan, but who were not involved with the plan's denial of coverage for the therapy under review, may serve as experts on the review panel. These nonaffiliation provisions do not preclude a plan from paying for the experts' review, as specified in division (C)(5) of this section. 67925
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(5) Plan members shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the plan. 67938
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(6) The plan shall provide to the independent review organization arranging for the experts' review a copy of those records in the plan's possession that are relevant to the plan 67941
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member's medical condition and the review. The records shall be 67944
disclosed solely to the expert reviewers and shall be used solely 67945
for the purpose of this section. At the request of the expert 67946
reviewers, the plan or the physician requesting the therapy shall 67947
provide any additional information that the expert reviewers 67948
request to complete the review. An expert reviewer is not required 67949
to render an opinion if the reviewer has not received any 67950
requested information that the reviewer considers necessary to 67951
complete the review. 67952

(7)(a) In the case of an expedited review, the independent 67953
review organization shall issue a written decision not later than 67954
seven days after the filing of the request for review. In all 67955
other cases, the independent review organization shall issue a 67956
written decision not later than thirty days after the filing of 67957
the request. The independent review organization shall send a copy 67958
of its decision to the plan and the plan member. If the plan 67959
member's provider or the health care facility rendering health 67960
care services to the plan member requested the review, the 67961
independent review organization shall also send a copy of its 67962
decision to the plan member's provider or the health care 67963
facility. 67964

(b) In conducting the review, the experts on the panel shall 67965
take into account all of the following: 67966

(i) Information submitted by the plan, the plan member, and 67967
the plan member's physician, including the plan member's medical 67968
records and the standards, criteria, and clinical rationale used 67969
by the plan to reach its coverage decision; 67970

(ii) Findings, studies, research, and other relevant 67971
documents of government agencies and nationally recognized 67972
organizations; 67973

(iii) Relevant findings in peer-reviewed medical or 67974

scientific literature and published opinions of nationally
recognized medical experts; 67975
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(iv) Clinical guidelines adopted by relevant national medical
societies; 67977
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(v) Safety, efficacy, appropriateness, and
cost_effectiveness. 67979
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(8) Each expert on the panel shall provide the independent
review organization with a professional opinion as to whether 67981
there is sufficient evidence to demonstrate that the recommended 67982
or requested therapy is likely to be more beneficial to the plan 67983
member than standard therapies. 67984
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(9) Each expert's opinion shall be presented in written form 67986
and shall include the following information: 67987

(a) A description of the plan member's condition; 67988

(b) A description of the indicators relevant to determining 67989
whether there is sufficient evidence to demonstrate that the 67990
recommended or requested therapy is more likely than not to be 67991
more beneficial to the plan member than standard therapies; 67992

(c) A description and analysis of any relevant findings 67993
published in peer-reviewed medical or scientific literature or the 67994
published opinions of medical experts or specialty societies; 67995

(d) A description of the plan member's suitability to receive 67996
the recommended or requested therapy according to a treatment 67997
protocol in a clinical trial, if applicable. 67998

(10) The independent review organization shall provide the 67999
plan with the opinions of the experts. The plan shall make the 68000
experts' opinions available to the plan member and the plan 68001
member's physician, upon request. 68002

(11) The opinion of the majority of the experts on the panel, 68003
rendered pursuant to division (C)(8) of this section, is binding 68004

on the plan with respect to that plan member. If the opinions of 68005
the experts on the panel are evenly divided as to whether the 68006
therapy should be covered, the plan's final decision shall be in 68007
favor of coverage. If less than a majority of the experts on the 68008
panel recommend coverage of the therapy, the plan may, in its 68009
discretion, cover the therapy. However, any coverage provided 68010
pursuant to division (C)(11) of this section is subject to the 68011
terms, limitations, and conditions of the plan. 68012

(12) The plan shall have written policies describing the 68013
external review process. 68014

(D) If a plan's initial denial of coverage for a therapy 68015
recommended or requested pursuant to division (A)~~(3)~~(2) of this 68016
section is based upon an external review of that therapy meeting 68017
the requirements of division (C) of this section, this section 68018
shall not be a basis for requiring a second external review of the 68019
recommended or requested therapy. 68020

(E) At any time during the external review process, the plan 68021
may elect to cover the recommended or requested health care 68022
service and terminate the review. The plan shall notify the plan 68023
member and all other parties involved by mail or, with consent or 68024
approval of the plan member, by electronic means. 68025

(F) The plan shall annually file a certificate with the 68026
superintendent of insurance certifying its compliance with the 68027
requirements of this section. 68028

Sec. 3923.90. (A) There is hereby created the health care 68029
coverage and quality council to advise the governor, general 68030
assembly, entities in the public and private sectors, and 68031
consumers on strategies to expand affordable health insurance 68032
coverage to more individuals and to improve the cost and quality 68033
of the state's health insurance system and health care system. 68034

<u>(B) The council shall consist of the following members:</u>	68035
<u>(1) The superintendent of insurance or the superintendent's designee;</u>	68036 68037
<u>(2) The director of the executive medicaid management administration;</u>	68038 68039
<u>(3) The director of medicaid;</u>	68040
<u>(4) The director of health;</u>	68041
<u>(5) The benefits administrator of the office of benefits administration within the department of administrative services;</u>	68042 68043
<u>(6) Two members of the house of representatives, one member appointed by the speaker of the house of representatives and one member appointed by the minority leader of the house of representatives;</u>	68044 68045 68046 68047
<u>(7) Two members of the senate, one member appointed by the president of the senate and one member appointed by the minority leader of the senate;</u>	68048 68049 68050
<u>(8) The following members appointed by the governor, with the advice and consent of the senate:</u>	68051 68052
<u>(a) Two representatives of consumers of health care services;</u>	68053
<u>(b) Two representatives of employers that provide health care coverage to their employees;</u>	68054 68055
<u>(c) Two representatives of medical facilities, at least one of whom is a representative of a research and academic medical center;</u>	68056 68057 68058
<u>(d) Two individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	68059 68060 68061
<u>(e) Two representatives of companies authorized under Chapter 3923. of the Revised Code to do the business of sickness and</u>	68062 68063

accident insurance in this state or of health insuring 68064
corporations holding certificates of authority under Chapter 1751. 68065
of the Revised Code; 68066

(f) Two representatives of organized labor; 68067

(g) One representative of a nonprofit organization 68068
experienced in health care data collection and analysis; 68069

(h) One individual with expertise in health information 68070
technology and exchange; 68071

(i) One representative of a state retirement system; 68072

(j) One public health professional. 68073

(9) Other members appointed by the superintendent of 68074
insurance. 68075

(C) Not later than thirty days after the effective date of 68076
this section, initial appointments shall be made to the council. 68077
The initial legislative members shall be appointed for terms 68078
ending three years from the date of appointment. The initial 68079
members appointed by the governor and the superintendent of 68080
insurance shall serve staggered terms of one, two, or three years, 68081
as selected by the governor or superintendent when making their 68082
respective appointments. Thereafter, terms of office for all 68083
appointed members shall be three years, with each term ending on 68084
the same day of the same month as the term it succeeds. Each 68085
member shall hold office from the date of appointment until the 68086
end of the term for which the member was appointed, except that a 68087
legislative member ceases to be a member of the council on ceasing 68088
to be a member of the general assembly. Members may be 68089
reappointed. 68090

Vacancies shall be filled in the same manner as original 68091
appointments. Any member appointed to fill a vacancy occurring 68092
prior to the expiration of the term for which the member's 68093

predecessor was appointed shall hold office for the remainder of 68094
that term. A member shall continue in office subsequent to the 68095
expiration date of the member's term until the member's successor 68096
takes office or until a period of sixty days has elapsed, 68097
whichever occurs first. 68098

(D) The superintendent or the superintendent's designee shall 68099
serve as chairperson of the council. The council shall meet at the 68100
call of the chair. A majority of the members of the council 68101
constitutes a quorum. 68102

(E) Members shall serve without compensation, but shall be 68103
reimbursed for mileage and actual and necessary expenses incurred 68104
in the performance of their official duties. 68105

(F) The superintendent may provide staff and other 68106
administrative support for the council to carry out its duties. In 68107
making staffing decisions, the superintendent may consider any 68108
recommendations made by the council. 68109

(G) Sections 101.82 to 101.87 of the Revised Code do not 68110
apply to the health care coverage and quality council. 68111

Sec. 3923.91. (A) The health care coverage and quality 68112
council shall do all of the following: 68113

(1) Advise the governor and general assembly on strategies to 68114
improve health care programs and health insurance policies and 68115
benefit plans; 68116

(2) Monitor and evaluate implementation of strategies for 68117
improving access to health insurance coverage and improving the 68118
quality of the state's health care system, identify barriers to 68119
implementing those strategies, and identify methods for overcoming 68120
the barriers; 68121

(3) Catalog existing health care data reporting efforts and 68122
make recommendations to improve data reporting in a manner that 68123

<u>increases transparency and consistency in the health care and</u>	68124
<u>insurance coverage systems;</u>	68125
<u>(4) Study health care financing alternatives that will</u>	68126
<u>increase access to health insurance coverage, promote disease</u>	68127
<u>prevention and injury prevention, contain costs, and improve</u>	68128
<u>quality;</u>	68129
<u>(5) Evaluate the systems that individuals use to obtain or</u>	68130
<u>otherwise become connected with health insurance and recommend</u>	68131
<u>improvements to those systems or the use of alternative systems;</u>	68132
<u>(6) Recommend minimum coverage standards for basic and</u>	68133
<u>standard health insurance plans offered by insurance carriers;</u>	68134
<u>(7) Recommend strategies, such as subsidies, to assist</u>	68135
<u>individuals in being able to afford health insurance coverage;</u>	68136
<u>(8) Recommend strategies to implement health information</u>	68137
<u>technology to support improved access and quality and reduced</u>	68138
<u>costs in the state's health care system;</u>	68139
<u>(9) Develop programs to assist employers in adopting</u>	68140
<u>cafeteria plans meeting the requirements of federal law;</u>	68141
<u>(10) Perform any other duties specified in rules adopted by</u>	68142
<u>the superintendent of insurance.</u>	68143
<u>(B) The council shall prepare and issue an annual report,</u>	68144
<u>which may include recommendations, on or before the thirty-first</u>	68145
<u>day of December of each year. The council may prepare and issue</u>	68146
<u>other reports and recommendations at other times that the council</u>	68147
<u>finds appropriate.</u>	68148
<u>(C) The superintendent may adopt rules as necessary for the</u>	68149
<u>council to carry out its duties. The rules shall be adopted under</u>	68150
<u>Chapter 119. of the Revised Code. In adopting the rules, the</u>	68151
<u>superintendent may consider any recommendations made by the</u>	68152
<u>council.</u>	68153

Sec. 3924.01. As used in sections 3924.01 to 3924.14 of the Revised Code:

(A) "Actuarial certification" means a written statement prepared by a member of the American academy of actuaries, or by any other person acceptable to the superintendent of insurance, that states that, based upon the person's examination, a carrier offering health benefit plans to small employers is in compliance with sections 3924.01 to 3924.14 of the Revised Code. "Actuarial certification" shall include a review of the appropriate records of, and the actuarial assumptions and methods used by, the carrier relative to establishing premium rates for the health benefit plans.

(B) "Adjusted average market premium price" means the average market premium price as determined by the board of directors of the Ohio health reinsurance program either on the basis of the arithmetic mean of all carriers' premium rates for an OHC plan sold to groups with similar case characteristics by all carriers selling OHC plans in the state, or on any other equitable basis determined by the board.

(C) "Base premium rate" means, as to any health benefit plan that is issued by a carrier and that covers at least two but no more than fifty employees of a small employer, the lowest premium rate for a new or existing business prescribed by the carrier for the same or similar coverage under a plan or arrangement covering any small employer with similar case characteristics.

(D) "Carrier" means any sickness and accident insurance company or health insuring corporation authorized to issue health benefit plans in this state or a MEWA. A sickness and accident insurance company that owns or operates a health insuring corporation, either as a separate corporation or as a line of business, shall be considered as a separate carrier from that

health insuring corporation for purposes of sections 3924.01 to 68185
3924.14 of the Revised Code. 68186

(E) "Case characteristics" means, with respect to a small 68187
employer, the geographic area in which the employees work; the age 68188
and sex of the individual employees and their dependents; the 68189
appropriate industry classification as determined by the carrier; 68190
the number of employees and dependents; and such other objective 68191
criteria as may be established by the carrier. "Case 68192
characteristics" does not include claims experience, health 68193
status, or duration of coverage from the date of issue. 68194

(F) "Dependent" means the spouse or child of an eligible 68195
employee, subject to applicable terms of the health benefits plan 68196
covering the employee. 68197

(G) "Eligible employee" means an employee who works a normal 68198
work week of twenty-five or more hours. "Eligible employee" does 68199
not include a temporary or substitute employee, or a seasonal 68200
employee who works only part of the calendar year on the basis of 68201
natural or suitable times or circumstances. 68202

(H) "Health benefit plan" means any hospital or medical 68203
expense policy or certificate or any health plan provided by a 68204
carrier, that is delivered, issued for delivery, renewed, or used 68205
in this state on or after the date occurring six months after 68206
November 24, 1995. "Health benefit plan" does not include policies 68207
covering only accident, credit, dental, disability income, 68208
long-term care, hospital indemnity, medicare supplement, specified 68209
disease, or vision care; coverage under a 68210
one-time-limited-duration policy of no longer than six months; 68211
coverage issued as a supplement to liability insurance; insurance 68212
arising out of a workers' compensation or similar law; automobile 68213
medical-payment insurance; or insurance under which benefits are 68214
payable with or without regard to fault and which is statutorily 68215
required to be contained in any liability insurance policy or 68216

equivalent self-insurance. 68217

(I) "Late enrollee" means an eligible employee or dependent 68218
who enrolls in a small employer's health benefit plan other than 68219
during the first period in which the employee or dependent is 68220
eligible to enroll under the plan or during a special enrollment 68221
period described in section 2701(f) of the "Health Insurance 68222
Portability and Accountability Act of 1996," Pub. L. No. 104-191, 68223
110 Stat. 1955, 42 U.S.C.A. 300gg, as amended. 68224

(J) "MEWA" means any "multiple employer welfare arrangement" 68225
as defined in section 3 of the "Federal Employee Retirement Income 68226
Security Act of 1974," 88 Stat. 832, 29 U.S.C.A. 1001, as amended, 68227
except for any arrangement which is fully insured as defined in 68228
division (b)(6)(D) of section 514 of that act. 68229

(K) "Midpoint rate" means, for small employers with similar 68230
case characteristics and plan designs and as determined by the 68231
applicable carrier for a rating period, the arithmetic average of 68232
the applicable base premium rate and the corresponding highest 68233
premium rate. 68234

(L) "Pre-existing conditions provision" means a policy 68235
provision that excludes or limits coverage for charges or expenses 68236
incurred during a specified period following the insured's 68237
enrollment date as to a condition for which medical advice, 68238
diagnosis, care, or treatment was recommended or received during a 68239
specified period immediately preceding the enrollment date. 68240
Genetic information shall not be treated as such a condition in 68241
the absence of a diagnosis of the condition related to such 68242
information. 68243

For purposes of this division, "enrollment date" means, with 68244
respect to an individual covered under a group health benefit 68245
plan, the date of enrollment of the individual in the plan or, if 68246
earlier, the first day of the waiting period for such enrollment. 68247

(M) "Service waiting period" means the period of time after 68248
employment begins before an employee is eligible to be covered for 68249
benefits under the terms of any applicable health benefit plan 68250
offered by the small employer. 68251

(N)(1) "Small employer" means, in connection with a group 68252
health benefit plan and with respect to a calendar year and a plan 68253
year, an employer who employed an average of at least two but no 68254
more than fifty eligible employees on business days during the 68255
preceding calendar year and who employs at least two employees on 68256
the first day of the plan year. 68257

(2) For purposes of division (N)(1) of this section, all 68258
persons treated as a single employer under subsection (b), (c), 68259
(m), or (o) of section 414 of the "Internal Revenue Code of 1986," 68260
100 Stat. 2085, 26 U.S.C.A. 1, as amended, shall be considered one 68261
employer. In the case of an employer that was not in existence 68262
throughout the preceding calendar year, the determination of 68263
whether the employer is a small or large employer shall be based 68264
on the average number of eligible employees that it is reasonably 68265
expected the employer will employ on business days in the current 68266
calendar year. Any reference in division (N) of this section to an 68267
"employer" includes any predecessor of the employer. Except as 68268
otherwise specifically provided, provisions of sections 3924.01 to 68269
3924.14 of the Revised Code that apply to a small employer that 68270
has a health benefit plan shall continue to apply until the plan 68271
anniversary following the date the employer no longer meets the 68272
requirements of this division. 68273

(O) "OHC plan" means an Ohio health care plan, which is the 68274
basic, standard, or carrier reimbursement plan for small employers 68275
and individuals established ~~by the board~~ in accordance with 68276
section 3924.10 of the Revised Code. 68277

Sec. 3924.06. (A) Compliance with the underwriting and rating 68278

requirements contained in sections 3924.01 to 3924.14 of the Revised Code shall be demonstrated through actuarial certification. Carriers offering health benefit plans to small employers shall file annually with the superintendent of insurance an actuarial certification stating that the underwriting and rating methods of the carrier do all of the following:

(1) Comply with accepted actuarial practices;

(2) Are uniformly applied to health benefit plans covering small employers;

(3) Comply with the applicable provisions of sections 3924.01 to 3924.14 of the Revised Code.

(B) If a carrier has established a separate class of business for one or more small employer health care alliances in accordance with section 1731.09 of the Revised Code, this section shall apply in accordance with section 1731.09 of the Revised Code.

(C) Carriers offering health benefit plans to small employers shall file premium rates with the superintendent in accordance with section 3923.02 of the Revised Code with respect to the carrier's sickness and accident insurance policies sold to small employers and in accordance with section 1751.12 of the Revised Code with respect to the carrier's health insuring corporation policies sold to small employers.

Sec. 3924.09. The Ohio health reinsurance program shall have the general powers and authority granted under the laws of the state to insurance companies licensed to transact sickness and accident insurance, except the power to issue insurance. The board of directors of the program also shall have the specific authority to do all of the following:

(A) Enter into contracts as are necessary or proper to carry out the provisions and purposes of sections 3924.07 to 3924.14 of

the Revised Code, including the authority to enter into contracts 68309
with similar programs of other states for the joint performance of 68310
common functions, or with persons or other organizations for the 68311
performance of administrative functions; 68312

(B) Sue or be sued, including taking any legal actions 68313
necessary or proper for recovery of any assessments for, on behalf 68314
of, or against any program or board member; 68315

(C) Take such legal action as is necessary to avoid the 68316
payment of improper claims against the program; 68317

(D) ~~Design~~ Make recommendations to the superintendent of 68318
insurance regarding the design of the OHC plans which, when 68319
offered by a carrier, are eligible for reinsurance and issue 68320
reinsurance policies in accordance with the requirements of 68321
sections 3924.07 to 3924.14 of the Revised Code; 68322

(E) Establish rules, conditions, and procedures pertaining to 68323
the reinsurance of members' risks by the program; 68324

(F) Establish appropriate rates, rate schedules, rate 68325
adjustments, rate classifications, and any other actuarial 68326
functions appropriate to the operation of the program; 68327

(G) Assess members in accordance with division (G) of section 68328
3924.11 and the provisions of section 3924.13 of the Revised Code, 68329
and make such advance interim assessments as may be reasonable and 68330
necessary for organizational and interim operating expenses. Any 68331
interim assessments shall be credited as offsets against any 68332
regular assessments due following the close of the calendar year. 68333

(H) Appoint members to appropriate legal, actuarial, and 68334
other committees if necessary to provide technical assistance with 68335
respect to the operation of the program, policy and other contract 68336
design, and any other function within the authority of the 68337
program; 68338

(I) Borrow money to effect the purposes of the program. Any 68339
notes or other evidence of indebtedness of the program not in 68340
default shall be legal investments for carriers and may be carried 68341
as admitted assets. 68342

(J) Reinsure risks, collect assessments, and otherwise carry 68343
out its duties under division (G) of section 3924.11 of the 68344
Revised Code; 68345

(K) Study the operation of the Ohio health reinsurance 68346
program and the open enrollment reinsurance program and, based on 68347
its findings, make legislative recommendations to the general 68348
assembly for improvements in the effectiveness, operation, and 68349
integrity of the programs; 68350

(L) ~~Design~~ Make recommendations to the superintendent 68351
regarding the design of a basic and standard plan for purposes of 68352
sections 1751.16, 3923.122, and 3923.581 of the Revised Code. 68353

Sec. 3924.10. (A) The board of directors of the Ohio health 68354
reinsurance program ~~shall design~~ may make recommendations to the 68355
superintendent of insurance, and the superintendent may adopt or 68356
amend by rule the OHC basic, standard, and carrier reimbursement 68357
plans which, when offered by a carrier, are eligible for 68358
reinsurance under the program. The ~~board~~ superintendent shall 68359
establish the form and level of coverage to be made available by 68360
carriers in their OHC plans. ~~In designing the~~ The plans the board 68361
~~shall also establish~~ include benefit levels, deductibles, 68362
coinsurance factors, exclusions, and limitations for the plans. 68363
The forms and levels of coverage ~~established by the board~~ shall 68364
specify which components of health benefit plans offered by a 68365
carrier may be reinsured. The OHC plans are subject to division 68366
(C) of section 3924.02 of the Revised Code and to the provisions 68367
in Chapters 1751., 1753., 3923., and any other chapter of the 68368
Revised Code that require coverage or the offer of coverage of a 68369

health care service or benefit. 68370

(B) ~~The board shall adopt the OHC plans within one hundred~~ 68371
~~eighty days after the effective date of this amendment~~ In adopting 68372
rules relating to the OHC basic and standard plans, the 68373
superintendent may also consider recommendations of the Ohio 68374
health care coverage and quality council established under section 68375
3923.90 of the Revised Code. The plans may include cost 68376
containment features including any of the following: 68377

(1) Utilization review of health care services, including 68378
review of the medical necessity of hospital and physician 68379
services; 68380

(2) Case management benefit alternatives; 68381

(3) Selective contracting with hospitals, physicians, and 68382
other health care providers; 68383

(4) Reasonable benefit differentials applicable to 68384
participating and nonparticipating providers; 68385

(5) Employee assistance program options that provide 68386
preventive and early intervention mental health and substance 68387
abuse services; 68388

(6) Other provisions for the cost-effective management of the 68389
plans. 68390

(C) OHC plans established for use by health insuring 68391
corporations shall be consistent with the basic method of 68392
operation of such corporations. 68393

(D) Each carrier shall certify to the superintendent of 68394
insurance, in the form and manner prescribed by the 68395
superintendent, that the OHC plans filed by the carrier are in 68396
substantial compliance with the provisions of the board OHC plans. 68397
Upon receipt by the superintendent of the certification, the 68398
carrier may use the certified plans. 68399

(E) Each carrier shall, on and after sixty days after the 68400
date that the program becomes operational and as a condition of 68401
transacting business in this state, renew coverage provided to any 68402
individual or group under its OHC plans. 68403

(F) The OHC plans in effect as of June 1, 2009, shall remain 68404
in effect until those plans are amended or new plans are adopted 68405
in accordance with this section. 68406

Sec. 3929.43. (A) The Ohio fair plan underwriting association 68407
is hereby created consisting of all insurers authorized to write 68408
within this state, on a direct basis, basic property insurance or 68409
any component thereof in multi-peril policies, to assist 68410
applicants in urban areas to secure basic property insurance or 68411
homeowners insurance, and to formulate and administer a program 68412
for the equitable apportionment of basic property insurance or 68413
homeowners insurance which cannot be obtained in the normal 68414
market. Every such insurer shall be a member of the association 68415
and shall remain a member as a condition of its authority to write 68416
any of such insurance in this state. 68417

(B) The association, pursuant to sections 3929.41 to 3929.49 68418
of the Revised Code, and the plan of operation, with respect to 68419
basic property insurance or homeowners insurance, may assume and 68420
cede reinsurance on insurable risks written by its members. 68421

(C) The board of governors of the association shall submit to 68422
the superintendent of insurance, for ~~his~~ approval, a proposed plan 68423
of operation which shall provide for economical, fair, and 68424
nondiscriminatory administration of a program for the equitable 68425
apportionment among members of basic property insurance or 68426
homeowners insurance which may be afforded in urban areas to 68427
applicants whose property is insurable in accordance with 68428
reasonable underwriting standards, but who are unable to procure 68429
such insurance through normal channels. The association is under 68430

no obligation to issue basic property insurance or homeowners 68431
insurance to any person, unless that person and ~~his~~ that person's 68432
property would be insurable in the normal insurance market, and 68433
such property, except for its location, would constitute an 68434
insurable risk in accordance with reasonable underwriting 68435
standards. The plan of operation shall provide that the 68436
association, in determining whether the property is insurable, 68437
shall give no consideration to the condition of surrounding 68438
property or properties, where such condition is not within the 68439
control of the applicant. Rates for basic property insurance and 68440
homeowners insurance shall ~~not exceed those rates filed with~~ be 68441
subject to the approval of the superintendent ~~by the major rating~~ 68442
~~organization in this state, except that in the case of homeowners~~ 68443
~~insurance the association may file deviations to the rating plan~~ 68444
~~previously filed by such rating organization, and such deviations~~ 68445
~~shall be subject to the approval of the superintendent in the same~~ 68446
~~manner as other deviations under Chapter 3935. of the Revised~~ 68447
~~Code.~~ The plan of operation may also provide for assessment of all 68448
members in amounts sufficient to operate the association, maximum 68449
limits of liability per location to be placed through the program, 68450
reasonable underwriting standards for determining insurability of 68451
a risk, and the commission to be paid to the licensed producer 68452
designated by the applicant. The superintendent shall adopt such 68453
plan and all amendments thereto pursuant to Chapter 119. of the 68454
Revised Code. 68455

If the superintendent disapproves the proposed plan of 68456
operation, the board of governors shall, within fifteen days, 68457
submit for approval an appropriately revised plan of operation and 68458
if the board of governors fails to do so, or if the revised plan 68459
submitted is unacceptable, the superintendent shall promulgate a 68460
plan of operation. 68461

If amendment of the plan of operation is requested by the 68462

superintendent or the board of governors, the board of governors 68463
shall submit to the superintendent, for ~~his~~ approval, such 68464
amendments. If such amendments are not approved by the 68465
superintendent, the board of governors shall, within fifteen days, 68466
submit for approval an appropriately revised amendment. If the 68467
board of governors fails to do so, or if the amendment is not 68468
approved by the superintendent, the superintendent shall 68469
promulgate such amendment as ~~he~~ the superintendent finds 68470
necessary. 68471

(D)(1) The plan of operation may provide for periodic advance 68472
assessments against member insurers in amounts considered 68473
necessary to cover any deficit or projected deficit arising out of 68474
the operation of the association. Any provision in the plan for 68475
implementation of such advance assessments shall be approved by 68476
the superintendent. Any such provision in the plan shall also 68477
provide for quarterly or other periodic installment payment of 68478
such assessments. 68479

(2) Such plan shall provide a method whereby member insurers 68480
may recoup assessments levied by the association. In order to 68481
recoup such assessments the plan may also provide for the 68482
calculation and use of rates or rating factors to be applied to 68483
direct premiums for basic property insurance and homeowners 68484
insurance located in this state. Such a provision is subject to 68485
the approval of the superintendent. Member insurers of the 68486
association implementing a change in rates pursuant to this 68487
section shall file such changes with the superintendent. Such 68488
changes shall not increase rates more than the amount authorized 68489
by the association and approved by the superintendent pursuant to 68490
the plan. The association may consult with member insurers or 68491
licensed rating bureaus in connection with the establishment and 68492
operation of any such provision. 68493

(E) Any insurer which is a member of the association shall 68494

participate in the writings, expenses, profits, and losses of the 68495
association in the proportion that its premiums written bear to 68496
the aggregate premiums written by all members of the association, 68497
except that this division shall not be construed to preclude the 68498
board of governors from taking action to adjust assessments in 68499
accordance with a program adopted pursuant to division (I) of this 68500
section. 68501

(F) Such plan shall require the issuance of a binder 68502
providing coverage for which the applicant tenders an amount equal 68503
to the annual premium as estimated by the association, ~~such or an~~ 68504
appropriate percentage of that annual premium as determined by the 68505
association. The binder ~~taking~~ shall take effect ~~fifteen days~~ 68506
following the date of the day after the association receives the 68507
application, provided that the application meets the underwriting 68508
standards of the association, for such term, and under such 68509
conditions as are determined by the superintendent ~~of insurance.~~ 68510
The superintendent may alter such time requirement on a specific 68511
risk under such conditions as ~~he~~ the superintendent finds 68512
appropriate. 68513

(G) The association shall be governed by a board of governors 68514
consisting of twelve members, four of whom shall be appointed by 68515
the governor with the advice and consent of the senate. One of 68516
such members shall be a licensed agent writing basic property 68517
insurance for more than one insurer. None of the other three such 68518
members shall be a director, officer, salaried employee, agent, or 68519
substantial shareholder of any insurance company and not more than 68520
two of these three members shall be members of the same political 68521
party. Terms of office of members appointed by the governor shall 68522
be for two years, commencing on the nineteenth day of September 68523
and ending on the eighteenth day of September. Each member shall 68524
hold office from the date of ~~his~~ appointment until the end of the 68525
term for which ~~he~~ the member was appointed. Any member appointed 68526

to fill a vacancy occurring prior to the expiration of the term 68527
for which ~~his~~ the member's predecessor was appointed shall hold 68528
office for the remainder of such term. Any appointed member shall 68529
continue in office subsequent to the expiration date of ~~his~~ the 68530
member's term until ~~his~~ the member's successor takes office, or 68531
until a period of sixty days has elapsed, whichever occurs first. 68532
The remaining eight members shall be representatives from member 68533
companies, at least five of whom shall be Ohio domiciled members, 68534
elected annually by accumulated voting by members of the 68535
association whose votes shall be weighed in accordance with each 68536
member's premiums written during the second preceding calendar 68537
year. Not more than one insurer in a group under the same 68538
management or ownership shall serve on the board of governors at 68539
the same time. The eight representatives of member companies shall 68540
be elected at a meeting of the members or their authorized 68541
representatives, which shall be held at a time and place 68542
designated by the superintendent. 68543

(H) The plan shall be administered under the supervision of 68544
the superintendent. 68545

(I) The board of governors shall adopt a written program for 68546
decreasing the overall utilization of the association as a source 68547
of insurance. The program shall set forth actions that the board 68548
shall take to decrease such utilization, including actions 68549
intended to reduce the number of policies issued, the number of 68550
persons whose properties are insured, and the total amount and 68551
kinds of insurance written by the association, provided this 68552
division does not authorize the board to take action intended to 68553
decrease utilization of the association as a source of insurance 68554
if such action would substantially conflict with the purposes set 68555
forth in divisions (A), (B), and (D) of section 3929.41 of the 68556
Revised Code or the plan of operation of the association. 68557

Sec. 3929.67. (A) A medical liability insurance policy that 68558
insures a physician or podiatrist, written by or on behalf of the 68559
medical liability underwriting association pursuant to sections 68560
3929.62 to 3929.70 of the Revised Code, may only be cancelled 68561
during the term of the policy for one of the following reasons: 68562

(1) Nonpayment of premiums; 68563

(2) The license of the insured to practice medicine and 68564
surgery, osteopathic medicine and surgery, or podiatric medicine 68565
and surgery has been suspended or revoked; 68566

(3) The insured's failure to meet minimum eligibility and 68567
underwriting standards; 68568

(4) The occurrence of a change in the individual risk that 68569
substantially increases any hazard insured against after the 68570
coverage has been issued or renewed, except to the extent that the 68571
medical liability underwriting association reasonably should have 68572
foreseen the change or contemplated the risk in writing the 68573
policy; 68574

(5) Discovery of fraud or material misrepresentation in the 68575
procurement of insurance or with respect to any claim submitted 68576
thereunder. 68577

(B) A medical liability insurance policy that insures a 68578
hospital, written by or on behalf of the medical liability 68579
underwriting association pursuant to sections 3929.62 to 3929.70 68580
of the Revised Code, may only be cancelled during the term of the 68581
policy for one of the following reasons: 68582

(1) Nonpayment of premiums; 68583

(2) The hospital is not certified or accredited in accordance 68584
with Chapter 3727. of the Revised Code; 68585

(3) An injunction against the hospital has been granted under 68586
section ~~3727.05~~ 3727.04 of the Revised Code; 68587

(4) The insured's failure to meet minimum eligibility and 68588
underwriting standards; 68589

(5) The occurrence of a change in the individual risk that 68590
substantially increases any hazard insured against after the 68591
coverage has been issued or renewed, except to the extent that the 68592
medical liability underwriting association reasonably should have 68593
foreseen the change or contemplated the risk in writing the 68594
policy; 68595

(6) Discovery of fraud or material misrepresentation in the 68596
procurement of insurance or with respect to any claim submitted 68597
thereunder. 68598

Sec. 3953.23. (A) Every title insurance agent shall keep 68599
books of account and record and vouchers pertaining to the 68600
business of title insurance in such manner that the title 68601
insurance company may readily ascertain from time to time whether 68602
the agent has complied with this chapter. 68603

(B)(1) A title insurance agent may engage in the business of 68604
handling escrows of real property transactions ~~provided that~~ 68605
subject to all of the following: 68606

(a) The agent shall maintain a separate record of all 68607
receipts and disbursements of escrow funds ~~and shall not.~~ 68608

(b) The agent shall deposit funds held in trust at interest 68609
in either of the following accounts: 68610

(i) An account as required in section 3953.231 of the Revised 68611
Code and in accordance with all applicable rules; 68612

(ii) A separate escrow account for the benefit of one or more 68613
parties to the escrow transaction. 68614

(c) The agent shall not commingle any such funds with the 68615
agent's own funds or with funds held by the agent in any other 68616
capacity; and if. 68617

(d) The agent shall ensure that any person or entity 68618
delegated or assigned by the agent with the responsibility for 68619
handling escrows of real property transactions complies with all 68620
provisions of the Revised Code and any rules that are applicable 68621
to the agent. 68622

(e) If at any time the superintendent of insurance determines 68623
that an agent has failed to comply with any of the provisions of 68624
this section, the superintendent may revoke the license of the 68625
agent pursuant to section 3905.14 of the Revised Code, subject to 68626
review as provided for in Chapter 119. of the Revised Code. 68627
68628

(C) All title insurance agents or agencies that handle 68629
escrows in real property transactions not involving the issuance 68630
of title insurance shall have coverage that protects the parties 68631
to such transactions against theft, misappropriation, fraud, or 68632
any other failure to properly disburse settlement, closing, or 68633
escrow funds. The superintendent shall adopt rules under Chapter 68634
119. of the Revised Code setting forth the minimum requirements 68635
for such coverage, including, but not limited to, the minimum 68636
amounts, terms, and conditions of such coverage. 68637

(D) The superintendent shall require every title insurance 68638
agent or agency and any subcontractors to maintain an errors and 68639
omissions policy, in any amount exceeding minimum limits 68640
established by the superintendent, that includes but is not 68641
limited to coverage for the agent's or agency's delegation of any 68642
agent or agency function. The superintendent shall adopt rules 68643
under Chapter 119. of the Revised Code setting forth the minimum 68644
requirements for that coverage, including but not limited to the 68645
minimum amounts, terms, and conditions of the coverage. 68646

Sec. 3953.231. (A)(1) Each title insurance agent or title 68647
insurance company shall establish and maintain an interest-bearing 68648

trust account for the deposit of all non-directed escrow funds 68649
that meet the requirements of sections 1349.20 to 1349.22 of the 68650
~~Revised Code~~ received by the agent to affect an escrow 68651
transaction. 68652

(2) The account established under division (A)(1) of this 68653
section shall be established and maintained in ~~any federally~~ 68654
~~insured bank, savings and loan association, credit union, or~~ 68655
~~savings bank that is authorized to transact business in this state~~ 68656
an eligible depository. 68657

(3) ~~The~~ Each account established under division (A)(1) of 68658
this section shall be in the name of the title insurance agent or 68659
company, and shall be identified as an "interest on trust account" 68660
or "IOTA." The name of the account may contain additional 68661
identifying information to distinguish it from other accounts. 68662

(4) The title insurance agent or company establishing the 68663
account shall submit, in writing, to the superintendent of 68664
insurance the name, account number, and location of the ~~bank,~~ 68665
~~savings and loan association, credit union, or savings bank~~ 68666
eligible depository in which the trust account is maintained. 68667

(B) Each title insurance agent or company shall deposit all 68668
non-directed escrow funds that are nominal in amount or are to be 68669
held for a short period of time into the account established under 68670
division (A) of this section no later than the next business day 68671
after receipt. 68672

(C) Each account established under division (A) of this 68673
section shall comply with all of the following: 68674

(1) All funds ~~in the~~ shall be deposited into an IOTA account 68675
product at an eligible depository and shall be subject to 68676
withdrawal or transfer upon request and without delay, or as soon 68677
as permitted by law; 68678

(2) ~~The rate of interest payable on the account shall not be~~ 68679

~~less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;~~ (a) The approved rate of interest payable on the account shall equal or exceed the highest interest rate or dividend paid by the eligible depository on its account products that are not IOTA account products. The eligible depository shall pay on its IOTA account product any higher rates offered by it on its account products that are not IOTA account products.

(b) In paying not less than the highest interest rate or dividend paid by the eligible depository on its account products that are not IOTA account products, an eligible depository shall do both of the following:

(i) For IOTA accounts with balances of less than one hundred thousand dollars, pay a rate that equals or exceeds the highest rate paid on its business checking account paying preferred interest rates, such as money market or indexed rates, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOTA account products;

(ii) For IOTA accounts with balances of one hundred thousand dollars or more, pay a rate that equals or exceeds the highest rate paid on its business checking account with an automated investment feature, such as an overnight sweep account, business investment or other similar premium checking account, short-term jumbo certificate of deposit, money market account, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOTA account products.

(c) In determining the highest interest rate or dividend paid by the eligible depository on its account products that are not

IOTA account products, an eligible depository shall consider the rates it offers its customers from internal rate sheets or through preferred or negotiated rates on a per customer basis. In considering the rate for the IOTA account product, the eligible depository may also take into consideration and discount for factors such as fees paid by the account-holder, time commitments, and withdrawal limitations. The eligible depository shall not use these factors to preclude the consideration of the rates paid on one or more of its account products that are not IOTA account products in the eligible depository's establishment of a rate for the IOTA account product.

(d) If an eligible depository determines that it is unable to pay the approved rate during any reporting period, the eligible depository may request from the Ohio legal assistance foundation a waiver from the approved rate requirement for that reporting period. If an eligible depository requests a waiver from the approved rate requirement, the eligible depository shall demonstrate in the form and manner prescribed in rules adopted by the Ohio legal assistance foundation pursuant to section 120.52 of the Revised Code that the rates of interest paid on its IOTA account product are generally not less than the highest rates paid by the eligible depository on its account products that are not IOTA account products. At a minimum, the eligible depository shall demonstrate by an independent, third-party auditor's certification that not more than five per cent of the eligible depository's account products that are not IOTA account products with an average daily balance of greater than or equal to one hundred thousand dollars have rates that are higher than the rate paid on the its IOTA account product during the same reporting period.

(3) All interest earned on the ~~an~~ account, ~~net of service charges and other related charges,~~ established under division

(A)(1) of this section shall be transmitted to the treasurer of 68744
state for deposit in the legal aid fund established under section 68745
120.52 of the Revised Code. No part of the interest earned on 68746
funds deposited in an interest-bearing trust account established 68747
under division (A) of this section shall be paid to, or inure to 68748
the benefit of, the title insurance agent or company, the client 68749
or other person who owns or has a beneficial ownership of the 68750
funds deposited, or any other account, person, or entity other 68751
than in accordance with this section and sections 120.51 to 120.55 68752
of the Revised Code. 68753

(D) The title insurance agent or company establishing an 68754
account under division (A) of this section shall direct the ~~bank,~~ 68755
~~savings and loan association, credit union, or savings bank~~ 68756
eligible depository to do ~~both~~ all of the following: 68757

(1) Remit by the fifteenth day of each month interest or 68758
dividends on the average monthly balance in the account earned in 68759
the preceding month, or as otherwise computed in accordance with 68760
the standard accounting practice of the ~~bank, savings and loan~~ 68761
~~association, credit union, or savings bank,~~ less reasonable 68762
~~service charges and other related charges,~~ eligible depository, to 68763
the treasurer of state ~~at least quarterly~~ for deposit in the legal 68764
aid fund established under section 120.52 of the Revised Code; 68765

(2) At the time of each remittance, transmit to the treasurer 68766
of state, ~~and if requested,~~ to the Ohio legal assistance 68767
foundation, and, if requested, to the title insurance agent or 68768
company, a statement showing the name of the title insurance agent 68769
or company for whom the remittance is sent, the comparable 68770
accounts or product types and the rates paid as required in 68771
division (C)(2)(b) of this section, the rate of interest applied, 68772
the accounting period, the net amount remitted to the treasurer of 68773
state for each account, the total remitted, the average account 68774
balance for each month of the period for which the report is made, 68775

and the amount ~~deducted for~~ of service charges and other related 68776
charges assessed to and paid by the account holder or other party. 68777

(3) Notify the superintendent or other entity designated by 68778
the superintendent on each occasion when a properly payable 68779
instrument is presented for payment from the account and the 68780
account contains insufficient funds, provide this notice without 68781
regard to whether the instrument is honored by the eligible 68782
depository, provide this notice by electronic or other means 68783
within five banking days of the date that the instrument was 68784
honored or returned as dishonored, and include in the notice all 68785
of the following: 68786

(a) The name and address of the eligible depository; 68787

(b) The name and address of the title insurance agent or 68788
company that maintains the account; 68789

(c) The account number and either the amount of the overdraft 68790
and the date issued or the amount of the dishonored instrument and 68791
the date returned. 68792

(E) The statements and reports submitted by the ~~bank, savings~~ 68793
~~and loan association, credit union, or savings bank~~ eligible 68794
depository under this section, are confidential and are not public 68795
records subject to section 149.43 of the Revised Code and shall be 68796
used ~~only~~ by the Ohio legal assistance foundation to administer 68797
the legal aid fund and by the superintendent for the enforcement 68798
of this section. If any statement or report submitted by an 68799
eligible depository under this section is used by the 68800
superintendent for the enforcement of this section, that statement 68801
or report may become a public record subject to section 149.43 of 68802
the Revised Code. 68803

(F) No funds belonging to a title insurance agent or company 68804
shall be deposited into an account established under division (A) 68805
of this section except funds necessary to establish the account or 68806

to pay service charges and other related charges of the ~~bank,~~ 68807
~~savings and loan association, credit union, or savings bank that~~ 68808
~~are in excess of earnings on the account~~ eligible depository. 68809

(G) No liability arising out of any negligent act or omission 68810
of any title insurance agent or company with respect to any 68811
account established under division (A) of this section shall be 68812
imputed to the ~~bank, savings and loan association, credit union,~~ 68813
~~or savings bank~~ eligible depository. 68814

~~(H) No liability or responsibility arising out of any~~ 68815
~~negligent act or omission of any title insurance agent with~~ 68816
~~respect to any account established under division (A) of this~~ 68817
~~section shall be imputed to a title insurance company.~~ 68818

~~(I)~~ The superintendent may adopt, in accordance with Chapter 68819
119. of the Revised Code, rules that pertain to the use of 68820
accounts established under division (A) of this section and to the 68821
enforcement of this section. Any rules adopted by the 68822
superintendent under this division that pertain to the use of 68823
accounts established under division (A) of this section shall 68824
conform to the provisions of this section, section 3953.23 of the 68825
Revised Code, and any rules adopted by the Ohio legal assistance 68826
foundation pursuant to section 120.52 of the Revised Code. 68827

(I) As used in this section: 68828

(1) "Approved rate" means the minimum allowable rate of 68829
interest payable on an IOTA account product established and 68830
maintained under this section or an IOLTA account product 68831
established and maintained under sections 4705.09 and 4705.10 of 68832
the Revised Code. 68833

(2) "Eligible depository" means a depository or financial 68834
institution that satisfies all of the following requirements: 68835

(a) It voluntarily offers and maintains account products 68836
pursuant to sections 3953.231, 4705.09, and 4705.10 of the Revised 68837

Code and meets the requirements prescribed in those sections and 68838
any rules adopted by the Ohio legal assistance foundation pursuant 68839
to section 120.52 of the Revised Code. 68840

(b) It is a bank, savings bank, or savings and loan 68841
association authorized by federal or state law to do business in 68842
this state and insured by the Federal deposit insurance 68843
corporation or any successor insurance corporation or is a credit 68844
union authorized by federal or state law to do business in this 68845
state and insured by the national credit union administration or 68846
by a credit union share guaranty corporation in this state. 68847

(c) It has been certified by the Ohio legal assistance 68848
foundation as an eligible depository, based on the criterion 68849
provided in sections 120.52, 3953.231, 4705.09, and 4705.10 of the 68850
Revised Code, subject to a dispute resolution process established 68851
by rules adopted by the Ohio legal assistance foundation pursuant 68852
to section 120.52 of the Revised Code. 68853

(3) "Escrow transaction" means a transaction in which a 68854
person, for the purpose of effecting and closing the sale, 68855
purchase, exchange, transfer, encumbrance, or lease of an interest 68856
in commercial or residential real property located in this state 68857
to another person, provides a written instrument or document, 68858
money, negotiable instrument, check, evidence of title to real 68859
property, or anything of value to an escrow or closing agent to be 68860
held by the agent until a specified event occurs or until the 68861
performance of a prescribed condition, at which time the agent 68862
shall deliver it to a specific person in compliance with 68863
applicable instructions by filing that written instrument or 68864
document with the appropriate public entity or by direct tender to 68865
the appropriate person. 68866

(4) "IOTA account product" means a separate and unique 68867
product offered by an eligible depository that is used exclusively 68868
for the deposit of funds transferred electronically or otherwise, 68869

cash, money orders, or negotiable instruments that are received by 68870
a title insurance agent to effect an escrow transaction and fully 68871
complies with the account requirements of sections 120.52, 68872
3953.23, and 3953.231 of the Revised Code. 68873

Sec. 4104.01. As used in sections 4104.01 to 4104.20 and 68874
section 4104.99 of the Revised Code: 68875

(A) "Board of building standards" or "board" means the board 68876
established by section 3781.07 of the Revised Code. 68877

(B) "Superintendent" means the superintendent of ~~the division~~ 68878
~~of industrial compliance labor~~ created by section 121.04 of the 68879
Revised Code. 68880

(C) "Boiler" means a closed vessel in which water is heated, 68881
steam is generated, steam is superheated, or any combination 68882
thereof, under pressure or vacuum for use externally to itself by 68883
the direct application of heat from the combustion of fuels, or 68884
from electricity or nuclear energy. "Boiler" includes fired units 68885
for heating or vaporizing liquids other than water where these 68886
units are separate from processing systems and are complete within 68887
themselves. 68888

(D) "Power boiler" means a boiler in which steam or other 68889
vapor (to be used externally to itself) is generated at a pressure 68890
of more than fifteen psig. 68891

(E) "High pressure, high temperature water boiler" means a 68892
water heating boiler operating at pressures exceeding one hundred 68893
sixty psig or temperatures exceeding two hundred fifty degrees 68894
Fahrenheit. 68895

(F) "Low pressure boiler" means a steam boiler operating at 68896
pressures not exceeding fifteen psig, or a hot water heating 68897
boiler operating at pressures not exceeding one hundred sixty psig 68898
or temperatures not exceeding two hundred fifty degrees 68899

Fahrenheit. 68900

(G) "Pressure vessel" means a container for the containment 68901
of pressure, either internal or external. This pressure may be 68902
obtained from an external source or by the application of heat 68903
from a direct or indirect source or any combination thereof. 68904

(H) "Process boiler" means a boiler to which all of the 68905
following apply: 68906

(1) The steam in the boiler is either generated or 68907
superheated, or both, under pressure or vacuum for use external to 68908
itself. 68909

(2) The source of heat for the boiler is in part or in whole 68910
from a process other than the boiler itself. 68911

(3) The boiler is part of a continuous processing unit, such 68912
as used in chemical manufacture or petroleum refining, other than 68913
a steam-generated process unit. 68914

(I) "Stationary steam engine" means an engine or turbine in 68915
which the mechanical force arising from the elasticity and 68916
expansion action of steam or from its property of rapid 68917
condensation or from a combination of the two is made available as 68918
a motive power. 68919

Sec. 4104.02. The board of building standards shall: 68920

(A) Formulate rules for the construction, installation, 68921
repair, conservation of energy, and operation of boilers and the 68922
construction and repair of pressure vessels and for ascertaining 68923
the safe working pressures to be carried on such boilers and 68924
pressure vessels and the qualification of inspectors of boilers 68925
and pressure vessels; 68926

(B) Prescribe tests, if it is considered necessary, to 68927
ascertain the qualities of materials used in the construction of 68928
boilers and pressure vessels; 68929

(C) Adopt rules regulating the construction and sizes of 68930
safety valves for boilers and pressure vessels of different sizes 68931
and pressures, for the construction, use, and location of fusible 68932
plugs, appliances for indicating the pressure of steam and level 68933
of water in the boiler or pressure vessels, and such other 68934
appliances as the board considers necessary to safety in operating 68935
boilers; 68936

(D) Establish reasonable fees for the performance of reviews, 68937
surveys, or audits of manufacturer's facilities by the division of 68938
~~industrial compliance~~ labor for certification by the American 68939
society of mechanical engineers and the national board of boiler 68940
and pressure vessel inspectors; 68941

(E) The definitions and rules adopted by the board for the 68942
construction, installation, repair, conservation of energy, and 68943
operation of boilers and the construction and repair of pressure 68944
vessels and for ascertaining the safe working pressures to be used 68945
on such boilers and pressure vessels shall be based upon and 68946
follow generally accepted engineering standards, formulae, and 68947
practices established and pertaining to boilers and pressure 68948
vessel construction, operation, and safety, and the board may, for 68949
this purpose, adopt existing published standards as well as 68950
amendments thereto subsequently published by the same authority. 68951

When a person desires to manufacture a special type of boiler 68952
or pressure vessel, the design of which is not covered by the 68953
rules of the board, the person shall submit drawings and 68954
specifications of such boiler or pressure vessel to the board for 68955
investigation, after which the board may permit its installation. 68956

The provisions of sections 119.03 and 119.11 of the Revised 68957
Code in particular, and the applicable provisions of Chapter 119. 68958
of the Revised Code in general, shall govern the proceedings of 68959
the board of building standards in adopting, amending, or 68960
rescinding rules pursuant to this section. 68961

Sec. 4104.06. (A) The inspection of boilers and their 68962
appurtenances and pressure vessels shall be made by the inspectors 68963
mentioned in sections 4104.07 to 4104.20 of the Revised Code. The 68964
superintendent of ~~industrial compliance~~ labor shall administer and 68965
enforce such sections and rules adopted by the board of building 68966
standards pursuant to section 4104.02 of the Revised Code. 68967

68968

(B) The superintendent shall adopt, amend, and repeal rules 68969
exclusively for the issuance, renewal, suspension, and revocation 68970
of certificates of competency and certificates of operation, for 68971
conducting hearings in accordance with Chapter 119. of the Revised 68972
Code related to these actions, and for the inspection of boilers 68973
and their appurtenances, and pressure vessels. 68974

(C) Notwithstanding division (B) of this section, the 68975
superintendent shall not adopt rules relating to construction, 68976
maintenance, or repair of boilers and their appurtenances, or 68977
repair of pressure vessels. 68978

(D) The superintendent and each general inspector may enter 68979
any premises and any building or room at all reasonable hours to 68980
perform an examination or inspection. 68981

Sec. 4104.07. (A) An application for examination as an 68982
inspector of boilers and pressure vessels shall be in writing, 68983
accompanied by a fee of one hundred fifty dollars, upon a blank to 68984
be furnished by the superintendent of ~~industrial compliance~~ labor. 68985
Any moneys collected under this section shall be paid into the 68986
state treasury to the credit of the ~~industrial compliance~~ labor 68987
operating fund created in section 121.084 of the Revised Code. 68988

68989

(B) The superintendent shall determine if an applicant meets 68990
all the requirements for examination in accordance with rules 68991

adopted by the board of building standards under section 4104.02 68992
of the Revised Code. An application shall be rejected which 68993
contains any willful falsification, or untruthful statements. 68994

(C) An applicant shall be examined by the superintendent, by 68995
a written examination, prescribed by the board, dealing with the 68996
construction, installation, operation, maintenance, and repair of 68997
boilers and pressure vessels and their appurtenances, and the 68998
applicant shall be accepted or rejected on the merits of the 68999
applicant's application and examination. 69000

(D) Upon a favorable report by the superintendent of the 69001
result of an examination, the superintendent shall immediately 69002
issue to the successful applicant a certificate of competency to 69003
that effect. 69004

Sec. 4104.08. (A) The director of commerce may appoint from 69005
the holders of certificates of competency provided for in section 69006
4104.07 of the Revised Code, general inspectors of boilers and 69007
pressure vessels. 69008

(B) Any company authorized to insure boilers and pressure 69009
vessels against explosion in this state may designate from holders 69010
of certificates of competency issued by the superintendent of 69011
~~industrial compliance~~ labor, or holders of certificates of 69012
competency or commissions issued by other states or nations whose 69013
examinations for certificates or commissions have been approved by 69014
the board of building standards, persons to inspect and stamp 69015
boilers and pressure vessels covered by the company's policies, 69016
and the superintendent shall issue to such persons commissions 69017
authorizing them to act as special inspectors. Special inspectors 69018
shall be compensated by the company designating them. 69019

(C) The director ~~of commerce~~ shall establish an annual fee to 69020
be charged by the superintendent for each certificate of 69021
competency or commission the superintendent issues. 69022

(D) The superintendent shall issue to each general or special 69023
inspector a commission to the effect that the holder thereof is 69024
authorized to inspect boilers and pressure vessels in this state. 69025

(E) No person shall be authorized to act as a general 69026
inspector or a special inspector who is directly or indirectly 69027
interested in the manufacture or sale of boilers or pressure 69028
vessels. 69029

Sec. 4104.09. The certificate of competency issued under 69030
section 4104.07 of the Revised Code or the commission provided for 69031
in section 4104.08 of the Revised Code may be revoked by the 69032
superintendent of ~~industrial compliance~~ labor for the incompetence 69033
or untrustworthiness of the holder thereof, or for willful 69034
falsification of any matter or statement contained in the holder's 69035
application or in a report of any inspection in accordance with 69036
Chapter 119_ of the Revised Code. If a certificate or commission 69037
is lost or destroyed, a new certificate or commission shall be 69038
issued in its place without another examination. 69039

Sec. 4104.10. All unfired pressure vessels, except unfired 69040
pressure vessels exempt under section 4104.04 of the Revised Code, 69041
shall be thoroughly inspected during fabrication and upon 69042
completion and shall not be operated until a copy of the 69043
manufacturers' data report, properly executed and signed by the 69044
inspector is filed in the office of the superintendent of 69045
~~industrial compliance~~ labor. All unfired pressure vessels shall 69046
conform in every detail with applicable rules adopted by the board 69047
of building standards pursuant to section 4104.02 of the Revised 69048
Code. 69049

Sec. 4104.101. (A) No person shall install or make major 69050
repairs or modifications to any boiler without first registering 69051
to do so with the division of ~~industrial compliance~~ labor. 69052

(B) No person shall make any installation or major repair or modification of any boiler without first obtaining a permit to do so from the division. The permit application form shall provide the name and address of the owner, location of the boiler, and type of repair or modification that will be made. The application permit fee shall be ~~fifty~~ one hundred dollars.

(C) The superintendent of ~~industrial compliance~~ labor shall require annual registration of all contractors who install, make major repairs to, or modify any boiler. The board of building standards shall establish a reasonable fee to cover the cost of processing registrations.

Sec. 4104.12. All boilers, except boilers mentioned in section 4104.04 of the Revised Code, shall be inspected when installed and shall not be operated until an appropriate certificate of operation has been issued by the superintendent of ~~the division of industrial compliance~~ labor. The certificate of operation required by this section shall not be issued for any boiler which has not been thoroughly inspected during construction and upon completion, by either a general or special inspector, and which does not conform in every detail with the rules adopted by the board of building standards and unless, upon completion, such boiler is distinctly stamped under such rules by such inspector.

Sec. 4104.15. (A) All certificates of inspection for boilers, issued prior to October 15, 1965, are valid and effective for the period set forth in such certificates unless sooner withdrawn by the superintendent of ~~industrial compliance~~ labor. The owner or user of any such boiler shall obtain an appropriate certificate of operation for such boiler, and shall not operate such boiler, or permit it to be operated unless a certificate of operation has been obtained in accordance with section 4104.17 of the Revised Code.

(B) If, upon making the internal and external inspection 69084
required under sections 4104.11, 4104.12, and 4104.13 of the 69085
Revised Code, the inspector finds the boiler to be in safe working 69086
order, with the fittings necessary to safety, and properly set up, 69087
upon the inspector's report to the superintendent, the 69088
superintendent shall issue to the owner or user thereof, or renew, 69089
upon application and upon compliance with sections 4104.17 and 69090
4104.18 of the Revised Code, a certificate of operation which 69091
shall state the maximum pressure at which the boiler may be 69092
operated, as ascertained by the rules of the board of building 69093
standards. Such certificates shall also state the name of the 69094
owner or user, the location, size, and number of each boiler, and 69095
the date of issuance, and shall be so placed as to be easily read 69096
in the engine room or boiler room of the plant where the boiler is 69097
located, except that the certificate of operation for a portable 69098
boiler shall be kept on the premises and shall be accessible at 69099
all times. 69100

(C) If an inspector at any inspection finds that the boiler 69101
or pressure vessel is not in safe working condition, or is not 69102
provided with the fittings necessary to safety, or if the fittings 69103
are improperly arranged, the inspector shall immediately notify 69104
the owner or user and person in charge of the boiler and shall 69105
report the same to the superintendent who may revoke, suspend, or 69106
deny the certificate of operation and not renew the same until the 69107
boiler or pressure vessel and its fittings are put in condition to 69108
insure safety of operation, and the owner or user shall not 69109
operate the boiler or pressure vessel, or permit it to be operated 69110
until such certificate has been granted or restored. 69111

(D) If the superintendent or a general boiler inspector finds 69112
that a pressure vessel or boiler or a part thereof poses an 69113
explosion hazard that reasonably can be regarded as posing an 69114
imminent danger of death or serious physical harm to persons, the 69115

superintendent or the general boiler inspector shall seal the 69116
pressure vessel or boiler and order, in writing, the operator or 69117
owner of the pressure vessel or boiler to immediately cease the 69118
pressure vessel's or boiler's operation. The order shall be 69119
effective until the nonconformities are eliminated, corrected, or 69120
otherwise remedied, or for a period of seventy-two hours from the 69121
time of issuance, whichever occurs first. During the 69122
seventy-two-hour period, the superintendent may request that the 69123
prosecuting attorney or city attorney of Franklin county or of the 69124
county in which the pressure vessel or boiler is located obtain an 69125
injunction restraining the operator or owner of the pressure 69126
vessel or boiler from continuing its operation after the 69127
seventy-two-hour period expires until the nonconformities are 69128
eliminated, corrected, or otherwise remedied. 69129

(E) Each boiler which has been inspected shall be assigned a 69130
number by the superintendent, which number shall be stamped on a 69131
nonferrous metal tag affixed to the boiler or its fittings by seal 69132
or otherwise. No person except an inspector shall deface or remove 69133
any such number or tag. 69134

(F) If the owner or user of any pressure vessel or boiler 69135
disagrees with the inspector as to the necessity for shutting down 69136
a pressure vessel or boiler or for making repairs or alterations 69137
in it, or taking any other measures for safety that are requested 69138
by an inspector, the owner or user may appeal from the decision of 69139
the inspector to the superintendent, who may, after such other 69140
inspection by a general inspector or special inspector as the 69141
superintendent deems necessary, decide the issue. 69142

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 69143
nor an inspection or report by any inspector, shall relieve the 69144
owner or user of a pressure vessel or boiler of the duty of using 69145
due care in the inspection, operation, and repair of the pressure 69146
vessel or boiler or of any liability for damages for failure to 69147

inspect, repair, or operate the pressure vessel or boiler safely. 69148

Sec. 4104.16. The owner or user of any boiler required by 69149
sections 4104.01 to 4104.20 of the Revised Code, to be inspected, 69150
shall immediately notify the superintendent of ~~the division of~~ 69151
~~industrial compliance labor~~ in case a defect affecting the safety 69152
of the boiler is discovered. 69153

The owner or user of any stationary boiler required by such 69154
sections to be inspected, who moves the same, shall report to the 69155
superintendent the new location of the boiler. Such boiler shall 69156
be inspected before it is again operated. 69157

Sec. 4104.17. Certificates of operation issued for boilers 69158
subject to inspection under Chapter 4104. of the Revised Code 69159
shall be issued and renewed in accordance with and at dates 69160
prescribed by rules and regulations adopted by the superintendent 69161
of ~~industrial compliance labor~~. 69162

Sec. 4104.18. (A) The owner or user of a boiler required 69163
under section 4104.12 of the Revised Code to be inspected upon 69164
installation, and the owner or user of a boiler for which a 69165
certificate of inspection has been issued which is replaced with 69166
an appropriate certificate of operation, shall pay to the 69167
superintendent of ~~industrial compliance labor~~ a fee in the amount 69168
of ~~forty-five~~ fifty dollars for boilers subject to annual 69169
inspections under section 4104.11 of the Revised Code, ~~ninety one~~ 69170
hundred dollars for boilers subject to biennial inspection under 69171
section 4104.13 of the Revised Code, one hundred ~~thirty-five~~ fifty 69172
dollars for boilers subject to triennial inspection under section 69173
4104.11 of the Revised Code, or two hundred ~~twenty-five~~ fifty 69174
dollars for boilers subject to quinquennial inspection under 69175
section 4104.13 of the Revised Code. 69176

~~A renewal fee in the amount of forty-five dollars shall be~~ 69177

~~paid to the treasurer of state before the renewal of any~~ 69178
~~certificate of operation.~~ 69179

(B) The fee for complete inspection during construction by a 69180
general inspector on boilers and pressure vessels manufactured 69181
within the state shall be thirty-five dollars per hour. Boiler and 69182
pressure vessel manufacturers other than those located in the 69183
state may secure inspection by a general inspector on work during 69184
construction, upon application to the superintendent, and upon 69185
payment of a fee of thirty-five dollars per hour, plus the 69186
necessary traveling and hotel expenses incurred by the inspector. 69187

(C) The application fee for applicants for steam engineer, 69188
high pressure boiler operator, or low pressure boiler operator 69189
licenses is ~~fifty~~ seventy-five dollars. The fee for each original 69190
or renewal steam engineer, high pressure boiler operator, or low 69191
pressure boiler operator license is ~~thirty-five~~ fifty dollars. 69192

(D) The director of commerce, subject to the approval of the 69193
controlling board, may establish fees in excess of the fees 69194
provided in divisions (A), (B), and (C) of this section. Any 69195
moneys collected under this section shall be paid into the state 69196
treasury to the credit of the ~~industrial compliance labor~~ 69197
operating fund created in section 121.084 of the Revised Code. 69198

(E) Any person who fails to pay an invoiced renewal fee or an 69199
invoiced inspection fee required for any inspection conducted by 69200
the division of ~~industrial compliance labor~~ pursuant to this 69201
chapter within forty-five days of the invoice date shall pay a 69202
late payment fee equal to twenty-five per cent of the invoiced 69203
fee. 69204

(F) In addition to the fees assessed in divisions (A) and (B) 69205
of this section, the board of building standards shall assess the 69206
owner or user a fee of three dollars and twenty-five cents for 69207
each certificate of operation or renewal thereof issued under 69208

division (A) of this section and for each inspection conducted 69209
under division (B) of this section. The board shall adopt rules, 69210
in accordance with Chapter 119. of the Revised Code, specifying 69211
the manner by which the superintendent shall collect and remit to 69212
the board the fees assessed under this division and requiring that 69213
remittance of the fees be made at least quarterly. 69214

Sec. 4104.19. (A) Any person seeking a license to operate as 69215
a steam engineer, high pressure boiler operator, or low pressure 69216
boiler operator shall file a written application with the 69217
superintendent of ~~industrial compliance~~ labor on a form prescribed 69218
by the superintendent with the appropriate application fee as set 69219
forth in section 4104.18 of the Revised Code. The application 69220
shall contain information satisfactory to the superintendent to 69221
demonstrate that the applicant meets the requirements of division 69222
(B) of this section. The application shall be filed with the 69223
superintendent not more than sixty days and not less than thirty 69224
days before the license examination is offered. 69225

(B) To qualify to take the examination required to obtain a 69226
steam engineer, high pressure boiler operator, or low pressure 69227
boiler operator license, a person shall meet both of the following 69228
requirements: 69229

(1) Be at least eighteen years of age; 69230

(2) Have one year of experience in the operation of steam 69231
engines, high pressure boilers, or low pressure boilers as 69232
applicable to the type of license being sought, or a combination 69233
of experience and education for the type of license sought as 69234
determined to be acceptable by the superintendent. 69235

(C) No applicant shall qualify to take an examination or to 69236
renew a license if the applicant has violated this chapter or if 69237
the applicant has obtained or renewed a license issued under this 69238
chapter by fraud, misrepresentation, or deception. 69239

(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied.

(E) The superintendent may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;

(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.

(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter.

Sec. 4104.21. On receipt of a notice pursuant to section 69270
3123.43 of the Revised Code, the superintendent of ~~industrial~~ 69271
~~compliance~~ labor shall comply with sections 3123.41 to 3123.50 of 69272
the Revised Code and any applicable rules adopted under section 69273
3123.63 of the Revised Code with respect to a certificate or 69274
license issued pursuant to this chapter. 69275

Sec. 4104.33. There is hereby created the historical boilers 69276
licensing board consisting of seven members, three of whom shall 69277
be appointed by the governor with the advice and consent of the 69278
senate. The governor shall make initial appointments to the board 69279
within ninety days after ~~the effective date of this section~~ 69280
October 24, 2002. Of the initial members appointed by the 69281
governor, one shall be for a term ending three years after ~~the~~ 69282
~~effective date of this section~~ October 24, 2002, one shall be for 69283
a term ending four years after ~~the effective date of this section~~ 69284
October 24, 2002, and one shall be for a term ending five years 69285
after ~~the effective date of this section~~ October 24, 2002. 69286
Thereafter, terms of office shall be for five years, each term 69287
ending on the same day of the same month of the year as did the 69288
term that it succeeds. Of the three members the governor appoints, 69289
one member shall be an employee of the division of boiler 69290
inspection in the department of commerce; one member shall be an 69291
independent mechanical engineer who is not involved in selling or 69292
inspecting historical boilers; and one shall be an active member 69293
of an association that represents managers of fairs or festivals. 69294

Two members of the board shall be appointed by the president 69295
of the senate and two members of the board shall be appointed by 69296
the speaker of the house of representatives. The president and 69297
speaker shall make initial appointments to the board within ninety 69298
days after ~~the effective date of this section~~ October 24, 2002. Of 69299
the initial members appointed by the president, one shall be for a 69300

term ending four years after ~~the effective date of this section~~ 69301
October 24, 2002 and one shall be for a term ending five years 69302
after ~~the effective date of this section~~ October 24, 2002. Of the 69303
initial members appointed by the speaker, one shall be for a term 69304
ending three years after ~~the effective date of this section~~ 69305
October 24, 2002 and one shall be for a term ending five years 69306
after ~~the effective date of this section~~ October 24, 2002. 69307

Thereafter, terms of office shall be for five years, each term 69308
ending on the same day of the same month of the year as did the 69309
term that it succeeds. Of the four members appointed by the 69310
president and speaker, each shall own a historical boiler and also 69311
have at least ten years of experience in the operation of 69312
historical boilers, and each of these four members shall reside in 69313
a different region of the state. 69314

Each member shall hold office from the date of the member's 69315
appointment until the end of the term for which the member was 69316
appointed. Members may be reappointed. Vacancies shall be filled 69317
in the manner provided for initial appointments. Any member 69318
appointed to fill a vacancy occurring prior to the expiration date 69319
of the term for which the member's predecessor was appointed shall 69320
hold office as a member for the remainder of that term. A member 69321
shall continue in office subsequent to the expiration date of the 69322
member's term until the successor takes office or until a period 69323
of sixty days has elapsed, whichever occurs first. 69324

The members of the board, annually, shall elect, by majority 69325
vote, a chairperson from among their members. The board shall meet 69326
at least once annually and at other times at the call of the 69327
chairperson. Board members shall receive their actual and 69328
necessary expenses incurred in the discharge of their duties as 69329
board members. 69330

The superintendent of ~~the division of industrial compliance~~ 69331
labor shall furnish office space, staff, and supplies to the board 69332

as the superintendent determines are necessary for the board to 69333
carry out its official duties under sections 4104.33 to 4104.37 of 69334
the Revised Code. 69335

Sec. 4104.42. (A) The owner of any power piping or process 69336
piping system shall ensure that all of the following are performed 69337
in compliance with applicable sections of the B31 standards 69338
contained in the code for pressure piping, published by the 69339
American society of mechanical engineers: 69340

(1) The design, fabrication, assembly, installation, testing, 69341
examination, and inspection of power and process piping systems; 69342

(2) Qualification of personnel and qualification of welding 69343
and brazing procedures; 69344

(3) The implementation of an inspection program. 69345

(B) The owner of a power piping or process piping system 69346
shall do both of the following: 69347

(1) Maintain for five years complete records documenting the 69348
design, examination, and testing of the piping system that include 69349
all of the following: 69350

(a) The specific edition of the code for pressure piping used 69351
in the design; 69352

(b) The design assumptions; 69353

(c) The calculations, piping material specifications, and 69354
construction documents for the piping; 69355

(d) The records of piping alterations; 69356

(e) The piping examination and inspection records. 69357

(2) Disclose the types and quantities of flammable, 69358
combustible, or hazardous materials proposed to be used in the 69359
facility to the building and fire code enforcement authorities who 69360
have inspection authority to enable those authorities to determine 69361

compliance with the rules the board of building standards adopts 69362
pursuant to section 3781.10 of the Revised Code and the rules the 69363
state fire marshal adopts pursuant to section 3737.82 of the 69364
Revised Code. 69365

(C) No person or state agency shall require that the records 69366
described in division (B)(1) of this section be submitted to the 69367
division of ~~industrial compliance~~ labor in the department of 69368
commerce or to a certified building department for approval. 69369

(D) Nothing in this section limits the application of 69370
Chapters 4703. and 4733. of the Revised Code. 69371

Sec. 4104.43. (A)(1) The board of building standards shall 69372
adopt rules establishing requirements for the design, 69373
installation, inspection of and design review procedure for 69374
building services piping. 69375

(2) The board of building standards shall adopt rules 69376
establishing requirements for the design, installation, inspection 69377
of and design review procedure for nonflammable medical gas, 69378
medical oxygen, and medical vacuum piping systems. 69379

(B) A municipal, township, or county building department 69380
certified under division (E) of section 3781.10 of the Revised 69381
Code shall enforce the rules the board adopts pursuant to division 69382
(A)(2) of this section if that building department requests and 69383
obtains special certification to enforce those rules. 69384

(C) In a health district where no municipal, township, or 69385
county building department is specially certified under division 69386
(B) of this section, an employee of the health district shall 69387
enforce the rules adopted pursuant to division (A)(2) of this 69388
section if both of the following conditions are satisfied: 69389

(1) The health district employee requests and obtains special 69390
certification by the board to enforce those rules. 69391

(2) The health district notifies the superintendent of the 69392
division of ~~industrial compliance~~ labor in the department of 69393
commerce that the health district's specially certified employee 69394
shall enforce those rules. 69395

(D) In a jurisdiction where enforcement authority as 69396
described in divisions (B) and (C) of this section does not exist, 69397
the superintendent of ~~the division of industrial compliance~~ labor 69398
shall enforce the rules the board adopts pursuant to division 69399
(A)(2) of this section. 69400

Sec. 4104.44. All welding and brazing of metallic piping 69401
systems shall be performed in accordance with section IX of the 69402
boiler and pressure vessel code, published by the American society 69403
of mechanical engineers. The owner shall maintain, at the job 69404
site, the certified performance qualification records of all 69405
welders and brazers employed at the facility. The owner shall 69406
submit copies of all certified welding and brazing procedure 69407
specifications, procedure qualification records, and performance 69408
qualification records for building services piping for review to 69409
the superintendent of ~~the division of industrial compliance~~ labor 69410
in the department of commerce in accordance with rules the 69411
superintendent adopts. The submission shall be accompanied by the 69412
fee the superintendent establishes. 69413

Sec. 4104.48. (A) No person shall violate sections 4104.41 to 69414
4104.48 of the Revised Code, fail to perform any duty lawfully 69415
enjoined in connection with those sections, or fail to comply with 69416
any order issued by the superintendent of ~~the division of~~ 69417
~~industrial compliance~~ labor or any judgment or decree issued by 69418
any court in connection with the enforcement of sections 4104.41 69419
to 4104.48 of the Revised Code. 69420

(B) Every day during which a person violates sections 4104.41 69421

to 4104.48 of the Revised Code, fails to perform any duty lawfully 69422
enjoined in connection with those sections, or fails to comply 69423
with any order issued by the superintendent ~~of the division of~~ 69424
~~industrial compliance~~ or any judgment or decree issued by any 69425
court in connection with the enforcement of sections 4104.41 to 69426
4104.48 of the Revised Code constitutes a separate offense. 69427

Sec. 4105.01. As used in this chapter: 69428

(A) "Elevator" means a hoisting and lowering apparatus 69429
equipped with a car, cage, or platform which moves on or between 69430
permanent rails or guides and serves two or more fixed landings in 69431
a building or structure to which section 3781.06 of the Revised 69432
Code applies. "Elevator" includes dumb-waiters other than 69433
hand-powered dumb-waiters, escalators, ~~manlifts~~ peoplelifts, 69434
moving walks, of the endless belt type, other lifting or lowering 69435
apparatus permanently installed on or between rails or guides, and 69436
all equipment, machinery, and construction related to any 69437
elevator; but does not include construction hoists and other 69438
similar temporary lifting or lowering apparatuses, ski lifts, 69439
traveling, portable amusement rides or devices that are not 69440
affixed to a permanent foundation, or nonportable amusement rides 69441
or devices that are affixed to a permanent foundation. 69442

(B) "Passenger elevator" means an elevator that is designed 69443
to carry persons to its contract capacity. 69444

(C) "Freight elevator" means an elevator normally used for 69445
carrying freight and on which only the operator and employees in 69446
the pursuit of their duties, by the permission of the employer, 69447
are allowed to ride. 69448

(D) "Gravity elevator" means an elevator utilizing gravity to 69449
move. 69450

(E) "General inspector" means a state inspector examined and 69451

hired to inspect elevators and lifting apparatus for that state. 69452

(F) "Special inspector" means an inspector examined and 69453
commissioned by the superintendent of ~~the division of industrial~~ 69454
~~compliance labor~~ to inspect elevators and lifting apparatus in the 69455
state. 69456

(G) "Inspector" means either a general or special inspector. 69457

Sec. 4105.02. No person may act, either as a general 69458
inspector or as a special inspector, of elevators, unless ~~he~~ the 69459
person holds a certificate of competency from the division of 69460
~~industrial compliance labor~~. 69461

Application for examination as an inspector of elevators 69462
shall be in writing, accompanied by a fee to be established as 69463
provided in section 4105.17 of the Revised Code, and upon a blank 69464
to be furnished by the division, stating the school education of 69465
the applicant, a list of ~~his~~ the applicant's employers, ~~his~~ the 69466
applicant's period of employment, and the position held with each. 69467
An applicant shall also submit a letter from one or more of ~~his~~ 69468
the applicant's previous employers certifying as to ~~his~~ the 69469
applicant's character and experience. 69470

Applications shall be rejected which contain any willful 69471
falsification or untruthful statements. An applicant, if the 69472
division considers ~~his~~ the applicant's history and experience 69473
sufficient, shall be examined by the superintendent of ~~the~~ 69474
~~division of industrial compliance labor~~ by a written examination 69475
dealing with the construction, installation, operation, 69476
maintenance, and repair of elevators and their appurtenances, and 69477
the applicant shall be accepted or rejected on the merits of ~~his~~ 69478
the applicant's application and examination. 69479

The superintendent shall issue a certificate of competency in 69480
the inspection of elevators to any applicant found competent upon 69481

examination. A rejected applicant shall be entitled, after the 69482
expiration of ninety days and upon payment of an examination fee 69483
to be established as provided in section 4105.17 of the Revised 69484
Code, to another examination. Should an applicant fail to pass the 69485
prescribed examination on second trial, ~~he~~ the applicant will not 69486
be permitted to be an applicant for another examination for a 69487
period of one year after the second examination. 69488

Sec. 4105.03. The superintendent of ~~the division of~~ 69489
~~industrial compliance labor~~, with the consent of the director of 69490
commerce, shall hire an assistant who has at least ten years of 69491
experience in the construction, installation, maintenance, and 69492
repair of elevators and their appurtenances. 69493

The superintendent, with the consent of the director of 69494
~~commerce~~, and in compliance with Chapter 124. of the Revised Code, 69495
may appoint and hire general inspectors of elevators from the 69496
holders of certificates of competency. 69497

Sec. 4105.04. From the holders of certificates of competency 69498
in the inspection of elevators, any company that is authorized to 69499
insure elevators in the state, may designate persons to inspect 69500
elevators covered by such company's policies, and the department 69501
of public safety of any city and the clerk of any village may 69502
designate persons to inspect elevators in such city or village. 69503
Such persons shall, upon the payment of a fee to be established as 69504
provided in section 4105.17 of the Revised Code, have issued to 69505
them annually by the division of ~~industrial compliance labor~~, 69506
commissions to serve as special inspectors of elevators in the 69507
state. 69508

Sec. 4105.05. A commission to serve as a special inspector 69509
may be suspended or revoked by the superintendent of ~~the division~~ 69510
~~of industrial compliance labor~~, for the incompetence or 69511

untrustworthiness of the holder thereof, or for the falsification 69512
of any matter or statement contained in ~~his~~ the holder's 69513
application or in a report of any inspection. 69514

Sec. 4105.06. If a certificate or commission issued under 69515
sections 4105.02 and 4105.04 of the Revised Code is lost or 69516
destroyed a new one shall be issued in its place by the division 69517
of ~~industrial compliance labor~~ labor without another examination, upon 69518
the payment of a fee to be established as provided in section 69519
4105.07 of the Revised Code. 69520

Sec. 4105.09. The owner or user of any elevator shall 69521
register, with the division of ~~industrial compliance labor~~ labor, every 69522
elevator operated by ~~him~~ the owner or user, giving the type, 69523
capacity, and description, name of manufacturer, and purpose for 69524
which each is used. Such registration shall be made on a form to 69525
be furnished by the division. 69526

Sec. 4105.11. The inspection of elevators shall be made by 69527
the inspectors authorized in sections 4105.03 and 4105.04 of the 69528
Revised Code, under the supervision of the superintendent of ~~the~~ 69529
~~division of industrial compliance labor~~ labor, and the superintendent 69530
shall enforce this chapter and any rules adopted pursuant thereto. 69531

Every inspector shall forward to the superintendent a full 69532
and complete report of each inspection made of any elevator and 69533
shall, on the day the inspection is completed, leave a copy of 69534
such report with the owner or operator of the elevator, or ~~his~~ the 69535
owner's or operator's agent or representative. Such report shall 69536
indicate the exact condition of the elevator and shall list any 69537
and all of the provisions of this chapter and any rules adopted 69538
pursuant thereto, with which the elevator does not comply. Before 69539
attempting to enforce, by any remedy, civil or criminal, the 69540
provisions with which the inspected elevator does not comply, the 69541

chief shall issue an adjudication order within the meaning of 69542
Chapter 119. of the Revised Code. 69543

The approval of construction plans, or an application of 69544
specifications under section 4105.16 of the Revised Code is a 69545
license, and the failure to approve such plans or specifications 69546
by the chief within sixty days after they are filed is an 69547
adjudication order denying the issuance of a license. 69548

Every adjudication order shall specify what appliances, site 69549
preparations, additions, repairs, or alterations to any elevators, 69550
plans, materials, assemblages, or procedures are necessary for the 69551
same to comply with this chapter, or any rules adopted pursuant 69552
thereto. Such adjudication order shall be issued pursuant to 69553
Chapter 119. of the Revised Code and shall be effective without 69554
prior hearing, within thirty days after the receipt of such order, 69555
the owner of the elevator specified therein may appeal to the 69556
board of building appeals under section 3781.19 of the Revised 69557
Code. 69558

Notwithstanding the provisions of Chapter 119. of the Revised 69559
Code relating to adjudication hearings, a stenographic or 69560
mechanical record of the testimony and other evidence submitted 69561
before the board of building appeals shall be taken at the expense 69562
of the agency. A party adversely affected by an order issued 69563
following such adjudication hearing may appeal to the court of 69564
common pleas of the county in which ~~he~~ the party is a resident or 69565
in which the elevator affected by such order is located. The court 69566
in such case shall not be confined to the record as certified to 69567
it by the agency, but any party may produce additional evidence 69568
and the court shall hear the matter upon such record and such 69569
additional evidence as is introduced by any party. The court shall 69570
not affirm the order of the agency unless the preponderance of the 69571
evidence before it supports the reasonableness and lawfulness of 69572
such order, and of any rules upon which the order of the agency is 69573

based in its application to the facts involved in the appeal. 69574

Failure to comply with the requirements of any order issued 69575
pursuant to this section or the continued operation of any 69576
elevator after it has been sealed pursuant to section 4105.21 of 69577
the Revised Code is hereby declared a public nuisance. 69578

Sec. 4105.12. (A) The superintendent of ~~the division of~~ 69579
~~industrial compliance labor~~ shall adopt, amend, and repeal rules 69580
exclusively for the issuance, renewal, suspension, and revocation 69581
of certificates of competency and certificates of operation, for 69582
the conduct of hearings related to these actions, and for the 69583
inspection of elevators. 69584

(B) Notwithstanding division (A) of this section, the 69585
superintendent shall not adopt rules relating to construction, 69586
maintenance, and repair of elevators. 69587

Sec. 4105.13. Every elevator shall be constructed, equipped, 69588
maintained, and operated, with respect to the supporting members, 69589
elevator car, shaftways, guides, cables, doors, and gates, safety 69590
stops and mechanism, electrical apparatus and wiring, mechanical 69591
apparatus, counterweights, and all other appurtenances, in 69592
accordance with state laws and rules as are authorized in respect 69593
thereto. Where reasonable safety is obtained without complying to 69594
the literal requirements of such rules as in cases of practical 69595
difficulty or unnecessary hardship, the literal requirements of 69596
such rules shall not be required. The superintendent of ~~the~~ 69597
~~division of industrial compliance labor~~ may permit the 69598
installation of vertical wheelchair lifts in public buildings to 69599
provide for handicapped accessibility where such lifts do not meet 69600
the literal requirements of the rules adopted by the board of 69601
building standards pursuant to section 4105.011 of the Revised 69602
Code, provided that reasonable safety may be obtained. 69603

Sec. 4105.15. No certificate of operation for any elevator 69604
shall be issued by the director of commerce until such elevator 69605
has been inspected as required by this chapter. Certificates of 69606
operation shall be renewed by the owner or user of the elevator in 69607
accordance with rules adopted by the superintendent of ~~the~~ 69608
~~division of industrial compliance~~ labor pursuant to section 69609
4105.12 of the Revised Code. 69610

Sec. 4105.16. Before any new installation of an elevator of 69611
permanent nature is erected or before any existing elevator is 69612
removed to and installed in a different location, an application 69613
of specifications in duplicate shall be submitted to the division 69614
of ~~industrial compliance~~ labor giving such information concerning 69615
the construction, installation, and operation of said elevator as 69616
the division may require on forms to be furnished by the division, 69617
together with complete construction plans in duplicate. In all 69618
cases where any changes or repairs are made which alter its 69619
construction of classification, grade or rated lifting capacity, 69620
except when made pursuant to a report of an inspector, an 69621
application of specifications in duplicate shall be submitted to 69622
the division, containing such information, or approval, except in 69623
those municipal corporations which maintain their own elevator 69624
inspection departments, in which event such specifications shall 69625
be submitted to the elevator department of the municipal 69626
corporation for its approval, and if approved, a permit for the 69627
erection or repair of such elevator shall be issued by the 69628
municipal corporation. Upon approval of such application and 69629
construction plans, the superintendent of ~~industrial compliance~~ 69630
labor shall issue a permit for the erection or repair of such 69631
elevator. No new elevator shall be operated until completion in 69632
accordance with the approved plans and specifications, unless a 69633
temporary permit is granted by the division. 69634

The final inspection, before operation, of a permanent, new 69635
or repaired elevator shall be made by a general inspector or a 69636
special inspector designated by the superintendent. 69637

Sec. 4105.17. (A) The fee for each inspection, or attempted 69638
inspection that, due to no fault of a general inspector or the 69639
division of ~~industrial compliance~~ labor, is not successfully 69640
completed, by a general inspector before the operation of a 69641
permanent new elevator prior to the issuance of a certificate of 69642
operation, before operation of an elevator being put back into 69643
service after a repair or after an adjudication under section 69644
4105.11 of the Revised Code, or as a result of the operation of 69645
section 4105.08 of the Revised Code and is an elevator required to 69646
be inspected under this chapter is one hundred twenty dollars plus 69647
ten dollars for each floor where the elevator stops. The 69648
superintendent of ~~industrial compliance~~ labor may assess an 69649
additional fee of one hundred ~~twenty-five~~ twenty dollars plus ~~five~~ 69650
ten dollars for each floor where an elevator stops for the 69651
reinspection of an elevator when a previous attempt to inspect 69652
that elevator has been unsuccessful through no fault of a general 69653
inspector or the division of ~~industrial compliance~~. 69654

(B) The fee for each inspection, or attempted inspection, 69655
that due to no fault of the general inspector or the division of ~~of~~ 69656
~~industrial compliance~~, is not successfully completed by a general 69657
inspector before operation of a permanent new escalator or moving 69658
walk prior to the issuance of a certificate of operation, before 69659
operation of an escalator or moving walk being put back in service 69660
after a repair, or as a result of the operation of section 4105.08 69661
of the Revised Code is three hundred dollars. The superintendent 69662
of ~~the division of industrial compliance~~ may assess an additional 69663
fee of one hundred fifty dollars for the reinspection of an 69664
escalator or moving walk when a previous attempt to inspect that 69665
escalator or moving walk has been unsuccessful through no fault of 69666

the general inspector or the division of ~~industrial compliance~~. 69667

(C) The fee for issuing or renewing a certificate of 69668
operation under section 4105.15 of the Revised Code for an 69669
elevator that is inspected every six months in accordance with 69670
division (A) of section 4105.10 of the Revised Code is two hundred 69671
twenty dollars plus ~~ten~~ twelve dollars for each floor where the 69672
elevator stops, except where the elevator has been inspected by a 69673
special inspector in accordance with section 4105.07 of the 69674
Revised Code. 69675

(D) The fee for issuing or renewing a certificate of 69676
operation under section 4105.05 of the Revised Code for an 69677
elevator that is inspected every twelve months in accordance with 69678
division (A) of section 4105.10 of the Revised Code is fifty-five 69679
dollars plus ten dollars for each floor where the elevator stops, 69680
except where the elevator has been inspected by a special 69681
inspector in accordance with section 4105.07 of the Revised Code. 69682

(E) The fee for issuing or renewing a certificate of 69683
operation under section 4105.15 of the Revised Code for an 69684
escalator or moving walk is three hundred dollars, except where 69685
the escalator or moving walk has been inspected by a special 69686
inspector in accordance section 4105.07 of the Revised Code. 69687

(F) All other fees to be charged for any examination given or 69688
other service performed by the division of ~~industrial compliance~~ 69689
pursuant to this chapter shall be prescribed by the director of 69690
commerce. The fees shall be reasonably related to the costs of 69691
such examination or other service. 69692

(G) The director of ~~commerce~~, subject to the approval of the 69693
controlling board, may establish fees in excess of the fees 69694
provided in divisions (A), (B), (C), (D), and (E) of this section. 69695
Any moneys collected under this section shall be paid into the 69696
state treasury to the credit of the ~~industrial compliance~~ labor 69697

operating fund created in section 121.084 of the Revised Code. 69698

(H) Any person who fails to pay an inspection fee required 69699
for any inspection conducted by the division pursuant to this 69700
chapter within forty-five days after the inspection is conducted 69701
shall pay a late payment fee equal to twenty-five per cent of the 69702
inspection fee. 69703

(I) In addition to the fees assessed in divisions (A), (B), 69704
(C), (D), and (E) of this section, the board of building standards 69705
shall assess a fee of three dollars and twenty-five cents for each 69706
certificate of operation or renewal thereof issued under divisions 69707
(A), (B), (C), (D), or (E) of this section and for each permit 69708
issued under section 4105.16 of the Revised Code. The board shall 69709
adopt rules, in accordance with Chapter 119. of the Revised Code, 69710
specifying the manner by which the superintendent ~~of industrial~~ 69711
~~compliance~~ shall collect and remit to the board the fees assessed 69712
under this division and requiring that remittance of the fees be 69713
made at least quarterly. 69714

(J) For purposes of this section: 69715

(1) "Escalator" means a power driven, inclined, continuous 69716
stairway used for raising or lowering passengers. 69717

(2) "Moving walk" means a passenger carrying device on which 69718
passengers stand or walk, with a passenger carrying surface that 69719
is uninterrupted and remains parallel to its direction of motion. 69720

Sec. 4105.191. Any person owning or operating any elevator 69721
subject to this chapter shall file a written report with the 69722
superintendent of ~~the division of industrial compliance~~ labor 69723
within seventy-two hours after the occurrence of any accident 69724
involving such elevator which results in death or bodily injury to 69725
any person. 69726

Sec. 4105.20. No person shall violate any law relative to the 69727

operation, construction, maintenance, and repair of elevators. All 69728
fines collected for violation of this section shall be forwarded 69729
to the superintendent of ~~the division of industrial compliance~~ 69730
labor, who shall pay them into the state treasury to the credit of 69731
the ~~industrial compliance labor~~ operating fund created in section 69732
121.084 of the Revised Code. 69733

Sec. 4105.21. The superintendent of ~~the division of~~ 69734
~~industrial compliance labor~~ shall enforce this chapter. If the 69735
superintendent or a general inspector of elevators finds that an 69736
elevator or a part thereof does not afford reasonable safety as 69737
required by section 4105.13 of the Revised Code, the 69738
superintendent or the general inspector may seal such elevator and 69739
post a notice thereon prohibiting further use of the elevator 69740
until the changes or alterations set forth in the notice have been 69741
made to the satisfaction of the superintendent or the inspector. 69742
The notice shall contain a statement that operators or passengers 69743
are subject to injury by its continued use, a description of the 69744
alteration or other change necessary to be made in order to secure 69745
safety of operation, date of such notice, name and signature of 69746
the superintendent or inspector issuing the notice. 69747

Sec. 4112.01. (A) As used in this chapter: 69748

(1) "Person" includes one or more individuals, partnerships, 69749
associations, organizations, corporations, legal representatives, 69750
trustees, trustees in bankruptcy, receivers, and other organized 69751
groups of persons. "Person" also includes, but is not limited to, 69752
any owner, lessor, assignor, builder, manager, broker, 69753
salesperson, appraiser, agent, employee, lending institution, and 69754
the state and all political subdivisions, authorities, agencies, 69755
boards, and commissions of the state. 69756

(2) "Employer" includes the state, any political subdivision 69757

of the state, any person employing four or more persons within the 69758
state, and any person acting directly or indirectly in the 69759
interest of an employer. 69760

(3) "Employee" means an individual employed by any employer 69761
but does not include any individual employed in the domestic 69762
service of any person. 69763

(4) "Labor organization" includes any organization that 69764
exists, in whole or in part, for the purpose of collective 69765
bargaining or of dealing with employers concerning grievances, 69766
terms or conditions of employment, or other mutual aid or 69767
protection in relation to employment. 69768

(5) "Employment agency" includes any person regularly 69769
undertaking, with or without compensation, to procure 69770
opportunities to work or to procure, recruit, refer, or place 69771
employees. 69772

(6) "Commission" means the Ohio civil rights commission 69773
created by section 4112.03 of the Revised Code. 69774

(7) "Discriminate" includes segregate or separate. 69775

(8) "Unlawful discriminatory practice" means any act 69776
prohibited by section 4112.02, 4112.021, or 4112.022 of the 69777
Revised Code. 69778

(9) "Place of public accommodation" means any inn, 69779
restaurant, eating house, barbershop, public conveyance by air, 69780
land, or water, theater, store, other place for the sale of 69781
merchandise, or any other place of public accommodation or 69782
amusement of which the accommodations, advantages, facilities, or 69783
privileges are available to the public. 69784

(10) "Housing accommodations" includes any building or 69785
structure, or portion of a building or structure, that is used or 69786
occupied or is intended, arranged, or designed to be used or 69787

occupied as the home residence, dwelling, dwelling unit, or 69788
sleeping place of one or more individuals, groups, or families 69789
whether or not living independently of each other; and any vacant 69790
land offered for sale or lease. "Housing accommodations" also 69791
includes any housing accommodations held or offered for sale or 69792
rent by a real estate broker, salesperson, or agent, by any other 69793
person pursuant to authorization of the owner, by the owner, or by 69794
the owner's legal representative. 69795

(11) "Restrictive covenant" means any specification limiting 69796
the transfer, rental, lease, or other use of any housing 69797
accommodations because of race, color, religion, sex, military 69798
status, familial status, national origin, disability, or ancestry, 69799
or any limitation based upon affiliation with or approval by any 69800
person, directly or indirectly, employing race, color, religion, 69801
sex, military status, familial status, national origin, 69802
disability, or ancestry as a condition of affiliation or approval. 69803

(12) "Burial lot" means any lot for the burial of deceased 69804
persons within any public burial ground or cemetery, including, 69805
but not limited to, cemeteries owned and operated by municipal 69806
corporations, townships, or companies or associations incorporated 69807
for cemetery purposes. 69808

(13) "Disability" means a physical or mental impairment that 69809
substantially limits one or more major life activities, including 69810
the functions of caring for one's self, performing manual tasks, 69811
walking, seeing, hearing, speaking, breathing, learning, and 69812
working; a record of a physical or mental impairment; or being 69813
regarded as having a physical or mental impairment. 69814

(14) Except as otherwise provided in section 4112.021 of the 69815
Revised Code, "age" means at least forty years old. 69816

(15) "Familial status" means either of the following: 69817

(a) One or more individuals who are under eighteen years of 69818

age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.

(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.

(b) "Physical or mental impairment" does not include any of the following:

(i) Homosexuality and bisexuality;

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical

impairments, or other sexual behavior disorders;	69849
(iii) Compulsive gambling, kleptomania, or pyromania;	69850
(iv) Psychoactive substance use disorders resulting from the	69851
current illegal use of a controlled substance or the current use	69852
of alcoholic beverages.	69853
(17) "Dwelling unit" means a single unit of residence for a	69854
family of one or more persons.	69855
(18) "Common use areas" means rooms, spaces, or elements	69856
inside or outside a building that are made available for the use	69857
of residents of the building or their guests, and includes, but is	69858
not limited to, hallways, lounges, lobbies, laundry rooms, refuse	69859
rooms, mail rooms, recreational areas, and passageways among and	69860
between buildings.	69861
(19) "Public use areas" means interior or exterior rooms or	69862
spaces of a privately or publicly owned building that are made	69863
available to the general public.	69864
(20) "Controlled substance" has the same meaning as in	69865
section 3719.01 of the Revised Code.	69866
(21) "Disabled tenant" means a tenant or prospective tenant	69867
who is a person with a disability.	69868
(22) "Military status" means a person's status in "service in	69869
the uniformed services" as defined in section 5923.05 of the	69870
Revised Code.	69871
<u>(23) "Aggrieved person" means both of the following:</u>	69872
<u>(a) Any person who claims to have been injured by, or who</u>	69873
<u>believes that the person will be injured by, any unlawful</u>	69874
<u>discriminatory practice described in division (H) of section</u>	69875
<u>4112.02 of the Revised Code;</u>	69876
<u>(b) Any individual, fair housing enforcement organization as</u>	69877
<u>defined in 42 U.S.C. 3616a, other private nonprofit fair housing</u>	69878

enforcement organization, or nonprofit group performing 69879
investigations and enforcement activities designed to identify, 69880
eliminate, and remedy the unlawful discriminatory practices 69881
described in division (H) of section 4112.02 of the Revised Code. 69882

(B) For the purposes of divisions (A) to (F) of section 69883
4112.02 of the Revised Code, the terms "because of sex" and "on 69884
the basis of sex" include, but are not limited to, because of or 69885
on the basis of pregnancy, any illness arising out of and 69886
occurring during the course of a pregnancy, childbirth, or related 69887
medical conditions. Women affected by pregnancy, childbirth, or 69888
related medical conditions shall be treated the same for all 69889
employment-related purposes, including receipt of benefits under 69890
fringe benefit programs, as other persons not so affected but 69891
similar in their ability or inability to work, and nothing in 69892
division (B) of section 4111.17 of the Revised Code shall be 69893
interpreted to permit otherwise. This division shall not be 69894
construed to require an employer to pay for health insurance 69895
benefits for abortion, except where the life of the mother would 69896
be endangered if the fetus were carried to term or except where 69897
medical complications have arisen from the abortion, provided that 69898
nothing in this division precludes an employer from providing 69899
abortion benefits or otherwise affects bargaining agreements in 69900
regard to abortion. 69901

Sec. 4112.04. (A) The commission shall do all of the 69902
following: 69903

(1) Establish and maintain a principal office in the city of 69904
Columbus and any other offices within the state that it considers 69905
necessary; 69906

(2) Appoint an executive director who shall serve at the 69907
pleasure of the commission and be its principal administrative 69908
officer. The executive director shall be paid a salary fixed 69909

pursuant to Chapter 124. of the Revised Code. 69910

(3) Appoint hearing examiners and other employees and agents 69911
who it considers necessary and prescribe their duties subject to 69912
Chapter 124. of the Revised Code; 69913

(4) Adopt, promulgate, amend, and rescind rules to effectuate 69914
the provisions of this chapter and the policies and practice of 69915
the commission in connection with this chapter; 69916

(5) Formulate policies to effectuate the purposes of this 69917
chapter and make recommendations to agencies and officers of the 69918
state or political subdivisions to effectuate the policies; 69919

(6) Receive, investigate, and pass upon written charges made 69920
under oath of unlawful discriminatory practices; 69921

(7) Make periodic surveys of the existence and effect of 69922
discrimination because of race, color, religion, sex, military 69923
status, familial status, national origin, disability, age, or 69924
ancestry on the enjoyment of civil rights by persons within the 69925
state; 69926

(8) Report, from time to time, but not less than once a year, 69927
to the general assembly and the governor, describing in detail the 69928
investigations, proceedings, and hearings it has conducted and 69929
their outcome, the decisions it has rendered, and the other work 69930
performed by it, which report shall include a copy of any surveys 69931
prepared pursuant to division (A)(7) of this section and shall 69932
include the recommendations of the commission as to legislative or 69933
other remedial action; 69934

(9) Prepare a comprehensive educational program, in 69935
cooperation with the department of education, for the students of 69936
the public schools of this state and for all other residents of 69937
this state that is designed to eliminate prejudice on the basis of 69938
race, color, religion, sex, military status, familial status, 69939
national origin, disability, age, or ancestry in this state, to 69940

further good will among those groups, and to emphasize the origin 69941
of prejudice against those groups, its harmful effects, and its 69942
incompatibility with American principles of equality and fair 69943
play; 69944

(10) Receive progress reports from agencies, 69945
instrumentalities, institutions, boards, commissions, and other 69946
entities of this state or any of its political subdivisions and 69947
their agencies, instrumentalities, institutions, boards, 69948
commissions, and other entities regarding affirmative action 69949
programs for the employment of persons against whom discrimination 69950
is prohibited by this chapter, or regarding any affirmative 69951
housing accommodations programs developed to eliminate or reduce 69952
an imbalance of race, color, religion, sex, military status, 69953
familial status, national origin, disability, or ancestry. All 69954
agencies, instrumentalities, institutions, boards, commissions, 69955
and other entities of this state or its political subdivisions, 69956
and all political subdivisions, that have undertaken affirmative 69957
action programs pursuant to a conciliation agreement with the 69958
commission, an executive order of the governor, any federal 69959
statute or rule, or an executive order of the president of the 69960
United States shall file progress reports with the commission 69961
annually on or before the first day of November. The commission 69962
shall analyze and evaluate the progress reports and report its 69963
findings annually to the general assembly on or before the 69964
thirtieth day of January of the year immediately following the 69965
receipt of the reports. 69966

(B) The commission may do any of the following: 69967

(1) Meet and function at any place within the state; 69968

(2) Initiate and undertake on its own motion investigations 69969
of problems of employment or housing accommodations 69970
discrimination; 69971

(3) Hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, require the production for examination of any books and papers relating to any matter under investigation or in question before the commission, and make rules as to the issuance of subpoenas by individual commissioners.

(a) In conducting a hearing or investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the premises, records, documents, and other evidence or possible sources of evidence and take and record the testimony or statements of the individuals as reasonably necessary for the furtherance of the hearing or investigation. In investigations, the commission shall comply with the fourth amendment to the United States Constitution relating to unreasonable searches and seizures. The commission or a member of the commission may issue subpoenas to compel access to or the production of premises, records, documents, and other evidence or possible sources of evidence or the appearance of individuals, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in a court of common pleas.

(b) Upon written application by a ~~respondent~~ party to a hearing under division (B) of section 4112.05 of the Revised Code, the commission shall issue subpoenas in its name to the same extent and subject to the same limitations as subpoenas issued by the commission. Subpoenas issued at the request of a ~~respondent~~ party shall show on their face the name and address of the ~~respondent~~ party and shall state that they were issued at the ~~respondent's~~ party's request.

(c) Witnesses summoned by subpoena of the commission are

entitled to the witness and mileage fees provided for under 70004
section 119.094 of the Revised Code. 70005

(d) Within five days after service of a subpoena upon any 70006
person, the person may petition the commission to revoke or modify 70007
the subpoena. The commission shall grant the petition if it finds 70008
that the subpoena requires an appearance or attendance at an 70009
unreasonable time or place, that it requires production of 70010
evidence that does not relate to any matter before the commission, 70011
that it does not describe with sufficient particularity the 70012
evidence to be produced, that compliance would be unduly onerous, 70013
or for other good reason. 70014

(e) In case of contumacy or refusal to obey a subpoena, the 70015
commission or person at whose request it was issued may petition 70016
for its enforcement in the court of common pleas in the county in 70017
which the person to whom the subpoena was addressed resides, was 70018
served, or transacts business. 70019

(4) Create local or statewide advisory agencies and 70020
conciliation councils to aid in effectuating the purposes of this 70021
chapter. The commission may itself, or it may empower these 70022
agencies and councils to, do either or both of the following: 70023

(a) Study the problems of discrimination in all or specific 70024
fields of human relationships when based on race, color, religion, 70025
sex, military status, familial status, national origin, 70026
disability, age, or ancestry; 70027

(b) Foster through community effort, or otherwise, good will 70028
among the groups and elements of the population of the state. 70029

The agencies and councils may make recommendations to the 70030
commission for the development of policies and procedures in 70031
general. They shall be composed of representative citizens who 70032
shall serve without pay, except that reimbursement for actual and 70033
necessary traveling expenses shall be made to citizens who serve 70034

on a statewide agency or council. 70035

(5) Issue any publications and the results of investigations 70036
and research that in its judgment will tend to promote good will 70037
and minimize or eliminate discrimination because of race, color, 70038
religion, sex, military status, familial status, national origin, 70039
disability, age, or ancestry. 70040

Sec. 4112.051. (A)(1) Aggrieved persons may enforce the 70041
rights granted by division (H) of section 4112.02 of the Revised 70042
Code by filing a civil action in the court of common pleas of the 70043
county in which the alleged unlawful discriminatory practice 70044
occurred within one year after it allegedly occurred. Upon 70045
application by an aggrieved person, upon a proper showing, and 70046
under circumstances that it considers just, a court of common 70047
pleas may appoint an attorney for the aggrieved person and 70048
authorize the commencement of a civil action under this division 70049
without the payment of costs. 70050

Each party to a civil action under this division has the 70051
right to a jury trial of the action. To assert the right, a party 70052
shall demand a jury trial in the manner prescribed in the Rules of 70053
Civil Procedure. If a party demands a jury trial in that manner, 70054
the civil action shall be tried to a jury. 70055

(2)(a) If a complaint is issued by the commission under 70056
division (B)(5) of section 4112.05 of the Revised Code for one or 70057
more alleged unlawful discriminatory practices described in 70058
division (H) of section 4112.02 of the Revised Code, the 70059
complainant, any aggrieved person on whose behalf the complaint is 70060
issued, or the respondent may elect, following receipt of the 70061
relevant notice described in division (B)(5) of section 4112.05 of 70062
the Revised Code, to proceed with the administrative hearing 70063
process under that section or to have the alleged unlawful 70064
discriminatory practices covered by the complaint addressed in a 70065

civil action commenced in accordance with divisions (A)(1) and 70066
(2)(b) of this section. An election to have the alleged unlawful 70067
discriminatory practices so addressed shall be made in a writing 70068
that is sent by certified mail, return receipt requested, to the 70069
commission, to the civil rights section of the office of the 70070
attorney general, and to the other parties to the pending 70071
administrative process within thirty days after the electing 70072
complainant, aggrieved person, or respondent received the relevant 70073
notice described in division (B)(5) of section 4112.05 of the 70074
Revised Code. 70075

(b) Upon receipt of a timely mailed election to have the 70076
alleged unlawful discriminatory practices addressed in a civil 70077
action, the commission shall authorize the office of the attorney 70078
general to commence and maintain the civil action in the court of 70079
common pleas of the county in which the alleged unlawful 70080
discriminatory practices occurred. Notwithstanding the period of 70081
limitations specified in division (A)(1) of this section, the 70082
office of the attorney general shall commence the civil action 70083
within thirty days after the receipt of the commission's 70084
authorization to commence the civil action. 70085

(c) Upon commencement of the civil action in accordance with 70086
division (A)(2)(b) of this section, the commission shall prepare 70087
an order dismissing the complaint in the pending administrative 70088
matter and serve a copy of the order upon the complainant, each 70089
aggrieved person on whose behalf the complaint was issued, and the 70090
respondent. 70091

(d) If an election to have the alleged unlawful 70092
discriminatory practices addressed in a civil action is not filed 70093
in accordance with division (A)(2)(a) of this section, the 70094
commission shall continue with the administrative hearing process 70095
described in section 4112.05 of the Revised Code. 70096

(e) With respect to the issues to be determined in a civil 70097

action commenced in accordance with division (A)(2)(b) of this 70098
section, the complainant and any aggrieved person may intervene as 70099
a matter of right in that civil action. 70100

(B) If the court or the jury in a civil action under this 70101
section finds that a violation of division (H) of section 4112.02 70102
of the Revised Code is about to occur, the court may order any 70103
affirmative action it considers appropriate, including a permanent 70104
or ~~temporary~~ temporary injunction or temporary restraining order. 70105

(C) Any sale, encumbrance, or rental consummated prior to the 70106
issuance of any court order under the authority of this section 70107
and involving a bona fide purchaser, encumbrancer, or tenant 70108
without actual notice of the existence of a charge under division 70109
(H) of section 4112.02 of the Revised Code or a civil action under 70110
this section is not affected by the court order. 70111

(D) If the court or the jury in a civil action under this 70112
section finds that a violation of division (H) of section 4112.02 70113
of the Revised Code has occurred, the court shall award to the 70114
plaintiff or to the complainant or aggrieved person on whose 70115
behalf the office of the attorney general commenced or maintained 70116
the civil action, whichever is applicable, actual damages, 70117
reasonable attorney's fees, court costs incurred in the 70118
prosecution of the action, expert witness fees, and other 70119
litigation expenses, and may grant other relief that it considers 70120
appropriate, including a permanent or temporary injunction, a 70121
temporary restraining order, or other order and punitive damages. 70122

(E) Any civil action brought under this section shall be 70123
heard and determined as expeditiously as possible. 70124

(F) The court in a civil action under this section shall 70125
notify the commission of any finding pertaining to discriminatory 70126
housing practices within fifteen days after the entry of the 70127
finding. 70128

Sec. 4112.052. (A) Whenever the Ohio civil rights commission 70129
has reasonable cause to believe that any person or persons are 70130
engaged in a pattern or practice of resistance to a person or 70131
persons' full enjoyment of the rights granted by division (H) of 70132
section 4112.02 of the Revised Code, or that any group of persons 70133
has been denied any of the rights granted by that division and the 70134
denial raises an issue of public importance, the commission may 70135
refer the matter to the attorney general for commencement of a 70136
civil action in a court of common pleas. ~~The attorney general may 70137
seek any preventive relief considered necessary to ensure the full 70138
enjoyment of the rights granted by that division, including a 70139
permanent or temporary injunction or temporary restraining order.~~ 70140

(B) Whenever a person breaches a conciliation agreement that 70141
the person entered into with the Ohio civil rights commission, the 70142
civil rights commission may refer the matter to the attorney 70143
general for commencement of a civil action in a court of common 70144
pleas. 70145

(C) In any action the attorney general brings pursuant to 70146
this section, the court may do any of the following: 70147

(1) Award preventative relief, including a permanent or 70148
temporary injunction, restraining order, or other order the court 70149
considers appropriate to assure the full enjoyment of the rights 70150
granted by division (H) of section 4112.02 of the Revised Code. No 70151
statute of limitation shall apply to such an award. 70152

(2) Award actual and punitive damages and other relief that 70153
the court considers appropriate; 70154

(3) Assess a penalty not to exceed fifty thousand dollars for 70155
a first violation or one hundred thousand dollars for any 70156
subsequent violation. 70157

(D)(1) Any person may intervene upon a timely application in 70158

a civil action the attorney general commences pursuant to this 70159
section when that action involves either of the following: 70160

(a) An alleged discriminatory housing practice with respect 70161
to which the person is an aggrieved person; 70162

(b) The breach of a conciliation agreement to which the 70163
person is a party. 70164

(2) The court may grant relief to an intervening party as the 70165
court considers appropriate and as section 4112.051 of the Revised 70166
Code authorizes to be granted in a civil action. 70167

(E) Nothing in this section limits any right or remedy that a 70168
person otherwise is entitled to under law. 70169

Sec. 4113.11. (A) As specified in division (B) of this 70170
section, all employers that employ ten or more employees shall 70171
adopt and maintain a cafeteria plan that allows the employer's 70172
employees to pay for health insurance coverage by a salary 70173
reduction arrangement as permitted under section 125 of the 70174
Internal Revenue Code. 70175

(B) Employers shall comply with the requirements of division 70176
(A) of this section as follows: 70177

(1) For employers that employ more than five hundred 70178
employees, by not later than January 1, 2011, or six months after 70179
the superintendent of insurance adopts rules as required by 70180
division (D) of this section, whichever is later. 70181

(2) For employers that employ one hundred fifty to five 70182
hundred employees, by not later than July 1, 2011, or twelve 70183
months after the superintendent adopts rules as required by 70184
division (D) of this section, whichever is later. 70185

(3) For employers that employ ten to one hundred forty-nine 70186
employees, by not later than January 1, 2012, or eighteen months 70187
after the superintendent adopts rules as required by division (D) 70188

of this section, whichever is later. 70189

(C) The health care coverage and quality council created 70190
under section 3923.90 of the Revised Code shall make 70191
recommendations to the superintendent for both of the following: 70192

(1) Development of strategies to educate, assist, and conduct 70193
outreach to employers to simplify administrative processes with 70194
respect to creating and maintaining cafeteria plans, including, 70195
but not limited to, providing employers with model cafeteria plan 70196
documents and technical assistance on creating and maintaining 70197
cafeteria plans that conform with state and federal law; and 70198

(2) Development strategies to educate, assist, and conduct 70199
outreach to employees with respect to finding, selecting, and 70200
purchasing a health insurance plan to be paid for through their 70201
employer's cafeteria plan under this section. 70202

(D) The superintendent shall adopt rules in accordance with 70203
Chapter 119. of the Revised Code to implement and enforce this 70204
section, including the strategies recommended by the council 70205
pursuant to division (C) of this section. 70206

(E) As used in this section: 70207

(1) "Cafeteria plan" has the same meaning as in section 125 70208
of the Internal Revenue Code. 70209

(2) "Employer" has the same meaning as in section 4113.51 of 70210
the Revised Code. 70211

(3) "Employee" means an individual employed for consideration 70212
who works twenty-five or more hours per week or who renders any 70213
other standard of service generally accepted by custom or 70214
specified by contract as full-time employment. 70215

Sec. 4113.81. For purposes of sections 4113.81, 4113.82, 70216
4113.83, 4113.84, 4113.85, and 4113.86 of the Revised Code: 70217

(A) "Appropriate unit" means independent child care providers or independent home care providers, whichever is the subject of the bargaining activity. 70218
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(B) "Independent child care provider" means a child care provider categorized under the Revised Code as either a Type A licensed provider who does not meet the definition of employee under the National Labor Relations Act, or a Type B certified or licensed provider or an in-home aide who is not a county or state employee. The terms in this division have the same meaning as the terms defined in Chapter 5104. of the Revised Code. 70221
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(C)(1) "Independent home care provider" means any person who meets either of the following criteria: 70228
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(a) The person provides home services under a medicaid waiver component as described in section 5111.851 or 5111.87 of the Revised Code. 70230
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(b) The person provides home services through a state medicaid plan amendment as described in 42 U.S.C. 1396n(i). 70233
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(2) "Independent home care provider" does not include any person employed by a private agency for purposes of performing the activities described in division (C)(1) of this section. 70235
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(D) "Provider" means an independent child care provider or an independent home care provider. 70238
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(E) "Recipient" means any person receiving the services of an independent child care provider or an independent home care provider, or that person's parent or legal guardian. 70240
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(F) "Representative organization" means any employee organization as defined in division (D) of section 4117.01 of the Revised Code or any labor or bona fide organization in which providers participate and that exists for the purpose, in whole or in part, of dealing with the state concerning grievances, wages, 70243
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hours, terms, and other conditions of employment of providers that 70248
are within the control of the state. 70249

Sec. 4113.82. Providers may do all of the following: 70250

(A) Form, join, assist, or participate in, or refrain from 70251
forming, joining, assisting, or participating in, except as 70252
otherwise provided in sections 4113.81 to 4113.86 of the Revised 70253
Code, any representative organization of their own choosing; 70254

(B) Engage in concerted activities, other than those 70255
described in division (A) of this section, for the purpose of 70256
collective bargaining or other mutual aid and protection; 70257

(C) Be represented by a representative organization; 70258

(D) Bargain collectively with the state to determine wages, 70259
hours, terms, other conditions of employment that are within the 70260
control of the state, the continuation, modification, or deletion 70261
of an existing provision of a collective bargaining agreement, and 70262
enter into a collective bargaining agreement. 70263

(E) Present grievances and have them adjusted, without the 70264
intervention of the representative organization, so long as the 70265
adjustment is not inconsistent with the terms of any collective 70266
bargaining agreement then in effect and the representative 70267
organization has the opportunity to be present at the adjustment. 70268

Sec. 4113.83. (A) A representative organization shall become 70269
the exclusive representative of all the providers in an 70270
appropriate unit for the purpose of collective bargaining by 70271
satisfying either of the following criteria: 70272

(1) Being certified by an impartial election monitor as 70273
described in the governor's executive order 2008-02S for 70274
independent child care providers or the governor's executive order 70275
2007-23S for independent home care providers; 70276

(2) Filing a request with the state for recognition as an exclusive representative, as described in division (B) of this section, a copy of which shall be sent to the state employment relations board. 70277
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(B)(1) In the request for recognition, the representative organization shall do all of the following: 70281
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(a) Describe the bargaining unit; 70283

(b) Allege that a majority of the providers in the bargaining unit wish to be represented by the representative organization; 70284
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(c) Support the request with substantial evidence based on, and in accordance with, rules prescribed by the state employment relations board demonstrating that a majority of the providers in the bargaining unit wish to be represented by the representative organization. 70286
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(2) Immediately upon receipt of the request described in divisions (A)(2) and (B)(1) of this section, the state shall request an election in accordance with the same requirements as provided in division (A)(2) of section 4117.07 of the Revised Code. 70291
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(C) Nothing in this section shall be construed to permit the state to recognize, or the state employment relations board to certify, a representative organization as an exclusive representative if there is in effect a lawful written agreement, contract, or memorandum of understanding between the state and another representative organization that, on the effective date of this section, has been recognized by the state as the exclusive representative of the providers in an appropriate unit or that by tradition, custom, practice, election, or negotiation has been the only representative organization representing all providers in the unit. This division does not apply to any agreement that has been in effect in excess of three years. For purposes of this section, 70296
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extensions of an agreement do not affect the expiration of the 70308
original agreement. 70309

Sec. 4113.84. (A) All matters pertaining to wages, hours, 70310
terms and other conditions of employment that are within the 70311
control of the state, the continuation, modification, or deletion 70312
of an existing provision of a collective bargaining agreement 70313
shall be subject to collective bargaining between the state and 70314
the exclusive representative as described in section 4113.83 of 70315
the Revised Code, except as otherwise specified in this section. 70316

(B) This section shall not alter the unique relations between 70317
providers and recipients of care. The recipient retains the 70318
absolute right to choose providers and to control the hiring, 70319
termination, and supervision of providers. 70320

(C) This section shall not affect the ability of the state to 70321
take appropriate action when a provider is no longer eligible to 70322
provide care under state or federal law, or any rules or 70323
regulations adopted thereunder. 70324

Sec. 4113.85. The parties to any collective bargaining 70325
agreement entered into pursuant to sections 4113.81, 4113.82, 70326
4113.83, and 4113.84 of the Revised Code shall record that 70327
agreement in writing, which is to be executed by all of the 70328
parties to the agreement. The agreement shall contain the same 70329
provisions as described in divisions (B), (C), and (E) of section 70330
4117.09 of the Revised Code. Such provisions shall apply to the 70331
state, its agents or representatives, any representative 70332
organization, its agents or representatives, and to providers in 70333
the same manner as the same provisions apply to public employers, 70334
public employees, and employee organizations as described in 70335
Chapter 4117. of the Revised Code. 70336

Sec. 4113.86. The state employment relations board has the 70337

same authority as described in sections 4117.12 and 4117.13 of the 70338
Revised Code to investigate, hold hearings, make determinations, 70339
and issue complaints regarding unfair labor practices, insofar as 70340
that authority does not conflict with sections 4113.81, 4113.82, 70341
4113.83, 4113.84, 4113.85, and 4113.86 of the Revised Code. For 70342
purposes of this section, "unfair labor practice" has the same 70343
meaning as section 4117.11 of the Revised Code, except any 70344
provisions applying to public employers shall apply to the state, 70345
any provisions applying to employee organizations shall apply to 70346
representative organizations, and any provisions applying to 70347
public employees shall apply to providers. 70348

Sec. 4117.01. As used in this chapter: 70349

(A) "Person," in addition to those included in division (C) 70350
of section 1.59 of the Revised Code, includes employee 70351
organizations, public employees, and public employers. 70352

(B)(1) "Public employer" means the state or any political 70353
subdivision of the state located entirely within the state, 70354
including, without limitation, any municipal corporation with a 70355
population of at least five thousand according to the most recent 70356
federal decennial census; county; township with a population of at 70357
least five thousand in the unincorporated area of the township 70358
according to the most recent federal decennial census; school 70359
district; governing authority of a community school established 70360
under Chapter 3314. of the Revised Code; state institution of 70361
higher learning; public or special district; state agency, 70362
authority, commission, or board; or other branch of public 70363
employment. 70364

(2) With respect to permanent, full-time, paid members of a 70365
fire department of a township, "public employer" also means a 70366
township, regardless of the population of the township. 70367

- (C) "Public employee" means any person holding a position by appointment or employment in the service of a public employer, including any person working pursuant to a contract between a public employer and a private employer and over whom the national labor relations board has declined jurisdiction on the basis that the involved employees are employees of a public employer, except:
- (1) Persons holding elective office;
 - (2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body;
 - (3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive;
 - (4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;
 - (5) Employees of the state employment relations board, including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review;
 - (6) Confidential employees;
 - (7) Management level employees;
 - (8) ~~Employees and officers of the courts, assistants~~ Assistants to the attorney general, and assistant prosecuting attorneys, ~~and employees of the clerks of courts who perform a judicial function;~~
 - (9) Employees of a public official who act in a fiduciary

capacity, appointed pursuant to section 124.11 of the Revised Code;	70398 70399
(10) Supervisors;	70400
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	70401 70402 70403 70404 70405
(12) Employees of county boards of election;	70406
(13) Seasonal and casual employees as determined by the state employment relations board;	70407 70408
(14) Part-time faculty members of an institution of higher education;	70409 70410
(15) Employees of the state personnel board of review;	70411
(16) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	70412 70413 70414 70415 70416 70417
(17) (16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	70418 70419 70420
(18) Employees of community based correctional facilities and district community based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005.	70421 70422 70423 70424
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public	70425 70426 70427

employers concerning grievances, labor disputes, wages, hours, 70428
terms, and other conditions of employment. 70429

(E) "Exclusive representative" means the employee 70430
organization certified or recognized as an exclusive 70431
representative under section 4117.05 of the Revised Code. 70432

(F) "Supervisor" means any individual who has authority, in 70433
the interest of the public employer, to hire, transfer, suspend, 70434
lay off, recall, promote, discharge, assign, reward, or discipline 70435
other public employees; to responsibly direct them; to adjust 70436
their grievances; or to effectively recommend such action, if the 70437
exercise of that authority is not of a merely routine or clerical 70438
nature, but requires the use of independent judgment, provided 70439
that: 70440

(1) Employees of school districts who are department 70441
chairpersons or consulting teachers shall not be deemed 70442
supervisors; 70443

(2) With respect to members of a police or fire department, 70444
no person shall be deemed a supervisor except the chief of the 70445
department or those individuals who, in the absence of the chief, 70446
are authorized to exercise the authority and perform the duties of 70447
the chief of the department. Where prior to June 1, 1982, a public 70448
employer pursuant to a judicial decision, rendered in litigation 70449
to which the public employer was a party, has declined to engage 70450
in collective bargaining with members of a police or fire 70451
department on the basis that those members are supervisors, those 70452
members of a police or fire department do not have the rights 70453
specified in this chapter for the purposes of future collective 70454
bargaining. The state employment relations board shall decide all 70455
disputes concerning the application of division (F)(2) of this 70456
section. 70457

(3) With respect to faculty members of a state institution of 70458

higher education, heads of departments or divisions are 70459
supervisors; however, no other faculty member or group of faculty 70460
members is a supervisor solely because the faculty member or group 70461
of faculty members participate in decisions with respect to 70462
courses, curriculum, personnel, or other matters of academic 70463
policy; 70464

(4) No teacher as defined in section 3319.09 of the Revised 70465
Code shall be designated as a supervisor or a management level 70466
employee unless the teacher is employed under a contract governed 70467
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 70468
is assigned to a position for which a license deemed to be for 70469
administrators under state board rules is required pursuant to 70470
section 3319.22 of the Revised Code. 70471

(G) "To bargain collectively" means to perform the mutual 70472
obligation of the public employer, by its representatives, and the 70473
representatives of its employees to negotiate in good faith at 70474
reasonable times and places with respect to wages, hours, terms, 70475
and other conditions of employment and the continuation, 70476
modification, or deletion of an existing provision of a collective 70477
bargaining agreement, with the intention of reaching an agreement, 70478
or to resolve questions arising under the agreement. "To bargain 70479
collectively" includes executing a written contract incorporating 70480
the terms of any agreement reached. The obligation to bargain 70481
collectively does not mean that either party is compelled to agree 70482
to a proposal nor does it require the making of a concession. 70483

(H) "Strike" means continuous concerted action in failing to 70484
report to duty; willful absence from one's position; or stoppage 70485
of work in whole from the full, faithful, and proper performance 70486
of the duties of employment, for the purpose of inducing, 70487
influencing, or coercing a change in wages, hours, terms, and 70488
other conditions of employment. "Strike" does not include a 70489
stoppage of work by employees in good faith because of dangerous 70490

or unhealthful working conditions at the place of employment that 70491
are abnormal to the place of employment. 70492

(I) "Unauthorized strike" includes, but is not limited to, 70493
concerted action during the term or extended term of a collective 70494
bargaining agreement or during the pendency of the settlement 70495
procedures set forth in section 4117.14 of the Revised Code in 70496
failing to report to duty; willful absence from one's position; 70497
stoppage of work; slowdown, or abstinence in whole or in part from 70498
the full, faithful, and proper performance of the duties of 70499
employment for the purpose of inducing, influencing, or coercing a 70500
change in wages, hours, terms, and other conditions of employment. 70501
"Unauthorized strike" includes any such action, absence, stoppage, 70502
slowdown, or abstinence when done partially or intermittently, 70503
whether during or after the expiration of the term or extended 70504
term of a collective bargaining agreement or during or after the 70505
pendency of the settlement procedures set forth in section 4117.14 70506
of the Revised Code. 70507

(J) "Professional employee" means any employee engaged in 70508
work that is predominantly intellectual, involving the consistent 70509
exercise of discretion and judgment in its performance and 70510
requiring knowledge of an advanced type in a field of science or 70511
learning customarily acquired by a prolonged course in an 70512
institution of higher learning or a hospital, as distinguished 70513
from a general academic education or from an apprenticeship; or an 70514
employee who has completed the courses of specialized intellectual 70515
instruction and is performing related work under the supervision 70516
of a professional person to become qualified as a professional 70517
employee. 70518

(K) "Confidential employee" means any employee who works in 70519
the personnel offices of a public employer and deals with 70520
information to be used by the public employer in collective 70521
bargaining; or any employee who works in a close continuing 70522

relationship with public officers or representatives directly 70523
participating in collective bargaining on behalf of the employer. 70524

(L) "Management level employee" means an individual who 70525
formulates policy on behalf of the public employer, who 70526
responsibly directs the implementation of policy, or who may 70527
reasonably be required on behalf of the public employer to assist 70528
in the preparation for the conduct of collective negotiations, 70529
administer collectively negotiated agreements, or have a major 70530
role in personnel administration. Assistant superintendents, 70531
principals, and assistant principals whose employment is governed 70532
by section 3319.02 of the Revised Code are management level 70533
employees. With respect to members of a faculty of a state 70534
institution of higher education, no person is a management level 70535
employee because of the person's involvement in the formulation or 70536
implementation of academic or institution policy. 70537

(M) "Wages" means hourly rates of pay, salaries, or other 70538
forms of compensation for services rendered. 70539

(N) "Member of a police department" means a person who is in 70540
the employ of a police department of a municipal corporation as a 70541
full-time regular police officer as the result of an appointment 70542
from a duly established civil service eligibility list or under 70543
section 737.15 or 737.16 of the Revised Code, a full-time deputy 70544
sheriff appointed under section 311.04 of the Revised Code, a 70545
township constable appointed under section 509.01 of the Revised 70546
Code, or a member of a township police district police department 70547
appointed under section 505.49 of the Revised Code. 70548

(O) "Members of the state highway patrol" means highway 70549
patrol troopers and radio operators appointed under section 70550
5503.01 of the Revised Code. 70551

(P) "Member of a fire department" means a person who is in 70552
the employ of a fire department of a municipal corporation or a 70553

township as a fire cadet, full-time regular firefighter, or 70554
promoted rank as the result of an appointment from a duly 70555
established civil service eligibility list or under section 70556
505.38, 709.012, or 737.22 of the Revised Code. 70557

(Q) "Day" means calendar day. 70558

Sec. 4117.02. (A) There is hereby created the state 70559
employment relations board, consisting of three members to be 70560
appointed by the governor with the advice and consent of the 70561
senate. Members shall be knowledgeable about labor relations or 70562
personnel practices. No more than two of the three members shall 70563
belong to the same political party. A member of the state 70564
employment relations board during the member's period of service 70565
shall hold no other public office or public or private employment 70566
and shall allow no other responsibilities to interfere or conflict 70567
with the member's duties as a full-time state employment relations 70568
board member. Of the initial appointments made to the state 70569
employment relations board, one shall be for a term ending October 70570
6, 1984, one shall be for a term ending October 6, 1985, and one 70571
shall be for a term ending October 6, 1986. Thereafter, terms of 70572
office shall be for six years, each term ending on the same day of 70573
the same month of the year as did the term that it succeeds. Each 70574
member shall hold office from the date of the member's appointment 70575
until the end of the term for which the member is appointed. Any 70576
member appointed to fill a vacancy occurring prior to the 70577
expiration of the term for which the member's predecessor was 70578
appointed shall hold office for the remainder of the term. Any 70579
member shall continue in office subsequent to the expiration of 70580
the member's term until the member's successor takes office or 70581
until a period of sixty days has elapsed, whichever occurs first. 70582
The governor may remove any member of the state employment 70583
relations board, upon notice and public hearing, for neglect of 70584
duty or malfeasance in office, but for no other cause. 70585

(B)(1) The governor shall designate one member of the state employment relations board to serve as chairperson of the state employment relations board. The chairperson is the head of the state employment relations board and its chief executive officer.

(2) The chairperson shall exercise all administrative powers and duties conferred upon the state employment relations board under this chapter and shall do all of the following:

(a) ~~Except as provided in division (F)(2) of this section,~~ Employ, promote, supervise, and remove all employees of the state employment relations board, and establish, change, or abolish positions and assign or reassign the duties of those employees as the chairperson determines necessary to achieve the most efficient performance of the ~~board's~~ duties of the state employment relations board under this chapter;

(b) Determine the utilization by the state personnel board of review of employees of the state employment relations board as necessary for the state personnel board of review to exercise the powers and perform the duties of the state personnel board of review.

(c) Maintain the office of the state employment relations board in Columbus and manage the office's daily operations, including securing offices, facilities, equipment, and supplies necessary to house the state employment relations board, employees of the state employment relations board, the state personnel board of review, and files and records under the ~~board's~~ control of the state employment relations board and under the control of the state personnel board of review;

~~(e)~~(d) Prepare and submit to the office of budget and management a budget for each biennium according to section 107.03 of the Revised Code, and include in the budget the costs of the state employment relations board and its staff and the ~~board's~~

costs of the state employment relations board in discharging any 70617
duty imposed by law upon the state employment relations board, the 70618
chairperson, or any of the ~~board's~~ employees or agents of the 70619
state employment relations board, and the costs of the state 70620
personnel board of review in discharging any duty imposed by law 70621
on the state personnel board of review or an agent of the state 70622
personnel board of review. 70623

(C) The vacancy on the state employment relations board does 70624
not impair the right of the remaining members to exercise all the 70625
powers of the state employment relations board, and two members of 70626
the state employment relations board, at all times, constitute a 70627
quorum. The state employment relations board shall have an 70628
official seal of which courts shall take judicial notice. 70629

(D) The state employment relations board shall make an annual 70630
report in writing to the governor and to the general assembly, 70631
stating in detail the work it has done. 70632

(E) Compensation of the chairperson and members shall be in 70633
accordance with division (J) of section 124.15 of the Revised 70634
Code. The chairperson and the members are eligible for 70635
reappointment. In addition to such compensation, all members shall 70636
be reimbursed for their necessary expenses incurred in the 70637
performance of their work as members. 70638

(F)(1) The chairperson, after consulting with the other state 70639
employment relations board members and receiving the consent of at 70640
least one other board member, shall appoint an executive director. 70641
The chairperson also shall appoint attorneys and ~~attorney trial~~ 70642
~~examiners~~ shall appoint an assistant executive director who shall 70643
be an attorney admitted to practice law in this state and who 70644
shall serve as a liaison to the attorney general on legal matters 70645
before the state employment relations board. 70646

(2) The state employment relations board shall appoint 70647

~~mediators, arbitrators, members of fact-finding panels, and~~ 70648
~~directors for local areas,~~ and shall prescribe their job duties. 70649

(G)(1) The executive director shall serve at the pleasure of 70650
the chairperson. The executive director, under the direction of 70651
the chairperson, shall do all of the following: 70652

(a) Act as chief administrative officer for the state 70653
employment relations board; 70654

(b) Ensure that all employees of the state employment 70655
relations board comply with the rules of the state employment 70656
relations board; 70657

(c) Do all things necessary for the efficient and effective 70658
implementation of the duties of the state employment relations 70659
board. 70660

(2) The duties of the executive director described in 70661
division (G)(1) of this section do not relieve the chairperson 70662
from final responsibility for the proper performance of the duties 70663
described in that division. 70664

(H) The attorney general shall be the legal adviser of the 70665
state employment relations board and shall appear for and 70666
represent the state employment relations board and its agents in 70667
all legal proceedings. The state employment relations board may 70668
utilize regional, local, or other agencies, and utilize voluntary 70669
and uncompensated services as needed. The state employment 70670
relations board may contract with the federal mediation and 70671
conciliation service for the assistance of mediators, arbitrators, 70672
and other personnel the service makes available. The ~~board and the~~ 70673
~~chairperson, respectively,~~ shall appoint all employees on the 70674
basis of training, practical experience, education, and character, 70675
notwithstanding the requirements established by section 119.09 of 70676
the Revised Code. The ~~board~~ chairperson shall give special regard 70677
to the practical training and experience that employees have for 70678

the particular position involved. ~~All full-time employees of the~~ 70679
~~board excepting the~~ The executive director, ~~the head of the bureau~~ 70680
~~of mediation~~ assistant executive director, administrative law 70681
judges, employees holding a fiduciary or administrative relation 70682
to the state employment relations board as described in division 70683
(A)(9) of section 124.11 of the Revised Code, and the personal 70684
secretaries and assistants of the state employment relations board 70685
members are in the ~~classified~~ unclassified service. All other 70686
full-time employees of the state employment relations board are in 70687
the classified service. All employees of the state employment 70688
relations board shall be paid in accordance with Chapter 124. of 70689
the Revised Code. 70690

(I) The ~~board~~ chairperson shall select and assign ~~examiners~~ 70691
administrative law judges and other agents whose functions are to 70692
conduct hearings with due regard to their impartiality, judicial 70693
temperament, and knowledge. If in any proceeding under this 70694
chapter, any party prior to five days before the hearing thereto 70695
files with the state employment relations board a sworn statement 70696
charging that the ~~examiner~~ administrative law judge or other agent 70697
designated to conduct the hearing is biased or partial in the 70698
proceeding, the state employment relations board may disqualify 70699
the person and designate another ~~examiner~~ administrative law judge 70700
or agent to conduct the proceeding. At least ten days before any 70701
hearing, the state employment relations board shall notify all 70702
parties to a proceeding of the name of the ~~examiner~~ administrative 70703
law judge or agent designated to conduct the hearing. 70704

(J) The principal office of the state employment relations 70705
board is in Columbus, but it may meet and exercise any or all of 70706
its powers at any other place within the state. The state 70707
employment relations board may, by one or more of its employees, 70708
or any agents or agencies it designates, conduct in any part of 70709
this state any proceeding, hearing, investigation, inquiry, or 70710

election necessary to the performance of its functions; provided, 70711
that no person so designated may later sit in determination of an 70712
appeal of the decision of that cause or matter. 70713

(K) In addition to the powers and functions provided in other 70714
sections of this chapter, the state employment relations board 70715
shall do all of the following: 70716

(1) Create a bureau of mediation within the state employment 70717
relations board, to perform the functions provided in section 70718
4117.14 of the Revised Code. This bureau shall also establish, 70719
after consulting representatives of employee organizations and 70720
public employers, panels of qualified persons to be available to 70721
serve as members of fact-finding panels and arbitrators. 70722

(2) Conduct studies of problems involved in representation 70723
and negotiation and make recommendations for legislation; 70724

(3) Hold hearings pursuant to this chapter and, for the 70725
purpose of the hearings and inquiries, administer oaths and 70726
affirmations, examine witnesses and documents, take testimony and 70727
receive evidence, compel the attendance of witnesses and the 70728
production of documents by the issuance of subpoenas, and delegate 70729
these powers to any members of the state employment relations 70730
board or any ~~attorney trial examiner appointed~~ administrative law 70731
judge employed by the state employment relations board for the 70732
performance of its functions; 70733

(4) Train representatives of employee organizations and 70734
public employers in the rules and techniques of collective 70735
bargaining procedures; 70736

(5) Make studies and analyses of, and act as a clearinghouse 70737
of information relating to, conditions of employment of public 70738
employees throughout the state and request assistance, services, 70739
and data from any public employee organization, public employer, 70740
or governmental unit. Public employee organizations, public 70741

employers, and governmental units shall provide such assistance, 70742
services, and data as will enable the state employment relations 70743
board to carry out its functions and powers. 70744

(6) Make available to employee organizations, public 70745
employers, mediators, fact-finding panels, arbitrators, and joint 70746
study committees statistical data relating to wages, benefits, and 70747
employment practices in public and private employment applicable 70748
to various localities and occupations to assist them to resolve 70749
issues in negotiations; 70750

(7) Notwithstanding section 119.13 of the Revised Code, 70751
establish standards of persons who practice before it; 70752

(8) Adopt, amend, and rescind rules and procedures and 70753
exercise other powers appropriate to carry out this chapter. 70754
Before the adoption, amendment, or rescission of rules and 70755
procedures under this section, the state employment relations 70756
board shall do all of the following: 70757

(a) Maintain a list of interested public employers and 70758
employee organizations and mail notice to such groups of any 70759
proposed rule or procedure, amendment thereto, or rescission 70760
thereof at least thirty days before any public hearing thereon; 70761

(b) Mail a copy of each proposed rule or procedure, amendment 70762
thereto, or rescission thereof to any person who requests a copy 70763
within five days after receipt of the request therefor; 70764

(c) Consult with appropriate statewide organizations 70765
representing public employers or employees who would be affected 70766
by the proposed rule or procedure. 70767

Although the state employment relations board is expected to 70768
discharge these duties diligently, failure to mail any notice or 70769
copy, or to so consult with any person, is not jurisdictional and 70770
shall not be construed to invalidate any proceeding or action of 70771
the state employment relations board. 70772

(L) In case of neglect or refusal to obey a subpoena issued 70773
to any person, the court of common pleas of the county in which 70774
the investigation or the public hearing occurs, upon application 70775
by the state employment relations board, may issue an order 70776
requiring the person to appear before the state employment
relations board and give testimony about the matter under 70777
investigation. The court may punish a failure to obey the order as 70778
contempt. 70779
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(M) Any subpoena, notice of hearing, or other process or 70781
notice of the state employment relations board issued under this 70782
section may be served personally, by certified mail, or by leaving 70783
a copy at the principal office or personal residence of the 70784
respondent required to be served. A return, made and verified by 70785
the individual making the service and setting forth the manner of 70786
service, is proof of service, and a return post office receipt, 70787
when certified mail is used, is proof of service. All process in 70788
any court to which application is made under this chapter may be 70789
served in the county wherein the persons required to be served 70790
reside or are found. 70791

(N) All expenses of the state employment relations board, 70792
including all necessary traveling and subsistence expenses 70793
incurred by the members or employees of the state employment
relations board under its orders, shall be paid pursuant to 70794
itemized vouchers approved by the chairperson of the state
employment relations board, the executive director, or both, or 70797
such other person as the chairperson designates for that purpose. 70798

(O) Whenever the state employment relations board determines 70799
that a substantial controversy exists with respect to the 70800
application or interpretation of this chapter and the matter is of 70801
public or great general interest, the state employment relations
board shall certify its final order directly to the court of 70802
appeals having jurisdiction over the area in which the principal 70803
70804

office of the public employer directly affected by the application 70805
or interpretation is located. The chairperson shall file with the 70806
clerk of the court a certified copy of the transcript of the 70807
proceedings before the state employment relations board pertaining 70808
to the final order. If upon hearing and consideration the court 70809
decides that the final order of the state employment relations 70810
board is unlawful or is not supported by substantial evidence on 70811
the record as a whole, the court shall reverse and vacate the 70812
final order or modify it and enter final judgment in accordance 70813
with the modification; otherwise, the court shall affirm the final 70814
order. The notice of the final order of the state employment 70815
relations board to the interested parties shall contain a 70816
certification by the chairperson of the state employment relations 70817
board that the final order is of public or great general interest 70818
and that a certified transcript of the record of the proceedings 70819
before the state employment relations board had been filed with 70820
the clerk of the court as an appeal to the court. For the purposes 70821
of this division, the state employment relations board has 70822
standing to bring its final order properly before the court of 70823
appeals. 70824

(P) Except as otherwise specifically provided in this 70825
section, the state employment relations board is subject to 70826
Chapter 119. of the Revised Code, including the procedure for 70827
submission of proposed rules to the general assembly for 70828
legislative review under division (H) of section 119.03 of the 70829
Revised Code. 70830

Sec. 4117.07. (A) When a petition is filed, in accordance 70831
with rules prescribed by the state employment relations board: 70832

(1) By any employee or group of employees, or any individual 70833
or employee organization acting in their behalf, alleging that at 70834
least thirty per cent of the employees in an appropriate unit wish 70835

to be represented for collective bargaining by an exclusive 70836
representative, or asserting that the designated exclusive 70837
representative is no longer the representative of the majority of 70838
employees in the unit, the board shall investigate the petition, 70839
and if it has reasonable cause to believe that a question of 70840
representation exists, provide for an appropriate hearing upon due 70841
notice to the parties; 70842

(2) By the employer alleging that one or more employee 70843
organizations has presented to it a claim to be recognized as the 70844
exclusive representative in an appropriate unit, the board shall 70845
investigate the petition, and if it has reasonable cause to 70846
believe that a question of representation exists, provide for an 70847
appropriate hearing upon due notice to the parties. 70848

If the board finds upon the record of a hearing that a 70849
question of representation exists, it shall direct an election and 70850
certify the results thereof. No one may vote in an election by 70851
~~mail or~~ proxy. The board may also certify an employee organization 70852
as an exclusive representative if it determines that a free and 70853
untrammelled election cannot be conducted because of the 70854
employer's unfair labor practices and that at one time the 70855
employee organization had the support of the majority of the 70856
employees in the unit. 70857

(B) Only the names of those employee organizations designated 70858
by more than ten per cent of the employees in the unit found to be 70859
appropriate may be placed on the ballot. Nothing in this section 70860
shall be construed to prohibit the waiving of hearings by 70861
stipulation, in conformity with the rules of the board, for the 70862
purpose of a consent election. 70863

(C) The board shall conduct representation elections by 70864
secret ballot cast, at the board's discretion, by mail or 70865
electronically or in person, and at times and places selected by 70866
the board subject to the following: 70867

(1) The board shall give no less than ten days' notice of the time and place of an election; 70868
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(2) The board shall establish rules concerning the conduct of any election including, but not limited to, rules to guarantee the secrecy of the ballot; 70870
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(3) The board may not certify a representative unless the representative receives a majority of the valid ballots cast; 70873
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(4) Except as provided in this section, the board shall include on the ballot a choice of "no representative"; 70875
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(5) In an election where none of the choices on the ballot receives a majority, the board shall conduct a runoff election. In that case, the ballot shall provide for a selection between the two choices or parties receiving the highest and the second highest number of ballots cast in the election. 70877
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(6) The board may not conduct an election under this section in any appropriate bargaining unit within which a board-conducted election was held in the preceding twelve-month period, nor during the term of any lawful collective bargaining agreement between a public employer and an exclusive representative. 70882
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Petitions for elections may be filed with the board no sooner than one hundred twenty days or later than ninety days before the expiration date of any collective bargaining agreement, or after the expiration date, until the public employer and exclusive representative enter into a new written agreement. 70887
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For the purposes of this section, extensions of agreements do not affect the expiration date of the original agreement. 70892
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Sec. 4117.12. (A) Whoever violates section 4117.11 of the Revised Code is guilty of an unfair labor practice remediable by the state employment relations board as specified in this section. 70894
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(B) When anyone files a charge with the board alleging that 70897

an unfair labor practice has been committed, the board or its 70898
designated agent shall investigate the charge. If the board has 70899
probable cause for believing that a violation has occurred, the 70900
board shall issue a complaint and shall conduct a hearing 70901
concerning the charge. The board shall cause the complaint to be 70902
served upon the charged party which shall contain a notice of the 70903
time at which the hearing on the complaint will be held either 70904
before the board, a board member, or ~~a hearing officer~~ an 70905
administrative law judge. The board may not issue a notice of 70906
hearing based upon any unfair labor practice occurring more than 70907
ninety days prior to the filing of the charge with the board, 70908
unless the person aggrieved thereby is prevented from filing the 70909
charge by reason of service in the armed forces, in which event 70910
the ninety-day period shall be computed from the day of ~~his~~ the 70911
person's discharge. If the board dismisses a complaint as 70912
frivolous, it shall assess costs to the complainant pursuant to 70913
its standards governing such matters, and for that purpose, the 70914
board shall adopt a rule defining the standards by which the board 70915
will declare a complaint to be frivolous and the costs that will 70916
be assessed accordingly. 70917

(1) The board, board member, or ~~hearing officer~~ 70918
administrative law judge shall hold a hearing on the charge within 70919
ten days after service of the complaint. The board may amend a 70920
complaint, upon receipt of a notice from the charging party, at 70921
any time prior to the close of the hearing, and the charged party 70922
shall within ten days from receipt of the complaint or amendment 70923
to the complaint, file an answer to the complaint or amendment to 70924
the complaint. The charged party may file an answer to an original 70925
or amended complaint. The agents of the board and the person 70926
charged are parties and may appear or otherwise give evidence at 70927
the hearing. At the discretion of the board, board member, or 70928
~~hearing officer~~ administrative law judge, any interested party may 70929
intervene and present evidence at the hearing. The board, board 70930

member, or ~~hearing officer~~ administrative law judge is not bound 70931
by the rules of evidence prevailing in the courts. 70932

(2) A board member or ~~hearing officer~~ administrative law 70933
judge who conducts the hearing shall reduce the evidence taken to 70934
writing and file it with the board. The board member or the 70935
~~hearing officer~~ administrative law judge may thereafter take 70936
further evidence or hear further argument if notice is given to 70937
all interested parties. The ~~hearing officer~~ administrative law 70938
judge or board member shall issue to the parties a proposed 70939
decision, together with a recommended order and file it with the 70940
board. If the parties file no exceptions within twenty days after 70941
service thereof, the recommended order becomes the order of the 70942
board effective as therein prescribed. If the parties file 70943
exceptions to the proposed report, the board shall determine 70944
whether substantial issues have been raised. The board may rescind 70945
or modify the proposed order of the board member or ~~hearing~~ 70946
~~officer~~ administrative law judge; however, if the board determines 70947
that the exceptions do not raise substantial issues of fact or 70948
law, it may refuse to grant review, and the recommended order 70949
becomes effective as therein prescribed. 70950

(3) If upon the preponderance of the evidence taken, the 70951
board believes that any person named in the complaint has engaged 70952
in any unfair labor practice, the board shall state its findings 70953
of fact and issue and cause to be served on the person an order 70954
requiring that ~~he~~ the person cease and desist from these unfair 70955
labor practices, and take such affirmative action, including 70956
reinstatement of employees with or without back pay, as will 70957
effectuate the policies of Chapter 4117. of the Revised Code. If 70958
upon a preponderance of the evidence taken, the board believes 70959
that the person named in the complaint has not engaged in an 70960
unfair labor practice it shall state its findings of fact and 70961
issue an order dismissing the complaint. 70962

(4) The board may order the public employer to reinstate the public employee and further may order either the public employer or the employee organization, depending on who was responsible for the discrimination suffered by the public employee, to make such payment of back pay to the public employee as the board determines. No order of the board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or require the payment to ~~him~~ the employee of any back pay, if the suspension or discharge was for just cause not related to rights provided in section 4117.03 of the Revised Code and the procedure contained in the collective bargaining agreement governing suspension or discharge was followed. The order of the board may require the party against whom the order is issued to make periodic reports showing the extent to which ~~he~~ the party has complied with the order.

(C) Whenever a complaint alleges that a person has engaged in an unfair labor practice and that the complainant will suffer substantial and irreparable injury if not granted temporary relief, the board may petition the court of common pleas for any county wherein the alleged unfair labor practice in question occurs, or wherein any person charged with the commission of any unfair labor practice resides or transacts business for appropriate injunctive relief, pending the final adjudication by the board with respect to the matter. Upon the filing of any petition, the court shall cause notice thereof to be served upon the parties, and thereupon has jurisdiction to grant the temporary relief or restraining order it considers just and proper.

(D) Until the record in a case is filed in a court, as specified in Chapter 4117. of the Revised Code, the board may at any time upon reasonable notice and in a manner it considers proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

Sec. 4117.24. (A) The training, publications, and grants fund 70995
is hereby created in the state treasury. The state employment 70996
relations board shall deposit into the training, publications, and 70997
grants fund all moneys received from the following sources: 70998

~~(A)~~(1) Payments received by the state employment relations 70999
board for copies of documents, rulebooks, and other publications; 71000

~~(B)~~(2) Fees received from seminar participants; 71001

~~(C)~~(3) Receipts from the sale of clearinghouse data; 71002

~~(D)~~(4) Moneys received from grants, donations, awards, 71003
bequests, gifts, reimbursements, and similar funds; 71004

~~(E)~~(5) Reimbursement received for professional services and 71005
expenses related to professional services; 71006

~~(F)~~(6) Funds received to support the development of labor 71007
relations services and programs. ~~The;~~ 71008

(7) Moneys received by the state personnel board of review 71009
pursuant to division (C) of section 124.03 of the Revised Code. 71010

(B) The state employment relations board shall use all moneys 71011
deposited into the training, publications, and grants fund to 71012
defray ~~the~~ all of the following: 71013

(1) The costs of furnishing and making available copies of 71014
documents, rulebooks, and other publications; ~~the~~ 71015

(2) The costs of planning, organizing, and conducting 71016
training seminars; ~~the~~ 71017

(3) The costs associated with grant projects, innovative 71018
labor-management cooperation programs, research projects related 71019
to these grants and programs, and the advancement in 71020
professionalism of public sector relations; ~~the~~ 71021

(4) The professional development of state employment 71022
relations board employees; ~~and the~~ 71023

(5) The costs of compiling clearinghouse data; 71024

(6) The cost of producing the administrative record of the 71025
state personnel board of review. 71026

The state employment relations board may seek, solicit, apply 71027
for, receive, and accept grants, gifts, and contributions of 71028
money, property, labor, and other things of value to be held for, 71029
used for, and applied to only the purpose for which the grants, 71030
gifts, and contributions are made, from individuals, private and 71031
public corporations, the United States or any agency thereof, the 71032
state or any agency thereof, and any political subdivision of the 71033
state, and may enter into any contract with any such public or 71034
private source in connection therewith to be held for, used for, 71035
and applied to only the purposes for which such grants are made 71036
and contracts are entered into, all subject to and in accordance 71037
with the purposes of this chapter. Any money received from the 71038
grants, gifts, contributions, or contracts shall be deposited into 71039
the training, publications, and grants fund. 71040

Sec. 4121.125. (A) The bureau of workers' compensation board 71041
of directors, based upon recommendations of the workers' 71042
compensation actuarial committee, may contract with one or more 71043
outside actuarial firms and other professional persons, as the 71044
board determines necessary, to assist the board in measuring the 71045
performance of Ohio's workers' compensation system and in 71046
comparing Ohio's workers' compensation system to other state and 71047
private workers' compensation systems. The board, actuarial firm 71048
or firms, and professional persons shall make such measurements 71049
and comparisons using accepted insurance industry standards, 71050
including, but not limited to, standards promulgated by the 71051
National Council on Compensation Insurance. 71052

(B) The board may contract with one or more outside firms to 71053
conduct management and financial audits of the workers' 71054

compensation system, including audits of the reserve fund 71055
belonging to the state insurance fund, and to establish objective 71056
quality management principles and methods by which to review the 71057
performance of the workers' compensation system. 71058

(C) The board shall do all of the following: 71059

(1) Contract to have prepared annually by or under the 71060
supervision of an actuary a report that meets the requirements 71061
specified under division (E) of this section and that consists of 71062
an actuarial valuation of the assets, liabilities, and funding 71063
requirements of the state insurance fund and all other funds 71064
specified in this chapter and Chapters 4123., 4127., and 4131. of 71065
the Revised Code; 71066

(2) Require that the actuary or person supervised by an 71067
actuary referred to in division (C)(1) of this section complete 71068
the valuation in accordance with the actuarial standards of 71069
practice promulgated by the actuarial standards board of the 71070
American academy of actuaries; 71071

(3) Submit the report referred to in division (C)(1) of this 71072
section to the workers' compensation council and the standing 71073
committees of the house of representatives and the senate with 71074
primary responsibility for workers' compensation legislation not 71075
later than the first day of September following the year for which 71076
the valuation was made; 71077

(4) Have an actuary or a person who provides actuarial 71078
services under the supervision of an actuary, at such time as the 71079
board determines, and at least once during the five-year period 71080
that commences on ~~the effective date of this amendment~~ September 71081
10, 2007, and once within each five-year period thereafter, 71082
conduct an actuarial investigation of the experience of employers, 71083
the mortality, service, and injury rate of employees, and the 71084
payment of temporary total disability, permanent partial 71085

disability, and permanent total disability under sections 4123.56 71086
to 4123.58 of the Revised Code to update the actuarial assumptions 71087
used in the report required by division (C)(1) of this section; 71088

71089

(5) Submit the report required under division (F) of this 71090
section to the council and the standing committees of the house of 71091
representatives and the senate with primary responsibility for 71092
workers' compensation legislation not later than the first day of 71093
November following the fifth year of the period that the report 71094
covers; 71095

(6) Have prepared by or under the supervision of an actuary 71096
an actuarial analysis of any introduced legislation expected to 71097
have a measurable financial impact on the workers' compensation 71098
system; 71099

(7) Submit the report required under division (G) of this 71100
section to the legislative service commission, the standing 71101
committees of the house of representatives and the senate with 71102
primary responsibility for workers' compensation legislation, and 71103
the council not later than sixty days after the date of 71104
introduction of the legislation. 71105

(D) The administrator of workers' compensation and the 71106
industrial commission shall compile information and provide access 71107
to records of the bureau and the industrial commission to the 71108
board to the extent necessary for fulfillment of both of the 71109
following requirements: 71110

(1) Conduct of the measurements and comparisons described in 71111
division (A) of this section; 71112

(2) Conduct of the management and financial audits and 71113
establishment of the principles and methods described in division 71114
(B) of this section. 71115

(E) The firm or person with whom the board contracts pursuant 71116

to division (C)(1) of this section shall prepare a report of the 71117
valuation and submit the report to the board. The firm or person 71118
shall include all of the following information in the report that 71119
is required under division (C)(1) of this section: 71120

(1) A summary of the compensation and benefit provisions 71121
evaluated; 71122

(2) A summary of the census data and financial information 71123
used in the valuation; 71124

(3) A description of the actuarial assumptions, actuarial 71125
cost method, and asset valuation method used in the valuation; 71126

(4) A summary of findings that includes a statement of the 71127
actuarial accrued compensation and benefit liabilities and 71128
unfunded actuarial accrued compensation and benefit liabilities; 71129

(5) A schedule showing the effect of any changes in the 71130
compensation and benefit provisions, actuarial assumptions, or 71131
cost methods since the previous annual actuarial valuation report 71132
was submitted to the board. 71133

(F) The actuary or person whom the board designates to 71134
conduct an actuarial investigation under division (C)(4) of this 71135
section shall prepare a report of the actuarial investigation and 71136
shall submit the report to the board. The actuary or person shall 71137
prepare the report and make any recommended changes in actuarial 71138
assumptions in accordance with the actuarial standards of practice 71139
promulgated by the actuarial standards board of the American 71140
academy of actuaries. The actuary or person shall include all of 71141
the following information in the report: 71142

(1) A summary of relevant decrement and economic assumption 71143
experience; 71144

(2) Recommended changes in actuarial assumptions to be used 71145
in subsequent actuarial valuations required by division (C)(1) of 71146

this section; 71147

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions. 71148
71149

(G) The actuary or person whom the board designates to conduct the actuarial analysis under division (C)(6) of this section shall prepare a report of the actuarial analysis and shall submit that report to the board. The actuary or person shall complete the analysis in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The actuary or person shall include all of the following information in the report: 71150
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(1) A summary of the statutory changes being evaluated; 71158

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report; 71159
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(3) A description of the participant group or groups included in the report; 71161
71162

(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in employer premiums, in actuarial accrued liabilities, and, if an increase in actuarial accrued liabilities is predicted, the per cent of premium increase that would be required to amortize the increase in those liabilities as a level per cent of employer premiums over a period not to exceed thirty years. 71163
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(5) A statement of whether the employer premiums paid to the bureau of workers' compensation after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board. 71170
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(H) The board may, at any time, request an actuary to make any studies or actuarial valuations to determine the adequacy of the premium rates established by the administrator in accordance 71174
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with sections 4123.29 and 4123.34 of the Revised Code, and may 71177
adjust those rates as recommended by the actuary. 71178

(I) The board shall have an independent auditor, at least 71179
once every ten years, conduct a fiduciary performance audit of the 71180
investment program of the bureau of workers' compensation. That 71181
audit shall include an audit of the investment policies approved 71182
by the board and investment procedures of the bureau. The board 71183
shall submit a copy of that audit to the auditor of state. 71184

(J) ~~The administrator, with the advice and consent of the~~ 71185
~~board, shall employ an chief internal auditor who shall report or~~ 71186
~~the office of internal auditing in the office of budget and~~ 71187
~~management, as applicable, shall submit a copy of the preliminary~~ 71188
~~report of the internal audit findings and recommendations and a~~ 71189
~~copy of the final report directly to the board, and the workers'~~ 71190
~~compensation audit committee, and in addition to the~~ 71191
~~administrator, except that the internal auditor shall not report~~ 71192
~~findings directly to the administrator when those findings involve~~ 71193
~~malfeasance, misfeasance, or nonfeasance on the part of the~~ 71194
~~administrator. The board and the workers' compensation audit~~ 71195
~~committee may request and review internal audits conducted by the~~ 71196
~~internal auditor as required under section 126.47 of the Revised~~ 71197
~~Code.~~ 71198

(K) The administrator shall pay the expenses incurred by the 71199
board to effectively fulfill its duties and exercise its powers 71200
under this section as the administrator pays other operating 71201
expenses of the bureau. 71202

Sec. 4123.442. When developing the investment policy for the 71203
investment of the assets of the funds specified in this chapter 71204
and Chapters 4121., 4127., and 4131. of the Revised Code, the 71205
workers' compensation investment committee shall do all of the 71206
following: 71207

(A) Specify the asset allocation targets and ranges, risk	71208
factors, asset class benchmarks, time horizons, total return	71209
objectives, and performance evaluation guidelines;	71210
(B) Prohibit investing the assets of those funds, directly or	71211
indirectly, in vehicles that target any of the following:	71212
(1) Coins;	71213
(2) Artwork;	71214
(3) Horses;	71215
(4) Jewelry or gems;	71216
(5) Stamps;	71217
(6) Antiques;	71218
(7) Artifacts;	71219
(8) Collectibles;	71220
(9) Memorabilia;	71221
(10) Similar unregulated investments that are not commonly	71222
part of an institutional portfolio, that lack liquidity, and that	71223
lack readily determinable valuation.	71224
(C) Specify that the administrator of workers' compensation	71225
may invest in an investment class only if the bureau of workers'	71226
compensation board of directors, by a majority vote, opens that	71227
class;	71228
(D) Prohibit investing the assets of those funds in any class	71229
of investments the board, by majority vote, closed, or any	71230
specific investment in which the board prohibits the administrator	71231
from investing;	71232
(E) Not specify in the investment policy that the	71233
administrator or employees of the bureau of workers' compensation	71234
are prohibited from conducting business with an investment	71235
management firm, any investment management professional associated	71236

with that firm, any third party solicitor associated with that 71237
firm, or any political action committee controlled by that firm or 71238
controlled by an investment management professional of that firm 71239
based on criteria that are more restrictive than the restrictions 71240
described in divisions (Y) and (Z) of section 3517.13 of the 71241
Revised Code. 71242

(F) Specify in the investment policy that the administrator 71243
or employees of the bureau of workers' compensation, when 71244
contracting with agents and investment managers for the 71245
administration of the assets of the funds, may set aside 71246
approximately fifteen per cent of the contracts for minority owned 71247
and controlled firms, to firms owned and controlled by women, to 71248
ventures involving minority owned and controlled firms, and to 71249
ventures involving firms owned and controlled by women that 71250
otherwise meet the policies and criteria established by the 71251
committee. 71252

Sec. 4123.446. (A) As used in this section: 71253

(1) "Minority business enterprise" has the meaning defined in 71254
section 122.71 of the Revised Code. 71255

(2) "Women's business enterprise" means a business, or a 71256
partnership, corporation, limited liability company, or joint 71257
venture of any kind, that is owned and controlled by women who are 71258
United States citizens and residents of this state. 71259

(B) The administrator of workers' compensation shall submit 71260
annually to the governor and to the general assembly (under 71261
section 101.68 of the Revised Code) a report containing the 71262
following information: 71263

(1) The name of each investment manager that is a minority 71264
business enterprise or a women's business enterprise with which 71265
the administrator contracts; 71266

(2) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the administrator has contracted; 71267
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(3) Efforts by the administrator to increase utilization of investment managers that are minority business enterprises or women's business enterprises. 71271
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Sec. 4141.08. (A) There is hereby created an unemployment compensation advisory council appointed as follows: 71274
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(1) Three members who on account of their vocation, employment, or affiliations can be classed as representative of employers and three members who on account of their vocation, employment, or affiliation can be classed as representatives of employees appointed by the governor with the advice and consent of the senate. All appointees shall be persons whose training and experience qualify them to deal with the difficult problems of unemployment compensation, particularly with respect to the legal, accounting, actuarial, economic, and social aspects of unemployment compensation; 71276
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(2) The chairpersons of the standing committees of the senate and the house of representatives to which legislation pertaining to Chapter 4141. of the Revised Code is customarily referred; 71286
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(3) Two members of the senate appointed by the president of the senate; and 71289
71290

(4) Two members of the house of representatives appointed by the speaker of the house of representatives. 71291
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The speaker and the president shall arrange that of the six legislative members appointed to the council, not more than three are members of the same political party. 71293
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(B) Members appointed by the governor shall serve for a term 71296

of four years, each term ending on the same day as the date of 71297
their original appointment. Legislative members shall serve during 71298
the session of the general assembly to which they are elected and 71299
for as long as they are members of the general assembly. Vacancies 71300
shall be filled in the same manner as the original appointment but 71301
only for the unexpired part of a term. 71302

(C) Members of the council shall serve without salary but, 71303
notwithstanding section 101.26 of the Revised Code, shall be paid 71304
a meeting stipend of fifty dollars per day each and their actual 71305
and necessary expenses while engaged in the performance of their 71306
duties as members of the council which shall be paid from funds 71307
allocated to pay the expenses of the council pursuant to this 71308
section. 71309

(D) The council shall organize itself and select a 71310
chairperson or co-chairpersons and other officers and committees 71311
as it considers necessary. Seven members constitute a quorum and 71312
the council may act only upon the affirmative vote of seven 71313
members. The council shall meet at least once each calendar 71314
quarter but it may meet more often as the council considers 71315
necessary or at the request of the chairperson. 71316

(E) The council may employ professional and clerical 71317
assistance as it considers necessary and may request of the 71318
director of job and family services assistance as it considers 71319
necessary. The director shall furnish the council with office and 71320
meeting space as requested by the council. 71321

(F) The director shall pay the operating expenses of the 71322
council as determined by the council from moneys in the 71323
unemployment compensation special administrative fund established 71324
in section 4141.11 of the Revised Code. 71325

(G) The council shall have access to only the records of the 71326
department of job and family services that are necessary for the 71327

administration of this chapter and to the reasonable services of 71328
the employees of the department. It may request the director, or 71329
any of the employees appointed by the director, or any employer or 71330
employee subject to this chapter, to appear before it and to 71331
testify relative to the functioning of this chapter and to other 71332
relevant matters. The council may conduct research of its own, 71333
make and publish reports, and recommend to the director, the 71334
unemployment compensation review commission, the governor, or the 71335
general assembly needed changes in this chapter, or in the rules 71336
of the department as it considers necessary. 71337

Sec. 4141.11. There is hereby created in the state treasury 71338
the unemployment compensation special administrative fund. The 71339
fund shall consist of all interest collected on delinquent 71340
contributions pursuant to this chapter, all fines and forfeitures 71341
collected under this chapter, and all court costs and interest 71342
paid or collected in connection with the repayment of fraudulently 71343
obtained benefits pursuant to section 4141.35 of the Revised Code. 71344
All interest earned on the money in the fund shall be retained in 71345
the fund and shall not be credited or transferred to any other 71346
fund or account, except as provided in division (B) of this 71347
section. All moneys which are deposited or paid into this fund may 71348
be used by: 71349

(A) The director of job and family services ~~with the approval~~ 71350
~~of the unemployment compensation advisory council,~~ whenever it 71351
appears that such use is necessary for: 71352

(1) The proper administration of this chapter and no federal 71353
funds are available for the specific purpose for which the 71354
expenditure is to be made, provided the moneys are not substituted 71355
for appropriations from federal funds, which in the absence of 71356
such moneys would be available; 71357

(2) The proper administration of this chapter for which 71358

purpose appropriations from federal funds have been requested and 71359
approved but not received, provided the fund would be reimbursed 71360
upon receipt of the federal appropriation; 71361

(3) To the extent possible, the repayment to the unemployment 71362
compensation administration fund of moneys found by the proper 71363
agency of the United States to have been lost or expended for 71364
purposes other than, or an amount in excess of, those found 71365
necessary by the proper agency of the United States for the 71366
administration of this chapter. 71367

(B) The director or the director's deputy whenever it appears 71368
that such use is necessary for the payment of refunds or 71369
adjustments of interest, fines, forfeitures, or court costs 71370
erroneously collected and paid into this fund pursuant to this 71371
chapter. 71372

(C) The director, to pay state disaster unemployment benefits 71373
pursuant to section 4141.292 of the Revised Code. The director 71374
need not have prior approval from the unemployment compensation 71375
advisory council to make these payments. 71376

(D) The director, to pay any costs attributable to the 71377
director that are associated with the sale of real property under 71378
section 4141.131 of the Revised Code. The director need not have 71379
prior approval from the council to make these payments. 71380

Whenever the balance in the unemployment compensation special 71381
administrative fund is considered to be excessive by the ~~council~~ 71382
director, the director shall request the director of budget and 71383
management to transfer to the unemployment compensation fund the 71384
amount considered to be excessive. Any balance in the unemployment 71385
compensation special administrative fund shall not lapse at any 71386
time, but shall be continuously available to the director of ~~jobs~~ 71387
job and family services ~~or to the council~~ for expenditures 71388
consistent with this chapter. 71389

Sec. 4141.162. (A) The director of job and family services 71390
shall establish an income and eligibility verification system that 71391
complies with section 1137 of the "Social Security Act." The 71392
programs included in the system are all of the following: 71393

(1) Unemployment compensation pursuant to section 3304 of the 71394
"Internal Revenue Code of 1954"; 71395

(2) The state programs funded in part under part A of Title 71396
IV of the "Social Security Act" and administered under Chapters 71397
5107. and 5108. of the Revised Code; 71398

(3) Medicaid pursuant to Title XIX of the "Social Security 71399
Act"; 71400

(4) ~~Food stamps~~ The supplemental nutrition assistance program 71401
pursuant to the "Food Stamp and Nutrition Act of 1977," 91 Stat. 71402
958, 2008 (7 U.S.C.A. 2011, as amended et seq.; 71403

(5) Any Ohio program under a plan approved under Title I, X, 71404
XIV, or XVI of the "Social Security Act." 71405

Wage information provided by employers to the director shall 71406
be furnished to the income and eligibility verification system. 71407
Such information shall be used by the director to determine 71408
eligibility of individuals for unemployment compensation benefits 71409
and the amount of those benefits and used by the agencies that 71410
administer the programs identified in divisions (A)(2) to (5) of 71411
this section to determine or verify eligibility for or the amount 71412
of benefits under those programs. 71413

The director shall fully implement the use of wage 71414
information to determine eligibility for and the amount of 71415
unemployment compensation benefits by September 30, 1988. 71416

Information furnished under the system shall also be made 71417
available to the appropriate state or local child support 71418
enforcement agency for the purposes of an approved plan under 71419

Title IV-D of the "Social Security Act" and to the appropriate 71420
federal agency for the purposes of Titles II and XVI of the 71421
"Social Security Act." 71422

(B) The director shall adopt rules as necessary under which 71423
the department of job and family services and other state agencies 71424
that the director determines must participate in order to ensure 71425
compliance with section 1137 of the "Social Security Act" exchange 71426
information with each other or authorized federal agencies about 71427
individuals who are applicants for or recipients of benefits under 71428
any of the programs enumerated in division (A) of this section. 71429
The rules shall extend to all of the following: 71430

(1) A requirement for standardized formats and procedures for 71431
a participating agency to request and receive information about an 71432
individual, which information shall include the individual's 71433
social security number; 71434

(2) A requirement that all applicants for and recipients of 71435
benefits under any program enumerated in division (A) of this 71436
section be notified at the time of application, and periodically 71437
thereafter, that information available through the system may be 71438
shared with agencies that administer other benefit programs and 71439
utilized in establishing or verifying eligibility or benefit 71440
amounts under the other programs enumerated in division (A) of 71441
this section; 71442

(3) A requirement that information is made available only to 71443
the extent necessary to assist in the valid administrative needs 71444
of the program receiving the information and is targeted for use 71445
in ways which are most likely to be productive in identifying and 71446
preventing ineligibility and incorrect payments; 71447

(4) A requirement that information is adequately protected 71448
against unauthorized disclosures for purposes other than to 71449
establish or verify eligibility or benefit amounts under the 71450

programs enumerated in division (A) of this section; 71451

(5) A requirement that a program providing information is 71452
reimbursed by the program using the information for the actual 71453
costs of furnishing the information and that the director be 71454
reimbursed by the participating programs for any actual costs 71455
incurred in operating the system; 71456

(6) Requirements for any other matters necessary to ensure 71457
the effective, efficient, and timely exchange of necessary 71458
information or that the director determines must be addressed in 71459
order to ensure compliance with the requirements of section 1137 71460
of the "Social Security Act." 71461

(C) Each participating agency shall furnish to the income and 71462
eligibility verification system established in division (A) of 71463
this section that information, which the director, by rule, 71464
determines is necessary in order to comply with section 1137 of 71465
the "Social Security Act." 71466

(D) Notwithstanding the information disclosure requirements 71467
of this section and section 4141.21 and division (A) of section 71468
4141.284 of the Revised Code, the director shall administer those 71469
provisions of law so as to comply with section 1137 of the "Social 71470
Security Act." 71471

(E) Requirements in section 4141.21 of the Revised Code with 71472
respect to confidentiality of information obtained in the 71473
administration of Chapter 4141. of the Revised Code and any 71474
sanctions imposed for improper disclosure of such information 71475
shall apply to the redisclosure of information disclosed under 71476
this section. 71477

Sec. 4169.02. (A) For the purposes of regulating the 71478
construction, maintenance, mechanical operation, and inspection of 71479
passenger tramways that are associated with ski areas and of 71480

registering operators of passenger tramways in this state, there 71481
is hereby established in the division of ~~industrial compliance~~ 71482
labor in the department of commerce a ski tramway board to be 71483
appointed by the governor, with the advice and consent of the 71484
senate. The board shall consist of three members, one of whom 71485
shall be a public member who is an experienced skier and familiar 71486
with ski areas in this state, one of whom shall be a ski area 71487
operator actively engaged in the business of recreational skiing 71488
in this state, and one of whom shall be a professional engineer 71489
who is knowledgeable in the design or operation of passenger 71490
tramways. 71491

Of the initial appointments, one member shall be appointed 71492
for a term of one year, one for a term of two years, and one for a 71493
term of three years. The member appointed to the term beginning on 71494
July 1, 1996, shall be appointed to a term ending on June 30, 71495
1997; the member appointed to a term beginning on July 1, 1997, 71496
shall be appointed to a term ending on June 30, 1999; and the 71497
member appointed to a term beginning on July 1, 1998, shall be 71498
appointed to a term ending on June 30, 2001. Thereafter, each of 71499
the members shall be appointed for a term of six years. Each 71500
member shall hold office from the date of appointment until the 71501
end of the term for which the member was appointed. In the event 71502
of a vacancy, the governor, with the advice and consent of the 71503
senate, shall appoint a successor who shall hold office for the 71504
remainder of the term for which the successor's predecessor was 71505
appointed. A member shall continue in office subsequent to the 71506
expiration date of the member's term until the member's successor 71507
takes office or until a period of sixty days has elapsed, 71508
whichever occurs first. The board shall elect a chairperson from 71509
its members. 71510

The governor may remove any member of the board at any time 71511
for misfeasance, nonfeasance, or malfeasance in office after 71512

giving the member a copy of the charges against the member and an 71513
opportunity to be heard publicly in person or by counsel in the 71514
member's defense. Any such act of removal by the governor is 71515
final. A statement of the findings of the governor, the reason for 71516
the governor's action, and the answer, if any, of the member shall 71517
be filed by the governor with the secretary of state and shall be 71518
open to public inspection. 71519

Members of the board shall be paid two hundred fifty dollars 71520
for each meeting that the member attends, except that no member 71521
shall be paid or receive more than seven hundred fifty dollars for 71522
attending meetings during any calendar year. Each member shall be 71523
reimbursed for the member's actual and necessary expenses incurred 71524
in the performance of official board duties. The chairperson shall 71525
be paid two hundred fifty dollars annually in addition to any 71526
compensation the chairperson receives under this division for 71527
attending meetings and any other compensation the chairperson 71528
receives for serving on the board. 71529

The division shall provide the board with such offices and 71530
such clerical, professional, and other assistance as may be 71531
reasonably necessary for the board to carry on its work. The 71532
division shall maintain accurate copies of the board's rules as 71533
promulgated in accordance with division (B) of this section and 71534
shall keep all of the board's records, including business records, 71535
and inspection reports as well as its own records and reports. The 71536
cost of administering the board and conducting inspections shall 71537
be included in the budget of the division based on revenues 71538
generated by the registration fees established under section 71539
4169.03 of the Revised Code. 71540

(B) In accordance with Chapter 119. of the Revised Code, the 71541
board shall adopt and may amend or rescind rules relating to 71542
public safety in the construction, maintenance, mechanical 71543
operation, and inspection of passenger tramways. The rules shall 71544

be in accordance with established standards in the business of ski area operation, if any, and shall not discriminate in their application to ski area operators.

No person shall violate the rules of the board.

(C) The authority of the board shall not extend to any matter relative to the operation of a ski area other than the construction, maintenance, mechanical operation, and inspection of passenger tramways.

(D) A majority of the board constitutes a quorum and may perform and exercise all the duties and powers devolving upon the board.

Sec. 4169.03. (A) Before a passenger tramway operator may operate any passenger tramway in the state, the operator shall apply to the ski tramway board, on forms prepared by it, for registration by the board. The application shall contain an inventory of the passenger tramways that the applicant intends to operate and other information as the board may reasonably require and shall be accompanied by the following annual fees:

- (1) Each aerial passenger tramway, five hundred dollars;
- (2) Each skimobile, two hundred dollars;
- (3) Each chair lift, two hundred dollars;
- (4) Each J bar, T bar, or platter pull, one hundred dollars;
- (5) Each rope tow, fifty dollars;
- (6) Each wire rope tow, seventy-five dollars;
- (7) Each conveyor, one hundred dollars.

When an operator operates an aerial passenger tramway, a skimobile, or a chair lift during both a winter and summer season, the annual fee shall be one and one-half the above amount for the respective passenger tramway.

(B) Upon payment of the appropriate annual fees in accordance 71574
with division (A) of this section, the board shall issue a 71575
registration certificate to the operator. Each certificate shall 71576
remain in force until the thirtieth day of September next ensuing. 71577
The board shall renew an operator's certificate in accordance with 71578
the standard renewal procedure in Chapter 4745. of the Revised 71579
Code upon payment of the appropriate annual fees. 71580

(C) Money received from the registration fees and from the 71581
fines collected pursuant to section 4169.99 of the Revised Code 71582
shall be paid into the state treasury to the credit of the 71583
~~industrial compliance labor~~ operating fund created in section 71584
121.084 of the Revised Code. 71585

(D) No person shall operate a passenger tramway in this state 71586
unless the person has been registered by the board. 71587

Sec. 4169.04. (A) The division of ~~industrial compliance labor~~ 71588
in the department of commerce shall make such inspection of the 71589
construction, maintenance, and mechanical operation of passenger 71590
tramways as the ski tramway board may reasonably require. The 71591
division may contract with other qualified engineers to make such 71592
inspection or may accept the inspection report by any qualified 71593
inspector of an insurance company authorized to insure passenger 71594
tramways in this state. 71595

(B) If, as the result of an inspection, an employee of the 71596
division or other agent with whom the division has contracted 71597
finds that a violation of the board's rules exists or a condition 71598
in passenger tramway construction, maintenance, or mechanical 71599
operation exists that endangers public safety, the employee or 71600
agent shall make an immediate report to the board for appropriate 71601
investigation and order. 71602

Sec. 4171.04. (A) Before a person may operate any roller 71603

skating rink in the state, the person shall: 71604

(1) Apply to the superintendent of ~~the division of industrial~~ 71605
~~compliance labor~~ in the department of commerce on forms designated 71606
by the superintendent for a certificate of registration; 71607

(2) Provide an inventory of all the roller skating rinks that 71608
the applicant intends to operate, and any other information the 71609
superintendent may reasonably require on the application; 71610

(3) Include with the application a registration fee of 71611
twenty-five dollars for each roller skating rink to be operated by 71612
the applicant. 71613

(B) Upon compliance with division (A) of this section, the 71614
superintendent shall issue a certificate of registration to the 71615
operator for each roller skating rink to be operated by the 71616
applicant. Each certificate shall remain in force as follows: 71617

(1) Until the thirty-first day of December next ensuing; or 71618

(2) For sixty days after the dissolution of a partnership. 71619

(C) In case of the dissolution of a partnership by death, the 71620
surviving partner or partners may operate a roller skating rink 71621
pursuant to the certificate of registration obtained by the 71622
partnership in accordance with this chapter for a period of sixty 71623
days following dissolution. The heirs or representatives of 71624
deceased persons and receivers or trustees in bankruptcy appointed 71625
by any competent authority may operate under the certificate of 71626
registration of the person succeeded in possession. 71627

(D) The superintendent shall renew an operator's certificate 71628
of registration in accordance with the standard license renewal 71629
procedure set forth in Chapter 4745. of the Revised Code upon 71630
payment of a renewal fee of twenty-five dollars for each roller 71631
skating rink to be operated by the applicant. 71632

(E) Money received from the registration and renewal fees 71633

collected pursuant to this chapter shall be paid into the state 71634
treasury to the credit of the ~~industrial compliance~~ labor 71635
operating fund created in section 121.084 of the Revised Code. 71636

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 71637
the Revised Code: 71638

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 71639
fluid ounces. 71640

(2) "Sale" or "sell" includes exchange, barter, gift, 71641
distribution, and, except with respect to A-4 permit holders, 71642
offer for sale. 71643

(B) For the purposes of providing revenues for the support of 71644
the state and encouraging the grape industries in the state, a tax 71645
is hereby levied on the sale or distribution of wine in Ohio, 71646
except for known sacramental purposes, at the rate of thirty cents 71647
per wine gallon for wine containing not less than four per cent of 71648
alcohol by volume and not more than fourteen per cent of alcohol 71649
by volume, ninety-eight cents per wine gallon for wine containing 71650
more than fourteen per cent but not more than twenty-one per cent 71651
of alcohol by volume, one dollar and eight cents per wine gallon 71652
for vermouth, and one dollar and forty-eight cents per wine gallon 71653
for sparkling and carbonated wine and champagne, the tax to be 71654
paid by the holders of A-2 and B-5 permits or by any other person 71655
selling or distributing wine upon which no tax has been paid. From 71656
the tax paid under this section on wine, vermouth, and sparkling 71657
and carbonated wine and champagne, the treasurer of state shall 71658
credit to the Ohio grape industries fund created under section 71659
924.54 of the Revised Code a sum equal to one cent per gallon for 71660
each gallon upon which the tax is paid. 71661

(C) For the purpose of providing revenues for the support of 71662
the state, there is hereby levied a tax on prepared and bottled 71663
highballs, cocktails, cordials, and other mixed beverages at the 71664

rate of one dollar and twenty cents per wine gallon to be paid by 71665
holders of A-4 permits or by any other person selling or 71666
distributing those products upon which no tax has been paid. Only 71667
one sale of the same article shall be used in computing the amount 71668
of tax due. The tax on mixed beverages to be paid by holders of 71669
A-4 permits under this section shall not attach until the 71670
ownership of the mixed beverage is transferred for valuable 71671
consideration to a wholesaler or retailer, and no payment of the 71672
tax shall be required prior to that time. 71673

(D) During the period of July 1, ~~2007~~ 2009, through June 30, 71674
~~2009~~ 2011, from the tax paid under this section on wine, vermouth, 71675
and sparkling and carbonated wine and champagne, the treasurer of 71676
state shall credit to the Ohio grape industries fund created under 71677
section 924.54 of the Revised Code a sum equal to two cents per 71678
gallon upon which the tax is paid. The amount credited under this 71679
division is in addition to the amount credited to the Ohio grape 71680
industries fund under division (B) of this section. 71681

(E) For the purpose of providing revenues for the support of 71682
the state, there is hereby levied a tax on cider at the rate of 71683
twenty-four cents per wine gallon to be paid by the holders of A-2 71684
and B-5 permits or by any other person selling or distributing 71685
cider upon which no tax has been paid. Only one sale of the same 71686
article shall be used in computing the amount of the tax due. 71687

Sec. 4303.331. No permit holder shall purchase and import 71688
into this state any beer from any manufacturer, bottler, importer, 71689
wholesale dealer, or broker outside this state and within the 71690
United States unless and until such manufacturer, bottler, 71691
importer, wholesale dealer, or broker registers with the tax 71692
commissioner and supplies such information as the commissioner may 71693
require. 71694

The commissioner may, by rule, require any registrant to file 71695

with the commissioner a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner conditioned upon the making of the report to be made to the tax commissioner and the payment to the tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code, all as provided in section 4303.33 of the Revised Code.

Any such manufacturer, bottler, importer, wholesale dealer, or broker shall, as a part of such registration, make the secretary of state its agent for the service of process or notice of any assessment, action, or proceedings instituted in the state against such person under sections 4303.33, 4301.42, and 4305.01 of the Revised Code.

~~Such process or notice shall be served, by the officer to whom it is directed or by the tax commissioner, or by the sheriff of Franklin county, who may be deputized for such purpose by the officer to whom the service is directed, upon the secretary of state by leaving at the office of the secretary of state, at least fifteen days before the return day of such process or notice, a true and attested copy thereof, and by sending to the defendant by certified mail, postage prepaid, a like and true attested copy, with an endorsement thereon of the service upon the secretary of state, addressed to such defendant at the address listed in the registration or at the defendant's last known address in accordance with section 5703.37 of the Revised Code.~~

Any B-1 permit holder who purchases beer from any manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States who has not registered with the tax commissioner and filed a bond as provided in this section shall be liable for any tax due on any beer purchased from such unregistered manufacturer, bottler, importer, wholesale dealer, or broker and shall be subject to any penalties

provided in Chapters 4301., 4303., 4305., and 4307. of the Revised Code. 71728
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Any B-1 permit holder who purchases beer from any manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States who has complied with this section shall not be liable for any tax due to the state on any beer purchased from any such manufacturer, bottler, importer, wholesale dealer, or broker. 71730
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All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code. 71736
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Sec. 4501.06. The taxes, fees, and fines levied, charged, or referred to in division (O) of section 4503.04, division (E) of section 4503.042, division (B) of section 4503.07, division (C)(1) of section 4503.10, division (D) of section 4503.182, division (A) of section 4503.19, division (D)(2) of section 4507.24, division (A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 of the Revised Code, and the taxes charged in section 4503.65 that are distributed in accordance with division (A)(2) of section 4501.044 of the Revised Code unless otherwise designated by law, shall be deposited in the state treasury to the credit of the state highway safety fund, which is hereby created, and shall, after receipt of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund created by section 5528.12 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of 71740
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Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 71759
of the Revised Code due and payable during the current calendar 71760
year, and that there are sufficient moneys to the credit of the 71761
highway obligations bond retirement fund created by section 71762
5528.32 of the Revised Code to meet in full all payments of 71763
interest, principal, and charges for the retirement of highway 71764
obligations issued pursuant to Section 2i of Article VIII, Ohio 71765
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 71766
due and payable during the current calendar year, be used for the 71767
purpose of enforcing and paying the expenses of administering the 71768
law relative to the registration and operation of motor vehicles 71769
on the public roads or highways. Amounts credited to the fund may 71770
also be used to pay the expenses of administering and enforcing 71771
the laws under which such fees were collected. All investment 71772
earnings of the state highway safety fund shall be credited to the 71773
fund. 71774
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Sec. 4501.24. There is hereby created in the state treasury 71776
the scenic rivers protection fund. The fund shall consist of the 71777
contributions not to exceed forty dollars that are paid to the 71778
registrar of motor vehicles by applicants who voluntarily choose 71779
to obtain scenic rivers license plates pursuant to section 4503.56 71780
of the Revised Code. 71781

The contributions deposited in the fund shall be used by the 71782
department of natural resources to help finance wild, scenic, and 71783
recreational river areas conservation, education, ~~scenic river~~ 71784
corridor protection ~~and~~, restoration, ~~scenic river~~ and habitat 71785
enhancement, and clean-up projects along ~~scenic~~ rivers in those 71786
areas. The chief of the division of watercraft in the department 71787
may expend money in the fund for the acquisition of wild, scenic, 71788
and recreational river areas, for the maintenance, protection, and 71789
administration of such areas, and for construction of facilities 71790

within those areas. All investment earnings of the fund shall be 71791
credited to the fund. 71792

As used in this section, "wild river areas," "scenic river 71793
areas," and "recreational river areas" have the same meanings as 71794
in section 1547.01 of the Revised Code. 71795

Sec. 4501.243. There is hereby created in the state treasury 71796
the Ohio nature preserves fund. The fund shall consist of the 71797
contributions that are paid to the registrar of motor vehicles by 71798
applicants who obtain Ohio nature preserves license plates 71799
pursuant to section 4503.563 of the Revised Code. All investment 71800
earnings of the fund shall be credited to the fund. 71801

The department of natural resources shall use the money in 71802
the fund to help finance nature preserve education, nature 71803
preserve clean-up projects, and nature preserve maintenance, 71804
protection, and restoration. 71805

Sec. 4501.29. The department of administrative services shall 71806
collect user fees from participants in the multi-agency radio 71807
communications system (MARCS). The director of administrative 71808
services, with the advice of the MARCS steering committee and the 71809
consent of the director of budget and management, shall determine 71810
the amount of the user fees and the manner by which the fees shall 71811
be collected. All moneys from user fees shall be deposited in the 71812
MARCS administration fund, which is hereby created in the state 71813
treasury. All investment earnings on moneys in the fund shall be 71814
credited to the fund. 71815

Sec. 4503.068. On or before the second Monday in September of 71816
each year, the county treasurer shall total the amount by which 71817
the manufactured home taxes levied in that year were reduced 71818
pursuant to section 4503.065 of the Revised Code, and certify that 71819
amount to the tax commissioner. Within ninety days of the receipt 71820

of the certification, the commissioner shall ~~certify that amount~~ 71821
~~to the director of budget and management and the director shall~~ 71822
~~make two payments from the general revenue fund in favor of the~~ 71823
~~county treasurer. One shall be in the full amount by which taxes~~ 71824
~~were reduced. The other shall be in an amount equal to two per~~ 71825
~~cent of such amount and shall be a payment~~ provide for payment to 71826
the county treasurer, from the general revenue fund, of the amount 71827
certified, which shall be credited upon receipt to the county's 71828
undivided income tax fund, and an amount equal to two per cent of 71829
the amount by which taxes were reduced, which shall be credited 71830
upon receipt to the county general fund as a payment, in addition 71831
to the fees and charges authorized by sections 319.54 and 321.26 71832
of the Revised Code, to the county auditor and county treasurer 71833
for the costs of administering sections 4503.064 to 4503.069 of 71834
the Revised Code. 71835

Immediately upon receipt of ~~the payment in the full amount by~~ 71836
~~which taxes were reduced, the full amount of the payment shall be~~ 71837
~~distributed~~ funds into the county undivided income tax fund under 71838
this section, the county auditor shall distribute the full amount 71839
thereof among the taxing districts in the county as though it had 71840
been received as taxes under section 4503.06 of the Revised Code 71841
from each person for whom taxes were reduced under section 71842
4503.065 of the Revised Code. 71843

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 71844
motorcycle, and all-purpose vehicle required to be registered 71845
under section 4519.02 of the Revised Code shall file an 71846
application for registration under section 4519.03 of the Revised 71847
Code. The owner of a motor vehicle, other than a snowmobile, 71848
off-highway motorcycle, or all-purpose vehicle, that is not 71849
designed and constructed by the manufacturer for operation on a 71850
street or highway may not register it under this chapter except 71851
upon certification of inspection pursuant to section 4513.02 of 71852

the Revised Code by the sheriff, or the chief of police of the 71853
municipal corporation or township, with jurisdiction over the 71854
political subdivision in which the owner of the motor vehicle 71855
resides. Except as provided in section 4503.103 of the Revised 71856
Code, every owner of every other motor vehicle not previously 71857
described in this section and every person mentioned as owner in 71858
the last certificate of title of a motor vehicle that is operated 71859
or driven upon the public roads or highways shall cause to be 71860
filed each year, by mail or otherwise, in the office of the 71861
registrar of motor vehicles or a deputy registrar, a written or 71862
electronic application or a preprinted registration renewal notice 71863
issued under section 4503.102 of the Revised Code, the form of 71864
which shall be prescribed by the registrar, for registration for 71865
the following registration year, which shall begin on the first 71866
day of January of every calendar year and end on the thirty-first 71867
day of December in the same year. Applications for registration 71868
and registration renewal notices shall be filed at the times 71869
established by the registrar pursuant to section 4503.101 of the 71870
Revised Code. A motor vehicle owner also may elect to apply for or 71871
renew a motor vehicle registration by electronic means using 71872
electronic signature in accordance with rules adopted by the 71873
registrar. Except as provided in division (J) of this section, 71874
applications for registration shall be made on blanks furnished by 71875
the registrar for that purpose, containing the following 71876
information: 71877

(1) A brief description of the motor vehicle to be 71878
registered, including the year, make, model, and vehicle 71879
identification number, and, in the case of commercial cars, the 71880
gross weight of the vehicle fully equipped computed in the manner 71881
prescribed in section 4503.08 of the Revised Code; 71882

(2) The name and residence address of the owner, and the 71883
township and municipal corporation in which the owner resides; 71884

(3) The district of registration, which shall be determined 71885
as follows: 71886

(a) In case the motor vehicle to be registered is used for 71887
hire or principally in connection with any established business or 71888
branch business, conducted at a particular place, the district of 71889
registration is the municipal corporation in which that place is 71890
located or, if not located in any municipal corporation, the 71891
county and township in which that place is located. 71892

(b) In case the vehicle is not so used, the district of 71893
registration is the municipal corporation or county in which the 71894
owner resides at the time of making the application. 71895

(4) Whether the motor vehicle is a new or used motor vehicle; 71896

(5) The date of purchase of the motor vehicle; 71897

(6) Whether the fees required to be paid for the registration 71898
or transfer of the motor vehicle, during the preceding 71899
registration year and during the preceding period of the current 71900
registration year, have been paid. Each application for 71901
registration shall be signed by the owner, either manually or by 71902
electronic signature, or pursuant to obtaining a limited power of 71903
attorney authorized by the registrar for registration, or other 71904
document authorizing such signature. If the owner elects to apply 71905
for or renew the motor vehicle registration with the registrar by 71906
electronic means, the owner's manual signature is not required. 71907

(7) The owner's social security number, driver's license 71908
number, or state identification number, or, where a motor vehicle 71909
to be registered is used for hire or principally in connection 71910
with any established business, the owner's federal taxpayer 71911
identification number. The bureau of motor vehicles shall retain 71912
in its records all social security numbers provided under this 71913
section, but the bureau shall not place social security numbers on 71914
motor vehicle certificates of registration. 71915

(B) Except as otherwise provided in this division, each time an applicant first registers a motor vehicle in the applicant's name, the applicant shall present for inspection a physical certificate of title or memorandum certificate showing title to the motor vehicle to be registered in the name of the applicant if a physical certificate of title or memorandum certificate has been issued by a clerk of a court of common pleas. If, under sections 4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk instead has issued an electronic certificate of title for the applicant's motor vehicle, that certificate may be presented for inspection at the time of first registration in a manner prescribed by rules adopted by the registrar. An applicant is not required to present a certificate of title to an electronic motor vehicle dealer acting as a limited authority deputy registrar in accordance with rules adopted by the registrar. When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section. The application shall be refused if any of the following applies:

(1) The application is not in proper form.

(2) The application is prohibited from being accepted by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4510.22, or division (B)(1) of section 4521.10 of the Revised Code.

(3) A certificate of title or memorandum certificate of title is required but does not accompany the application or, in the case of an electronic certificate of title, is required but is not presented in a manner prescribed by the registrar's rules.

(4) All registration and transfer fees for the motor vehicle,

for the preceding year or the preceding period of the current 71948
registration year, have not been paid. 71949

(5) The owner or lessee does not have an inspection 71950
certificate for the motor vehicle as provided in section 3704.14 71951
of the Revised Code, and rules adopted under it, if that section 71952
is applicable. 71953

This section does not require the payment of license or 71954
registration taxes on a motor vehicle for any preceding year, or 71955
for any preceding period of a year, if the motor vehicle was not 71956
taxable for that preceding year or period under sections 4503.02, 71957
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 71958
Revised Code. When a certificate of registration is issued upon 71959
the first registration of a motor vehicle by or on behalf of the 71960
owner, the official issuing the certificate shall indicate the 71961
issuance with a stamp on the certificate of title or memorandum 71962
certificate or, in the case of an electronic certificate of title, 71963
an electronic stamp or other notation as specified in rules 71964
adopted by the registrar, and with a stamp on the inspection 71965
certificate for the motor vehicle, if any. The official also shall 71966
indicate, by a stamp or by other means the registrar prescribes, 71967
on the registration certificate issued upon the first registration 71968
of a motor vehicle by or on behalf of the owner the odometer 71969
reading of the motor vehicle as shown in the odometer statement 71970
included in or attached to the certificate of title. Upon each 71971
subsequent registration of the motor vehicle by or on behalf of 71972
the same owner, the official also shall so indicate the odometer 71973
reading of the motor vehicle as shown on the immediately preceding 71974
certificate of registration. 71975

The registrar shall include in the permanent registration 71976
record of any vehicle required to be inspected under section 71977
3704.14 of the Revised Code the inspection certificate number from 71978
the inspection certificate that is presented at the time of 71979

registration of the vehicle as required under this division. 71980

(C)(1) Except as otherwise provided in division (C)(1) of 71981
this section, for each registration renewal with an expiration 71982
date on or after October 1, 2003, and for each initial application 71983
for registration received on and after that date, the registrar 71984
and each deputy registrar shall collect an additional fee of 71985
eleven dollars for each application for registration and 71986
registration renewal received. For vehicles specified in divisions 71987
(A)(1) to (21) of section 4503.042 of the Revised Code, commencing 71988
with each registration renewal with an expiration date on or after 71989
October 1, 2009, and for each initial application received on or 71990
after that date, the registrar and deputy registrar shall collect 71991
an additional fee of thirty dollars for each application for 71992
registration and registration renewal received. The additional fee 71993
is for the purpose of defraying the department of public safety's 71994
costs associated with the administration and enforcement of the 71995
motor vehicle and traffic laws of Ohio. Each deputy registrar 71996
shall transmit the fees collected under division (C)(1) of this 71997
section in the time and manner provided in this section. The 71998
registrar shall deposit all moneys received under division (C)(1) 71999
of this section into the state highway safety fund established in 72000
section 4501.06 of the Revised Code. 72001

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(2) In addition, a charge of twenty-five cents shall be made 72003
for each reflectorized safety license plate issued, and a single 72004
charge of twenty-five cents shall be made for each county 72005
identification sticker or each set of county identification 72006
stickers issued, as the case may be, to cover the cost of 72007
producing the license plates and stickers, including material, 72008
manufacturing, and administrative costs. Those fees shall be in 72009
addition to the license tax. If the total cost of producing the 72010
plates is less than twenty-five cents per plate, or if the total 72011

cost of producing the stickers is less than twenty-five cents per 72012
sticker or per set issued, any excess moneys accruing from the 72013
fees shall be distributed in the same manner as provided by 72014
section 4501.04 of the Revised Code for the distribution of 72015
license tax moneys. If the total cost of producing the plates 72016
exceeds twenty-five cents per plate, or if the total cost of 72017
producing the stickers exceeds twenty-five cents per sticker or 72018
per set issued, the difference shall be paid from the license tax 72019
moneys collected pursuant to section 4503.02 of the Revised Code. 72020

(D) Each deputy registrar shall be allowed a fee of three 72021
dollars and fifty cents for each application for registration and 72022
registration renewal notice the deputy registrar receives, which 72023
shall be for the purpose of compensating the deputy registrar for 72024
the deputy registrar's services, and such office and rental 72025
expenses, as may be necessary for the proper discharge of the 72026
deputy registrar's duties in the receiving of applications and 72027
renewal notices and the issuing of registrations. 72028

(E) Upon the certification of the registrar, the county 72029
sheriff or local police officials shall recover license plates 72030
erroneously or fraudulently issued. 72031

(F) Each deputy registrar, upon receipt of any application 72032
for registration or registration renewal notice, together with the 72033
license fee and any local motor vehicle license tax levied 72034
pursuant to Chapter 4504. of the Revised Code, shall transmit that 72035
fee and tax, if any, in the manner provided in this section, 72036
together with the original and duplicate copy of the application, 72037
to the registrar. The registrar, subject to the approval of the 72038
director of public safety, may deposit the funds collected by 72039
those deputies in a local bank or depository to the credit of the 72040
"state of Ohio, bureau of motor vehicles." Where a local bank or 72041
depository has been designated by the registrar, each deputy 72042
registrar shall deposit all moneys collected by the deputy 72043

registrar into that bank or depository not more than one business 72044
day after their collection and shall make reports to the registrar 72045
of the amounts so deposited, together with any other information, 72046
some of which may be prescribed by the treasurer of state, as the 72047
registrar may require and as prescribed by the registrar by rule. 72048
The registrar, within three days after receipt of notification of 72049
the deposit of funds by a deputy registrar in a local bank or 72050
depository, shall draw on that account in favor of the treasurer 72051
of state. The registrar, subject to the approval of the director 72052
and the treasurer of state, may make reasonable rules necessary 72053
for the prompt transmittal of fees and for safeguarding the 72054
interests of the state and of counties, townships, municipal 72055
corporations, and transportation improvement districts levying 72056
local motor vehicle license taxes. The registrar may pay service 72057
charges usually collected by banks and depositories for such 72058
service. If deputy registrars are located in communities where 72059
banking facilities are not available, they shall transmit the fees 72060
forthwith, by money order or otherwise, as the registrar, by rule 72061
approved by the director and the treasurer of state, may 72062
prescribe. The registrar may pay the usual and customary fees for 72063
such service. 72064

(G) This section does not prevent any person from making an 72065
application for a motor vehicle license directly to the registrar 72066
by mail, by electronic means, or in person at any of the 72067
registrar's offices, upon payment of a service fee of three 72068
dollars and fifty cents for each application. 72069

(H) No person shall make a false statement as to the district 72070
of registration in an application required by division (A) of this 72071
section. Violation of this division is falsification under section 72072
2921.13 of the Revised Code and punishable as specified in that 72073
section. 72074

(I)(1) Where applicable, the requirements of division (B) of 72075

this section relating to the presentation of an inspection 72076
certificate issued under section 3704.14 of the Revised Code and 72077
rules adopted under it for a motor vehicle, the refusal of a 72078
license for failure to present an inspection certificate, and the 72079
stamping of the inspection certificate by the official issuing the 72080
certificate of registration apply to the registration of and 72081
issuance of license plates for a motor vehicle under sections 72082
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 72083
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 72084
4503.47, and 4503.51 of the Revised Code. 72085

(2)(a) The registrar shall adopt rules ensuring that each 72086
owner registering a motor vehicle in a county where a motor 72087
vehicle inspection and maintenance program is in effect under 72088
section 3704.14 of the Revised Code and rules adopted under it 72089
receives information about the requirements established in that 72090
section and those rules and about the need in those counties to 72091
present an inspection certificate with an application for 72092
registration or preregistration. 72093

(b) Upon request, the registrar shall provide the director of 72094
environmental protection, or any person that has been awarded a 72095
contract under ~~division (D)~~ of section 3704.14 of the Revised 72096
Code, an on-line computer data link to registration information 72097
for all passenger cars, noncommercial motor vehicles, and 72098
commercial cars that are subject to that section. The registrar 72099
also shall provide to the director of environmental protection a 72100
magnetic data tape containing registration information regarding 72101
passenger cars, noncommercial motor vehicles, and commercial cars 72102
for which a multi-year registration is in effect under section 72103
4503.103 of the Revised Code or rules adopted under it, including, 72104
without limitation, the date of issuance of the multi-year 72105
registration, the registration deadline established under rules 72106
adopted under section 4503.101 of the Revised Code that was 72107

applicable in the year in which the multi-year registration was 72108
issued, and the registration deadline for renewal of the 72109
multi-year registration. 72110

(J) ~~Application~~ Subject to division (K) of this section, 72111
application for registration under the international registration 72112
plan, as set forth in sections 4503.60 to 4503.66 of the Revised 72113
Code, shall be made to the registrar on forms furnished by the 72114
registrar. In accordance with international registration plan 72115
guidelines and pursuant to rules adopted by the registrar, the 72116
forms shall include the following: 72117

(1) A uniform mileage schedule; 72118

(2) The gross vehicle weight of the vehicle or combined gross 72119
vehicle weight of the combination vehicle as declared by the 72120
registrant; 72121

(3) Any other information the registrar requires by rule. 72122

(K) The registrar shall determine the feasibility of 72123
implementing an electronic commercial fleet licensing and 72124
management program that will enable the owners of commercial 72125
tractors, commercial trailers, and commercial semitrailers to 72126
conduct electronic transactions by July 1, 2010, or sooner. If the 72127
registrar determines that implementing such a program is feasible, 72128
the registrar shall adopt new rules under this division or amend 72129
existing rules adopted under this division as necessary in order 72130
to respond to advances in technology. 72131

If international registration plan guidelines and provisions 72132
allow member jurisdictions to permit applications for 72133
registrations under the international registration plan to be made 72134
via the internet, the rules the registrar adopts under this 72135
division shall permit such action. 72136

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 72137

may adopt rules to permit any person or lessee, other than a 72138
person receiving an apportioned license plate under the 72139
international registration plan, who owns or leases one or more 72140
motor vehicles to file a written application for registration for 72141
no more than five succeeding registration years. The rules adopted 72142
by the registrar may designate the classes of motor vehicles that 72143
are eligible for such registration. At the time of application, 72144
all annual taxes and fees shall be paid for each year for which 72145
the person is registering. 72146

(ii) Not later than October 1, 2009, the registrar shall 72147
adopt rules to permit any person or lessee who owns or leases ~~two~~ 72148
~~or more trailers~~ a trailer or ~~semitrailers~~ semitrailer that are is 72149
subject to the tax rates prescribed in section 4503.042 of the 72150
Revised Code for such trailers or semitrailers to file a written 72151
application for registration for not more than five succeeding 72152
registration years. At the time of application, all annual taxes 72153
and fees shall be paid for each year for which the person is 72154
registering. A person who registers a vehicle under division 72155
(A)(1)(a)(ii) of this section shall pay for each year of 72156
registration the additional fee established under division (C)(1) 72157
of section 4503.10 of the Revised Code. The person also shall pay 72158
for each year of registration the deputy registrar service fee 72159
specified in division (D) of section 4503.10 of the Revised Code 72160
or the bureau of motor vehicles service fee specified in division 72161
(G) of that section, as applicable. 72162

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 72163
section, the registrar shall adopt rules to permit any person who 72164
owns a motor vehicle to file an application for registration for 72165
the next two succeeding registration years. At the time of 72166
application, the person shall pay the annual taxes and fees for 72167
each registration year, calculated in accordance with division (C) 72168
of section 4503.11 of the Revised Code. A person who is 72169

registering a vehicle under division (A)(1)(b) of this section 72170
shall pay for each year of registration the additional fee 72171
established under division (C)(1) of section 4503.10 of the 72172
Revised Code. The person shall also pay ~~one and one-half times~~ for 72173
each year of registration the amount of the deputy registrar 72174
service fee specified in division (D) of section 4503.10 of the 72175
Revised Code or the bureau of motor vehicles service fee specified 72176
in division (G) of that section, as applicable. 72177

(ii) Division (A)(1)(b)(i) of this section does not apply to 72178
a person receiving an apportioned license plate under the 72179
international registration plan, or the owner of a commercial car 72180
used solely in intrastate commerce, or the owner of a bus as 72181
defined in section 4513.50 of the Revised Code. 72182

(2) No person applying for a multi-year registration under 72183
division (A)(1) of this section is entitled to a refund of any 72184
taxes or fees paid. 72185

(3) The registrar shall not issue to any applicant who has 72186
been issued a final, nonappealable order under division (B) of 72187
this section a multi-year registration or renewal thereof under 72188
this division or rules adopted under it for any motor vehicle that 72189
is required to be inspected under section 3704.14 of the Revised 72190
Code the district of registration of which, as determined under 72191
section 4503.10 of the Revised Code, is or is located in the 72192
county named in the order. 72193

(B) Upon receipt from the director of environmental 72194
protection of a notice issued under rules adopted under section 72195
3704.14 of the Revised Code indicating that an owner of a motor 72196
vehicle that is required to be inspected under that section who 72197
obtained a multi-year registration for the vehicle under division 72198
(A) of this section or rules adopted under that division has not 72199
obtained a required inspection certificate for the vehicle, the 72200
registrar in accordance with Chapter 119. of the Revised Code 72201

shall issue an order to the owner impounding the certificate of registration and identification license plates for the vehicle. The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of which is or is located in the same county as the county named in the order during the number of years after expiration of the current multi-year registration that equals the number of years for which the current multi-year registration was issued.

An order issued under this division shall require the owner to surrender to the registrar the certificate of registration and license plates for the vehicle named in the order within five days after its issuance. If the owner fails to do so within that time, the registrar shall certify that fact to the county sheriff or local police officials who shall recover the certificate of registration and license plates for the vehicle.

(C) Upon the occurrence of either of the following circumstances, the registrar in accordance with Chapter 119. of the Revised Code shall issue to the owner a modified order rescinding the provisions of the order issued under division (B) of this section impounding the certificate of registration and license plates for the vehicle named in that original order:

(1) Receipt from the director of environmental protection of a subsequent notice under rules adopted under section 3704.14 of the Revised Code that the owner has obtained the inspection certificate for the vehicle as required under those rules;

(2) Presentation to the registrar by the owner of the required inspection certificate for the vehicle.

(D) The owner of a motor vehicle for which the certificate of registration and license plates have been impounded pursuant to an order issued under division (B) of this section, upon issuance of

a modified order under division (C) of this section, may apply to 72233
the registrar for their return. A fee of two dollars and fifty 72234
cents shall be charged for the return of the certificate of 72235
registration and license plates for each vehicle named in the 72236
application. 72237

Sec. 4503.563. (A) The owner or lessee of any passenger car, 72238
noncommercial motor vehicle, recreational vehicle, or other 72239
vehicle of a class approved by the registrar of motor vehicles may 72240
apply to the registrar for the registration of the vehicle and 72241
issuance of Ohio nature preserves license plates. The application 72242
for Ohio nature preserves license plates may be combined with a 72243
request for a special reserved license plate under section 4503.40 72244
or 4503.42 of the Revised Code. Upon receipt of the completed 72245
application and compliance with division (B) of this section, the 72246
registrar shall issue to the applicant the appropriate vehicle 72247
registration and a set of Ohio nature preserves license plates 72248
with a validation sticker or a validation sticker alone when 72249
required by section 4503.191 of the Revised Code. 72250

In addition to the letters and numbers ordinarily inscribed 72251
thereon, Ohio nature preserves license plates shall be inscribed 72252
with identifying words or markings designed by the department of 72253
natural resources and approved by the registrar. Ohio nature 72254
preserves license plates shall bear county identification stickers 72255
that identify the county of registration by name or number. 72256

(B) The Ohio nature preserves license plates and validation 72257
sticker shall be issued upon receipt of a contribution as provided 72258
in division (C) of this section and upon payment of the regular 72259
license fees as prescribed under section 4503.04 of the Revised 72260
Code, a bureau of motor vehicles administrative fee of ten 72261
dollars, any applicable motor vehicle tax levied under Chapter 72262
4504. of the Revised Code, and compliance with all other 72263

applicable laws relating to the registration of motor vehicles. If 72264
the application for Ohio nature preserves license plates is 72265
combined with a request for a special reserved license plate under 72266
section 4503.40 or 4503.42 of the Revised Code, the license plates 72267
and validation sticker shall be issued upon payment of the 72268
contribution, fees, and taxes contained in this division and the 72269
additional fee prescribed under section 4503.40 or 4503.42 of the 72270
Revised Code. 72271

(C) For each application for registration and registration 72272
renewal submitted under this section, the registrar shall collect 72273
a contribution in an amount not to exceed forty dollars as 72274
determined by the department. The registrar shall transmit this 72275
contribution to the treasurer of state for deposit in the Ohio 72276
nature preserves fund created in section 4501.243 of the Revised 72277
Code. 72278

The registrar shall deposit the ten-dollar bureau 72279
administrative fee, the purpose of which is to compensate the 72280
bureau for additional services required in issuing Ohio nature 72281
preserves license plates, in the state bureau of motor vehicles 72282
fund created in section 4501.25 of the Revised Code. 72283

Sec. 4505.01. (A) As used in this chapter: 72284

(1) "Lien" includes, unless the context requires a different 72285
meaning, a security interest in a motor vehicle. 72286

(2) "Motor vehicle" includes manufactured homes, mobile 72287
homes, recreational vehicles, and trailers and semitrailers whose 72288
weight exceeds four thousand pounds. 72289

(3) "Manufactured home" has the same meaning as section 72290
3781.06 of the Revised Code. 72291

(4) "Mobile home" has the same meaning as in section 4501.01 72292
of the Revised Code. 72293

(5) "Manufactured housing dealer," "manufactured housing broker," and "manufactured housing salesperson" have the same meanings as in section 4781.01 of the Revised Code. 72294
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(6) "Motor vehicle dealer" includes manufactured housing dealers. 72297
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(7) "Motor vehicle salesperson" includes manufactured housing salespersons. 72299
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(B) The various certificates, applications, and assignments necessary to provide certificates of title for manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds, shall be made upon forms prescribed by the registrar of motor vehicles. 72301
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Sec. 4505.06. (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds. 72306
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(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the 72318
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applicant, the clerk shall transmit data related to the 72325
transaction to the automated title processing system. 72326

(3) If a certificate of title previously has been issued for 72327
a motor vehicle in this state, the application for a certificate 72328
of title also shall be accompanied by that certificate of title 72329
duly assigned, unless otherwise provided in this chapter. If a 72330
certificate of title previously has not been issued for the motor 72331
vehicle in this state, the application, unless otherwise provided 72332
in this chapter, shall be accompanied by a manufacturer's or 72333
importer's certificate or by a certificate of title of another 72334
state from which the motor vehicle was brought into this state. If 72335
the application refers to a motor vehicle last previously 72336
registered in another state, the application also shall be 72337
accompanied by the physical inspection certificate required by 72338
section 4505.061 of the Revised Code. If the application is made 72339
by two persons regarding a motor vehicle in which they wish to 72340
establish joint ownership with right of survivorship, they may do 72341
so as provided in section 2131.12 of the Revised Code. If the 72342
applicant requests a designation of the motor vehicle in 72343
beneficiary form so that upon the death of the owner of the motor 72344
vehicle, ownership of the motor vehicle will pass to a designated 72345
transfer-on-death beneficiary or beneficiaries, the applicant may 72346
do so as provided in section 2131.13 of the Revised Code. A person 72347
who establishes ownership of a motor vehicle that is transferable 72348
on death in accordance with section 2131.13 of the Revised Code 72349
may terminate that type of ownership or change the designation of 72350
the transfer-on-death beneficiary or beneficiaries by applying for 72351
a certificate of title pursuant to this section. The clerk shall 72352
retain the evidence of title presented by the applicant and on 72353
which the certificate of title is issued, except that, if an 72354
application for a certificate of title is filed electronically by 72355
an electronic motor vehicle dealer on behalf of the purchaser of a 72356
motor vehicle, the clerk shall retain the completed electronic 72357

record to which the dealer converted the certificate of title 72358
application and other required documents. The registrar, after 72359
consultation with the attorney general, shall adopt rules that 72360
govern the location at which, and the manner in which, are stored 72361
the actual application and all other documents relating to the 72362
sale of a motor vehicle when an electronic motor vehicle dealer 72363
files the application for a certificate of title electronically on 72364
behalf of the purchaser. 72365

The clerk shall use reasonable diligence in ascertaining 72366
whether or not the facts in the application for a certificate of 72367
title are true by checking the application and documents 72368
accompanying it or the electronic record to which a dealer 72369
converted the application and accompanying documents with the 72370
records of motor vehicles in the clerk's office. If the clerk is 72371
satisfied that the applicant is the owner of the motor vehicle and 72372
that the application is in the proper form, the clerk, within five 72373
business days after the application is filed and except as 72374
provided in section 4505.021 of the Revised Code, shall issue a 72375
physical certificate of title over the clerk's signature and 72376
sealed with the clerk's seal, unless the applicant specifically 72377
requests the clerk not to issue a physical certificate of title 72378
and instead to issue an electronic certificate of title. For 72379
purposes of the transfer of a certificate of title, if the clerk 72380
is satisfied that the secured party has duly discharged a lien 72381
notation but has not canceled the lien notation with a clerk, the 72382
clerk may cancel the lien notation on the automated title 72383
processing system and notify the clerk of the county of origin. 72384

(4) In the case of the sale of a motor vehicle to a general 72385
buyer or user by a dealer, by a motor vehicle leasing dealer 72386
selling the motor vehicle to the lessee or, in a case in which the 72387
leasing dealer subleased the motor vehicle, the sublessee, at the 72388
end of the lease agreement or sublease agreement, or by a 72389

manufactured ~~home~~ housing broker, the certificate of title shall 72390
be obtained in the name of the buyer by the dealer, leasing 72391
dealer, or manufactured ~~home~~ housing broker, as the case may be, 72392
upon application signed by the buyer. The certificate of title 72393
shall be issued, or the process of entering the certificate of 72394
title application information into the automated title processing 72395
system if a physical certificate of title is not to be issued 72396
shall be completed, within five business days after the 72397
application for title is filed with the clerk. If the buyer of the 72398
motor vehicle previously leased the motor vehicle and is buying 72399
the motor vehicle at the end of the lease pursuant to that lease, 72400
the certificate of title shall be obtained in the name of the 72401
buyer by the motor vehicle leasing dealer who previously leased 72402
the motor vehicle to the buyer or by the motor vehicle leasing 72403
dealer who subleased the motor vehicle to the buyer under a 72404
sublease agreement. 72405

In all other cases, except as provided in section 4505.032 72406
and division (D)(2) of section 4505.11 of the Revised Code, such 72407
certificates shall be obtained by the buyer. 72408

(5)(a)(i) If the certificate of title is being obtained in 72409
the name of the buyer by a motor vehicle dealer or motor vehicle 72410
leasing dealer and there is a security interest to be noted on the 72411
certificate of title, the dealer or leasing dealer shall submit 72412
the application for the certificate of title and payment of the 72413
applicable tax to a clerk within seven business days after the 72414
later of the delivery of the motor vehicle to the buyer or the 72415
date the dealer or leasing dealer obtains the manufacturer's or 72416
importer's certificate, or certificate of title issued in the name 72417
of the dealer or leasing dealer, for the motor vehicle. Submission 72418
of the application for the certificate of title and payment of the 72419
applicable tax within the required seven business days may be 72420
indicated by postmark or receipt by a clerk within that period. 72421

(ii) Upon receipt of the certificate of title with the security interest noted on its face, the dealer or leasing dealer shall forward the certificate of title to the secured party at the location noted in the financing documents or otherwise specified by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer is liable to a secured party for a late fee of ten dollars per day for each certificate of title application and payment of the applicable tax that is submitted to a clerk more than seven business days but less than twenty-one days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle and, from then on, twenty-five dollars per day until the application and applicable tax are submitted to a clerk.

(b) In all cases of transfer of a motor vehicle except the transfer of a manufactured home, the application for certificate of title shall be filed within thirty days after the assignment or delivery of the motor vehicle. ~~¶¶~~

(c) An application for a certificate of title for a new manufactured home shall be filed within thirty days after the delivery of the new manufactured home to the purchaser. The date of the delivery shall be the date on which an occupancy permit for the manufactured home is delivered to the purchaser of the home by the appropriate legal authority.

(d) An application for a certificate of title for a used manufactured home or a used mobile home shall be filed as follows:

(i) If a certificate of title for the used manufactured home or used mobile home was issued to the motor vehicle dealer prior to the sale of the manufactured or mobile home to the purchaser,

the application for certificate of title shall be filed within 72453
thirty days after the date on which an occupancy permit for the 72454
manufactured or mobile home is delivered to the purchaser by the 72455
appropriate legal authority. 72456

(ii) If the motor vehicle dealer has been designated by a 72457
secured party to display the manufactured or mobile home for sale, 72458
or to sell the manufactured or mobile home under section 4505.20 72459
of the Revised Code, but the certificate of title has not been 72460
transferred by the secured party to the motor vehicle dealer, and 72461
the dealer has complied with the requirements of division (A) of 72462
section 4505.181 of the Revised Code, the application for 72463
certificate of title shall be filed within thirty days after the 72464
date on which the motor vehicle dealer obtains the certificate of 72465
title for the home from the secured party or the date on which an 72466
occupancy permit for the manufactured or mobile home is delivered 72467
to the purchaser by the appropriate legal authority, whichever 72468
occurs later. 72469

(6) If an application for a certificate of title is not filed 72470
within the period specified in division (A)(5)(b), (c), or (d) of 72471
this section, the clerk shall collect a fee of five dollars for 72472
the issuance of the certificate, except that no such fee shall be 72473
required from a motor vehicle salvage dealer, as defined in 72474
division (A) of section 4738.01 of the Revised Code, who 72475
immediately surrenders the certificate of title for cancellation. 72476
The fee shall be in addition to all other fees established by this 72477
chapter, and shall be retained by the clerk. The registrar shall 72478
provide, on the certificate of title form prescribed by section 72479
4505.07 of the Revised Code, language necessary to give evidence 72480
of the date on which the assignment or delivery of the motor 72481
vehicle was made. 72482

~~(6)~~(7) As used in division (A) of this section, "lease 72483
agreement," "lessee," and "sublease agreement" have the same 72484

meanings as in section 4505.04 of the Revised Code and "new 72485
manufactured home," "used manufactured home," and "used mobile 72486
home" have the same meanings as in section 5739.021 of the Revised 72487
Code. 72488

(B)(1) The clerk, except as provided in this section, shall 72489
refuse to accept for filing any application for a certificate of 72490
title and shall refuse to issue a certificate of title unless the 72491
dealer ~~or manufactured home broker~~ or the applicant, in cases in 72492
which the certificate shall be obtained by the buyer, submits with 72493
the application payment of the tax levied by or pursuant to 72494
Chapters 5739. and 5741. of the Revised Code based on the 72495
purchaser's county of residence. Upon payment of the tax in 72496
accordance with division (E) of this section, the clerk shall 72497
issue a receipt prescribed by the registrar and agreed upon by the 72498
tax commissioner showing payment of the tax or a receipt issued by 72499
the commissioner showing the payment of the tax. When submitting 72500
payment of the tax to the clerk, a dealer shall retain any 72501
discount to which the dealer is entitled under section 5739.12 of 72502
the Revised Code. 72503

(2) For receiving and disbursing such taxes paid to the clerk 72504
by a resident of the clerk's county, the clerk may retain a 72505
poundage fee of one and one one-hundredth per cent, and the clerk 72506
shall pay the poundage fee into the certificate of title 72507
administration fund created by section 325.33 of the Revised Code. 72508
The clerk shall not retain a poundage fee from payments of taxes 72509
by persons who do not reside in the clerk's county. 72510

A clerk, however, may retain from the taxes paid to the clerk 72511
an amount equal to the poundage fees associated with certificates 72512
of title issued by other clerks of courts of common pleas to 72513
applicants who reside in the first clerk's county. The registrar, 72514
in consultation with the tax commissioner and the clerks of the 72515
courts of common pleas, shall develop a report from the automated 72516

title processing system that informs each clerk of the amount of 72517
the poundage fees that the clerk is permitted to retain from those 72518
taxes because of certificates of title issued by the clerks of 72519
other counties to applicants who reside in the first clerk's 72520
county. 72521

(3) In the case of casual sales of motor vehicles, as defined 72522
in section 4517.01 of the Revised Code, the price for the purpose 72523
of determining the tax shall be the purchase price on the assigned 72524
certificate of title executed by the seller and filed with the 72525
clerk by the buyer on a form to be prescribed by the registrar, 72526
which shall be prima-facie evidence of the amount for the 72527
determination of the tax. 72528

(4) Each county clerk shall forward to the treasurer of state 72529
all sales and use tax collections resulting from sales of motor 72530
vehicles, off-highway motorcycles, and all-purpose vehicles during 72531
a calendar week on or before the Friday following the close of 72532
that week. If, on any Friday, the offices of the clerk of courts 72533
or the state are not open for business, the tax shall be forwarded 72534
to the treasurer of state on or before the next day on which the 72535
offices are open. Every remittance of tax under division (B)(4) of 72536
this section shall be accompanied by a remittance report in such 72537
form as the tax commissioner prescribes. Upon receipt of a tax 72538
remittance and remittance report, the treasurer of state shall 72539
date stamp the report and forward it to the tax commissioner. If 72540
the tax due for any week is not remitted by a clerk of courts as 72541
required under division (B)(4) of this section, the commissioner 72542
may require the clerk to forfeit the poundage fees for the sales 72543
made during that week. The treasurer of state may require the 72544
clerks of courts to transmit tax collections and remittance 72545
reports electronically. 72546

(C)(1) If the transferor indicates on the certificate of 72547
title that the odometer reflects mileage in excess of the designed 72548

mechanical limit of the odometer, the clerk shall enter the phrase 72549
"exceeds mechanical limits" following the mileage designation. If 72550
the transferor indicates on the certificate of title that the 72551
odometer reading is not the actual mileage, the clerk shall enter 72552
the phrase "nonactual: warning - odometer discrepancy" following 72553
the mileage designation. The clerk shall use reasonable care in 72554
transferring the information supplied by the transferor, but is 72555
not liable for any errors or omissions of the clerk or those of 72556
the clerk's deputies in the performance of the clerk's duties 72557
created by this chapter. 72558

The registrar shall prescribe an affidavit in which the 72559
transferor shall swear to the true selling price and, except as 72560
provided in this division, the true odometer reading of the motor 72561
vehicle. The registrar may prescribe an affidavit in which the 72562
seller and buyer provide information pertaining to the odometer 72563
reading of the motor vehicle in addition to that required by this 72564
section, as such information may be required by the United States 72565
secretary of transportation by rule prescribed under authority of 72566
subchapter IV of the "Motor Vehicle Information and Cost Savings 72567
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 72568

(2) Division (C)(1) of this section does not require the 72569
giving of information concerning the odometer and odometer reading 72570
of a motor vehicle when ownership of a motor vehicle is being 72571
transferred as a result of a bequest, under the laws of intestate 72572
succession, to a survivor pursuant to section 2106.18, 2131.12, or 72573
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 72574
beneficiaries pursuant to section 2131.13 of the Revised Code, in 72575
connection with the creation of a security interest or for a 72576
vehicle with a gross vehicle weight rating of more than sixteen 72577
thousand pounds. 72578

(D) When the transfer to the applicant was made in some other 72579
state or in interstate commerce, the clerk, except as provided in 72580

this section, shall refuse to issue any certificate of title 72581
unless the tax imposed by or pursuant to Chapter 5741. of the 72582
Revised Code based on the purchaser's county of residence has been 72583
paid as evidenced by a receipt issued by the tax commissioner, or 72584
unless the applicant submits with the application payment of the 72585
tax. Upon payment of the tax in accordance with division (E) of 72586
this section, the clerk shall issue a receipt prescribed by the 72587
registrar and agreed upon by the tax commissioner, showing payment 72588
of the tax. 72589

For receiving and disbursing such taxes paid to the clerk by 72590
a resident of the clerk's county, the clerk may retain a poundage 72591
fee of one and one one-hundredth per cent. The clerk shall not 72592
retain a poundage fee from payments of taxes by persons who do not 72593
reside in the clerk's county. 72594

A clerk, however, may retain from the taxes paid to the clerk 72595
an amount equal to the poundage fees associated with certificates 72596
of title issued by other clerks of courts of common pleas to 72597
applicants who reside in the first clerk's county. The registrar, 72598
in consultation with the tax commissioner and the clerks of the 72599
courts of common pleas, shall develop a report from the automated 72600
title processing system that informs each clerk of the amount of 72601
the poundage fees that the clerk is permitted to retain from those 72602
taxes because of certificates of title issued by the clerks of 72603
other counties to applicants who reside in the first clerk's 72604
county. 72605

When the vendor is not regularly engaged in the business of 72606
selling motor vehicles, the vendor shall not be required to 72607
purchase a vendor's license or make reports concerning those 72608
sales. 72609

(E) The clerk shall accept any payment of a tax in cash, or 72610
by cashier's check, certified check, draft, money order, or teller 72611
check issued by any insured financial institution payable to the 72612

clerk and submitted with an application for a certificate of title 72613
under division (B) or (D) of this section. The clerk also may 72614
accept payment of the tax by corporate, business, or personal 72615
check, credit card, electronic transfer or wire transfer, debit 72616
card, or any other accepted form of payment made payable to the 72617
clerk. The clerk may require bonds, guarantees, or letters of 72618
credit to ensure the collection of corporate, business, or 72619
personal checks. Any service fee charged by a third party to a 72620
clerk for the use of any form of payment may be paid by the clerk 72621
from the certificate of title administration fund created in 72622
section 325.33 of the Revised Code, or may be assessed by the 72623
clerk upon the applicant as an additional fee. Upon collection, 72624
the additional fees shall be paid by the clerk into that 72625
certificate of title administration fund. 72626

The clerk shall make a good faith effort to collect any 72627
payment of taxes due but not made because the payment was returned 72628
or dishonored, but the clerk is not personally liable for the 72629
payment of uncollected taxes or uncollected fees. The clerk shall 72630
notify the tax commissioner of any such payment of taxes that is 72631
due but not made and shall furnish the information to the 72632
commissioner that the commissioner requires. The clerk shall 72633
deduct the amount of taxes due but not paid from the clerk's 72634
periodic remittance of tax payments, in accordance with procedures 72635
agreed upon by the tax commissioner. The commissioner may collect 72636
taxes due by assessment in the manner provided in section 5739.13 72637
of the Revised Code. 72638

Any person who presents payment that is returned or 72639
dishonored for any reason is liable to the clerk for payment of a 72640
penalty over and above the amount of the taxes due. The clerk 72641
shall determine the amount of the penalty, and the penalty shall 72642
be no greater than that amount necessary to compensate the clerk 72643
for banking charges, legal fees, or other expenses incurred by the 72644

clerk in collecting the returned or dishonored payment. The 72645
remedies and procedures provided in this section are in addition 72646
to any other available civil or criminal remedies. Subsequently 72647
collected penalties, poundage fees, and title fees, less any title 72648
fee due the state, from returned or dishonored payments collected 72649
by the clerk shall be paid into the certificate of title 72650
administration fund. Subsequently collected taxes, less poundage 72651
fees, shall be sent by the clerk to the treasurer of state at the 72652
next scheduled periodic remittance of tax payments, with 72653
information as the commissioner may require. The clerk may abate 72654
all or any part of any penalty assessed under this division. 72655

(F) In the following cases, the clerk shall accept for filing 72656
an application and shall issue a certificate of title without 72657
requiring payment or evidence of payment of the tax: 72658

(1) When the purchaser is this state or any of its political 72659
subdivisions, a church, or an organization whose purchases are 72660
exempted by section 5739.02 of the Revised Code; 72661

(2) When the transaction in this state is not a retail sale 72662
as defined by section 5739.01 of the Revised Code; 72663

(3) When the purchase is outside this state or in interstate 72664
commerce and the purpose of the purchaser is not to use, store, or 72665
consume within the meaning of section 5741.01 of the Revised Code; 72666

(4) When the purchaser is the federal government; 72667

(5) When the motor vehicle was purchased outside this state 72668
for use outside this state; 72669

(6) When the motor vehicle is purchased by a nonresident 72670
under the circumstances described in division (B)(1) of section 72671
5739.029 of the Revised Code, and upon presentation of a copy of 72672
the affidavit provided by that section, and a copy of the 72673
exemption certificate provided by section 5739.03 of the Revised 72674
Code. 72675

(G) An application, as prescribed by the registrar and agreed 72676
to by the tax commissioner, shall be filled out and sworn to by 72677
the buyer of a motor vehicle in a casual sale. The application 72678
shall contain the following notice in bold lettering: "WARNING TO 72679
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 72680
law to state the true selling price. A false statement is in 72681
violation of section 2921.13 of the Revised Code and is punishable 72682
by six months' imprisonment or a fine of up to one thousand 72683
dollars, or both. All transfers are audited by the department of 72684
taxation. The seller and buyer must provide any information 72685
requested by the department of taxation. The buyer may be assessed 72686
any additional tax found to be due." 72687

(H) For sales of manufactured homes or mobile homes occurring 72688
on or after January 1, 2000, the clerk shall accept for filing, 72689
pursuant to Chapter 5739. of the Revised Code, an application for 72690
a certificate of title for a manufactured home or mobile home 72691
without requiring payment of any tax pursuant to section 5739.02, 72692
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 72693
issued by the tax commissioner showing payment of the tax. For 72694
sales of manufactured homes or mobile homes occurring on or after 72695
January 1, 2000, the applicant shall pay to the clerk an 72696
additional fee of five dollars for each certificate of title 72697
issued by the clerk for a manufactured or mobile home pursuant to 72698
division (H) of section 4505.11 of the Revised Code and for each 72699
certificate of title issued upon transfer of ownership of the 72700
home. The clerk shall credit the fee to the county certificate of 72701
title administration fund, and the fee shall be used to pay the 72702
expenses of archiving those certificates pursuant to division (A) 72703
of section 4505.08 and division (H)(3) of section 4505.11 of the 72704
Revised Code. The tax commissioner shall administer any tax on a 72705
manufactured or mobile home pursuant to Chapters 5739. and 5741. 72706
of the Revised Code. 72707

(I) Every clerk shall have the capability to transact by 72708
electronic means all procedures and transactions relating to the 72709
issuance of motor vehicle certificates of title that are described 72710
in the Revised Code as being accomplished by electronic means. 72711

Sec. 4505.062. Notwithstanding any general requirement in 72712
this chapter to the effect that an application for a certificate 72713
of title to a motor vehicle shall be "sworn to" or shall be "sworn 72714
to before a notary public or other officer empowered to administer 72715
oaths," that requirement shall apply only in the case of a 72716
transfer of a motor vehicle between parties in the course of a 72717
casual sale, as defined in ~~section~~ sections 4517.01 and 4781.01 of 72718
the Revised Code. 72719

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 72720
shall charge and retain fees as follows: 72721

(a) Five dollars for each certificate of title that is not 72722
applied for within thirty days after the later of the assignment 72723
or delivery of the motor vehicle described in it. The entire fee 72724
shall be retained by the clerk. 72725

(b) Fifteen dollars for each certificate of title or 72726
duplicate certificate of title including the issuance of a 72727
memorandum certificate of title, or authorization to print a 72728
non-negotiable evidence of ownership described in division (G) of 72729
section 4505.08 of the Revised Code, non-negotiable evidence of 72730
ownership printed by the clerk under division (H) of that section, 72731
and notation of any lien on a certificate of title that is applied 72732
for at the same time as the certificate of title. The clerk shall 72733
retain ~~eleven~~ twelve dollars and ~~fifty~~ twenty-five cents of that 72734
fee. 72735

(c) Five dollars for each certificate of title with no 72736
security interest noted that is issued to a licensed motor vehicle 72737

dealer for resale purposes. The clerk shall retain two dollars and 72738
twenty-five cents of that fee. 72739

(d) Five dollars for each memorandum certificate of title or 72740
non-negotiable evidence of ownership that is applied for 72741
separately. The clerk shall retain that entire fee. 72742

(2) The fees that are not retained by the clerk shall be paid 72743
to the registrar of motor vehicles by monthly returns, which shall 72744
be forwarded to the registrar not later than the fifth day of the 72745
month next succeeding that in which the certificate is issued or 72746
that in which the registrar is notified of a lien or cancellation 72747
of a lien. 72748

(B)(1) The registrar shall pay twenty-five cents of the 72749
amount received for each certificate of title issued ~~to a motor~~ 72750
~~vehicle dealer for resale and one dollar for all other~~ 72751
~~certificates of title issued~~ into the state bureau of motor 72752
vehicles fund established in section 4501.25 of the Revised Code. 72753

(2) Fifty cents of the amount received for each certificate 72754
of title shall be paid by the registrar as follows: 72755

(a) Four cents shall be paid into the state treasury to the 72756
credit of the motor vehicle dealers board fund, which is hereby 72757
created. All investment earnings of the fund shall be credited to 72758
the fund. The moneys in the motor vehicle dealers board fund shall 72759
be used by the motor vehicle dealers board created under section 72760
4517.30 of the Revised Code, together with other moneys 72761
appropriated to it, in the exercise of its powers and the 72762
performance of its duties under Chapter 4517. of the Revised Code, 72763
except that the director of budget and management may transfer 72764
excess money from the motor vehicle dealers board fund to the 72765
bureau of motor vehicles fund if the registrar determines that the 72766
amount of money in the motor vehicle dealers board fund, together 72767
with other moneys appropriated to the board, exceeds the amount 72768

required for the exercise of its powers and the performance of its 72769
duties under Chapter 4517. of the Revised Code and requests the 72770
director to make the transfer. 72771

(b) Twenty-one cents shall be paid into the highway operating 72772
fund. 72773

(c) Twenty-five cents shall be paid into the state treasury 72774
to the credit of the motor vehicle sales audit fund, which is 72775
hereby created. The moneys in the fund shall be used by the tax 72776
commissioner together with other funds available to the 72777
commissioner to conduct a continuing investigation of sales and 72778
use tax returns filed for motor vehicles in order to determine if 72779
sales and use tax liability has been satisfied. The commissioner 72780
shall refer cases of apparent violations of section 2921.13 of the 72781
Revised Code made in connection with the titling or sale of a 72782
motor vehicle and cases of any other apparent violations of the 72783
sales or use tax law to the appropriate county prosecutor whenever 72784
the commissioner considers it advisable. 72785

(3) Two dollars of the amount received by the registrar for 72786
each certificate of title shall be paid into the state treasury to 72787
the credit of the automated title processing fund, which is hereby 72788
created and which shall consist of moneys collected under division 72789
(B)(3) of this section and under sections 1548.10 and 4519.59 of 72790
the Revised Code. All investment earnings of the fund shall be 72791
credited to the fund. The moneys in the fund shall be used as 72792
follows: 72793

(a) Except for moneys collected under section 1548.10 of the 72794
Revised Code and as provided in division (B)(3)(c) of this 72795
section, moneys collected under division (B)(3) of this section 72796
shall be used to implement and maintain an automated title 72797
processing system for the issuance of motor vehicle, off-highway 72798
motorcycle, and all-purpose vehicle certificates of title in the 72799
offices of the clerks of the courts of common pleas. 72800

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code.

(c) Moneys collected under division (B)(3) of this section shall be used in accordance with section 4505.25 of the Revised Code to implement Sub. S.B. 59 of the 124th general assembly.

(C)(1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The director of budget and management or the director's designee, the chief of the division of watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

(2) The automated title processing board shall determine each of the following:

(a) The automated title processing equipment and certificates of title requirements for each county;

(b) The payment of expenses that may be incurred by the

counties in implementing an automated title processing system; 72832

(c) The repayment to the counties for existing title 72833
processing equipment. 72834

(3) The registrar shall purchase, lease, or otherwise acquire 72835
any automated title processing equipment and certificates of title 72836
that the board determines are necessary from moneys in the 72837
automated title processing fund established by division (B)(3) of 72838
this section. 72839

(D) All counties shall conform to the requirements of the 72840
registrar regarding the operation of their automated title 72841
processing system for motor vehicle titles, certificates of title 72842
for off-highway motorcycles and all-purpose vehicles, and 72843
certificates of title for watercraft and outboard motors. 72844

Sec. 4505.111. (A) Every motor vehicle, other than a 72845
manufactured home, a mobile home, or a motor vehicle as provided 72846
in divisions (C), (D), and (E) of section 4505.11 of the Revised 72847
Code, that is assembled from component parts by a person other 72848
than the manufacturer, shall be inspected by the state highway 72849
patrol prior to issuance of title to the motor vehicle. The 72850
inspection shall include establishing proof of ownership and an 72851
inspection of the motor number and vehicle identification number 72852
of the motor vehicle, and any items of equipment the director of 72853
public safety considers advisable and requires to be inspected by 72854
rule. A fee of forty dollars in fiscal year 1998 and fifty dollars 72855
in fiscal year 1999 and thereafter shall be assessed by the state 72856
highway patrol for each inspection made pursuant to this section, 72857
and shall be deposited in the state highway safety fund 72858
established by section 4501.06 of the Revised Code. 72859

(B) Whoever violates this section shall be fined not more 72860
than two thousand dollars, imprisoned not more than one year, or 72861
both. 72862

Sec. 4505.181. (A) Notwithstanding divisions (A)(2), (5), and 72863
(6) of section 4505.18 of the Revised Code, a motor vehicle dealer 72864
or person acting on behalf of a motor vehicle dealer may display, 72865
offer for sale, or sell a used motor vehicle, used manufactured 72866
home, or used mobile home without having first obtained a 72867
certificate of title for the vehicle in the name of the dealer as 72868
required by this chapter if the dealer or person acting on behalf 72869
of the dealer complies with divisions (A)(1)(a) and (2) of this 72870
section, or divisions (A)(1)(b) and (2) of this section, as 72871
follows: 72872

(1)(a) If the dealer has been licensed as a motor vehicle 72873
dealer or manufactured housing dealer for less than the three-year 72874
period prior to the date on which the dealer or person acting on 72875
behalf of the dealer displays, offers for sale, or sells the used 72876
motor vehicle for which the dealer has not obtained a certificate 72877
of title in the name of the dealer, or if the attorney general has 72878
paid a retail purchaser of the dealer under division (C) of this 72879
section within three years prior to such date, the dealer posts 72880
with the attorney general's office in favor of this state a bond 72881
of a surety company authorized to do business in this state, in an 72882
amount of not less than twenty-five thousand dollars, to be used 72883
solely for the purpose of compensating retail purchasers of motor 72884
vehicles, manufactured homes, or mobile homes who suffer damages 72885
due to failure of the dealer or person acting on behalf of the 72886
dealer to comply with this section. The dealer's surety shall 72887
notify the registrar and attorney general when a bond is canceled 72888
and shall notify the manufactured homes commission and the 72889
attorney general when a bond of a manufactured housing dealer is 72890
canceled. Such notification of cancellation shall include the 72891
effective date of and reason for cancellation. 72892

(b) If the dealer has been licensed as a motor vehicle dealer 72893
or manufactured housing dealer for longer than the three-year 72894

period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle, used manufactured home, or used mobile home for which the dealer has not obtained a certificate of title in the name of the dealer and the attorney general has not paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer pays one hundred fifty dollars to the attorney general for deposit into the title defect recision fund created by section 1345.52 of the Revised Code.

(2) The dealer or person acting on behalf of the dealer possesses a bill of sale for each motor vehicle, used manufactured home, and used mobile home proposed to be displayed, offered for sale, or sold under this section and a properly executed power of attorney or other related documents from the prior owner of the motor vehicle, manufactured home, or mobile home giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle, manufactured home, or mobile home issued in the name of the dealer, and retains copies of all such documents in the dealer's or person's files until such time as a certificate of title in the dealer's name is issued for each such motor vehicle, manufactured home, or mobile home by the clerk of the court of common pleas. Such documents shall be available for inspection by the bureau of motor vehicles and the manufactured homes commission during normal business hours.

(B) If a retail purchaser purchases a motor vehicle, used manufactured home, or used mobile home for which the dealer, pursuant to and in accordance with division (A) of this section, does not have a certificate of title issued in the name of the dealer at the time of the sale, the retail purchaser has an unconditional right to rescind the transaction and the dealer has an obligation to refund to the retail purchaser the full purchase price of the vehicle, if one of the following applies:

(1) The dealer fails, on or before the fortieth day following the date of the sale, to obtain a title in the name of the retail purchaser. 72927
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(2) The title for the vehicle indicates that it is a rebuilt salvage vehicle, and the fact that it is a rebuilt salvage vehicle was not disclosed to the retail purchaser in writing prior to the execution of the purchase agreement. 72930
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(3) The title for the vehicle indicates that the dealer has made an inaccurate odometer disclosure to the retail purchaser. 72934
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(4) The motor vehicle is a used manufactured home or used mobile home, as defined by section 5739.021 of the Revised Code, that has been repossessed under Chapter 1309. or 1317. of the Revised Code, but a certificate of title for the repossessed home has not yet been transferred by the repossessing party to the dealer on the date the retail purchaser purchases the used manufactured home or used mobile home from the dealer, and the dealer fails to obtain a certificate of title on or before the fortieth day after the dealer obtains the certificate of title for the home from the repossessing party or the date on which an occupancy permit for the home is delivered to the purchaser by the appropriate legal authority, whichever occurs later. 72936
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If any of the circumstances described in divisions (B)(1) to ~~(3)~~(4) of this section applies, a retail purchaser or the retail purchaser's representative shall notify the dealer and afford the dealer the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Nothing in this division shall be construed as prohibiting the dealer and the retail purchaser or their representatives from negotiating a compromise resolution that is satisfactory to both parties. 72948
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(C) If a retail purchaser notifies a dealer of one or more of the circumstances listed in division (B) of this section and the 72956
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dealer fails to refund to the retail purchaser the full purchase price of the vehicle or reach a satisfactory compromise with the retail purchaser within three business days of presentation of the retail purchaser's recision claim, the retail purchaser may apply to the attorney general for payment from the fund of the full purchase price to the retail purchaser.

(D) Upon application by a retail purchaser for payment from the fund, if the attorney general is satisfied that one or more of the circumstances contained in divisions (B)(1) to ~~(3)~~(4) of this section exist, the attorney general shall cause the full purchase price of the vehicle, manufactured home, or mobile home to be paid to the retail purchaser from the fund after delivery of the vehicle, manufactured home, or mobile home to the attorney general. The attorney general may sell or otherwise dispose of any vehicle, manufactured home, or mobile home that is delivered to the attorney general under this section, and may collect the proceeds of any bond posted under division (A) of this section by a dealer who has failed to comply with division (C) of this section. The proceeds from all such sales and collections shall be deposited into the title defect recision fund for use as specified in section 1345.52 of the Revised Code.

(E) Failure by a dealer to comply with division (A) or (B) of this section constitutes a deceptive act or practice in connection with a consumer transaction, and is a violation of section 1345.02 of the Revised Code.

(F) The remedy provided in this section to retail purchasers is in addition to any remedies otherwise available to the retail purchaser for the same conduct of the dealer or person acting on behalf of the dealer under federal law or the laws of this state or a political subdivision of this state.

(G) All motor vehicle dealers licensed under Chapter 4517. of the Revised Code and manufactured housing dealers licensed under

Chapter 4781. of the Revised Code shall pay to the attorney 72990
general for deposit into the title defect recision fund the amount 72991
described in division (A)(1)(b) of this section beginning with the 72992
calendar year during which this section becomes effective and each 72993
year subsequent to that year until the balance in the fund is not 72994
less than three hundred thousand dollars. All such dealers also 72995
shall pay to the attorney general for deposit into the fund that 72996
amount during any year and subsequent years during which the 72997
balance in the fund is less than three hundred thousand dollars 72998
until the balance in the fund reaches three hundred thousand 72999
dollars. 73000

If a motor vehicle dealer or manufactured housing dealer 73001
fails to comply with this division, the attorney general may bring 73002
a civil action in a court of competent jurisdiction to collect the 73003
amount the dealer failed to pay to the attorney general for 73004
deposit into the fund. 73005

Sec. 4505.20. (A) Notwithstanding division (A)(2) of section 73006
4505.18 of the Revised Code or any other provision of this chapter 73007
or Chapter 4517. of the Revised Code, a secured party may 73008
designate any dealer to display, display for sale, or sell a 73009
manufactured or mobile home if the home has come into the 73010
possession of that secured party by a default in the terms of a 73011
security instrument and the certificate of title remains in the 73012
name and possession of the secured party. 73013

(B) Notwithstanding division (A)(2) of section 4505.18 of the 73014
Revised Code or any other provision of this chapter or Chapter 73015
4517. of the Revised Code, the owner of a recreational vehicle or 73016
a secured party of a recreational vehicle who has come into 73017
possession of the vehicle by a default in the terms of a security 73018
instrument, may designate any dealer to display, display for sale, 73019
or sell the vehicle while the certificate of title remains in the 73020

possession of the owner or secured party. No dealer may display or 73021
offer for sale more than five recreational vehicles at any time 73022
under this division. No dealer may display or offer for sale a 73023
recreational vehicle under this division unless the dealer 73024
maintains insurance or the bond of a surety company authorized to 73025
transact business within this state in an amount sufficient to 73026
satisfy the fair market value of the vehicle. 73027

(C) The registrar of motor vehicles may adopt rules in 73028
accordance with Chapter 119. of the Revised Code prescribing the 73029
maximum number of manufactured or mobile homes that have come into 73030
the possession of a secured party by a default in the terms of a 73031
security instrument that any dealer may display or offer for sale 73032
at any time. The registrar may adopt other reasonable rules 73033
regarding the resale of such manufactured homes, mobile homes, and 73034
recreational vehicles that the registrar considers necessary. 73035

(D) The secured party or owner shall provide the dealer with 73036
written authorization to display, display for sale, or sell the 73037
manufactured home, mobile home, or recreational vehicle. The 73038
dealer shall show and explain the written authorization to any 73039
prospective purchaser. The written authorization shall contain the 73040
vehicle identification number, make, model, year of manufacture, 73041
and physical description of the manufactured home, mobile home, or 73042
recreational vehicle that is provided to the dealer. 73043

(E) As used in this section, "dealer" means a ~~new motor~~ 73044
~~vehicle~~ manufactured housing dealer that is licensed under Chapter 73045
~~4517-~~ 4781. of the Revised Code. 73046

(F) Whoever violates this section shall be fined not more 73047
than two hundred dollars, imprisoned not more than ninety days, or 73048
both. 73049

Sec. 4507.03. (A)(1) No person shall be required to obtain a 73050
driver's or commercial driver's license for the purpose of 73051

temporarily driving, operating, drawing, moving, or propelling a 73052
road roller or road machinery upon a street or highway. 73053

(2) No person shall be required to obtain a driver's or 73054
commercial driver's license for the purpose of temporarily 73055
driving, operating, drawing, moving, or propelling any 73056
agricultural tractor or implement of husbandry upon a street or 73057
highway at a speed of twenty-five miles per hour or less. 73058

(3) No person shall drive, operate, draw, move, or propel any 73059
agricultural tractor or implement of husbandry upon a street or 73060
highway at a speed greater than twenty-five miles per hour unless 73061
the person has a current, valid driver's or commercial driver's 73062
license. 73063

(4) No person having a valid driver's or commercial driver's 73064
license shall be required to have a motorcycle operator's 73065
endorsement to operate a motorcycle having three wheels with a 73066
motor of not more than fifty cubic centimeters piston 73067
displacement. 73068

(B) Every person on active duty in the armed forces of the 73069
United States, when furnished with a driver's permit and when 73070
operating an official motor vehicle in connection with such duty, 73071
is exempt from the license requirements of Chapters 4506. and 73072
4507. of the Revised Code. 73073

Every person on active duty in the armed forces of the United 73074
States or in service with the peace corps, volunteers in service 73075
to America, or the foreign service of the United States is exempt 73076
from the license requirements of those chapters for the period of 73077
the person's active duty or service and for six months thereafter, 73078
provided the person was a licensee under those chapters at the 73079
time the person commenced ~~his~~ the person's active duty or service. 73080
The spouse or a dependent of any such person on active duty or in 73081
service also is exempt from the license requirements of those 73082

chapters for the period of the person's active duty or service and 73083
for six months thereafter, provided the spouse or dependent was a 73084
licensee under those chapters at the time the person commenced the 73085
active duty or service, and provided further that the person's 73086
active duty or service causes the spouse or dependent to relocate 73087
outside of this state during the period of the active duty or 73088
service. 73089

This section does not prevent such a person or ~~his~~ the 73090
person's spouse or dependent from making an application, as 73091
provided in division (C) of section 4507.10 of the Revised Code, 73092
for the renewal of a driver's license or motorcycle operator's 73093
endorsement or as provided in section 4506.14 of the Revised Code 73094
for the renewal of a commercial driver's license during the period 73095
of the person's active duty or service. 73096

(C) Whoever violates division (A)(3) of this section is 73097
guilty of a misdemeanor of the first degree. 73098

Sec. 4507.24. (A) Except as provided in division (C) of this 73099
section, the registrar of motor vehicles or a deputy registrar may 73100
collect a fee not to exceed the following: 73101

(1) Four dollars and fifty cents commencing on January 1, 73102
2004, and six dollars and twenty-five cents commencing on October 73103
1, 2009, for each application for renewal of a driver's license 73104
received by the deputy registrar, when the applicant is required 73105
to submit to a screening of the applicant's vision under section 73106
4507.12 of the Revised Code; 73107

(2) Three dollars and fifty cents commencing on January 1, 73108
2004, for each application for a driver's license, or motorized 73109
bicycle license, or for renewal of such a license, received by the 73110
deputy registrar, when the applicant is not required to submit to 73111
a screening of the applicant's vision under section 4507.12 of the 73112
Revised Code. 73113

(B) The fees prescribed by division (A) of this section shall 73114
be in addition to the fee for a temporary instruction permit and 73115
examination, a driver's license, a motorized bicycle license, or 73116
duplicates thereof. The fees retained by a deputy registrar shall 73117
compensate the deputy registrar for the deputy registrar's 73118
services, for office and rental expense, and for costs as provided 73119
in division (D) of this section, as are necessary for the proper 73120
discharge of the deputy registrar's duties under sections 4507.01 73121
to 4507.39 of the Revised Code. 73122

(C) A disabled veteran who has a service-connected disability 73123
rated at one hundred per cent by the veterans' administration is 73124
required to pay the applicable fee prescribed in division (A) of 73125
this section if the disabled veteran submits an application for a 73126
driver's license or motorized bicycle license or a renewal of 73127
either of these licenses to a deputy registrar who is acting as a 73128
deputy registrar pursuant to a contract with the registrar that is 73129
in effect on the effective date of this amendment. The disabled 73130
veteran also is required to submit with the disabled veteran's 73131
application such documentary evidence of disability as the 73132
registrar may require by rule. 73133

A disabled veteran who submits an application described in 73134
this division is not required to pay either of the fees prescribed 73135
in division (A) of this section if the disabled veteran submits 73136
the application to a deputy registrar who is acting as a deputy 73137
registrar pursuant to a contract with the registrar that is 73138
executed after the effective date of this amendment. The disabled 73139
veteran still is required to submit with the disabled veteran's 73140
application such documentary evidence of disability as the 73141
registrar may require by rule. 73142

A disabled veteran who submits an application described in 73143
this division directly to the registrar is not required to pay 73144
either of the fees prescribed in division (A) of this section if 73145

the disabled veteran submits with the disabled veteran's 73146
application such documentary evidence of disability as the 73147
registrar may require by rule. 73148

(D)(1) Each deputy registrar shall transmit to the registrar 73149
of motor vehicles, at such time and in such manner as the 73150
registrar shall require by rule, an amount of each fee collected 73151
under division (A)(1) of this section as shall be determined by 73152
the registrar. The registrar shall pay all such moneys so received 73153
into the state bureau of motor vehicles fund created in section 73154
4501.25 of the Revised Code. 73155

(2) Commencing on October 1, 2009, each deputy registrar 73156
shall transmit one dollar and seventy-five cents of each fee 73157
collected under division (A)(1) of this section to the registrar 73158
at the time and in the manner provided by section 4503.10 of the 73159
Revised Code. The registrar shall deposit all moneys received 73160
under division (D)(2) of this section into the state highway 73161
safety fund established in section 4501.06 of the Revised Code. 73162

Sec. 4507.45. If a person's driver's license, commercial 73163
driver's license, or nonresident operating privilege is suspended, 73164
disqualified, or canceled for an indefinite period of time or for 73165
a period of at least ninety days, and if at the end of the period 73166
of suspension, disqualification, or cancellation the person is 73167
eligible to have the license or privilege reinstated, the 73168
registrar of motor vehicles shall collect a reinstatement fee of 73169
~~thirty~~ forty dollars when the person requests reinstatement. 73170
However, the registrar shall not collect the fee prescribed by 73171
this section if a different driver's license, commercial driver's 73172
license, or nonresident operating privilege reinstatement fee is 73173
prescribed by law. 73174

The registrar shall deposit ten dollars of each forty-dollar 73175
fee into the state treasury to the credit of the indigent defense 73176

support fund created by section 120.08 of the Revised Code and 73177
thirty dollars of each fee into the state treasury to the credit 73178
of the state bureau of motor vehicles fund created by section 73179
4501.25 of the Revised Code. 73180

Sec. 4509.101. (A)(1) No person shall operate, or permit the 73181
operation of, a motor vehicle in this state, unless proof of 73182
financial responsibility is maintained continuously throughout the 73183
registration period with respect to that vehicle, or, in the case 73184
of a driver who is not the owner, with respect to that driver's 73185
operation of that vehicle. 73186

(2) Whoever violates division (A)(1) of this section shall be 73187
subject to the following civil penalties: 73188

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 73189
class E suspension of the person's driver's license, commercial 73190
driver's license, temporary instruction permit, probationary 73191
license, or nonresident operating privilege for the period of time 73192
specified in division (B)(5) of section 4510.02 of the Revised 73193
Code and impoundment of the person's license. The court may grant 73194
limited driving privileges to the person only if the person 73195
presents proof of financial responsibility and has complied with 73196
division (A)(5) of this section. 73197

(b) If, within five years of the violation, the person's 73198
operating privileges are again suspended and the person's license 73199
again is impounded for a violation of division (A)(1) of this 73200
section, a class C suspension of the person's driver's license, 73201
commercial driver's license, temporary instruction permit, 73202
probationary license, or nonresident operating privilege for the 73203
period of time specified in division (B)(3) of section 4510.02 of 73204
the Revised Code. The court may grant limited driving privileges 73205
to the person only if the person presents proof of financial 73206
responsibility and has complied with division (A)(5) of this 73207

section, and no court may grant limited driving privileges for the 73208
first fifteen days of the suspension. 73209

(c) If, within five years of the violation, the person's 73210
operating privileges are suspended and the person's license is 73211
impounded two or more times for a violation of division (A)(1) of 73212
this section, a class B suspension of the person's driver's 73213
license, commercial driver's license, temporary instruction 73214
permit, probationary license, or nonresident operating privilege 73215
for the period of time specified in division (B)(2) of section 73216
4510.02 of the Revised Code. No court may grant limited driving 73217
privileges during the suspension. 73218

(d) In addition to the suspension of an owner's license under 73219
division (A)(2)(a), (b), or (c) of this section, the suspension of 73220
the rights of the owner to register the motor vehicle and the 73221
impoundment of the owner's certificate of registration and license 73222
plates until the owner complies with division (A)(5) of this 73223
section. 73224

(3) A person to whom this state has issued a certificate of 73225
registration for a motor vehicle or a license to operate a motor 73226
vehicle or who is determined to have operated any motor vehicle or 73227
permitted the operation in this state of a motor vehicle owned by 73228
the person shall be required to verify the existence of proof of 73229
financial responsibility covering the operation of the motor 73230
vehicle or the person's operation of the motor vehicle under any 73231
of the following circumstances: 73232

(a) The person or a motor vehicle owned by the person is 73233
involved in a traffic accident that requires the filing of an 73234
accident report under section 4509.06 of the Revised Code. 73235

(b) The person receives a traffic ticket indicating that 73236
proof of the maintenance of financial responsibility was not 73237
produced upon the request of a peace officer or state highway 73238

patrol trooper made in accordance with division (D)(2) of this 73239
section. 73240

(c) Whenever, in accordance with rules adopted by the 73241
registrar, the person is randomly selected by the registrar and 73242
requested to provide such verification. 73243

(4) An order of the registrar that suspends and impounds a 73244
license or registration, or both, shall state the date on or 73245
before which the person is required to surrender the person's 73246
license or certificate of registration and license plates. The 73247
person is deemed to have surrendered the license or certificate of 73248
registration and license plates, in compliance with the order, if 73249
the person does either of the following: 73250

(a) On or before the date specified in the order, personally 73251
delivers the license or certificate of registration and license 73252
plates, or causes the delivery of the items, to the registrar; 73253

(b) Mails the license or certificate of registration and 73254
license plates to the registrar in an envelope or container 73255
bearing a postmark showing a date no later than the date specified 73256
in the order. 73257

(5) Except as provided in division (A)(6) or (L) of this 73258
section, the registrar shall not restore any operating privileges 73259
or registration rights suspended under this section, return any 73260
license, certificate of registration, or license plates impounded 73261
under this section, or reissue license plates under section 73262
4503.232 of the Revised Code, if the registrar destroyed the 73263
impounded license plates under that section, or reissue a license 73264
under section 4510.52 of the Revised Code, if the registrar 73265
destroyed the suspended license under that section, unless the 73266
rights are not subject to suspension or revocation under any other 73267
law and unless the person, in addition to complying with all other 73268
conditions required by law for reinstatement of the operating 73269

privileges or registration rights, complies with all of the 73270
following: 73271

(a) Pays a financial responsibility reinstatement fee of 73272
~~seventy-five~~ one hundred dollars for the first violation of 73273
division (A)(1) of this section, ~~two~~ three hundred ~~fifty~~ dollars 73274
for a second violation of that division, and ~~five~~ six hundred 73275
dollars for a third or subsequent violation of that division; 73276

(b) If the person has not voluntarily surrendered the 73277
license, certificate, or license plates in compliance with the 73278
order, pays a financial responsibility nonvoluntary compliance fee 73279
in an amount, not to exceed fifty dollars, determined by the 73280
registrar; 73281

(c) Files and continuously maintains proof of financial 73282
responsibility under sections 4509.44 to 4509.65 of the Revised 73283
Code. 73284

(6) If the registrar issues an order under division (A)(2) of 73285
this section resulting from the failure of a person to respond to 73286
a financial responsibility random verification request under 73287
division (A)(3)(c) of this section and the person successfully 73288
maintains an affirmative defense to a violation of section 4510.16 73289
of the Revised Code or is determined by the registrar or a deputy 73290
registrar to have been in compliance with division (A)(1) of this 73291
section at the time of the initial financial responsibility random 73292
verification request, the registrar shall do both of the 73293
following: 73294

(a) Terminate the order of suspension or impoundment; 73295

(b) Restore the operating privileges and registration rights 73296
of the person without payment of the fees established in divisions 73297
(A)(5)(a) and (b) of this section and without a requirement to 73298
file proof of financial responsibility. 73299

(B)(1) Every party required to file an accident report under 73300

section 4509.06 of the Revised Code also shall include with the 73301
report a document described in division (G)(1) of this section. 73302

If the registrar determines, within forty-five days after the 73303
report is filed, that an operator or owner has violated division 73304
(A)(1) of this section, the registrar shall do all of the 73305
following: 73306

(a) Order the impoundment, with respect to the motor vehicle 73307
involved, required under division (A)(2)(d) of this section, of 73308
the certificate of registration and license plates of any owner 73309
who has violated division (A)(1) of this section; 73310

(b) Order the suspension required under division (A)(2)(a), 73311
(b), or (c) of this section of the license of any operator or 73312
owner who has violated division (A)(1) of this section; 73313

(c) Record the name and address of the person whose 73314
certificate of registration and license plates have been impounded 73315
or are under an order of impoundment, or whose license has been 73316
suspended or is under an order of suspension; the serial number of 73317
the person's license; the serial numbers of the person's 73318
certificate of registration and license plates; and the person's 73319
social security account number, if assigned, or, where the motor 73320
vehicle is used for hire or principally in connection with any 73321
established business, the person's federal taxpayer identification 73322
number. The information shall be recorded in such a manner that it 73323
becomes a part of the person's permanent record, and assists the 73324
registrar in monitoring compliance with the orders of suspension 73325
or impoundment. 73326

(d) Send written notification to every person to whom the 73327
order pertains, at the person's last known address as shown on the 73328
records of the bureau. The person, within ten days after the date 73329
of the mailing of the notification, shall surrender to the 73330
registrar, in a manner set forth in division (A)(4) of this 73331

section, any certificate of registration and registration plates 73332
under an order of impoundment, or any license under an order of 73333
suspension. 73334

(2) The registrar shall issue any order under division (B)(1) 73335
of this section without a hearing. Any person adversely affected 73336
by the order, within ten days after the issuance of the order, may 73337
request an administrative hearing before the registrar, who shall 73338
provide the person with an opportunity for a hearing in accordance 73339
with this paragraph. A request for a hearing does not operate as a 73340
suspension of the order. The scope of the hearing shall be limited 73341
to whether the person in fact demonstrated to the registrar proof 73342
of financial responsibility in accordance with this section. The 73343
registrar shall determine the date, time, and place of any 73344
hearing, provided that the hearing shall be held, and an order 73345
issued or findings made, within thirty days after the registrar 73346
receives a request for a hearing. If requested by the person in 73347
writing, the registrar may designate as the place of hearing the 73348
county seat of the county in which the person resides or a place 73349
within fifty miles of the person's residence. The person shall pay 73350
the cost of the hearing before the registrar, if the registrar's 73351
order of suspension or impoundment is upheld. 73352

(C) Any order of suspension or impoundment issued under this 73353
section or division (B) of section 4509.37 of the Revised Code may 73354
be terminated at any time if the registrar determines upon a 73355
showing of proof of financial responsibility that the operator or 73356
owner of the motor vehicle was in compliance with division (A)(1) 73357
of this section at the time of the traffic offense, motor vehicle 73358
inspection, or accident that resulted in the order against the 73359
person. A determination may be made without a hearing. This 73360
division does not apply unless the person shows good cause for the 73361
person's failure to present satisfactory proof of financial 73362
responsibility to the registrar prior to the issuance of the 73363

order. 73364

(D)(1) For the purpose of enforcing this section, every peace officer is deemed an agent of the registrar. 73365
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(a) Except as provided in division (D)(1)(b) of this section, any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment, pursuant to this section, may confiscate the license, certificate of registration, and license plates, and return them to the registrar. 73367
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(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment resulting from failure to respond to a financial responsibility random verification, shall not, for that reason, arrest the owner or operator or seize the vehicle or license plates. Instead, the peace officer shall issue a citation for a violation of section 4510.16 of the Revised Code specifying the circumstances as failure to respond to a financial responsibility random verification. 73375
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(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code. 73386
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(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the 73392
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officer's request under division (D)(2) of this section. The peace 73395
officer shall inform every person who receives a traffic ticket 73396
and who has failed to produce proof of the maintenance of 73397
financial responsibility that the person must submit proof to the 73398
traffic violations bureau with any payment of a fine and costs for 73399
the ticketed violation or, if the person is to appear in court for 73400
the violation, the person must submit proof to the court. 73401

(4)(a) If a person who has failed to produce proof of the 73402
maintenance of financial responsibility appears in court for a 73403
ticketed violation, the court may permit the defendant to present 73404
evidence of proof of financial responsibility to the court at such 73405
time and in such manner as the court determines to be necessary or 73406
appropriate. In a manner prescribed by the registrar, the clerk of 73407
courts shall provide the registrar with the identity of any person 73408
who fails to submit proof of the maintenance of financial 73409
responsibility pursuant to division (D)(3) of this section. 73410

(b) If a person who has failed to produce proof of the 73411
maintenance of financial responsibility also fails to submit that 73412
proof to the traffic violations bureau with payment of a fine and 73413
costs for the ticketed violation, the traffic violations bureau, 73414
in a manner prescribed by the registrar, shall notify the 73415
registrar of the identity of that person. 73416

(5)(a) Upon receiving notice from a clerk of courts or 73417
traffic violations bureau pursuant to division (D)(4) of this 73418
section, the registrar shall order the suspension of the license 73419
of the person required under division (A)(2)(a), (b), or (c) of 73420
this section and the impoundment of the person's certificate of 73421
registration and license plates required under division (A)(2)(d) 73422
of this section, effective thirty days after the date of the 73423
mailing of notification. The registrar also shall notify the 73424
person that the person must present the registrar with proof of 73425
financial responsibility in accordance with this section, 73426

surrender to the registrar the person's certificate of 73427
registration, license plates, and license, or submit a statement 73428
subject to section 2921.13 of the Revised Code that the person did 73429
not operate or permit the operation of the motor vehicle at the 73430
time of the offense. Notification shall be in writing and shall be 73431
sent to the person at the person's last known address as shown on 73432
the records of the bureau of motor vehicles. The person, within 73433
fifteen days after the date of the mailing of notification, shall 73434
present proof of financial responsibility, surrender the 73435
certificate of registration, license plates, and license to the 73436
registrar in a manner set forth in division (A)(4) of this 73437
section, or submit the statement required under this section 73438
together with other information the person considers appropriate. 73439

If the registrar does not receive proof or the person does 73440
not surrender the certificate of registration, license plates, and 73441
license, in accordance with this division, the registrar shall 73442
permit the order for the suspension of the license of the person 73443
and the impoundment of the person's certificate of registration 73444
and license plates to take effect. 73445

(b) In the case of a person who presents, within the 73446
fifteen-day period, documents to show proof of financial 73447
responsibility, the registrar shall terminate the order of 73448
suspension and the impoundment of the registration and license 73449
plates required under division (A)(2)(d) of this section and shall 73450
send written notification to the person, at the person's last 73451
known address as shown on the records of the bureau. 73452

(c) Any person adversely affected by the order of the 73453
registrar under division (D)(5)(a) or (b) of this section, within 73454
ten days after the issuance of the order, may request an 73455
administrative hearing before the registrar, who shall provide the 73456
person with an opportunity for a hearing in accordance with this 73457
paragraph. A request for a hearing does not operate as a 73458

suspension of the order. The scope of the hearing shall be limited 73459
to whether, at the time of the hearing, the person presents proof 73460
of financial responsibility covering the vehicle and whether the 73461
person is eligible for an exemption in accordance with this 73462
section or any rule adopted under it. The registrar shall 73463
determine the date, time, and place of any hearing; provided, that 73464
the hearing shall be held, and an order issued or findings made, 73465
within thirty days after the registrar receives a request for a 73466
hearing. If requested by the person in writing, the registrar may 73467
designate as the place of hearing the county seat of the county in 73468
which the person resides or a place within fifty miles of the 73469
person's residence. Such person shall pay the cost of the hearing 73470
before the registrar, if the registrar's order of suspension or 73471
impoundment under division (D)(5)(a) or (b) of this section is 73472
upheld. 73473

(6) A peace officer may charge an owner or operator of a 73474
motor vehicle with a violation of section 4510.16 of the Revised 73475
Code when the owner or operator fails to show proof of the 73476
maintenance of financial responsibility pursuant to a peace 73477
officer's request under division (D)(2) of this section, if a 73478
check of the owner or operator's driving record indicates that the 73479
owner or operator, at the time of the operation of the motor 73480
vehicle, is required to file and maintain proof of financial 73481
responsibility under section 4509.45 of the Revised Code for a 73482
previous violation of this chapter. 73483

(7) Any forms used by law enforcement agencies in 73484
administering this section shall be prescribed, supplied, and paid 73485
for by the registrar. 73486

(8) No peace officer, law enforcement agency employing a 73487
peace officer, or political subdivision or governmental agency 73488
that employs a peace officer shall be liable in a civil action for 73489
damages or loss to persons arising out of the performance of any 73490

duty required or authorized by this section. 73491

(9) As used in this division and divisions (E) and (G) of 73492
this section, "peace officer" has the meaning set forth in section 73493
2935.01 of the Revised Code. 73494

(E) All fees, except court costs and those portions of the 73495
financial responsibility reinstatement fees as otherwise specified 73496
in this division, collected under this section shall be paid into 73497
the state treasury to the credit of the financial responsibility 73498
compliance fund. The financial responsibility compliance fund 73499
shall be used exclusively to cover costs incurred by the bureau in 73500
the administration of this section and sections 4503.20, 4507.212, 73501
and 4509.81 of the Revised Code, and by any law enforcement agency 73502
employing any peace officer who returns any license, certificate 73503
of registration, and license plates to the registrar pursuant to 73504
division (C) of this section, except that the director of budget 73505
and management may transfer excess money from the financial 73506
responsibility compliance fund to the state bureau of motor 73507
vehicles fund if the registrar determines that the amount of money 73508
in the financial responsibility compliance fund exceeds the amount 73509
required to cover such costs incurred by the bureau or a law 73510
enforcement agency and requests the director to make the transfer. 73511

Of each financial responsibility reinstatement fee the 73512
registrar collects pursuant to division (A)(5)(a) of this section, 73513
the registrar shall deposit twenty-five dollars of each 73514
one-hundred-dollar reinstatement fee, fifty dollars of each 73515
three-hundred-dollar reinstatement fee, and one hundred dollars of 73516
each six-hundred-dollar reinstatement fee into the state treasury 73517
to the credit of the indigent defense support fund created by 73518
section 120.08 of the Revised Code. 73519

All investment earnings of the financial responsibility 73520
compliance fund shall be credited to the fund. 73521

(F) Chapter 119. of the Revised Code applies to this section 73522
only to the extent that any provision in that chapter is not 73523
clearly inconsistent with this section. 73524

(G)(1) The registrar, court, traffic violations bureau, or 73525
peace officer may require proof of financial responsibility to be 73526
demonstrated by use of a standard form prescribed by the 73527
registrar. If the use of a standard form is not required, a person 73528
may demonstrate proof of financial responsibility under this 73529
section by presenting to the traffic violations bureau, court, 73530
registrar, or peace officer any of the following documents or a 73531
copy of the documents: 73532

(a) A financial responsibility identification card as 73533
provided in section 4509.103 of the Revised Code; 73534

(b) A certificate of proof of financial responsibility on a 73535
form provided and approved by the registrar for the filing of an 73536
accident report required to be filed under section 4509.06 of the 73537
Revised Code; 73538

(c) A policy of liability insurance, a declaration page of a 73539
policy of liability insurance, or liability bond, if the policy or 73540
bond complies with section 4509.20 or sections 4509.49 to 4509.61 73541
of the Revised Code; 73542

(d) A bond or certification of the issuance of a bond as 73543
provided in section 4509.59 of the Revised Code; 73544

(e) A certificate of deposit of money or securities as 73545
provided in section 4509.62 of the Revised Code; 73546

(f) A certificate of self-insurance as provided in section 73547
4509.72 of the Revised Code. 73548

(2) If a person fails to demonstrate proof of financial 73549
responsibility in a manner described in division (G)(1) of this 73550
section, the person may demonstrate proof of financial 73551

responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect.

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.

(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility under this division does not do any of the following:

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility.

(c) Whenever it is determined by a final judgment in a

judicial proceeding that an insurer or surety, which has been 73583
named on a document accepted by a court or the registrar as proof 73584
of financial responsibility covering the operation of a motor 73585
vehicle at the time of an accident or offense, is not liable to 73586
pay a judgment for injuries or damages resulting from such 73587
operation, the registrar, notwithstanding any previous contrary 73588
finding, shall forthwith suspend the operating privileges and 73589
registration rights of the person against whom the judgment was 73590
rendered as provided in division (A)(2) of this section. 73591

(H) In order for any document described in division (G)(1)(b) 73592
of this section to be used for the demonstration of proof of 73593
financial responsibility under this section, the document shall 73594
state the name of the insured or obligor, the name of the insurer 73595
or surety company, and the effective and expiration dates of the 73596
financial responsibility, and designate by explicit description or 73597
by appropriate reference all motor vehicles covered which may 73598
include a reference to fleet insurance coverage. 73599

(I) For purposes of this section, "owner" does not include a 73600
licensed motor vehicle leasing dealer as defined in section 73601
4517.01 of the Revised Code, but does include a motor vehicle 73602
renting dealer as defined in section 4549.65 of the Revised Code. 73603
Nothing in this section or in section 4509.51 of the Revised Code 73604
shall be construed to prohibit a motor vehicle renting dealer from 73605
entering into a contractual agreement with a person whereby the 73606
person renting the motor vehicle agrees to be solely responsible 73607
for maintaining proof of financial responsibility, in accordance 73608
with this section, with respect to the operation, maintenance, or 73609
use of the motor vehicle during the period of the motor vehicle's 73610
rental. 73611

(J) The purpose of this section is to require the maintenance 73612
of proof of financial responsibility with respect to the operation 73613
of motor vehicles on the highways of this state, so as to minimize 73614

those situations in which persons are not compensated for injuries 73615
and damages sustained in motor vehicle accidents. The general 73616
assembly finds that this section contains reasonable civil 73617
penalties and procedures for achieving this purpose. 73618

(K) Nothing in this section shall be construed to be subject 73619
to section 4509.78 of the Revised Code. 73620

(L)(1) The registrar may terminate any suspension imposed 73621
under this section and not require the owner to comply with 73622
divisions (A)(5)(a), (b), and (c) of this section if the registrar 73623
with or without a hearing determines that the owner of the vehicle 73624
has established by clear and convincing evidence that all of the 73625
following apply: 73626

(a) The owner customarily maintains proof of financial 73627
responsibility. 73628

(b) Proof of financial responsibility was not in effect for 73629
the vehicle on the date in question for one of the following 73630
reasons: 73631

(i) The vehicle was inoperable. 73632

(ii) The vehicle is operated only seasonally, and the date in 73633
question was outside the season of operation. 73634

(iii) A person other than the vehicle owner or driver was at 73635
fault for the lapse of proof of financial responsibility through 73636
no fault of the owner or driver. 73637

(iv) The lapse of proof of financial responsibility was 73638
caused by excusable neglect under circumstances that are not 73639
likely to recur and do not suggest a purpose to evade the 73640
requirements of this chapter. 73641

(2) The registrar may grant an owner or driver relief for a 73642
reason specified in division (L)(1)(b)(i) or (ii) of this section 73643
whenever the owner or driver is randomly selected to verify the 73644

existence of proof of financial responsibility for such a vehicle. 73645
However, the registrar may grant an owner or driver relief for a 73646
reason specified in division (L)(1)(b)(iii) or (iv) of this 73647
section only if the owner or driver has not previously been 73648
granted relief under division (L)(1)(b)(iii) or (iv) of this 73649
section. 73650

(M) The registrar shall adopt rules in accordance with 73651
Chapter 119. of the Revised Code that are necessary to administer 73652
and enforce this section. The rules shall include procedures for 73653
the surrender of license plates upon failure to maintain proof of 73654
financial responsibility and provisions relating to reinstatement 73655
of registration rights, acceptable forms of proof of financial 73656
responsibility, and verification of the existence of financial 73657
responsibility during the period of registration. 73658

Sec. 4510.22. (A) If a person who has a current valid Ohio 73659
driver's, commercial driver's license, or temporary instruction 73660
permit is charged with a violation of any provision in sections 73661
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 73662
4549.65 of the Revised Code that is classified as a misdemeanor of 73663
the first, second, third, or fourth degree or with a violation of 73664
any substantially equivalent municipal ordinance and if the person 73665
either fails to appear in court at the required time and place to 73666
answer the charge or pleads guilty to or is found guilty of the 73667
violation and fails within the time allowed by the court to pay 73668
the fine imposed by the court, the court shall declare the 73669
forfeiture of the person's license. Thirty days after the 73670
declaration of forfeiture, the court shall inform the registrar of 73671
motor vehicles of the forfeiture by entering information relative 73672
to the of forfeiture on a form approved and furnished by the 73673
registrar and sending the form to the registrar. The court also 73674
shall forward the person's license, if it is in the possession of 73675
the court, to the registrar. 73676

The registrar shall impose a class F suspension of the person's driver's or commercial driver's license, or temporary instruction permit for the period of time specified in division (B)(6) of section 4510.02 of the Revised Code on any person who is named in a declaration received by the registrar under this section. The registrar shall send written notification of the suspension to the person at the person's last known address and, if the person is in possession of the license, order the person to surrender the person's license or permit to the registrar within forty-eight hours.

No valid driver's or commercial driver's license shall be granted to the person after the suspension, unless the court having jurisdiction of the offense that led to the suspension orders that the forfeiture be terminated. The court shall order the termination of the forfeiture if the person thereafter appears to answer the charge and pays any fine imposed by the court or pays the fine originally imposed by the court. The court shall inform the registrar of the termination of the forfeiture by entering information relative to the termination on a form approved and furnished by the registrar and sending the form to the registrar. The person shall pay to the bureau of motor vehicles a ~~fifteen-dollar~~ twenty-five-dollar reinstatement fee ~~to cover the costs of the bureau in administering this section.~~ The registrar shall deposit fifteen dollars of the fee into the state treasury to the credit of the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code to cover the costs of the bureau in administering this section and shall deposit ten dollars of the fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code.

(B) In addition to suspending the driver's or commercial driver's license or permit of the person named in a declaration of

forfeiture, the registrar, upon receipt from the court of the copy 73709
of the declaration of forfeiture, shall take any measures that may 73710
be necessary to ensure that neither the registrar nor any deputy 73711
registrar accepts any application for the registration or transfer 73712
of registration of any motor vehicle owned or leased by the person 73713
named in the declaration of forfeiture. However, for a motor 73714
vehicle leased by a person named in a declaration of forfeiture, 73715
the registrar shall not implement the preceding sentence until the 73716
registrar adopts procedures for that implementation under section 73717
4503.39 of the Revised Code. The period of denial of registration 73718
or transfer shall continue until such time as the court having 73719
jurisdiction of the offense that led to the suspension orders the 73720
forfeiture be terminated. Upon receipt by the registrar of an 73721
order terminating the forfeiture, the registrar also shall take 73722
any measures that may be necessary to permit the person to 73723
register a motor vehicle owned or leased by the person or to 73724
transfer the registration of such a motor vehicle, if the person 73725
later makes application to take such action and otherwise is 73726
eligible to register the motor vehicle or to transfer its 73727
registration. 73728

The registrar shall not be required to give effect to any 73729
declaration of forfeiture or order terminating a forfeiture 73730
provided by a court under this section unless the information 73731
contained in the declaration or order is transmitted to the 73732
registrar by means of an electronic transfer system. The registrar 73733
shall not restore the person's driving or vehicle registration 73734
privileges until the person pays the reinstatement fee as provided 73735
in this section. 73736

The period of denial relating to the issuance or transfer of 73737
a certificate of registration for a motor vehicle imposed pursuant 73738
to this division remains in effect until the person pays any fine 73739
imposed by the court relative to the offense. 73740

Sec. 4511.191. (A)(1) As used in this section: 73741

(a) "Physical control" has the same meaning as in section 73742
4511.194 of the Revised Code. 73743

(b) "Alcohol monitoring device" means any device that 73744
provides for continuous alcohol monitoring, any ignition interlock 73745
device, any immobilizing or disabling device other than an 73746
ignition interlock device that is constantly available to monitor 73747
the concentration of alcohol in a person's system, or any other 73748
device that provides for the automatic testing and periodic 73749
reporting of alcohol consumption by a person and that a court 73750
orders a person to use as a sanction imposed as a result of the 73751
person's conviction of or plea of guilty to an offense. 73752

(2) Any person who operates a vehicle, streetcar, or 73753
trackless trolley upon a highway or any public or private property 73754
used by the public for vehicular travel or parking within this 73755
state or who is in physical control of a vehicle, streetcar, or 73756
trackless trolley shall be deemed to have given consent to a 73757
chemical test or tests of the person's whole blood, blood serum or 73758
plasma, breath, or urine to determine the alcohol, drug of abuse, 73759
controlled substance, metabolite of a controlled substance, or 73760
combination content of the person's whole blood, blood serum or 73761
plasma, breath, or urine if arrested for a violation of division 73762
(A) or (B) of section 4511.19 of the Revised Code, section 73763
4511.194 of the Revised Code or a substantially equivalent 73764
municipal ordinance, or a municipal OVI ordinance. 73765

(3) The chemical test or tests under division (A)(2) of this 73766
section shall be administered at the request of a law enforcement 73767
officer having reasonable grounds to believe the person was 73768
operating or in physical control of a vehicle, streetcar, or 73769
trackless trolley in violation of a division, section, or 73770
ordinance identified in division (A)(2) of this section. The law 73771

enforcement agency by which the officer is employed shall 73772
designate which of the tests shall be administered. 73773

(4) Any person who is dead or unconscious, or who otherwise 73774
is in a condition rendering the person incapable of refusal, shall 73775
be deemed to have consented as provided in division (A)(2) of this 73776
section, and the test or tests may be administered, subject to 73777
sections 313.12 to 313.16 of the Revised Code. 73778

(5)(a) If a law enforcement officer arrests a person for a 73779
violation of division (A) or (B) of section 4511.19 of the Revised 73780
Code, section 4511.194 of the Revised Code or a substantially 73781
equivalent municipal ordinance, or a municipal OVI ordinance and 73782
if the person if convicted would be required to be sentenced under 73783
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 73784
Code, the law enforcement officer shall request the person to 73785
submit, and the person shall submit, to a chemical test or tests 73786
of the person's whole blood, blood serum or plasma, breath, or 73787
urine for the purpose of determining the alcohol, drug of abuse, 73788
controlled substance, metabolite of a controlled substance, or 73789
combination content of the person's whole blood, blood serum or 73790
plasma, breath, or urine. A law enforcement officer who makes a 73791
request pursuant to this division that a person submit to a 73792
chemical test or tests is not required to advise the person of the 73793
consequences of submitting to, or refusing to submit to, the test 73794
or tests and is not required to give the person the form described 73795
in division (B) of section 4511.192 of the Revised Code, but the 73796
officer shall advise the person at the time of the arrest that if 73797
the person refuses to take a chemical test the officer may employ 73798
whatever reasonable means are necessary to ensure that the person 73799
submits to a chemical test of the person's whole blood or blood 73800
serum or plasma. The officer shall also advise the person at the 73801
time of the arrest that the person may have an independent 73802
chemical test taken at the person's own expense. Divisions (A)(3) 73803

and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this

section applies and specifies a different class or length of 73836
suspension, the suspension shall be a class C suspension for the 73837
period of time specified in division (B)(3) of section 4510.02 of 73838
the Revised Code. 73839

(b) If the arrested person, within six years of the date on 73840
which the person refused the request to consent to the chemical 73841
test, had refused one previous request to consent to a chemical 73842
test or had been convicted of or pleaded guilty to one violation 73843
of division (A) or (B) of section 4511.19 of the Revised Code or 73844
one other equivalent offense, the suspension shall be a class B 73845
suspension imposed for the period of time specified in division 73846
(B)(2) of section 4510.02 of the Revised Code. 73847

(c) If the arrested person, within six years of the date on 73848
which the person refused the request to consent to the chemical 73849
test, had refused two previous requests to consent to a chemical 73850
test, had been convicted of or pleaded guilty to two violations of 73851
division (A) or (B) of section 4511.19 of the Revised Code or 73852
other equivalent offenses, or had refused one previous request to 73853
consent to a chemical test and also had been convicted of or 73854
pleaded guilty to one violation of division (A) or (B) of section 73855
4511.19 of the Revised Code or other equivalent offenses, which 73856
violation or offense arose from an incident other than the 73857
incident that led to the refusal, the suspension shall be a class 73858
A suspension imposed for the period of time specified in division 73859
(B)(1) of section 4510.02 of the Revised Code. 73860

(d) If the arrested person, within six years of the date on 73861
which the person refused the request to consent to the chemical 73862
test, had refused three or more previous requests to consent to a 73863
chemical test, had been convicted of or pleaded guilty to three or 73864
more violations of division (A) or (B) of section 4511.19 of the 73865
Revised Code or other equivalent offenses, or had refused a number 73866
of previous requests to consent to a chemical test and also had 73867

been convicted of or pleaded guilty to a number of violations of 73868
division (A) or (B) of section 4511.19 of the Revised Code or 73869
other equivalent offenses that cumulatively total three or more 73870
such refusals, convictions, and guilty pleas, the suspension shall 73871
be for five years. 73872

(2) The registrar shall terminate a suspension of the 73873
driver's or commercial driver's license or permit of a resident or 73874
of the operating privilege of a nonresident, or a denial of a 73875
driver's or commercial driver's license or permit, imposed 73876
pursuant to division (B)(1) of this section upon receipt of notice 73877
that the person has entered a plea of guilty to, or that the 73878
person has been convicted after entering a plea of no contest to, 73879
operating a vehicle in violation of section 4511.19 of the Revised 73880
Code or in violation of a municipal OVI ordinance, if the offense 73881
for which the conviction is had or the plea is entered arose from 73882
the same incident that led to the suspension or denial. 73883

The registrar shall credit against any judicial suspension of 73884
a person's driver's or commercial driver's license or permit or 73885
nonresident operating privilege imposed pursuant to section 73886
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 73887
Revised Code for a violation of a municipal OVI ordinance, any 73888
time during which the person serves a related suspension imposed 73889
pursuant to division (B)(1) of this section. 73890

(C)(1) Upon receipt of the sworn report of the law 73891
enforcement officer who arrested a person for a violation of 73892
division (A) or (B) of section 4511.19 of the Revised Code or a 73893
municipal OVI ordinance that was completed and sent to the 73894
registrar and a court pursuant to section 4511.192 of the Revised 73895
Code in regard to a person whose test results indicate that the 73896
person's whole blood, blood serum or plasma, breath, or urine 73897
contained at least the concentration of alcohol specified in 73898
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 73899

Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division

(B)(2) of section 4510.02 of the Revised Code. 73932

(d) If, within six years of the date the test was conducted, 73933
the person has been convicted of or pleaded guilty to more than 73934
two violations of a statute or ordinance described in division 73935
(C)(1)(b) of this section, the suspension shall be a class A 73936
suspension imposed for the period of time specified in division 73937
(B)(1) of section 4510.02 of the Revised Code. 73938

(2) The registrar shall terminate a suspension of the 73939
driver's or commercial driver's license or permit of a resident or 73940
of the operating privilege of a nonresident, or a denial of a 73941
driver's or commercial driver's license or permit, imposed 73942
pursuant to division (C)(1) of this section upon receipt of notice 73943
that the person has entered a plea of guilty to, or that the 73944
person has been convicted after entering a plea of no contest to, 73945
operating a vehicle in violation of section 4511.19 of the Revised 73946
Code or in violation of a municipal OVI ordinance, if the offense 73947
for which the conviction is had or the plea is entered arose from 73948
the same incident that led to the suspension or denial. 73949

The registrar shall credit against any judicial suspension of 73950
a person's driver's or commercial driver's license or permit or 73951
nonresident operating privilege imposed pursuant to section 73952
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 73953
Revised Code for a violation of a municipal OVI ordinance, any 73954
time during which the person serves a related suspension imposed 73955
pursuant to division (C)(1) of this section. 73956

(D)(1) A suspension of a person's driver's or commercial 73957
driver's license or permit or nonresident operating privilege 73958
under this section for the time described in division (B) or (C) 73959
of this section is effective immediately from the time at which 73960
the arresting officer serves the notice of suspension upon the 73961
arrested person. Any subsequent finding that the person is not 73962
guilty of the charge that resulted in the person being requested 73963

to take the chemical test or tests under division (A) of this 73964
section does not affect the suspension. 73965

(2) If a person is arrested for operating a vehicle, 73966
streetcar, or trackless trolley in violation of division (A) or 73967
(B) of section 4511.19 of the Revised Code or a municipal OVI 73968
ordinance, or for being in physical control of a vehicle, 73969
streetcar, or trackless trolley in violation of section 4511.194 73970
of the Revised Code or a substantially equivalent municipal 73971
ordinance, regardless of whether the person's driver's or 73972
commercial driver's license or permit or nonresident operating 73973
privilege is or is not suspended under division (B) or (C) of this 73974
section or Chapter 4510. of the Revised Code, the person's initial 73975
appearance on the charge resulting from the arrest shall be held 73976
within five days of the person's arrest or the issuance of the 73977
citation to the person, subject to any continuance granted by the 73978
court pursuant to section 4511.197 of the Revised Code regarding 73979
the issues specified in that division. 73980

(E) When it finally has been determined under the procedures 73981
of this section and sections 4511.192 to 4511.197 of the Revised 73982
Code that a nonresident's privilege to operate a vehicle within 73983
this state has been suspended, the registrar shall give 73984
information in writing of the action taken to the motor vehicle 73985
administrator of the state of the person's residence and of any 73986
state in which the person has a license. 73987

(F) At the end of a suspension period under this section, 73988
under section 4511.194, section 4511.196, or division (G) of 73989
section 4511.19 of the Revised Code, or under section 4510.07 of 73990
the Revised Code for a violation of a municipal OVI ordinance and 73991
upon the request of the person whose driver's or commercial 73992
driver's license or permit was suspended and who is not otherwise 73993
subject to suspension, cancellation, or disqualification, the 73994
registrar shall return the driver's or commercial driver's license 73995

or permit to the person upon the occurrence of all of the 73996
conditions specified in divisions (F)(1) and (2) of this section: 73997

(1) A showing that the person has proof of financial 73998
responsibility, a policy of liability insurance in effect that 73999
meets the minimum standards set forth in section 4509.51 of the 74000
Revised Code, or proof, to the satisfaction of the registrar, that 74001
the person is able to respond in damages in an amount at least 74002
equal to the minimum amounts specified in section 4509.51 of the 74003
Revised Code. 74004

(2) Subject to the limitation contained in division (F)(3) of 74005
this section, payment by the person to the bureau of motor 74006
vehicles of a license reinstatement fee of four hundred 74007
seventy-five dollars, which fee shall be deposited in the state 74008
treasury and credited as follows: 74009

(a) One hundred twelve dollars and fifty cents shall be 74010
credited to the statewide treatment and prevention fund created by 74011
section 4301.30 of the Revised Code. The fund shall be used to pay 74012
the costs of driver treatment and intervention programs operated 74013
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 74014
director of alcohol and drug addiction services shall determine 74015
the share of the fund that is to be allocated to alcohol and drug 74016
addiction programs authorized by section 3793.02 of the Revised 74017
Code, and the share of the fund that is to be allocated to 74018
drivers' intervention programs authorized by section 3793.10 of 74019
the Revised Code. 74020

(b) Seventy-five dollars shall be credited to the reparations 74021
fund created by section 2743.191 of the Revised Code. 74022

(c) Thirty-seven dollars and fifty cents shall be credited to 74023
the indigent drivers alcohol treatment fund, which is hereby 74024
established in the state treasury. Except as otherwise provided in 74025
division (F)(2)(c) of this section, moneys in the fund shall be 74026

distributed by the department of alcohol and drug addiction 74027
services to the county indigent drivers alcohol treatment funds, 74028
the county juvenile indigent drivers alcohol treatment funds, and 74029
the municipal indigent drivers alcohol treatment funds that are 74030
required to be established by counties and municipal corporations 74031
pursuant to division (H) of this section, and shall be used only 74032
to pay the cost of an alcohol and drug addiction treatment program 74033
attended by an offender or juvenile traffic offender who is 74034
ordered to attend an alcohol and drug addiction treatment program 74035
by a county, juvenile, or municipal court judge and who is 74036
determined by the county, juvenile, or municipal court judge not 74037
to have the means to pay for the person's attendance at the 74038
program or to pay the costs specified in division (H)(4) of this 74039
section in accordance with that division. In addition, a county, 74040
juvenile, or municipal court judge may use moneys in the county 74041
indigent drivers alcohol treatment fund, county juvenile indigent 74042
drivers alcohol treatment fund, or municipal indigent drivers 74043
alcohol treatment fund to pay for the cost of the continued use of 74044
an alcohol monitoring device as described in divisions (H)(3) and 74045
(4) of this section. Moneys in the fund that are not distributed 74046
to a county indigent drivers alcohol treatment fund, a county 74047
juvenile indigent drivers alcohol treatment fund, or a municipal 74048
indigent drivers alcohol treatment fund under division (H) of this 74049
section because the director of alcohol and drug addiction 74050
services does not have the information necessary to identify the 74051
county or municipal corporation where the offender or juvenile 74052
offender was arrested may be transferred by the director of budget 74053
and management to the statewide treatment and prevention fund 74054
created by section 4301.30 of the Revised Code, upon certification 74055
of the amount by the director of alcohol and drug addiction 74056
services. 74057

(d) Seventy-five dollars shall be credited to the Ohio 74058
rehabilitation services commission established by section 3304.12 74059

of the Revised Code, to the services for rehabilitation fund, 74060
which is hereby established. The fund shall be used to match 74061
available federal matching funds where appropriate, and for any 74062
other purpose or program of the commission to rehabilitate people 74063
with disabilities to help them become employed and independent. 74064

(e) Seventy-five dollars shall be deposited into the state 74065
treasury and credited to the drug abuse resistance education 74066
programs fund, which is hereby established, to be used by the 74067
attorney general for the purposes specified in division (F)(4) of 74068
this section. 74069

(f) Thirty dollars shall be credited to the state bureau of 74070
motor vehicles fund created by section 4501.25 of the Revised 74071
Code. 74072

(g) Twenty dollars shall be credited to the trauma and 74073
emergency medical services grants fund created by section 4513.263 74074
of the Revised Code. 74075

(h) Fifty dollars shall be credited to the indigent drivers 74076
interlock and alcohol monitoring fund, which is hereby established 74077
in the state treasury. Monies in the fund shall be distributed by 74078
the department of public safety to the county indigent drivers 74079
interlock and alcohol monitoring funds, the county juvenile 74080
indigent drivers interlock and alcohol monitoring funds, and the 74081
municipal indigent drivers interlock and alcohol monitoring funds 74082
that are required to be established by counties and municipal 74083
corporations pursuant to this section, and shall be used only to 74084
pay the cost of an immobilizing or disabling device, including a 74085
certified ignition interlock device, or an alcohol monitoring 74086
device used by an offender or juvenile offender who is ordered to 74087
use the device by a county, juvenile, or municipal court judge and 74088
who is determined by the county, juvenile, or municipal court 74089
judge not to have the means to pay for the person's use of the 74090
device. 74091

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the bureau, only one reinstatement fee of four hundred twenty-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section.

(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any

period of disqualification under section 3123.611 or 4506.16 of 74124
the Revised Code or any period of suspension under section 3123.58 74125
of the Revised Code. No person who is disqualified for life from 74126
holding a commercial driver's license under section 4506.16 of the 74127
Revised Code shall be issued a driver's license under Chapter 74128
4507. of the Revised Code during the period for which the 74129
commercial driver's license was suspended under division (B) or 74130
(C) of this section. No person whose commercial driver's license 74131
is suspended under division (B) or (C) of this section shall be 74132
issued a driver's license under Chapter 4507. of the Revised Code 74133
during the period of the suspension. 74134

(H)(1) Each county shall establish an indigent drivers 74135
alcohol treatment fund, each county shall establish a juvenile 74136
indigent drivers alcohol treatment fund, and each municipal 74137
corporation in which there is a municipal court shall establish an 74138
indigent drivers alcohol treatment fund. All revenue that the 74139
general assembly appropriates to the indigent drivers alcohol 74140
treatment fund for transfer to a county indigent drivers alcohol 74141
treatment fund, a county juvenile indigent drivers alcohol 74142
treatment fund, or a municipal indigent drivers alcohol treatment 74143
fund, all portions of fees that are paid under division (F) of 74144
this section and that are credited under that division to the 74145
indigent drivers alcohol treatment fund in the state treasury for 74146
a county indigent drivers alcohol treatment fund, a county 74147
juvenile indigent drivers alcohol treatment fund, or a municipal 74148
indigent drivers alcohol treatment fund, all portions of 74149
additional costs imposed under section 2949.094 of the Revised 74150
Code that are specified for deposit into a county, county 74151
juvenile, or municipal indigent drivers alcohol treatment fund by 74152
that section, and all portions of fines that are specified for 74153
deposit into a county or municipal indigent drivers alcohol 74154
treatment fund by section 4511.193 of the Revised Code shall be 74155
deposited into that county indigent drivers alcohol treatment 74156

fund, county juvenile indigent drivers alcohol treatment fund, or 74157
municipal indigent drivers alcohol treatment fund. The portions of 74158
the fees paid under division (F) of this section that are to be so 74159
deposited shall be determined in accordance with division (H)(2) 74160
of this section. Additionally, all portions of fines that are paid 74161
for a violation of section 4511.19 of the Revised Code or of any 74162
prohibition contained in Chapter 4510. of the Revised Code, and 74163
that are required under section 4511.19 or any provision of 74164
Chapter 4510. of the Revised Code to be deposited into a county 74165
indigent drivers alcohol treatment fund or municipal indigent 74166
drivers alcohol treatment fund shall be deposited into the 74167
appropriate fund in accordance with the applicable division of the 74168
section or provision. 74169

(2) That portion of the license reinstatement fee that is 74170
paid under division (F) of this section and that is credited under 74171
that division to the indigent drivers alcohol treatment fund shall 74172
be deposited into a county indigent drivers alcohol treatment 74173
fund, a county juvenile indigent drivers alcohol treatment fund, 74174
or a municipal indigent drivers alcohol treatment fund as follows: 74175

(a) Regarding a suspension imposed under this section, that 74177
portion of the fee shall be deposited as follows: 74178

(i) If the fee is paid by a person who was charged in a 74179
county court with the violation that resulted in the suspension or 74180
in the imposition of the court costs, the portion shall be 74181
deposited into the county indigent drivers alcohol treatment fund 74182
under the control of that court; 74183

(ii) If the fee is paid by a person who was charged in a 74184
juvenile court with the violation that resulted in the suspension 74185
or in the imposition of the court costs, the portion shall be 74186
deposited into the county juvenile indigent drivers alcohol 74187
treatment fund established in the county served by the court; 74188

(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(b) Regarding a suspension imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of an assessment or the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of the assessment or the cost of attendance at the treatment program or for payment of the costs specified in division (H)(4) of this section in accordance with that division. The alcohol and drug

addiction services board or the board of alcohol, drug addiction, 74221
and mental health services established pursuant to section 340.02 74222
or 340.021 of the Revised Code and serving the alcohol, drug 74223
addiction, and mental health service district in which the court 74224
is located shall administer the indigent drivers alcohol treatment 74225
program of the court. When a court orders an offender or juvenile 74226
traffic offender to obtain an assessment or attend an alcohol and 74227
drug addiction treatment program, the board shall determine which 74228
program is suitable to meet the needs of the offender or juvenile 74229
traffic offender, and when a suitable program is located and space 74230
is available at the program, the offender or juvenile traffic 74231
offender shall attend the program designated by the board. A 74232
reasonable amount not to exceed five per cent of the amounts 74233
credited to and deposited into the county indigent drivers alcohol 74234
treatment fund, the county juvenile indigent drivers alcohol 74235
treatment fund, or the municipal indigent drivers alcohol 74236
treatment fund serving every court whose program is administered 74237
by that board shall be paid to the board to cover the costs it 74238
incurs in administering those indigent drivers alcohol treatment 74239
programs. 74240

In addition, upon exhaustion of moneys in the indigent 74241
drivers interlock and alcohol monitoring fund for the use of an 74242
alcohol monitoring device, a county, juvenile, or municipal court 74243
judge may use moneys in the county indigent drivers alcohol 74244
treatment fund, county juvenile indigent drivers alcohol treatment 74245
fund, or municipal indigent drivers alcohol treatment fund in the 74246
following manners: 74247

(a) If the source of the moneys was an appropriation of the 74248
general assembly, a portion of a fee that was paid under division 74249
(F) of this section, a portion of a fine that was specified for 74250
deposit into the fund by section 4511.193 of the Revised Code, or 74251
a portion of a fine that was paid for a violation of section 74252

4511.19 of the Revised Code or of a provision contained in Chapter 74253
4510. of the Revised Code that was required to be deposited into 74254
the fund, to pay for the continued use of an alcohol monitoring 74255
device by an offender or juvenile traffic offender, in conjunction 74256
with a treatment program approved by the department of alcohol and 74257
drug addiction services, when such use is determined clinically 74258
necessary by the treatment program and when the court determines 74259
that the offender or juvenile traffic offender is unable to pay 74260
all or part of the daily monitoring or cost of the device; 74261

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(b) If the source of the moneys was a portion of an 74263
additional court cost imposed under section 2949.094 of the 74264
Revised Code, to pay for the continued use of an alcohol 74265
monitoring device by an offender or juvenile traffic offender when 74266
the court determines that the offender or juvenile traffic 74267
offender is unable to pay all or part of the daily monitoring or 74268
cost of the device. The moneys may be used for a device as 74269
described in this division if the use of the device is in 74270
conjunction with a treatment program approved by the department of 74271
alcohol and drug addiction services, when the use of the device is 74272
determined clinically necessary by the treatment program, but the 74273
use of a device is not required to be in conjunction with a 74274
treatment program approved by the department in order for the 74275
moneys to be used for the device as described in this division. 74276

(4) If a county, juvenile, or municipal court determines, in 74277
consultation with the alcohol and drug addiction services board or 74278
the board of alcohol, drug addiction, and mental health services 74279
established pursuant to section 340.02 or 340.021 of the Revised 74280
Code and serving the alcohol, drug addiction, and mental health 74281
district in which the court is located, that the funds in the 74282
county indigent drivers alcohol treatment fund, the county 74283
juvenile indigent drivers alcohol treatment fund, or the municipal 74284

indigent drivers alcohol treatment fund under the control of the 74285
court are more than sufficient to satisfy the purpose for which 74286
the fund was established, as specified in divisions (H)(1) to (3) 74287
of this section, the court may declare a surplus in the fund. If 74288
the court declares a surplus in the fund, the court may expend the 74289
amount of the surplus in the fund for: 74290

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(a) Alcohol and drug abuse assessment and treatment of 74292
persons who are charged in the court with committing a criminal 74293
offense or with being a delinquent child or juvenile traffic 74294
offender and in relation to whom both of the following apply: 74295

(i) The court determines that substance abuse was a 74296
contributing factor leading to the criminal or delinquent activity 74297
or the juvenile traffic offense with which the person is charged. 74298

(ii) The court determines that the person is unable to pay 74299
the cost of the alcohol and drug abuse assessment and treatment 74300
for which the surplus money will be used. 74301

(b) All or part of the cost of purchasing alcohol monitoring 74302
devices to be used in conjunction with division (H)(3) of this 74303
section, upon exhaustion of moneys in the indigent drivers 74304
interlock and alcohol monitoring fund for the use of an alcohol 74305
monitoring device. 74306

(5) For the purpose of determining as described in division 74307
(F)(2)(c) of this section whether an offender does not have the 74308
means to pay for the offender's attendance at an alcohol and drug 74309
addiction treatment program or whether an alleged offender or 74310
delinquent child is unable to pay the costs specified in division 74311
(H)(4) of this section, the court shall use the indigent client 74312
eligibility guidelines and the standards of indigency established 74313
by the state public defender to make the determination. 74314

(6) The court shall identify and refer any alcohol and drug 74315

addiction program that is not certified under section 3793.06 of 74316
the Revised Code and that is interested in receiving amounts from 74317
the surplus in the fund declared under division (H)(4) of this 74318
section to the department of alcohol and drug addiction services 74319
in order for the program to become a certified alcohol and drug 74320
addiction program. The department shall keep a record of applicant 74321
referrals received pursuant to this division and shall submit a 74322
report on the referrals each year to the general assembly. If a 74323
program interested in becoming certified makes an application to 74324
become certified pursuant to section 3793.06 of the Revised Code, 74325
the program is eligible to receive surplus funds as long as the 74326
application is pending with the department. The department of 74327
alcohol and drug addiction services must offer technical 74328
assistance to the applicant. If the interested program withdraws 74329
the certification application, the department must notify the 74330
court, and the court shall not provide the interested program with 74331
any further surplus funds. 74332

(7)(a) Each alcohol and drug addiction services board and 74333
board of alcohol, drug addiction, and mental health services 74334
established pursuant to section 340.02 or 340.021 of the Revised 74335
Code shall submit to the department of alcohol and drug addiction 74336
services an annual report for each indigent drivers alcohol 74337
treatment fund in that board's area. 74338

(b) The report, which shall be submitted not later than sixty 74339
days after the end of the state fiscal year, shall provide the 74340
total payment that was made from the fund, including the number of 74341
indigent consumers that received treatment services and the number 74342
of indigent consumers that received an alcohol monitoring device. 74343
The report shall identify the treatment program or expenditure for 74344
an alcohol monitoring device for which that payment was made. The 74345
report shall include the fiscal year balance of each indigent 74346
drivers alcohol treatment fund located in that board's area. In 74347

the event that a surplus is declared in the fund pursuant to 74348
division (H)(4) of this section, the report also shall provide the 74349
total payment that was made from the surplus moneys and identify 74350
the treatment program or expenditure for an alcohol monitoring 74351
device for which that payment was made. The department may require 74352
additional information necessary to complete the comprehensive 74353
statewide alcohol and drug addiction services plan as required by 74354
section 3793.04 of the Revised Code. 74355

(c) If a board is unable to obtain adequate information to 74356
develop the report to submit to the department for a particular 74357
indigent drivers alcohol treatment fund, the board shall submit a 74358
report detailing the effort made in obtaining the information. 74359

(I)(1) Each county shall establish an indigent drivers 74360
interlock and alcohol monitoring fund and a juvenile indigent 74361
drivers interlock and alcohol treatment fund, and each municipal 74362
corporation in which there is a municipal court shall establish an 74363
indigent drivers interlock and alcohol monitoring fund. All 74364
revenue that the general assembly appropriates to the indigent 74365
drivers interlock and alcohol monitoring fund for transfer to a 74366
county indigent drivers interlock and alcohol monitoring fund, a 74367
county juvenile indigent drivers interlock and alcohol monitoring 74368
fund, or a municipal indigent drivers interlock and alcohol 74369
monitoring fund, all portions of license reinstatement fees that 74370
are paid under division (F)(2) of this section and that are 74371
credited under that division to the indigent drivers interlock and 74372
alcohol monitoring fund in the state treasury, and all portions of 74373
fines that are paid under division (G) of section 4511.19 of the 74374
Revised Code and that are credited by division (G)(5)(e) of that 74375
section to the indigent drivers interlock and alcohol monitoring 74376
fund in the state treasury shall be deposited in the appropriate 74377
fund in accordance with division (I)(2) of this section. 74378

(2) That portion of the license reinstatement fee that is 74379

paid under division (F) of this section and that portion of the 74380
fine paid under division (G) of section 4511.19 of the Revised 74381
Code and that is credited under either division to the indigent 74382
drivers interlock and alcohol monitoring fund shall be deposited 74383
into a county indigent drivers interlock and alcohol monitoring 74384
fund, a county juvenile indigent drivers interlock and alcohol 74385
monitoring fund, or a municipal indigent drivers interlock and 74386
alcohol monitoring fund as follows: 74387

(a) If the fee or fine is paid by a person who was charged in 74388
a county court with the violation that resulted in the suspension 74389
or fine, the portion shall be deposited into the county indigent 74390
drivers interlock and alcohol monitoring fund under the control of 74391
that court. 74392

(b) If the fee or fine is paid by a person who was charged in 74393
a juvenile court with the violation that resulted in the 74394
suspension or fine, the portion shall be deposited into the county 74395
juvenile indigent drivers interlock and alcohol monitoring fund 74396
established in the county served by the court. 74397

(c) If the fee or fine is paid by a person who was charged in 74398
a municipal court with the violation that resulted in the 74399
suspension, the portion shall be deposited into the municipal 74400
indigent drivers interlock and alcohol monitoring fund under the 74401
control of that court. 74402

Sec. 4511.81. (A) When any child who is in either or both of 74403
the following categories is being transported in a motor vehicle, 74404
other than a taxicab or public safety vehicle as defined in 74405
section 4511.01 of the Revised Code, that is required by the 74406
United States department of transportation to be equipped with 74407
seat belts at the time of manufacture or assembly, the operator of 74408
the motor vehicle shall have the child properly secured in 74409
accordance with the manufacturer's instructions in a child 74410

restraint system that meets federal motor vehicle safety standards: 74411
standards: 74412

(1) A child who is less than four years of age; 74413

(2) A child who weighs less than forty pounds. 74414

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards: 74415
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(1) A child who is less than four years of age; 74422

(2) A child who weighs less than forty pounds. 74423

(C) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by division (A) or (B) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code or a vehicle that is regulated under section 5104.011 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards. 74424
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(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required 74436
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by the United States department of transportation to be equipped 74442
with seat belts at the time of manufacture or assembly, the 74443
operator of the motor vehicle shall have the child properly 74444
restrained either in accordance with the manufacturer's 74445
instructions in a child restraint system or booster seat that 74446
meets federal motor vehicle safety standards or in an occupant 74447
restraining device as defined in section 4513.263 of the Revised 74448
Code. 74449

(E) Notwithstanding any provision of law to the contrary, no 74450
law enforcement officer shall cause an operator of a motor vehicle 74451
being operated on any street or highway to stop the motor vehicle 74452
for the sole purpose of determining whether a violation of 74453
division (C) or (D) of this section has been or is being committed 74454
or for the sole purpose of issuing a ticket, citation, or summons 74455
for a violation of division (C) or (D) of this section or causing 74456
the arrest of or commencing a prosecution of a person for a 74457
violation of division (C) or (D) of this section, and absent 74458
another violation of law, a law enforcement officer's view of the 74459
interior or visual inspection of a motor vehicle being operated on 74460
any street or highway may not be used for the purpose of 74461
determining whether a violation of division (C) or (D) of this 74462
section has been or is being committed. 74463

(F) The director of public safety shall adopt such rules as 74464
are necessary to carry out this section. 74465

(G) The failure of an operator of a motor vehicle to secure a 74466
child in a child restraint system, a booster seat, or an occupant 74467
restraining device as required by this section is not negligence 74468
imputable to the child, and is not admissible as evidence in any 74469
civil action involving the rights of the child against any other 74470
person allegedly liable for injuries to the child, ~~is not to be~~ 74471
~~used as a basis for a criminal prosecution of the operator of the~~ 74472
~~motor vehicle other than a prosecution for a violation of this~~ 74473

~~section, and is not admissible as evidence in any criminal action 74474
involving the operator of the motor vehicle other than a 74475
prosecution for a violation of this section. 74476~~

(H) This section does not apply when an emergency exists that 74477
threatens the life of any person operating or occupying a motor 74478
vehicle that is being used to transport a child who otherwise 74479
would be required to be restrained under this section. This 74480
section does not apply to a person operating a motor vehicle who 74481
has an affidavit signed by a physician licensed to practice in 74482
this state under Chapter 4731. of the Revised Code or a 74483
chiropractor licensed to practice in this state under Chapter 74484
4734. of the Revised Code that states that the child who otherwise 74485
would be required to be restrained under this section has a 74486
physical impairment that makes use of a child restraint system, 74487
booster seat, or an occupant restraining device impossible or 74488
impractical, provided that the person operating the vehicle has 74489
safely and appropriately restrained the child in accordance with 74490
any recommendations of the physician or chiropractor as noted on 74491
the affidavit. 74492

(I) There is hereby created in the state treasury the child 74493
highway safety fund, consisting of fines imposed pursuant to 74494
division ~~(K)~~(L)(1) of this section for violations of divisions 74495
(A), (B), (C), and (D) of this section. The money in the fund 74496
shall be used by the department of health ~~only to defray the cost~~ 74497
~~of designating hospitals as pediatric trauma centers under section~~ 74498
~~3727.081 of the Revised Code and~~ to establish and administer a 74499
child highway safety program. The purpose of the program shall be 74500
to educate the public about child restraint systems and booster 74501
seats and the importance of their proper use. The program also 74502
shall include a process for providing child restraint systems and 74503
booster seats to persons who meet the eligibility criteria 74504
established by the department, and a toll-free telephone number 74505

the public may utilize to obtain information about child restraint systems and booster seats, and their proper use. 74506
74507

74508

(J) The director of health, in accordance with Chapter 119. 74509
of the Revised Code, shall adopt any rules necessary to carry out 74510
this section, including rules establishing the criteria a person 74511
must meet in order to receive a child restraint system or booster 74512
seat under the department's child highway safety program; ~~provided~~ 74513
~~that rules relating to the verification of pediatric trauma~~ 74514
~~centers shall not be adopted under this section.~~ 74515

(K) Nothing in this section shall be construed to require any 74516
person to carry with the person the birth certificate of a child 74517
to prove the age of the child, but the production of a valid birth 74518
certificate for a child showing that the child was not of an age 74519
to which this section applies is a defense against any ticket, 74520
citation, or summons issued for violating this section. 74521

(L)(1) Whoever violates division (A), (B), (C), or (D) of 74522
this section shall be punished as follows, provided that the 74523
failure of an operator of a motor vehicle to secure more than one 74524
child in a child restraint system, booster seat, or occupant 74525
restraining device as required by this section that occurred at 74526
the same time, on the same day, and at the same location is deemed 74527
to be a single violation of this section: 74528

(a) Except as otherwise provided in division (L)(1)(b) of 74529
this section, the offender is guilty of a minor misdemeanor and 74530
shall be fined not less than ~~twenty-five~~ fifty dollars nor more 74531
than seventy-five dollars for a first offense. 74532

(b) If the offender previously has been convicted of or 74533
pleaded guilty to a violation of division (A), (B), (C), or (D) of 74534
this section or of a municipal ordinance that is substantially 74535
similar to any of those divisions, the offender is guilty of a 74536

misdemeanor of the fourth degree and shall be fined not less than 74537
one hundred dollars. 74538

(2) ~~All fines~~ For every fine imposed pursuant to division 74539
(L)(1) of this section not less than fifty dollars shall be 74540
forwarded to the treasurer of state for deposit in the child 74541
highway safety fund created by division (I) of this section. 74542

Sec. 4513.021. (A) As used in this section: 74543

(1) "Passenger car" means any motor vehicle with motive 74544
power, designed for carrying ten persons or less, except a 74545
multipurpose passenger vehicle or motorcycle. 74546

(2) "Multipurpose passenger vehicle" means a motor vehicle 74547
with motive power, except a motorcycle, designed to carry ten 74548
persons or less, that is constructed either on a truck chassis or 74549
with special features for occasional off-road operation. 74550

(3) "Truck" means every motor vehicle, except trailers and 74551
semitrailers, designed and used to carry property and having a 74552
gross vehicle weight rating of ten thousand pounds or less. 74553

(4) "Manufacturer" has the same meaning as in section 4501.01 74554
of the Revised Code. 74555

(5) "Gross vehicle weight rating" means the manufacturer's 74556
gross vehicle weight rating established for that vehicle. 74557

(B) The director of public safety, in accordance with Chapter 74558
119. of the Revised Code, shall adopt rules in conformance with 74559
standards of the vehicle equipment safety commission, that shall 74560
govern the maximum bumper height or, in the absence of bumpers and 74561
in cases where bumper heights have been lowered or modified, the 74562
maximum height to the bottom of the frame rail, of any passenger 74563
car, multipurpose passenger vehicle, or truck. 74564

(C) No person shall operate upon a street or highway any 74565
passenger car, multipurpose passenger vehicle, or truck registered 74566

in this state that does not conform to the requirements of this 74567
section or to any applicable rule adopted pursuant to this 74568
section. 74569

(D) No person shall modify any motor vehicle registered in 74570
this state in such a manner as to cause the vehicle body or 74571
chassis to come in contact with the ground, expose the fuel tank 74572
to damage from collision, or cause the wheels to come in contact 74573
with the body under normal operation, and no person shall 74574
disconnect any part of the original suspension system of the 74575
vehicle to defeat the safe operation of that system. 74576

(E) Nothing contained in this section or in the rules adopted 74577
pursuant to this section shall be construed to prohibit either of 74578
the following: 74579

(1) The installation upon a passenger car, multipurpose 74580
passenger vehicle, or truck registered in this state of heavy duty 74581
equipment, including shock absorbers and overload springs; 74582

(2) The operation on a street or highway of a passenger car, 74583
multipurpose passenger vehicle, or truck registered in this state 74584
with normal wear to the suspension system if the normal wear does 74585
not adversely affect the control of the vehicle. 74586

(F) This section and the rules adopted pursuant to it do not 74587
apply to any specially designed or modified passenger car, 74588
multipurpose passenger vehicle, or truck when operated off a 74589
street or highway in races and similar events. 74590

(G) ~~Except as otherwise provided in this division, whoever~~ 74591
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 74592
~~the offender previously has been convicted of a violation of this~~ 74593
~~section, whoever violates this section is guilty of a misdemeanor~~ 74594
~~of the third degree.~~ 74595

Sec. 4513.03. (A) Every vehicle upon a street or highway 74596

within this state during the time from sunset to sunrise, and at 74597
any other time when there are unfavorable atmospheric conditions 74598
or when there is not sufficient natural light to render 74599
discernible persons, vehicles, and substantial objects on the 74600
highway at a distance of one thousand feet ahead, shall display 74601
lighted lights and illuminating devices as required by sections 74602
4513.04 to 4513.37 of the Revised Code, for different classes of 74603
vehicles; except that every motorized bicycle shall display at 74604
such times lighted lights meeting the rules adopted by the 74605
director of public safety under section 4511.521 of the Revised 74606
Code. No motor vehicle, during such times, shall be operated upon 74607
a street or highway within this state using only parking lights as 74608
illumination. 74609

Whenever in such sections a requirement is declared as to the 74610
distance from which certain lamps and devices shall render objects 74611
visible, or within which such lamps or devices shall be visible, 74612
such distance shall be measured upon a straight level unlighted 74613
highway under normal atmospheric conditions unless a different 74614
condition is expressly stated. 74615

Whenever in such sections a requirement is declared as to the 74616
mounted height of lights or devices, it shall mean from the center 74617
of such light or device to the level ground upon which the vehicle 74618
stands. 74619

(B) Whoever violates this section ~~shall be punished as~~ 74620
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 74621
minor misdemeanor. 74622

Sec. 4513.04. (A) Every motor vehicle, other than a 74623
motorcycle, and every trackless trolley shall be equipped with at 74624
least two headlights with at least one near each side of the front 74625
of the motor vehicle or trackless trolley. 74626

Every motorcycle shall be equipped with at least one and not 74627

more than two headlights. 74628

(B) Whoever violates this section ~~shall be punished as~~ 74629
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74630
minor misdemeanor. 74631

Sec. 4513.05. (A) Every motor vehicle, trackless trolley, 74632
trailer, semitrailer, pole trailer, or vehicle which is being 74633
drawn at the end of a train of vehicles shall be equipped with at 74634
least one tail light mounted on the rear which, when lighted, 74635
shall emit a red light visible from a distance of five hundred 74636
feet to the rear, provided that in the case of a train of vehicles 74637
only the tail light on the rearmost vehicle need be visible from 74638
the distance specified. 74639

Either a tail light or a separate light shall be so 74640
constructed and placed as to illuminate with a white light the 74641
rear registration plate, when such registration plate is required, 74642
and render it legible from a distance of fifty feet to the rear. 74643
Any tail light, together with any separate light for illuminating 74644
the rear registration plate, shall be so wired as to be lighted 74645
whenever the headlights or auxiliary driving lights are lighted, 74646
except where separate lighting systems are provided for trailers 74647
for the purpose of illuminating such registration plate. 74648

(B) Whoever violates this section ~~shall be punished as~~ 74649
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74650
minor misdemeanor. 74651

Sec. 4513.06. (A) Every new motor vehicle sold after 74652
September 6, 1941, and operated on a highway, other than a 74653
commercial tractor, to which a trailer or semitrailer is attached 74654
shall carry at the rear, either as a part of the tail lamps or 74655
separately, two red reflectors meeting the requirements of this 74656
section, except that vehicles of the type mentioned in section 74657

4513.07 of the Revised Code shall be equipped with reflectors as required by the regulations provided for in said section.

Every such reflector shall be of such size and characteristics and so maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.07. (A) The director of public safety shall prescribe and promulgate regulations relating to clearance lights, marker lights, reflectors, and stop lights on buses, trackless trolleys, trucks, commercial tractors, trailers, semitrailers, and pole trailers, when operated upon any highway, and such vehicles shall be equipped as required by such regulations, and such equipment shall be lighted at all times mentioned in section 4513.03 of the Revised Code, except that clearance lights and side marker lights need not be lighted on any such vehicle when it is operated within a municipal corporation where there is sufficient light to reveal any person or substantial object on the highway at a distance of five hundred feet.

Such equipment shall be in addition to all other lights specifically required by sections 4513.03 to 4513.16 of the Revised Code.

Vehicles operated under the jurisdiction of the public utilities commission are not subject to this section.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.071. (A) Every motor vehicle, trailer, semitrailer, 74687
and pole trailer when operated upon a highway shall be equipped 74688
with two or more stop lights, except that passenger cars 74689
manufactured or assembled prior to January 1, 1967, motorcycles, 74690
and motor-driven cycles shall be equipped with at least one stop 74691
light. Stop lights shall be mounted on the rear of the vehicle, 74692
actuated upon application of the service brake, and may be 74693
incorporated with other rear lights. Such stop lights when 74694
actuated shall emit a red light visible from a distance of five 74695
hundred feet to the rear, provided that in the case of a train of 74696
vehicles only the stop lights on the rear-most vehicle need be 74697
visible from the distance specified. 74698

Such stop lights when actuated shall give a steady warning 74699
light to the rear of a vehicle or train of vehicles to indicate 74700
the intention of the operator to diminish the speed of or stop a 74701
vehicle or train of vehicles. 74702

When stop lights are used as required by this section, they 74703
shall be constructed or installed so as to provide adequate and 74704
reliable illumination and shall conform to the appropriate rules 74705
and regulations established under section 4513.19 of the Revised 74706
Code. 74707

Historical motor vehicles as defined in section 4503.181 of 74708
the Revised Code, not originally manufactured with stop lights, 74709
are not subject to this section. 74710

(B) Whoever violates this section ~~shall be punished as~~ 74711
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74712
minor misdemeanor. 74713

Sec. 4513.09. (A) Whenever the load upon any vehicle extends 74714
to the rear four feet or more beyond the bed or body of such 74715
vehicle, there shall be displayed at the extreme rear end of the 74716

load, at the times specified in section 4513.03 of the Revised Code, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.11. (A) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (G) of section 4513.02 of the Revised Code, not specifically required to be equipped with lamps or other lighting devices by sections 4513.03 to 4513.10 of the Revised Code, shall, at the times specified in section 4513.03 of the Revised Code, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section shall meet standards adopted by the director of public safety.

(B) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and

maintenance work in an area guarded by a flagperson, or where 74747
flares are used, or when operating or traveling within the limits 74748
of a construction area designated by the director of 74749
transportation, a city engineer, or the county engineer of the 74750
several counties, when such construction area is marked in 74751
accordance with requirements of the director and the manual of 74752
uniform traffic control devices, as set forth in section 4511.09 74753
of the Revised Code, which is designed for operation at a speed of 74754
twenty-five miles per hour or less shall be operated at a speed 74755
not exceeding twenty-five miles per hour, and shall display a 74756
triangular slow-moving vehicle emblem (SMV). The emblem shall be 74757
mounted so as to be visible from a distance of not less than five 74758
hundred feet to the rear. The director of public safety shall 74759
adopt standards and specifications for the design and position of 74760
mounting the SMV emblem. The standards and specifications for SMV 74761
emblems referred to in this section shall correlate with and, so 74762
far as possible, conform with those approved by the American 74763
society of agricultural engineers. 74764

A unit of farm machinery that is designed by its manufacturer 74765
to operate at a speed greater than twenty-five miles per hour may 74766
be operated on a street or highway at a speed greater than 74767
twenty-five miles per hour provided it is operated in accordance 74768
with this section. 74769

As used in this division, "machinery" does not include any 74770
vehicle designed to be drawn by an animal. 74771

(C) The use of the SMV emblem shall be restricted to 74772
animal-drawn vehicles, and to the slow-moving vehicles specified 74773
in division (B) of this section operating or traveling within the 74774
limits of the highway. Its use on slow-moving vehicles being 74775
transported upon other types of vehicles or on any other type of 74776
vehicle or stationary object on the highway is prohibited. 74777

(D)(1) No person shall sell, lease, rent, or operate any boat 74778

trailer, farm machinery, or other machinery defined as a 74779
slow-moving vehicle in division (B) of this section, except those 74780
units designed to be completely mounted on a primary power unit, 74781
which is manufactured or assembled on or after April 1, 1966, 74782
unless the vehicle is equipped with a slow-moving vehicle emblem 74783
mounting device as specified in division (B) of this section. 74784

(2) No person shall sell, lease, rent, or operate on a street 74785
or highway any unit of farm machinery that is designed by its 74786
manufacturer to operate at a speed greater than twenty-five miles 74787
per hour unless the unit displays a slow-moving vehicle emblem as 74788
specified in division (B) of this section and a speed 74789
identification symbol that meets the specifications contained in 74790
the American society of agricultural engineers standard ANSI/ASAE 74791
S584 JAN2005, agricultural equipment: speed identification symbol 74792
(SIS). 74793

(E) Any boat trailer, farm machinery, or other machinery 74794
defined as a slow-moving vehicle in division (B) of this section, 74795
in addition to the use of the slow-moving vehicle emblem, and any 74796
unit of farm machinery that is designed by its manufacturer to 74797
operate at a speed greater than twenty-five miles per hour, in 74798
addition to the display of a speed identification symbol, may be 74799
equipped with a red flashing light that shall be visible from a 74800
distance of not less than one thousand feet to the rear at all 74801
times specified in section 4513.03 of the Revised Code. When a 74802
double-faced light is used, it shall display amber light to the 74803
front and red light to the rear. 74804

In addition to the lights described in this division, farm 74805
machinery and motor vehicles escorting farm machinery may display 74806
a flashing, oscillating, or rotating amber light, as permitted by 74807
section 4513.17 of the Revised Code, and also may display 74808
simultaneously flashing turn signals or warning lights, as 74809
permitted by that section. 74810

(F) Every animal-drawn vehicle upon a street or highway shall 74811
at all times be equipped in one of the following ways: 74812

(1) With a slow-moving vehicle emblem complying with division 74813
(B) of this section; 74814

(2) With alternate reflective material complying with rules 74815
adopted under this division; 74816

(3) With both a slow-moving vehicle emblem and alternate 74817
reflective material as specified in this division. 74818

The director of public safety, subject to Chapter 119. of the 74819
Revised Code, shall adopt rules establishing standards and 74820
specifications for the position of mounting of the alternate 74821
reflective material authorized by this division. The rules shall 74822
permit, as a minimum, the alternate reflective material to be 74823
black, gray, or silver in color. The alternate reflective material 74824
shall be mounted on the animal-drawn vehicle so as to be visible, 74825
at all times specified in section 4513.03 of the Revised Code, 74826
from a distance of not less than five hundred feet to the rear 74827
when illuminated by the lawful lower beams of headlamps. 74828

(G) Every unit of farm machinery that is designed by its 74829
manufacturer to operate at a speed greater than twenty-five miles 74830
per hour shall display a slow-moving vehicle emblem and a speed 74831
identification symbol that meets the specifications contained in 74832
the American society of agricultural engineers standard ANSI/ASAE 74833
S584 JAN2005, agricultural equipment: speed identification symbol 74834
(SIS) when the unit is operated upon a street or highway, 74835
irrespective of the speed at which the unit is operated on the 74836
street or highway. The speed identification symbol shall indicate 74837
the maximum speed in miles per hour at which the unit of farm 74838
machinery is designed by its manufacturer to operate. The display 74839
of the speed identification symbol shall be in accordance with the 74840
standard prescribed in this division. 74841

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(I) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

(J) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor whose model year was 2001 or earlier, when being operated or traveling on a street or highway at the times specified in section 4513.03 of the Revised Code, at a minimum shall be equipped with and display reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by flashing lamps displaying amber light, visible to the front and

the rear, by amber reflectors, all visible to the front, and by 74873
red reflectors, all visible to the rear. 74874

(2) The lamps displaying amber light need not flash 74875
simultaneously and need not flash in conjunction with any 74876
directional signals of the tractor. 74877

(3) The lamps and reflectors required by division (A)(1) of 74878
this section and their placement shall meet standards and 74879
specifications contained in rules adopted by the director of 74880
public safety in accordance with Chapter 119. of the Revised Code. 74881
The rules governing the amber lamps, amber reflectors, and red 74882
reflectors and their placement shall correlate with and, as far as 74883
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 74884
respectively of the American society of agricultural engineers 74885
standard ANSI/SAE S279.10 OCT98, lighting and marking of 74886
agricultural equipment on highways. 74887

(B) Every unit of farm machinery whose model year was 2002 or 74888
later, when being operated or traveling on a street or highway at 74889
the times specified in section 4513.03 of the Revised Code, shall 74890
be equipped with and display markings and illuminated lamps that 74891
meet or exceed the lighting, illumination, and marking standards 74892
and specifications that are applicable to that type of farm 74893
machinery for the unit's model year specified in the American 74894
society of agricultural engineers standard ANSI/SAE S279.11 74895
APR01, lighting and marking of agricultural equipment on highways, 74896
or any subsequent revisions of that standard. 74897

(C) The lights and reflectors required by division (A) of 74898
this section are in addition to the slow-moving vehicle emblem and 74899
lights required or permitted by section 4513.11 or 4513.17 of the 74900
Revised Code to be displayed on farm machinery being operated or 74901
traveling on a street or highway. 74902

(D) No person shall operate any unit of farm machinery on a 74903

street or highway or cause any unit of farm machinery to travel on 74904
a street or highway in violation of division (A) or (B) of this 74905
section. 74906

(E) Whoever violates this section ~~shall be punished as~~ 74907
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74908
minor misdemeanor. 74909

Sec. 4513.12. (A) Any motor vehicle may be equipped with not 74910
more than one spotlight and every lighted spotlight shall be so 74911
aimed and used upon approaching another vehicle that no part of 74912
the high-intensity portion of the beam will be directed to the 74913
left of the prolongation of the extreme left side of the vehicle, 74914
nor more than one hundred feet ahead of the vehicle. 74915

Any motor vehicle may be equipped with not more than three 74916
auxiliary driving lights mounted on the front of the vehicle. The 74917
director of public safety shall prescribe specifications for 74918
auxiliary driving lights and regulations for their use, and any 74919
such lights which do not conform to said specifications and 74920
regulations shall not be used. 74921

(B) Whoever violates this section ~~shall be punished as~~ 74922
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74923
minor misdemeanor. 74924

Sec. 4513.13. (A) Any motor vehicle may be equipped with side 74925
cowl or fender lights which shall emit a white or amber light 74926
without glare. 74927

Any motor vehicle may be equipped with lights on each side 74928
thereof which shall emit a white or amber light without glare. 74929

Any motor vehicle may be equipped with back-up lights, either 74930
separately or in combination with another light. No back-up lights 74931
shall be continuously lighted when the motor vehicle is in forward 74932
motion. 74933

(B) Whoever violates this section ~~shall be punished as~~ 74934
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74935
minor misdemeanor. 74936

Sec. 4513.14. (A) At all times mentioned in section 4513.03 74937
of the Revised Code at least two lighted lights shall be 74938
displayed, one near each side of the front of every motor vehicle 74939
and trackless trolley, except when such vehicle or trackless 74940
trolley is parked subject to the regulations governing lights on 74941
parked vehicles and trackless trolleys. 74942

The director of public safety shall prescribe and promulgate 74943
regulations relating to the design and use of such lights and such 74944
regulations shall be in accordance with currently recognized 74945
standards. 74946

(B) Whoever violates this section ~~shall be punished as~~ 74947
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74948
minor misdemeanor. 74949

Sec. 4513.15. (A) Whenever a motor vehicle is being operated 74950
on a roadway or shoulder adjacent thereto during the times 74951
specified in section 4513.03 of the Revised Code, the driver shall 74952
use a distribution of light, or composite beam, directed high 74953
enough and of sufficient intensity to reveal persons, vehicles, 74954
and substantial objects at a safe distance in advance of the 74955
vehicle, subject to the following requirements; 74956

(1) Whenever the driver of a vehicle approaches an oncoming 74957
vehicle, such driver shall use a distribution of light, or 74958
composite beam, so aimed that the glaring rays are not projected 74959
into the eyes of the oncoming driver. 74960

(2) Every new motor vehicle registered in this state, which 74961
has multiple-beam road lighting equipment shall be equipped with a 74962
beam indicator, which shall be lighted whenever the uppermost 74963

distribution of light from the headlights is in use, and shall not 74964
otherwise be lighted. Said indicator shall be so designed and 74965
located that, when lighted, it will be readily visible without 74966
glare to the driver of the vehicle. 74967

(B) Whoever violates this section ~~shall be punished as~~ 74968
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74969
minor misdemeanor. 74970

Sec. 4513.16. (A) Any motor vehicle may be operated under the 74971
conditions specified in section 4513.03 of the Revised Code when 74972
it is equipped with two lighted lights upon the front thereof 74973
capable of revealing persons and substantial objects seventy-five 74974
feet ahead, in lieu of lights required in section 4513.14 of the 74975
Revised Code, provided that such vehicle shall not be operated at 74976
a speed in excess of twenty miles per hour. 74977

(B) Whoever violates this section ~~shall be punished as~~ 74978
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 74979
minor misdemeanor. 74980

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 74981
headlights also is equipped with any auxiliary lights or spotlight 74982
or any other light on the front thereof projecting a beam of an 74983
intensity greater than three hundred candle power, not more than a 74984
total of five of any such lights on the front of a vehicle shall 74985
be lighted at any one time when the vehicle is upon a highway. 74986

(B) Any lighted light or illuminating device upon a motor 74987
vehicle, other than headlights, spotlights, signal lights, or 74988
auxiliary driving lights, that projects a beam of light of an 74989
intensity greater than three hundred candle power, shall be so 74990
directed that no part of the beam will strike the level of the 74991
roadway on which the vehicle stands at a distance of more than 74992
seventy-five feet from the vehicle. 74993

(C)(1) Flashing lights are prohibited on motor vehicles, 74994
except as a means for indicating a right or a left turn, or in the 74995
presence of a vehicular traffic hazard requiring unusual care in 74996
approaching, or overtaking or passing. This prohibition does not 74997
apply to emergency vehicles, road service vehicles servicing or 74998
towing a disabled vehicle, traffic line strippers, snow plows, 74999
rural mail delivery vehicles, vehicles as provided in section 75000
4513.182 of the Revised Code, department of transportation 75001
maintenance vehicles, funeral hearses, funeral escort vehicles, 75002
and similar equipment operated by the department or local 75003
authorities, which shall be equipped with and display, when used 75004
on a street or highway for the special purpose necessitating such 75005
lights, a flashing, oscillating, or rotating amber light, but 75006
shall not display a flashing, oscillating, or rotating light of 75007
any other color, nor to vehicles or machinery permitted by section 75008
4513.11 of the Revised Code to have a flashing red light. 75009

(2) When used on a street or highway, farm machinery and 75010
vehicles escorting farm machinery may be equipped with and display 75011
a flashing, oscillating, or rotating amber light, and the 75012
prohibition contained in division (C)(1) of this section does not 75013
apply to such machinery or vehicles. Farm machinery also may 75014
display the lights described in section 4513.11 of the Revised 75015
Code. 75016

(D) Except a person operating a public safety vehicle, as 75017
defined in division (E) of section 4511.01 of the Revised Code, or 75018
a school bus, no person shall operate, move, or park upon, or 75019
permit to stand within the right-of-way of any public street or 75020
highway any vehicle or equipment that is equipped with and 75021
displaying a flashing red or a flashing combination red and white 75022
light, or an oscillating or rotating red light, or a combination 75023
red and white oscillating or rotating light; and except a public 75024
law enforcement officer, or other person sworn to enforce the 75025

criminal and traffic laws of the state, operating a public safety 75026
vehicle when on duty, no person shall operate, move, or park upon, 75027
or permit to stand within the right-of-way of any street or 75028
highway any vehicle or equipment that is equipped with, or upon 75029
which is mounted, and displaying a flashing blue or a flashing 75030
combination blue and white light, or an oscillating or rotating 75031
blue light, or a combination blue and white oscillating or 75032
rotating light. 75033

(E) This section does not prohibit the use of warning lights 75034
required by law or the simultaneous flashing of turn signals on 75035
disabled vehicles or on vehicles being operated in unfavorable 75036
atmospheric conditions in order to enhance their visibility. This 75037
section also does not prohibit the simultaneous flashing of turn 75038
signals or warning lights either on farm machinery or vehicles 75039
escorting farm machinery, when used on a street or highway. 75040

(F) Whoever violates this section ~~shall be punished as~~ 75041
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 75042
minor misdemeanor. 75043

Sec. 4513.171. (A) Notwithstanding any other provision of 75044
law, a motor vehicle operated by a coroner, deputy coroner, or 75045
coroner's investigator may be equipped with a flashing, 75046
oscillating, or rotating red or blue light and a siren, whistle, 75047
or bell capable of emitting sound audible under normal conditions 75048
from a distance of not less than five hundred feet. Such a vehicle 75049
may display the flashing, oscillating, or rotating red or blue 75050
light and may give the audible signal of the siren, exhaust 75051
whistle, or bell only when responding to a fatality or a fatal 75052
motor vehicle accident on a street or highway and only at those 75053
locations where the stoppage of traffic impedes the ability of the 75054
coroner, deputy coroner, or coroner's investigator to arrive at 75055
the site of the fatality. 75056

This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.18. (A) The director of transportation shall adopt standards and specifications applicable to headlights, clearance lights, identification, and other lights, on snow removal equipment when operated on the highways, and on vehicles operating under special permits pursuant to section 4513.34 of the Revised Code, in lieu of the lights otherwise required on motor vehicles. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment, and oversize vehicles when in service upon the highways. The standards and specifications for lights referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

It is unlawful to operate snow removal equipment on a highway unless the lights thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.19. (A) No person shall use any lights mentioned in sections 4513.03 to 4513.18 of the Revised Code upon any motor vehicle, trailer, or semitrailer unless said lights are equipped,

mounted, and adjusted as to focus and aim in accordance with 75087
regulations which are prescribed by the director of public safety. 75088

(B) Whoever violates this section ~~shall be punished as~~ 75089
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 75090
minor misdemeanor. 75091

Sec. 4513.21. (A) Every motor vehicle or trackless trolley 75092
when operated upon a highway shall be equipped with a horn which 75093
is in good working order and capable of emitting sound audible, 75094
under normal conditions, from a distance of not less than two 75095
hundred feet. 75096

No motor vehicle or trackless trolley shall be equipped with, 75097
nor shall any person use upon a vehicle, any siren, whistle, or 75098
bell. Any vehicle may be equipped with a theft alarm signal device 75099
which shall be so arranged that it cannot be used as an ordinary 75100
warning signal. Every emergency vehicle shall be equipped with a 75101
siren, whistle, or bell, capable of emitting sound audible under 75102
normal conditions from a distance of not less than five hundred 75103
feet and of a type approved by the director of public safety. Such 75104
equipment shall not be used except when such vehicle is operated 75105
in response to an emergency call or is in the immediate pursuit of 75106
an actual or suspected violator of the law, in which case the 75107
driver of the emergency vehicle shall sound such equipment when it 75108
is necessary to warn pedestrians and other drivers of the approach 75109
thereof. 75110

(B) Whoever violates this section ~~shall be punished as~~ 75111
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 75112
minor misdemeanor. 75113

Sec. 4513.22. (A) Every motor vehicle and motorcycle with an 75114
internal combustion engine shall at all times be equipped with a 75115
muffler which is in good working order and in constant operation 75116

to prevent excessive or unusual noise, and no person shall use a 75117
muffler cutout, by-pass, or similar device upon a motor vehicle on 75118
a highway. Every motorcycle muffler shall be equipped with baffle 75119
plates. 75120

No person shall own, operate, or have in the person's 75121
possession any motor vehicle or motorcycle equipped with a device 75122
for producing excessive smoke or gas, or so equipped as to permit 75123
oil or any other chemical to flow into or upon the exhaust pipe or 75124
muffler of such vehicle, or equipped in any other way to produce 75125
or emit smoke or dangerous or annoying gases from any portion of 75126
such vehicle, other than the ordinary gases emitted by the exhaust 75127
of an internal combustion engine under normal operation. 75128

(B) Whoever violates this section ~~shall be punished as~~ 75129
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 75130
minor misdemeanor. 75131

Sec. 4513.23. (A) Every motor vehicle, motorcycle, and 75132
trackless trolley shall be equipped with a mirror so located as to 75133
reflect to the operator a view of the highway to the rear of such 75134
vehicle, motorcycle, or trackless trolley. Operators of vehicles, 75135
motorcycles, streetcars, and trackless trolleys shall have a clear 75136
and unobstructed view to the front and to both sides of their 75137
vehicles, motorcycles, streetcars, or trackless trolleys and shall 75138
have a clear view to the rear of their vehicles, motorcycles, 75139
streetcars, or trackless trolleys by mirror. 75140

(B) Whoever violates this section ~~shall be punished as~~ 75141
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 75142
minor misdemeanor. 75143

Sec. 4513.24. (A) No person shall drive any motor vehicle on 75144
a street or highway in this state, other than a motorcycle or 75145
motorized bicycle, that is not equipped with a windshield. 75146

(B) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(C) The windshield on every motor vehicle, streetcar, and trackless trolley shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle, streetcar, or trackless trolley.

(D) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.242. (A) Notwithstanding section 4513.24 and division (F) of section 4513.241 of the Revised Code or any rule adopted thereunder, a decal, whether reflectorized or not, may be displayed upon any side window or siding of a motor vehicle if all of the following are met:

(1) The decal is necessary for public or private security arrangements to which the motor vehicle periodically is subjected;

(2) The decal is no larger than is necessary to accomplish the security arrangements;

(3) The decal does not obscure the vision of the motor vehicle operator or prevent a person looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.28. (A) Whenever any motor truck, trackless trolley, bus, commercial tractor, trailer, semi-trailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality, or upon any freeway, expressway, thruway and connecting, entering or exiting ramps within a municipality, at any time when lighted lamps are required on vehicles and trackless trolleys, the operator of such vehicle or trackless trolley shall display the following warning devices upon the highway during the time the vehicle or trackless trolley is so disabled on the highway except as provided in division (B) of this section:

(1) A lighted fusee shall be immediately placed on the roadway at the traffic side of such vehicle or trackless trolley, unless red electric lanterns or red reflectors are displayed.

(2) Within the burning period of the fusee and as promptly as possible, three lighted flares or pot torches, or three red reflectors or three red electric lanterns shall be placed on the roadway as follows:

(a) One at a distance of forty paces or approximately one hundred feet in advance of the vehicle;

(b) One at a distance of forty paces or approximately one hundred feet to the rear of the vehicle or trackless trolley except as provided in this section, each in the center of the lane

of traffic occupied by the disabled vehicle or trackless trolley; 75208

(c) One at the traffic side of the vehicle or trackless 75209
trolley. 75210

(B) Whenever any vehicle used in transporting flammable 75211
liquids in bulk, or in transporting compressed flammable gases, is 75212
disabled upon a highway at any time or place mentioned in division 75213
(A) of this section, the driver of such vehicle shall display upon 75214
the roadway the following warning devices: 75215

(1) One red electric lantern or one red reflector shall be 75216
immediately placed on the roadway at the traffic side of the 75217
vehicle; 75218

(2) Two other red electric lanterns or two other red 75219
reflectors shall be placed to the front and rear of the vehicle in 75220
the same manner prescribed for flares in division (A) of this 75221
section. 75222

(C) When a vehicle of a type specified in division (B) of 75223
this section is disabled, the use of flares, fusees, or any signal 75224
produced by flame as warning signals is prohibited. 75225

(D) Whenever any vehicle or trackless trolley of a type 75226
referred to in this section is disabled upon the traveled portion 75227
of a highway or the shoulder thereof, outside of any municipality, 75228
or upon any freeway, expressway, thruway and connecting, entering 75229
or exiting ramps within a municipality, at any time when the 75230
display of fusees, flares, red reflectors, or electric lanterns is 75231
not required, the operator of such vehicle or trackless trolley 75232
shall display two red flags upon the roadway in the lane of 75233
traffic occupied by the disabled vehicle or trackless trolley, one 75234
at a distance of forty paces or approximately one hundred feet in 75235
advance of the vehicle or trackless trolley, and one at a distance 75236
of forty paces or approximately one hundred feet to the rear of 75237
the vehicle or trackless trolley, except as provided in this 75238

section. 75239

(E) The flares, fusees, lanterns, red reflectors, and flags 75240
to be displayed as required in this section shall conform with the 75241
requirements of section 4513.27 of the Revised Code applicable 75242
thereto. 75243

(F) In the event the vehicle or trackless trolley is disabled 75244
near a curve, crest of a hill, or other obstruction of view, the 75245
flare, flag, reflector, or lantern in that direction shall be 75246
placed as to afford ample warning to other users of the highway, 75247
but in no case shall it be placed less than forty paces or 75248
approximately one hundred feet nor more than one hundred twenty 75249
paces or approximately three hundred feet from the disabled 75250
vehicle or trackless trolley. 75251

(G) This section does not apply to the operator of any 75252
vehicle in a work area designated by protection equipment devices 75253
that are displayed and used in accordance with the manual adopted 75254
by the department of transportation under section 4511.09 of the 75255
Revised Code. 75256

(H) Whoever violates this section ~~shall be punished as~~ 75257
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 75258
minor misdemeanor. 75259

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 75260
police of a municipal corporation, township, or township police 75261
district, within the sheriff's or chief's respective territorial 75262
jurisdiction, upon complaint of any person adversely affected, may 75263
order into storage any motor vehicle, other than an abandoned junk 75264
motor vehicle as defined in section 4513.63 of the Revised Code, 75265
that has been left on private residential or private agricultural 75266
property for at least four hours without the permission of the 75267
person having the right to the possession of the property. The 75268
sheriff or chief of police, upon complaint of the owner of a 75269

repair garage or place of storage, may order into storage any 75270
motor vehicle, other than an abandoned junk motor vehicle, that 75271
has been left at the garage or place of storage for a longer 75272
period than that agreed upon. The place of storage shall be 75273
designated by the sheriff or chief of police. When ordering a 75274
motor vehicle into storage pursuant to this division, a sheriff or 75275
chief of police, whenever possible, shall arrange for the removal 75276
of the motor vehicle by a private tow truck operator or towing 75277
company. Subject to division (C) of this section, the owner of a 75278
motor vehicle that has been removed pursuant to this division may 75279
recover the vehicle only in accordance with division (E) of this 75280
section. 75281

(2) Divisions (A)(1) to (3) of this section do not apply to 75282
any private residential or private agricultural property that is 75283
established as a private tow-away zone in accordance with division 75284
(B) of this section. 75285

(3) As used in divisions (A)(1) and (2) of this section, 75286
"private residential property" means private property on which is 75287
located one or more structures that are used as a home, residence, 75288
or sleeping place by one or more persons, if no more than three 75289
separate households are maintained in the structure or structures. 75290
"Private residential property" does not include any private 75291
property on which is located one or more structures that are used 75292
as a home, residence, or sleeping place by two or more persons, if 75293
more than three separate households are maintained in the 75294
structure or structures. 75295

(B)(1) The owner of private property may establish a private 75296
tow-away zone only if all of the following conditions are 75297
satisfied: 75298

(a) The owner posts on the owner's property a sign, that is 75299
at least eighteen inches by twenty-four inches in size, that is 75300
visible from all entrances to the property, and that contains at 75301

least all of the following information: 75302

(i) A notice that the property is a private tow-away zone and 75303
that vehicles not authorized to park on the property will be towed 75304
away; 75305

(ii) The telephone number of the person from whom a 75306
towed-away vehicle can be recovered, and the address of the place 75307
to which the vehicle will be taken and the place from which it may 75308
be recovered; 75309

(iii) A statement that the vehicle may be recovered at any 75310
time during the day or night upon the submission of proof of 75311
ownership and the payment of a towing charge, in an amount not to 75312
exceed ninety dollars, and a storage charge, in an amount not to 75313
exceed twelve dollars per twenty-four-hour period; except that the 75314
charge for towing shall not exceed one hundred fifty dollars, and 75315
the storage charge shall not exceed twenty dollars per 75316
twenty-four-hour period, if the vehicle has a manufacturer's gross 75317
vehicle weight rating in excess of ten thousand pounds and is a 75318
truck, bus, or a combination of a commercial tractor and trailer 75319
or semitrailer. 75320

(b) The place to which the towed vehicle is taken and from 75321
which it may be recovered is conveniently located, is well 75322
lighted, and is on or within a reasonable distance of a regularly 75323
scheduled route of one or more modes of public transportation, if 75324
any public transportation is available in the municipal 75325
corporation or township in which the private tow-away zone is 75326
located. 75327

(2) If a vehicle is parked on private property that is 75328
established as a private tow-away zone in accordance with division 75329
(B)(1) of this section, without the consent of the owner of the 75330
property or in violation of any posted parking condition or 75331
regulation, the owner or the owner's agent may remove, or cause 75332

the removal of, the vehicle, the owner and the operator of the 75333
vehicle shall be deemed to have consented to the removal and 75334
storage of the vehicle and to the payment of the towing and 75335
storage charges specified in division (B)(1)(a)(iii) of this 75336
section, and the owner, subject to division (C) of this section, 75337
may recover a vehicle that has been so removed only in accordance 75338
with division (E) of this section. 75339

(3) If a municipal corporation requires tow trucks and tow 75340
truck operators to be licensed, no owner of private property 75341
located within the municipal corporation shall remove, or shall 75342
cause the removal and storage of, any vehicle pursuant to division 75343
(B)(2) of this section by an unlicensed tow truck or unlicensed 75344
tow truck operator. 75345

(4) Divisions (B)(1) to (3) of this section do not affect or 75346
limit the operation of division (A) of this section or sections 75347
4513.61 to 4513.65 of the Revised Code as they relate to property 75348
other than private property that is established as a private 75349
tow-away zone under division (B)(1) of this section. 75350

(C) If the owner or operator of a motor vehicle that has been 75351
ordered into storage pursuant to division (A)(1) of this section 75352
or of a vehicle that is being removed under authority of division 75353
(B)(2) of this section arrives after the motor vehicle or vehicle 75354
has been prepared for removal, but prior to its actual removal 75355
from the property, the owner or operator shall be given the 75356
opportunity to pay a fee of not more than one-half of the charge 75357
for the removal of motor vehicles under division (A)(1) of this 75358
section or of vehicles under division (B)(2) of this section, 75359
whichever is applicable, that normally is assessed by the person 75360
who has prepared the motor vehicle or vehicle for removal, in 75361
order to obtain release of the motor vehicle or vehicle. Upon 75362
payment of that fee, the motor vehicle or vehicle shall be 75363
released to the owner or operator, and upon its release, the owner 75364

or operator immediately shall move it so that: 75365

(1) If the motor vehicle was ordered into storage pursuant to 75366
division (A)(1) of this section, it is not on the private 75367
residential or private agricultural property without the 75368
permission of the person having the right to possession of the 75369
property, or is not at the garage or place of storage without the 75370
permission of the owner, whichever is applicable. 75371

(2) If the vehicle was being removed under authority of 75372
division (B)(2) of this section, it is not parked on the private 75373
property established as a private tow-away zone without the 75374
consent of the owner or in violation of any posted parking 75375
condition or regulation. 75376

(D)(1) If an owner of private property that is established as 75377
a private tow-away zone in accordance with division (B)(1) of this 75378
section or the authorized agent of such an owner removes or causes 75379
the removal of a vehicle from that property under authority of 75380
division (B)(2) of this section, the owner or agent promptly shall 75381
notify the police department of the municipal corporation, 75382
township, or township police district in which the property is 75383
located, of the removal, the vehicle's license number, make, 75384
model, and color, the location from which it was removed, the date 75385
and time of its removal, the telephone number of the person from 75386
whom it may be recovered, and the address of the place to which it 75387
has been taken and from which it may be recovered. 75388

(2) Each county sheriff and each chief of police of a 75389
municipal corporation, township, or township police district shall 75390
maintain a record of motor vehicles that the sheriff or chief 75391
orders into storage pursuant to division (A)(1) of this section 75392
and of vehicles removed from private property in the sheriff's or 75393
chief's jurisdiction that is established as a private tow-away 75394
zone of which the sheriff or chief has received notice under 75395
division (D)(1) of this section. The record shall include an entry 75396

for each such motor vehicle or vehicle that identifies the motor 75397
vehicle's or vehicle's license number, make, model, and color, the 75398
location from which it was removed, the date and time of its 75399
removal, the telephone number of the person from whom it may be 75400
recovered, and the address of the place to which it has been taken 75401
and from which it may be recovered. Any information in the record 75402
that pertains to a particular motor vehicle or vehicle shall be 75403
provided to any person who, either in person or pursuant to a 75404
telephone call, identifies self as the owner or operator of the 75405
motor vehicle or vehicle and requests information pertaining to 75406
its location. 75407

(3) Any person who registers a complaint that is the basis of 75408
a sheriff's or police chief's order for the removal and storage of 75409
a motor vehicle under division (A)(1) of this section shall 75410
provide the identity of the law enforcement agency with which the 75411
complaint was registered to any person who identifies self as the 75412
owner or operator of the motor vehicle and requests information 75413
pertaining to its location. 75414

(E) The owner of a motor vehicle that is ordered into storage 75415
pursuant to division (A)(1) of this section or of a vehicle that 75416
is removed under authority of division (B)(2) of this section may 75417
reclaim it upon payment of any expenses or charges incurred in its 75418
removal, in an amount not to exceed ninety dollars, and storage, 75419
in an amount not to exceed twelve dollars per twenty-four-hour 75420
period; except that the charge for towing shall not exceed one 75421
hundred fifty dollars, and the storage charge shall not exceed 75422
twenty dollars per twenty-four-hour period, if the vehicle has a 75423
manufacturer's gross vehicle weight rating in excess of ten 75424
thousand pounds and is a truck, bus, or a combination of a 75425
commercial tractor and trailer or semitrailer. Presentation of 75426
proof of ownership, which may be evidenced by a certificate of 75427
title to the motor vehicle or vehicle also shall be required for 75428

reclamation of the vehicle. If a motor vehicle that is ordered 75429
into storage pursuant to division (A)(1) of this section remains 75430
unclaimed by the owner for thirty days, the procedures established 75431
by sections 4513.61 and 4513.62 of the Revised Code shall apply. 75432

(F) No person shall remove, or cause the removal of, any 75433
vehicle from private property that is established as a private 75434
tow-away zone under division (B)(1) of this section other than in 75435
accordance with division (B)(2) of this section, and no person 75436
shall remove, or cause the removal of, any motor vehicle from any 75437
other private property other than in accordance with division 75438
(A)(1) of this section or sections 4513.61 to 4513.65 of the 75439
Revised Code. 75440

(G)~~(1)~~ Whoever violates division (B)(3) or (F) of this 75441
section is guilty of a minor misdemeanor. 75442

~~(2) Except as otherwise provided in this division, whoever 75443
violates division (F) of this section is guilty of a minor 75444
misdemeanor. If the offender previously has been convicted of or 75445
pleaded guilty to a violation of division (F) of this section, 75446
whoever violates division (F) of this section is guilty of a 75447
misdemeanor of the third degree. 75448~~

Sec. 4513.65. (A) For purposes of this section, "junk motor 75449
vehicle" means any motor vehicle meeting the requirements of 75450
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 75451
Code that is left uncovered in the open on private property for 75452
more than seventy-two hours with the permission of the person 75453
having the right to the possession of the property, except if the 75454
person is operating a junk yard or scrap metal processing facility 75455
licensed under authority of sections 4737.05 to 4737.12 of the 75456
Revised Code, or regulated under authority of a political 75457
subdivision; or if the property on which the motor vehicle is left 75458
is not subject to licensure or regulation by any governmental 75459

authority, unless the person having the right to the possession of 75460
the property can establish that the motor vehicle is part of a 75461
bona fide commercial operation; or if the motor vehicle is a 75462
collector's vehicle. 75463

No political subdivision shall prevent a person from storing 75464
or keeping, or restrict a person in the method of storing or 75465
keeping, any collector's vehicle on private property with the 75466
permission of the person having the right to the possession of the 75467
property; except that a political subdivision may require a person 75468
having such permission to conceal, by means of buildings, fences, 75469
vegetation, terrain, or other suitable obstruction, any unlicensed 75470
collector's vehicle stored in the open. 75471

The sheriff of a county, or chief of police of a municipal 75472
corporation, within the sheriff's or chief's respective 75473
territorial jurisdiction, a state highway patrol trooper, a board 75474
of township trustees, the legislative authority of a municipal 75475
corporation, or the zoning authority of a township or a municipal 75476
corporation, may send notice, by certified mail with return 75477
receipt requested, to the person having the right to the 75478
possession of the property on which a junk motor vehicle is left, 75479
that within ten days of receipt of the notice, the junk motor 75480
vehicle either shall be covered by being housed in a garage or 75481
other suitable structure, or shall be removed from the property. 75482

No person shall willfully leave a junk motor vehicle 75483
uncovered in the open for more than ten days after receipt of a 75484
notice as provided in this section. The fact that a junk motor 75485
vehicle is so left is prima-facie evidence of willful failure to 75486
comply with the notice, and each subsequent period of thirty days 75487
that a junk motor vehicle continues to be so left constitutes a 75488
separate offense. 75489

(B) ~~Except as otherwise provided in this division, whoever~~ 75490

~~Whoever violates this section is guilty of a minor misdemeanor on a first offense. If the offender previously has been convicted of or pleaded guilty to one violation of this section, whoever violates this section is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, whoever violates this section is guilty of a misdemeanor of the third degree.~~

Sec. 4513.99. (A) Any violation of section ~~4513.03, 4513.04, 4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.10, 4513.11~~ except for division (H) of that section, ~~4513.111, 4513.12, 4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18, 4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22, 4513.23, 4513.24, 4513.242, 4513.25, 4513.26, 4513.27, 4513.28, 4513.29, 4513.30, 4513.31, 4513.32, or 4513.34~~ of the Revised Code shall be punished under division (B) of this section.

(B) Whoever violates the sections of this chapter that are specifically required to be punished under this division, or any provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of the Revised Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the Revised Code:

(A) "Persons" includes individuals, firms, partnerships, associations, joint stock companies, corporations, and any combinations of individuals.

(B) "Motor vehicle" means motor vehicle as defined in section 75521
4501.01 of the Revised Code and also includes "all-purpose 75522
vehicle" and "off-highway motorcycle" as those terms are defined 75523
in section 4519.01 of the Revised Code ~~and manufactured and mobile~~ 75524
~~homes~~. "Motor vehicle" does not include a snowmobile as defined in 75525
section 4519.01 of the Revised Code or manufactured and mobile 75526
homes. 75527

(C) "New motor vehicle" means a motor vehicle, the legal 75528
title to which has never been transferred by a manufacturer, 75529
remanufacturer, distributor, or dealer to an ultimate purchaser. 75530

(D) "Ultimate purchaser" means, with respect to any new motor 75531
vehicle, the first person, other than a dealer purchasing in the 75532
capacity of a dealer, who in good faith purchases such new motor 75533
vehicle for purposes other than resale. 75534

(E) "Business" includes any activities engaged in by any 75535
person for the object of gain, benefit, or advantage either direct 75536
or indirect. 75537

(F) "Engaging in business" means commencing, conducting, or 75538
continuing in business, or liquidating a business when the 75539
liquidator thereof holds self out to be conducting such business; 75540
making a casual sale or otherwise making transfers in the ordinary 75541
course of business when the transfers are made in connection with 75542
the disposition of all or substantially all of the transferor's 75543
assets is not engaging in business. 75544

(G) "Retail sale" or "sale at retail" means the act or 75545
attempted act of selling, bartering, exchanging, or otherwise 75546
disposing of a motor vehicle to an ultimate purchaser for use as a 75547
consumer. 75548

(H) "Retail installment contract" includes any contract in 75549
the form of a note, chattel mortgage, conditional sales contract, 75550
lease, agreement, or other instrument payable in one or more 75551

installments over a period of time and arising out of the retail sale of a motor vehicle. 75552
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(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products. 75554
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(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer. 75556
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(K) "New motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles. 75559
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(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties. 75564
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(M) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty days or more, and title to the motor vehicle is in and remains in the motor vehicle leasing dealer who originally leases it, irrespective of whether or not the motor vehicle is the subject of a later sublease, and not in the user, 75574
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but does not mean a manufacturer or its affiliate leasing to its employees or to dealers.

(N) "Salesperson" means any person employed by a dealer or manufactured home broker to sell, display, and offer for sale, or deal in motor vehicles for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

(O) "Casual sale" means any transfer of a motor vehicle by a person other than a new motor vehicle dealer, used motor vehicle dealer, motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, salesperson, motor vehicle auction owner, manufacturer, or distributor acting in the capacity of a dealer, salesperson, auction owner, manufacturer, or distributor, to a person who purchases the motor vehicle for use as a consumer.

(P) "Motor vehicle show" means a display of current models of motor vehicles whereby the primary purpose is the exhibition of competitive makes and models in order to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location.

(Q) "Motor vehicle auction owner" means any person who is engaged wholly or in part in the business of auctioning motor vehicles.

(R) "Manufacturer" means a person who manufactures, assembles, or imports motor vehicles, including motor homes, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(S) "Tent-type fold-out camping trailer" means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and that is subject to the

following properties and limitations: 75614

(1) A minimum of twenty-five per cent of the fold-out portion 75615
of the top and sidewalls combined must be constructed of canvas, 75616
vinyl, or other fabric, and form an integral part of the shelter. 75617

(2) When folded, the unit must not exceed: 75618

(a) Fifteen feet in length, exclusive of bumper and tongue; 75619

(b) Sixty inches in height from the point of contact with the 75620
ground; 75621

(c) Eight feet in width; 75622

(d) One ton gross weight at time of sale. 75623

(T) "Distributor" means any person authorized by a motor 75624
vehicle manufacturer to distribute new motor vehicles to licensed 75625
new motor vehicle dealers, but does not mean a person who only 75626
assembles or installs a body, special equipment unit, finishing 75627
trim, or accessories on a motor vehicle chassis supplied by a 75628
manufacturer or distributor. 75629

(U) "Flea market" means a market place, other than a dealer's 75630
location licensed under this chapter, where a space or location is 75631
provided for a fee or compensation to a seller to exhibit and 75632
offer for sale or trade, motor vehicles to the general public. 75633

(V) "Franchise" means any written agreement, contract, or 75634
understanding between any motor vehicle manufacturer or 75635
remanufacturer engaged in commerce and any motor vehicle dealer 75636
that purports to fix the legal rights and liabilities of the 75637
parties to such agreement, contract, or understanding. 75638

(W) "Franchisee" means a person who receives new motor 75639
vehicles from the franchisor under a franchise agreement and who 75640
offers, sells, and provides service for such new motor vehicles to 75641
the general public. 75642

(X) "Franchisor" means a new motor vehicle manufacturer, 75643

remanufacturer, or distributor who supplies new motor vehicles 75644
under a franchise agreement to a franchisee. 75645

(Y) "Dealer organization" means a state or local trade 75646
association the membership of which is comprised predominantly of 75647
new motor vehicle dealers. 75648

(Z) "Factory representative" means a representative employed 75649
by a manufacturer, remanufacturer, or by a factory branch 75650
primarily for the purpose of promoting the sale of its motor 75651
vehicles, parts, or accessories to dealers or for supervising or 75652
contacting its dealers or prospective dealers. 75653

(AA) "Administrative or executive management" means those 75654
individuals who are not subject to federal wage and hour laws. 75655

(BB) "Good faith" means honesty in the conduct or transaction 75656
concerned and the observance of reasonable commercial standards of 75657
fair dealing in the trade as is defined in division (S) of section 75658
1301.01 of the Revised Code, including, but not limited to, the 75659
duty to act in a fair and equitable manner so as to guarantee 75660
freedom from coercion, intimidation, or threats of coercion or 75661
intimidation; provided however, that recommendation, endorsement, 75662
exposition, persuasion, urging, or argument shall not be 75663
considered to constitute a lack of good faith. 75664

(CC) "Coerce" means to compel or attempt to compel by failing 75665
to act in good faith or by threat of economic harm, breach of 75666
contract, or other adverse consequences. Coerce does not mean to 75667
argue, urge, recommend, or persuade. 75668

(DD) "Relevant market area" means any area within a radius of 75669
ten miles from the site of a potential new dealership, except that 75670
for manufactured home or recreational vehicle dealerships the 75671
radius shall be twenty-five miles. The ten-mile radius shall be 75672
measured from the dealer's established place of business that is 75673
used exclusively for the purpose of selling, displaying, offering 75674

for sale, or dealing in motor vehicles. 75675

(EE) "Wholesale" or "at wholesale" means the act or attempted 75676
act of selling, bartering, exchanging, or otherwise disposing of a 75677
motor vehicle to a transferee for the purpose of resale and not 75678
for ultimate consumption by that transferee. 75679

(FF) "Motor vehicle wholesaler" means any person licensed as 75680
a dealer under the laws of another state and engaged in the 75681
business of selling, displaying, or offering for sale used motor 75682
vehicles, at wholesale, but does not mean any motor vehicle dealer 75683
as defined in this section. 75684

(GG)(1) "Remanufacturer" means a person who assembles or 75685
installs passenger seating, walls, a roof elevation, or a body 75686
extension on a conversion van with the motor vehicle chassis 75687
supplied by a manufacturer or distributor, a person who modifies a 75688
truck chassis supplied by a manufacturer or distributor for use as 75689
a public safety or public service vehicle, a person who modifies a 75690
motor vehicle chassis supplied by a manufacturer or distributor 75691
for use as a limousine or hearse, or a person who modifies an 75692
incomplete motor vehicle cab and chassis supplied by a new motor 75693
vehicle dealer or distributor for use as a tow truck, but does not 75694
mean either of the following: 75695

(a) A person who assembles or installs passenger seating, 75696
~~walls, a roof elevation, or a body extension on a manufactured~~ 75697
~~home as defined in division (C)(4) of section 3781.06 of the~~ 75698
~~Revised Code, a mobile home as defined in division (O) and~~ 75699
~~referred to in division (B) of section 4501.01 of the Revised~~ 75700
~~Code, or a recreational vehicle as defined in division (Q) and~~ 75701
referred to in division (B) of section 4501.01 of the Revised 75702
Code; 75703

(b) A person who assembles or installs special equipment or 75704
accessories for handicapped persons, as defined in section 4503.44 75705

of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor.

(2) For the purposes of division (GG)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (GG)(1) of this section, "limousine" means a motor vehicle, designed only for the purpose of carrying nine or fewer passengers, that a person modifies by cutting the original chassis, lengthening the wheelbase by forty inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces limousines unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the limousines to complete properly the remanufacture of the chassis into limousines.

(4) For the purposes of division (GG)(1) of this section, "hearse" means a motor vehicle, designed only for the purpose of transporting a single casket, that is equipped with a compartment designed specifically to carry a single casket that a person modifies by cutting the original chassis, lengthening the wheelbase by ten inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces hearses unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the hearses to complete properly the remanufacture of the chassis into hearses.

(5) For the purposes of division (GG)(1) of this section, "mobile self-contained facility vehicle" means a mobile classroom

vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 75738
testing laboratory, and mobile display vehicle, each of which is 75739
designed for purposes other than for passenger transportation and 75740
other than the transportation or displacement of cargo, freight, 75741
materials, or merchandise. A vehicle is remanufactured into a 75742
mobile self-contained facility vehicle in part by the addition of 75743
insulation to the body shell, and installation of all of the 75744
following: a generator, electrical wiring, plumbing, holding 75745
tanks, doors, windows, cabinets, shelving, and heating, 75746
ventilating, and air conditioning systems. 75747

(6) For the purposes of division (GG)(1) of this section, 75748
"tow truck" means both of the following: 75749

(a) An incomplete cab and chassis that are purchased by a 75750
remanufacturer from a new motor vehicle dealer or distributor of 75751
the cab and chassis and on which the remanufacturer then installs 75752
in a permanent manner a wrecker body it purchases from a 75753
manufacturer or distributor of wrecker bodies, installs an 75754
emergency flashing light pylon and emergency lights upon the mast 75755
of the wrecker body or rooftop, and installs such other related 75756
accessories and equipment, including push bumpers, front grille 75757
guards with pads and other custom-ordered items such as painting, 75758
special lettering, and safety striping so as to create a complete 75759
motor vehicle capable of lifting and towing another motor vehicle. 75760

(b) An incomplete cab and chassis that are purchased by a 75761
remanufacturer from a new motor vehicle dealer or distributor of 75762
the cab and chassis and on which the remanufacturer then installs 75763
in a permanent manner a car carrier body it purchases from a 75764
manufacturer or distributor of car carrier bodies, installs an 75765
emergency flashing light pylon and emergency lights upon the 75766
rooftop, and installs such other related accessories and 75767
equipment, including push bumpers, front grille guards with pads 75768
and other custom-ordered items such as painting, special 75769

lettering, and safety striping. 75770

As used in division (GG)(6)(b) of this section, "car carrier 75771
body" means a mechanical or hydraulic apparatus capable of lifting 75772
and holding a motor vehicle on a flat level surface so that one or 75773
more motor vehicles can be transported, once the car carrier is 75774
permanently installed upon an incomplete cab and chassis. 75775

(HH) "Operating as a new motor vehicle dealership" means 75776
engaging in activities such as displaying, offering for sale, and 75777
selling new motor vehicles at retail, operating a service facility 75778
to perform repairs and maintenance on motor vehicles, offering for 75779
sale and selling motor vehicle parts at retail, and conducting all 75780
other acts that are usual and customary to the operation of a new 75781
motor vehicle dealership. For the purposes of this chapter only, 75782
possession of either a valid new motor vehicle dealer franchise 75783
agreement or a new motor vehicle dealers license, or both of these 75784
items, is not evidence that a person is operating as a new motor 75785
vehicle dealership. 75786

~~(II) "Manufactured home broker" means any person acting as a 75787
selling agent on behalf of an owner of a manufactured or mobile 75788
home that is subject to taxation under section 4503.06 of the 75789
Revised Code. 75790~~

~~(JJ)~~ "Outdoor power equipment" means garden and small utility 75791
tractors, walk-behind and riding mowers, chainsaws, and tillers. 75792

~~(KK)~~(JJ) "Remote service facility" means premises that are 75793
separate from a licensed new motor vehicle dealer's sales facility 75794
by not more than one mile and that are used by the dealer to 75795
perform repairs, warranty work, recall work, and maintenance on 75796
motor vehicles pursuant to a franchise agreement entered into with 75797
a manufacturer of motor vehicles. A remote service facility shall 75798
be deemed to be part of the franchise agreement and is subject to 75799
all the rights, duties, obligations, and requirements of Chapter 75800

4517. of the Revised Code that relate to the performance of motor 75801
vehicle repairs, warranty work, recall work, and maintenance work 75802
by new motor vehicle dealers. 75803

Sec. 4517.02. (A) Except as otherwise provided in this 75804
section, no person shall do any of the following: 75805

(1) Engage in the business of displaying or selling at retail 75806
new motor vehicles or assume to engage in that business, unless 75807
the person is licensed as a new motor vehicle dealer under 75808
sections 4517.01 to 4517.45 of the Revised Code, or is a 75809
salesperson licensed under those sections and employed by a 75810
licensed new motor vehicle dealer; 75811

(2) Engage in the business of offering for sale, displaying 75812
for sale, or selling at retail or wholesale used motor vehicles or 75813
assume to engage in that business, unless the person is licensed 75814
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 75815
or is a salesperson licensed under those sections and employed by 75816
a licensed used motor vehicle dealer or licensed new motor vehicle 75817
dealer; 75818

(3) Engage in the business of regularly making available, 75819
offering to make available, or arranging for another person to use 75820
a motor vehicle, in the manner described in division (M) of 75821
section 4517.01 of the Revised Code, unless the person is licensed 75822
as a motor vehicle leasing dealer under sections 4517.01 to 75823
4517.45 of the Revised Code; 75824

(4) Engage in the business of motor vehicle auctioning or 75825
assume to engage in that business, unless the person is licensed 75826
as a motor vehicle auction owner under sections 4517.01 to 4517.45 75827
of the Revised Code and the person uses an auctioneer who is 75828
licensed under Chapter 4707. of the Revised Code to conduct the 75829
motor vehicle auctions; 75830

(5) Engage in the business of distributing motor vehicles or 75831
assume to engage in that business, unless the person is licensed 75832
as a distributor under sections 4517.01 to 4517.45 of the Revised 75833
Code; 75834

(6) Make more than five casual sales of motor vehicles in a 75835
twelve-month period, commencing with the day of the month in which 75836
the first such sale is made, nor provide a location or space for 75837
the sale of motor vehicles at a flea market, without obtaining a 75838
license as a dealer under sections 4517.01 to 4517.45 of the 75839
Revised Code, provided that nothing in this section shall be 75840
construed to prohibit the disposition without a license of a motor 75841
vehicle originally acquired and held for purposes other than sale, 75842
rental, or lease to an employee, retiree, officer, or director of 75843
the person making the disposition, to a corporation affiliated 75844
with the person making the disposition, or to a person licensed 75845
under sections 4517.01 to 4517.45 of the Revised Code; 75846

~~(7) Engage in the business of brokering manufactured homes 75847
unless that person is licensed as a manufactured home broker under 75848
sections 4517.01 to 4517.45 of the Revised Code. 75849~~

(B) Nothing in this section shall be construed to require an 75850
auctioneer licensed under sections 4707.01 to 4707.19 of the 75851
Revised Code, to obtain a motor vehicle salesperson's license 75852
under sections 4517.01 to 4517.45 of the Revised Code when 75853
conducting an auction sale for a licensed motor vehicle dealer on 75854
the dealer's premises, or when conducting an auction sale for a 75855
licensed motor vehicle auction owner; nor shall such an auctioneer 75856
be required to obtain a motor vehicle auction owner's license 75857
under sections 4517.01 to 4517.45 of the Revised Code when engaged 75858
in auctioning for a licensed motor vehicle auction owner. 75859

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 75860
apply to any of the following: 75861

(1) Persons engaging in the business of selling commercial tractors, trailers, or semitrailers incidentally to engaging primarily in business other than the selling or leasing of motor vehicles; 75862
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(2) Mortgagees selling at retail only those motor vehicles that have come into their possession by a default in the terms of a mortgage contract; 75866
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(3) The leasing, rental, and interchange of motor vehicles used directly in the rendition of a public utility service by regulated motor carriers. 75869
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(D) When a partnership licensed under sections 4517.01 to 4517.45 of the Revised Code is dissolved by death, the surviving partners may operate under the license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy. 75872
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(E) No remanufacturer shall engage in the business of selling at retail any new motor vehicle without having written authority from the manufacturer or distributor of the vehicle to sell new motor vehicles and to perform repairs under the terms of the manufacturer's or distributor's new motor vehicle warranty, unless, at the time of the sale of the vehicle, each customer is furnished with a binding agreement ensuring that the customer has the right to have the vehicle serviced or repaired by a new motor vehicle dealer who is franchised to sell and service vehicles of the same line-make as the chassis of the remanufactured vehicle purchased by the customer and whose service or repair facility is located within either twenty miles of the remanufacturer's location and place of business or twenty miles of the customer's residence or place of business. If there is no such new motor vehicle dealer located within twenty miles of the remanufacturer's 75879
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location and place of business or the customer's residence or 75894
place of business, the binding agreement furnished to the customer 75895
may be with the new motor vehicle dealer who is franchised to sell 75896
and service vehicles of the same line-make as the chassis of the 75897
remanufactured vehicle purchased by the customer and whose service 75898
or repair facility is located nearest to the remanufacturer's 75899
location and place of business or the customer's residence or 75900
place of business. Additionally, at the time of sale of any 75901
vehicle, each customer of the remanufacturer shall be furnished 75902
with a warranty issued by the remanufacturer for a term of at 75903
least one year. 75904

(F) Except as otherwise provided in this division, whoever 75905
violates this section is guilty of a minor misdemeanor and shall 75906
be subject to a mandatory fine of one hundred dollars. If the 75907
offender previously has been convicted of or pleaded guilty to a 75908
violation of this section, whoever violates this section is guilty 75909
of a misdemeanor of the first degree and shall be subject to a 75910
mandatory fine of one thousand dollars. 75911

Sec. 4517.03. (A) A place of business that is used for 75912
selling, displaying, offering for sale, or dealing in motor 75913
vehicles shall be considered as used exclusively for those 75914
purposes even though snowmobiles, farm machinery, outdoor power 75915
equipment, watercraft and related products, or products 75916
manufactured or distributed by a motor vehicle manufacturer with 75917
which the motor vehicle dealer has a franchise agreement are sold 75918
or displayed there, or if repair, accessory, gasoline and oil, 75919
storage, parts, service, or paint departments are maintained 75920
there, or such products or services are provided there, if the 75921
departments are operated or the products or services are provided 75922
for the business of selling, displaying, offering for sale, or 75923
dealing in motor vehicles. Places of business or departments in a 75924
place of business used to dismantle, salvage, or rebuild motor 75925

vehicles by means of using used parts, are not considered as being 75926
maintained for the purpose of assisting or furthering the selling, 75927
displaying, offering for sale, or dealing in motor vehicles. A 75928
place of business shall be considered as used exclusively for 75929
selling, displaying, offering for sale, or dealing in motor 75930
vehicles even though a business owned by a motor vehicle leasing 75931
dealer or a motor vehicle renting dealer is located at the place 75932
of business. 75933

(B)(1) No new motor vehicle dealer shall sell, display, offer 75934
for sale, or deal in motor vehicles at any place except an 75935
established place of business that is used exclusively for the 75936
purpose of selling, displaying, offering for sale, or dealing in 75937
motor vehicles. The place of business shall have space, under 75938
roof, for the display of at least one new motor vehicle. The 75939
established place of business or, if the dealer operates a remote 75940
service facility, the dealer's remote service facility shall have 75941
facilities and space for the inspection, servicing, and repair of 75942
at least one motor vehicle. However a new motor vehicle dealer 75943
selling manufactured or mobile homes is exempt from the 75944
requirement that a place of business have space, under roof, for 75945
the display of at least one new motor vehicle and facilities and 75946
space for the inspection, servicing, and repair of at least one 75947
motor vehicle. 75948

(2) A licensed new motor vehicle dealer may operate a remote 75949
service facility with the consent of the manufacturer and only to 75950
perform repairs, warranty work, recall work, and maintenance on 75951
motor vehicles as part of the dealer's franchised and licensed new 75952
motor vehicle dealership. The remote service facility shall be 75953
included on the new motor vehicle dealer's license and be deemed 75954
to be part of the dealer's licensed location. 75955

(3) No person shall use a remote service facility for 75956
selling, displaying, or offering for sale motor vehicles. 75957

~~(4) Nothing in Chapter 4517. of the Revised Code shall be construed as prohibiting the sale of a new or used manufactured or mobile home located in a manufactured home park by a licensed new or used motor vehicle dealer.~~

(C) No used motor vehicle dealer shall sell, display, offer for sale, or deal in motor vehicles at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles.

(D) No motor vehicle leasing dealer shall make a motor vehicle available for use by another, in the manner described in division (M) of section 4517.01 of the Revised Code, at any place except an established place of business that is used for leasing motor vehicles; except that a motor vehicle leasing dealer who is also a new motor vehicle dealer or used motor vehicle dealer may lease motor vehicles at the same place of business at which the dealer sells, offers for sale, or deals in new or used motor vehicles.

(E) No motor vehicle leasing dealer or motor vehicle renting dealer shall sell a motor vehicle within ninety days after a certificate of title to the motor vehicle is issued to the dealer, except when a salvage certificate of title is issued to replace the original certificate of title and except when a motor vehicle leasing dealer sells a motor vehicle to another motor vehicle leasing dealer at the end of a sublease pursuant to that sublease.

(F) No distributor shall distribute new motor vehicles to new motor vehicle dealers at any place except an established place of business that is used exclusively for the purpose of distributing new motor vehicles to new motor vehicle dealers; except that a distributor who is also a new motor vehicle dealer may distribute new motor vehicles at the same place of business at which the distributor sells, displays, offers for sale, or deals in new

motor vehicles. 75990

(G) No person, firm, or corporation that sells, displays, or 75991
offers for sale tent-type fold-out camping trailers is subject to 75992
the requirement that the person's, firm's, or corporation's place 75993
of business be used exclusively for the purpose of selling, 75994
displaying, offering for sale, or dealing in motor vehicles. No 75995
person, firm, or corporation that sells, displays, or offers for 75996
sale tent-type fold-out camping trailers, trailers, semitrailers, 75997
or park trailers is subject to the requirement that the place of 75998
business have space, under roof, for the display of at least one 75999
new motor vehicle and facilities and space for the inspection, 76000
servicing, and repair of at least one motor vehicle. 76001

~~(H) No manufactured or mobile home broker shall engage in the 76002
business of brokering manufactured or mobile homes at any place 76003
except an established place of business that is used exclusively 76004
for the purpose of brokering manufactured or mobile homes. 76005~~

~~(I)~~ Nothing in this section shall be construed to prohibit 76006
persons licensed under this chapter from making sales calls. 76007

~~(J)~~(I) Whoever violates this section is guilty of a 76008
misdemeanor of the fourth degree. 76009

~~(K)~~(J) As used in this section: 76010

(1) "Motor vehicle leasing dealer" has the same meaning as in 76011
section 4517.01 of the Revised Code. 76012

(2) "Motor vehicle renting dealer" has the same meaning as in 76013
section 4549.65 of the Revised Code. 76014

(3) "Watercraft" has the same meaning as in section 1547.01 76015
of the Revised Code. 76016

Sec. 4517.30. The motor vehicle dealers board shall consist 76017
of eleven members. The registrar of motor vehicles or the 76018
registrar's designee shall be a member of the board, and the other 76019

ten members shall be appointed by the governor with the advice and consent of the senate. Not more than five of the ten members other than the registrar shall be of any one political party, and of the ten:

(A) Three shall represent the public and shall not have engaged in the business of selling motor vehicles at retail in this state;

(B) Five shall have been engaged in the business of selling motor vehicles at retail in this state for at least five years and have been engaged in such business within two years prior to the date of their appointment. Of these five:

(1) Three shall have been engaged in the sale of new motor vehicles;

(2) One shall have been engaged in the business of selling ~~manufactured homes, mobile homes, or~~ recreational vehicles at retail;

(3) One shall have been engaged in the sale of used motor vehicles.

(C) Two shall have been engaged in the leasing of motor vehicles.

Terms of office of the ten members appointed by the governor shall be for three years, commencing on the fifth day of October and ending on the fourth day of October. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Annually the board

shall organize by selecting from its members a president. Each 76051
appointed member of the board shall receive an amount fixed in 76052
accordance with division (J) of section 124.15 of the Revised 76053
Code, and shall be reimbursed for the actual and necessary 76054
expenses incurred in the discharge of the member's official 76055
duties. 76056

Sec. 4517.33. The motor vehicle dealers board shall hear 76057
appeals which may be taken from an order of the registrar of motor 76058
vehicles, refusing to issue a license. All appeals from any order 76059
of the registrar refusing to issue any license upon proper 76060
application must be taken within thirty days from the date of the 76061
order, or the order is final and conclusive. All appeals from 76062
orders of the registrar must be by petition in writing and 76063
verified under oath by the applicant whose application for license 76064
has been denied, and must set forth the reason for the appeal and 76065
the reason why, in the petitioner's opinion, the order of the 76066
registrar is not correct. In such appeals the board may make 76067
investigation to determine the correctness and legality of the 76068
order of the registrar. 76069

The board may make rules governing its actions relative to 76070
the suspension and revocation of dealers', motor vehicle leasing 76071
dealers', ~~manufactured home brokers'~~, distributors', auction 76072
owners', and salespersons' licenses, and may, upon its own motion, 76073
and shall, upon the verified complaint in writing of any person, 76074
investigate the conduct of any licensee under sections 4517.01 to 76075
4517.65 of the Revised Code. The board shall suspend or revoke or 76076
notify the registrar to refuse to renew any dealer's, motor 76077
vehicle leasing dealer's, ~~manufactured home broker's,~~ 76078
distributor's, auction owner's, or salesperson's license, if any 76079
ground existed upon which the license might have been refused, or 76080
if a ground exists that would be cause for refusal to issue a 76081
license. 76082

The board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections 4517.01 to 4517.65 of the Revised Code, or has violated section 4501.02 of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

Sec. 4517.43. (A) The applications for licenses and the copies of contracts required by sections 4517.04, 4517.05, 4517.051, ~~4517.052~~, 4517.06, 4517.07, 4517.08, and 4517.09 of the Revised Code are not part of the public records but are confidential information for the use of the registrar of motor vehicles and the motor vehicle dealers board. No person shall divulge any information contained in such applications and acquired by the person in the person's capacity as an official or employee of the bureau of motor vehicles or of the board, except in a report to the registrar, to the board, or when called upon to testify in any court or proceeding.

(B) Whoever violates this section is guilty of a minor misdemeanor.

Sec. 4519.02. (A) Except as provided in divisions (B), (C), and (D) of this section, no person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle within this state unless the snowmobile, off-highway motorcycle, or all-purpose vehicle is registered and numbered in accordance with sections 4519.03 and 4519.04 of the Revised Code.

(B)(1) No registration is required for a snowmobile or off-highway motorcycle that is operated exclusively upon lands owned by the owner of the snowmobile or off-highway motorcycle, or on lands to which the owner of the snowmobile or off-highway

motorcycle has a contractual right. 76113

(2) No registration is required for an all-purpose vehicle 76114
that is used primarily ~~on a farm as a farm implement for~~ 76115
agricultural purposes when the owner qualifies for the current 76116
agricultural use valuation tax credit, unless it is to be used on 76117
any public land, trail, or right-of-way. 76118

(3) Any all-purpose vehicle exempted from registration under 76119
division (B)(2) of this section and operated for agricultural 76120
purposes may use public roads and rights-of-way when traveling 76121
from one farm field to another, when such use does not violate 76122
section 4519.41 of the Revised Code. 76123

(C) No registration is required for a snowmobile, off-highway 76124
motorcycle, or all-purpose vehicle owned and used in this state by 76125
a resident of another state whenever that state has in effect a 76126
registration law similar to this chapter and the snowmobile, 76127
off-highway motorcycle, or all-purpose vehicle is properly 76128
registered under that state's law. Any snowmobile, off-highway 76129
motorcycle, or all-purpose vehicle owned and used in this state by 76130
a resident of a state not having a registration law similar to 76131
this chapter shall comply with section 4519.09 of the Revised 76132
Code. 76133

(D) No registration is required for a snowmobile, off-highway 76134
motorcycle, or all-purpose vehicle owned and used in this state by 76135
the United States, another state, or a political subdivision 76136
thereof, but the snowmobile, off-highway motorcycle, or 76137
all-purpose vehicle shall display the name of the owner thereon. 76138

(E) The owner or operator of any all-purpose vehicle operated 76139
or used upon the waters in this state shall comply with Chapters 76140
1547. and 1548. of the Revised Code relative to the operation of 76141
watercraft. 76142

(F) Except as otherwise provided in this division, whoever 76143

violates division (A) of this section shall be fined not less than 76144
fifty dollars but not more than one hundred dollars. 76145

Sec. 4519.04. (A) Upon the filing of an application for 76146
registration of a snowmobile, off-highway motorcycle, or 76147
all-purpose vehicle and the payment of the tax therefor, the 76148
registrar of motor vehicles or a deputy registrar shall assign to 76149
the snowmobile, off-highway motorcycle, or all-purpose vehicle a 76150
distinctive number and issue and deliver to the owner in such 76151
manner as the registrar may select, a certificate of registration, 76152
in such form as the registrar shall prescribe. Any number so 76153
assigned to a snowmobile, off-highway motorcycle, or all-purpose 76154
vehicle shall be a permanent number, and shall not be issued to 76155
any other snowmobile, off-highway motorcycle, or all-purpose 76156
vehicle. 76157

(B)(1) In addition to the certificate of registration, the 76158
registrar or deputy registrar also shall issue to the owner of a 76159
snowmobile or off-highway motorcycle a two decal registration 76160
~~sticker stickers~~. The registrar shall prescribe the color and size 76161
of the ~~sticker, stickers and~~ the combination of numerals and 76162
letters displayed on it, ~~and them. The~~ placement of the ~~sticker~~ 76163
decal stickers shall be one on the snowmobile or off-highway 76164
~~motorcycle.~~ 76165

~~Upon receipt of a certificate of registration for a~~ 76166
~~snowmobile, the owner shall paint or otherwise attach upon each~~ 76167
either side of the forward cowling ~~of the snowmobile the~~ 76168
~~identifying registration number, in block characters of not less~~ 76169
~~than two inches in height and of such color as to be distinctly~~ 76170
~~visible and legible~~ or fuel tank. 76171

(2) The registrar or deputy registrar also shall issue to the 76172
owner of an all-purpose vehicle, in addition to the certificate of 76173
registration, one license plate and a validation sticker, or a 76174

validation sticker alone when applicable upon a registration 76175
renewal. The license plate and validation sticker shall be 76176
displayed on the all-purpose vehicle so that they are distinctly 76177
visible, in accordance with such rules as the registrar adopts. 76178
The validation sticker shall indicate the expiration date of the 76179
registration period of the all-purpose vehicle. During each 76180
succeeding registration period following the issuance of the 76181
license plate and validation sticker, upon the filing of an 76182
application for registration and payment of the fee specified in 76183
division (C) of this section, a validation sticker alone shall be 76184
issued. 76185

(C) Unless previously canceled, each certificate of 76186
registration issued for a snowmobile, off-highway motorcycle, or 76187
all-purpose vehicle expires upon the thirty-first day of December 76188
in the third year after the date it is issued. Application for 76189
renewal of a certificate may be made not earlier than ninety days 76190
preceding the expiration date, and shall be accompanied by a fee 76191
of ~~thirty-one~~ thirty-two dollars and twenty-five cents. 76192

Notwithstanding section 4519.11 of the Revised Code, of each 76193
~~thirty-one~~ thirty-two dollar and twenty-five-cent fee collected 76194
for the registration of ~~an a snowmobile, off-highway motorcycle,~~ 76195
or all-purpose vehicle, the registrar shall retain not more than 76196
~~five~~ six dollars to pay for the licensing and registration costs 76197
the bureau of motor vehicles incurs in registering the snowmobile, 76198
off-highway motorcycle, or all-purpose vehicle. The remainder of 76199
the fee shall be deposited into the state treasury to the credit 76200
of the state recreational vehicle fund created by section 4519.11 76201
of the Revised Code. 76202

Sec. 4519.44. (A) No person who does not hold a valid, 76203
current motor vehicle driver's or commercial driver's license, 76204
motorcycle operator's endorsement, or probationary license, issued 76205

under Chapter 4506. or 4507. of the Revised Code or a valid, 76206
current driver's license issued by another jurisdiction, shall 76207
operate a snowmobile, off-highway motorcycle, or all-purpose 76208
vehicle on any street or highway in this state, on any portion of 76209
the right-of-way thereof, or on any public land or waters. 76210

(B) No person who is less than sixteen years of age shall 76211
operate a snowmobile, off-highway motorcycle, or all-purpose 76212
vehicle on any land or waters other than private property or 76213
waters owned by or leased to the person's parent or guardian, 76214
unless accompanied by another person who is eighteen years of age, 76215
or older, and who holds a license as provided in division (A) of 76216
this section, except that the department of natural resources may 76217
permit such operation on state controlled land under its 76218
jurisdiction when such person is less than sixteen years of age, 76219
~~but is twelve years of age or older~~ and is accompanied by a parent 76220
or guardian who is a licensed driver eighteen years of age or 76221
older. 76222

(C) Whoever violates this section shall be fined not less 76223
than fifty nor more than five hundred dollars, imprisoned not less 76224
than three nor more than thirty days, or both. 76225

Sec. 4519.59. (A)(1) The clerk of a court of common pleas 76226
shall charge and retain fees as follows: 76227

(a) Fifteen dollars for each certificate of title or 76228
duplicate certificate of title including the issuance of a 76229
memorandum certificate of title, authorization to print a 76230
non-negotiable evidence of ownership described in division (D) of 76231
section 4519.58 of the Revised Code, non-negotiable evidence of 76232
ownership printed by the clerk under division (E) of that section, 76233
and notation of any lien on a certificate of title that is applied 76234
for at the same time as the certificate of title. The clerk shall 76235

retain ~~eleven~~ twelve dollars and ~~fifty~~ twenty-five cents of that fee. 76236
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(b) Five dollars for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes. The clerk shall retain two dollars and twenty-five cents of that fee. 76238
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(c) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee. 76242
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(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is forwarded or that in which the registrar is notified of a lien or cancellation of a lien. 76245
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(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title ~~that is issued to a motor vehicle dealer for resale and one dollar for all other certificates of title~~ issued into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code. 76251
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(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows: 76256
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(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund created in section 4505.09 of the Revised Code, for use as described in division (B)(2)(a) of that section. 76258
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(b) Twenty-one cents shall be paid into the highway operating fund. 76262
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(c) Twenty-five cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund created in 76264
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section 4505.09 of the Revised Code, for use as described in 76266
division (B)(2)(c) of that section. 76267

(3) Two dollars of the amount received by the registrar for 76268
each certificate of title shall be paid into the state treasury to 76269
the credit of the automated title processing fund created in 76270
section 4505.09 of the Revised Code, for use as described in 76271
divisions (B)(3)(a) and (c) of that section. 76272

Sec. 4549.10. (A) No person shall operate or cause to be 76273
operated upon a public road or highway a motor vehicle of a 76274
manufacturer or dealer unless the vehicle carries and displays two 76275
placards, except as provided in section 4503.21 of the Revised 76276
Code, issued by the director of public safety that bear the 76277
registration number of its manufacturer or dealer. 76278

(B) Whoever violates division (A) of this section is guilty 76279
of illegal operation of a manufacturer's or dealer's motor 76280
vehicle, a minor misdemeanor ~~on a first offense and a misdemeanor~~ 76281
~~of the fourth degree on each subsequent offense.~~ 76282

Sec. 4549.12. (A) No person who is the owner of a motor 76283
vehicle and a resident of this state shall operate or drive the 76284
motor vehicle upon the highways of this state, while it displays a 76285
distinctive number or identification mark issued by or under the 76286
authority of another state, without complying with the laws of 76287
this state relating to the registration and identification of 76288
motor vehicles. 76289

(B) Whoever violates division (A) of this section is guilty 76290
of illegal operation by a resident of this state of a motor 76291
vehicle bearing the distinctive number or identification mark 76292
issued by a foreign jurisdiction, a minor misdemeanor ~~on a first~~ 76293
~~offense and a misdemeanor of the fourth degree on each subsequent~~ 76294
~~offense.~~ 76295

Sec. 4582.71. (A) As used in this section: 76296

(1) "Bond proceedings" means, with respect to obligations 76297
authorized under this section, the resolutions, certifications and 76298
agreements, including without limitation a venture capital 76299
agreement, the loan documents and any trust agreements, and any 76300
authorized credit enhancement facilities or swaps or other hedging 76301
instruments, and amendments or supplements thereto, or to any one 76302
or more or combination of them, authorizing, awarding, or 76303
providing for the terms and conditions applicable to or providing 76304
for the security or liquidity of, the particular obligations, and 76305
the provisions contained in those obligations. 76306

(2) "Issuing authority" means a port authority that, pursuant 76307
to a venture capital agreement, issues or issued obligations to 76308
fund one or more loans to the program fund. 76309

(3) "Loan" means an extension of credit to or in aid of the 76310
program fund in any form, including loans to lenders or the 76311
purchase of loans, including the purchase for cancellation of any 76312
loan, and evidenced in any manner including, without limitation, 76313
by a loan agreement, a promissory note, a bond, note, certificate 76314
of participation or other security, a letter of credit and 76315
reimbursement agreement or other credit facility, or a standby 76316
bond or note purchase agreement, line of credit or other liquidity 76317
facility, and including, in any event, any related swap or other 76318
hedging instrument. 76319

(4) "Obligations" means, as applicable to the issuing 76320
authority, bonds, notes, or other forms or evidences of obligation 76321
constituting revenue bonds as that term is used in division (A)(4) 76322
of section 4582.06 of the Revised Code, or port authority revenue 76323
bonds as that term is used in section 4582.48 and division (A)(8) 76324
of section 4582.31 of the Revised Code, which obligations are 76325
issued by the issuing authority pursuant to the bond proceedings 76326

and this section. 76327

(5) "Port authority" means a port authority organized and existing under Chapter 4582. of the Revised Code. 76328
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(6) "Research and development costs" means costs of or in support of or related to the implementation of research and development purposes including, without limitation, capital formation, direct operating costs, costs of research and facilities, including interests in real property therefor, and other support, and costs of making grants, loans, including loans to lenders or the purchase of loans, subsidies, contributions, advances or guarantees, or direct investments in, or payment, or reimbursement from available moneys for, implementing research and development purposes consistent with Section 2p of Article VIII, Ohio Constitution, and the investment policy adopted by the venture capital authority pursuant to section 150.03 of the Revised Code, and includes financing charges, amounts necessary to establish the reserves required pursuant to the bond proceedings, interest on loans including loans purchased for cancellation, interest on the obligations from their date until the time determined in the bond proceedings when interest is to be paid from sources other than the proceeds of obligations, legal expenses and other costs of or related to the issuance of obligations, estimates of costs and revenues or other expenses necessary or incident to determining the feasibility or practicability of the financing of any research and development costs with proceeds of obligations or other sources, administrative expenses related to obligations, and the application of the proceeds of obligations, including fees of the issuing authority, any trustee, and any other costs and expenses reasonably necessary or incident thereto or to the financing of research and development costs, and costs described in this division incurred prior to the issuance of obligations and paid, 76330
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advanced, or borrowed by an issuing authority, the venture capital authority, the program fund or other public or private person or entity, which costs may be reimbursed from the proceeds of such obligations. "Research and development costs" does not include any otherwise qualifying costs that are in support of the purposes provided for in Section 15 of Article VIII, Ohio Constitution. 76359
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(7) "Tax credits" means the refundable tax credits authorized by section 150.07 of the Revised Code and to be issued by the venture capital authority to any lender. 76365
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(8) "Venture capital agreement" means an agreement between the venture capital authority and an issuing authority entered into under division (E) of section 150.02 of the Revised Code. 76368
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(9) "Venture capital authority" means the Ohio venture capital authority established under section 150.02 of the Revised Code. 76371
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(10) "Lender," "program fund," and "research and development purposes" have the same meanings as in section 150.01 of the Revised Code. 76374
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(B) In addition to other authorized purposes of a port authority, activities authorized by Section 2p of Article VIII, Ohio Constitution, shall be authorized purposes of port authorities. 76377
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(C) An issuing authority may issue obligations pursuant to this section and Section 2p of Article VIII, Ohio Constitution, to make loans to the program fund to provide for research and development costs. The proceeds of the obligations shall be used to make loans to provide for research and development costs and all such proceeds shall be so used in accordance with the bond proceedings. 76381
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(D) Except to any extent inconsistent with this section, all terms, provisions, and authorizations in Chapter 4582. of the 76388
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Revised Code as applicable to the issuing authority, and the 76390
terms, provisions, and authorizations of sections 9.96, 9.98, 76391
9.981, 9.982, and 9.983 of the Revised Code apply to the 76392
obligations and the bond proceedings except as otherwise provided 76393
or provided for in those obligations and bond proceedings. The 76394
obligations shall be secured by a trust agreement between the 76395
issuing authority and a trustee, and such trust agreement, and the 76396
establishment, deposit, investment and application of special 76397
funds, and the safeguarding of moneys shall be governed by the 76398
bond proceedings and by Chapter 4582. of the Revised Code, as 76399
applicable to the issuing authority. Pursuant to the trust 76400
agreement and other bond proceedings, there shall be established, 76401
in addition to any other special funds in the custody of the 76402
trustee, one or more funds into which shall be deposited the 76403
proceeds of the obligations and the revenues pledged to the 76404
payment of the obligations, including a reserve fund in an amount 76405
established in, and to be funded as provided in, the bond 76406
proceedings. 76407

(E) The issuing authority, the trustee, or both shall be 76408
authorized under the venture capital agreement to receive and 76409
claim tax credits in accordance with division (E) of section 76410
150.07 of the Revised Code, and the holders of the obligations, or 76411
any book-entry interests therein, shall have no rights with 76412
respect to the tax credits except any right established under the 76413
applicable trust agreement to direct the trustee to take, or 76414
require the issuing authority to take, the actions necessary to 76415
receive and claim any available tax credits. Upon receipt of any 76416
tax credits issued by the venture capital authority, the issuing 76417
authority or the trustee shall, within the times required by law, 76418
file an appropriate tax return to claim the applicable tax credits 76419
and, upon receipt of the proceeds of any such tax credits, an 76420
issuing authority shall promptly deliver to the trustee for 76421
deposit, and the trustee shall upon receipt deposit, such proceeds 76422

into the funds established in accordance with division (D) of this section. 76423
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(F) The venture capital authority, the director of development, or the tax commissioner may covenant in the bond proceedings, and such covenants shall be controlling notwithstanding any other provision of law, that the state and applicable officers and state agencies, including the general assembly, so long as any obligations issued under this section are outstanding, shall maintain statutory authority for and shall authorize, issue, and deliver fully refundable tax credits in such amounts and for such periods, subject to the limitation in section 150.07 of the Revised Code on the date of such covenant, so that the tax credits will be sufficient, subject to such limits, in time and amount to meet debt service on the obligations and for the establishment and maintenance of any reserves and other requirements provided for in the bond proceedings. The general assembly may from time to time repeal any of the taxes against which the tax credits may be claimed, and may authorize the tax credits to be claimed with respect to any new tax to meet any such covenant made in the bond proceedings, provided that, so long as any obligations issued under this section are outstanding, nothing in this division authorizes any impairment of a covenant to maintain statutory authority for and to authorize, issue, and deliver fully refundable tax credits sufficient, subject to applicable limits, to meet the commitments made in any such covenant. 76425
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(G) The obligations do not constitute a debt, or a pledge of the faith and credit, of the state, the issuing authority or any political subdivision of the state, and the holders or owners of the obligations have no right to have taxes levied by the general assembly or the taxing authority of the issuing authority or any political subdivision of the state for the payment of the 76449
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principal of or interest on the obligations, but the obligations 76455
are payable solely from the revenues and funds pledged for their 76456
payment as authorized in or pursuant to this section and the bond 76457
proceedings, and the obligations shall contain on the face thereof 76458
a statement to the effect that the obligations, as to both 76459
principal and interest, are not debts of the state, the issuing 76460
authority, or any political subdivision of the state, but are 76461
payable solely from the revenues and funds pledged for their 76462
payment. 76463

(H) This section is intended to implement Section 2p of 76464
Article VIII, Ohio Constitution, including provision for 76465
procedures for incurring and issuing obligations of local public 76466
entities and agencies authorized by that section, and shall be 76467
liberally construed to effect the purposes of that section. The 76468
powers and authorizations granted in this section may be exercised 76469
jointly or separately by one or more issuing authorities and are 76470
in addition to and supplemental to the powers and authorizations 76471
otherwise granted to port authorities under applicable provisions 76472
of Chapter 4582. of the Revised Code and shall not be construed as 76473
a limitation on any such powers or authorizations. 76474

Sec. 4705.09. (A)(1) Any person admitted to the practice of 76475
law in this state by order of the supreme court in accordance with 76476
its prescribed and published rules, or any law firm or legal 76477
professional association, may establish and maintain an 76478
interest-bearing trust account, for purposes of depositing client 76479
funds held by the attorney, firm, or association that are nominal 76480
in amount or are to be held by the attorney, firm, or association 76481
for a short period of time, ~~with any bank, savings bank, or~~ 76482
~~savings and loan association that is authorized to do business in~~ 76483
~~this state and is insured by the federal deposit insurance~~ 76484
~~corporation or the successor to that corporation, or any credit~~ 76485
~~union insured by the national credit union administration~~ 76486

~~operating under the "Federal Credit Union Act," 84 Stat. 994
(1970), 12 U.S.C.A. 1751, or insured by a credit union share
guaranty corporation established under Chapter 1761. of the
Revised Code. Each~~

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(2) The account established under division (A) of this
section shall be established and maintained at an eligible
depository.

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(3) Each account established under ~~this~~ division (A) of this
section shall be in the name of the attorney, firm, or association
that established and is maintaining it and shall be identified as
an IOLTA or an interest on lawyer's trust account. The name of the
account may contain additional identifying features to distinguish
it from other trust accounts established and maintained by the
attorney, firm, or association.

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~~(2)~~(4) Each attorney who receives funds belonging to a client
shall do one of the following:

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(a) Establish and maintain one or more interest-bearing trust
accounts in accordance with division (A)(1) of this section or
maintain one or more interest-bearing trust accounts previously
established in accordance with that division, and deposit all
client funds held that are nominal in amount or are to be held by
the attorney for a short period of time in the account or
accounts;

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(b) If the attorney is affiliated with a law firm or legal
professional association, comply with division (A)~~(2)~~(4)(a) of
this section or deposit all client funds held that are nominal in
amount or are to be held by the attorney for a short period of
time in one or more interest-bearing trust accounts established
and maintained by the firm or association in accordance with
division (A)(1) of this section.

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~~(3)~~(5) No funds belonging to any attorney, firm, or legal

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professional association shall be deposited in any 76518
interest-bearing trust account established under division (A)~~(1)~~ 76519
~~or (2)~~ of this section, except that funds sufficient to establish 76520
the account or to pay or enable a waiver of depository institution 76521
service charges on the account shall be deposited in the account 76522
and other funds belonging to the attorney, firm, or association 76523
may be deposited as authorized by the ~~Code of Professional~~ 76524
~~Responsibility~~ Rules of Professional Conduct adopted by the 76525
supreme court. The determinations of whether funds held are 76526
nominal or more than nominal in amount and of whether funds are to 76527
be held for a short period or longer than a short period of time 76528
rests in the sound judgment of the particular attorney. No 76529
imputation of professional misconduct shall arise from the 76530
attorney's exercise of judgment in these matters. 76531

(B) All interest earned on funds deposited in an 76532
interest-bearing trust account established under division (A)~~(1)~~ 76533
~~or (2)~~ of this section shall be transmitted to the treasurer of 76534
state for deposit in the legal aid fund established under section 76535
120.52 of the Revised Code. No part of the interest earned on 76536
funds deposited in an interest-bearing trust account established 76537
under division (A)~~(1)~~ ~~or (2)~~ of this section shall be paid to, or 76538
inure to the benefit of, the attorney, the attorney's law firm or 76539
legal professional association, the client or other person who 76540
owns or has a beneficial ownership of the funds deposited, or any 76541
other account, person, or entity other than in accordance with 76542
this section, section 4705.10, and sections 120.51 to 120.55 of 76543
the Revised Code. 76544

(C) No liability arising out of any act or omission by any 76545
attorney, law firm, or legal professional association with respect 76546
to any interest-bearing trust account established under division 76547
(A)~~(1)~~ ~~or (2)~~ of this section shall be imputed to the depository 76548
institution. 76549

(D) The supreme court may adopt and enforce rules of professional conduct that pertain to the use, by attorneys, law firms, or legal professional associations, of interest-bearing trust accounts established under division (A)~~(1) or (2)~~ of this section, and that pertain to the enforcement of division (A)~~(2)~~ of this section. Any rules adopted by the supreme court under this authority shall conform to the provisions of this section, section 4705.10, and sections 120.51 to 120.55 of the Revised Code and any rules adopted by the Ohio legal assistance foundation pursuant to section 120.52 of the Revised Code.

(E) As used in this section, "eligible depository" has the same meaning as in section 3953.231 of the Revised Code.

Sec. 4705.10. (A) All of the following apply to an interest-bearing trust account established under authority of section 4705.09 of the Revised Code:

(1) All funds ~~in the~~ shall be deposited into an IOLTA account product at an eligible depository and shall be subject to withdrawal upon request and without delay, or as soon as is permitted by federal law;

(2)~~(a)~~ The approved rate of interest payable on the account shall ~~not be less than the equal or exceed the highest interest rate or dividend rate paid by the eligible depository institution to regular, nonattorney depositors on its account products that are not IOLTA account products. Higher~~ The eligible depository shall pay on its IOLTA account product any higher rates offered by ~~the institution to customers whose deposits exceed certain time or quantity qualifications, such as those offered in the form of certificates of deposit, may be obtained by a person or law firm establishing the account if there is no impairment of the right to withdraw or transfer principal immediately~~ it on its account products that are not IOLTA account products.

(b) In paying not less than the highest interest rate or dividend paid by the eligible depository on its account products that are not IOLTA account products, an eligible depository shall do both of the following: 76581
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(i) For IOLTA accounts with balances of less than one hundred thousand dollars, pay a rate that equals or exceeds the highest rate paid on its business checking account paying preferred interest rates, such as money market or indexed rates, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOLTA account products; 76585
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(ii) For IOLTA accounts with balances of one hundred thousand dollars or more, pay a rate that equals or exceeds the highest rate paid on its business checking account with an automated investment feature, such as an overnight sweep account, business investment or other similar premium checking account, short-term jumbo certificate of deposit, money market account, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOLTA account products. 76592
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(c) In determining the highest interest rate or dividend paid by the eligible depository on its account products that are not IOLTA account products, an eligible depository shall consider the rates it offers its customers from internal rate sheets or through preferred or negotiated rates on a per customer basis. In considering the rate for the IOLTA account product, the eligible depository may also take into consideration and discount for factors such as fees paid by the account-holder, time commitments, and withdrawal limitations on other account products. The eligible depository shall not use these factors to preclude consideration of the rates paid on one or more of its account products that are not IOLTA account products in the eligible depository's 76601
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establishment of a rate for the IOLTA account product. 76613

(d) If an eligible depository determines that it is unable to 76614
pay the rate required under this division during any reporting 76615
period, the eligible depository may request from the Ohio legal 76616
assistance foundation a waiver from the approved rate requirement 76617
for that reporting period. If an eligible depository requests a 76618
waiver from the approved rate requirement, the eligible depository 76619
shall demonstrate in the form and manner prescribed in rules 76620
adopted by the Ohio legal assistance foundation pursuant to 76621
section 120.52 of the Revised Code that the rates of interest paid 76622
on its IOLTA account product are generally not less than the 76623
highest rates paid by the eligible depository on its account 76624
products that are not IOLTA account products. At a minimum, the 76625
eligible depository shall demonstrate by an independent, 76626
third-party auditor's certification that not more than five per 76627
cent of the eligible depository's account products that are not 76628
IOLTA account products with an average daily balance of greater 76629
than or equal to one hundred thousand dollars have rates that are 76630
higher than the rate paid on the its IOLTA account product during 76631
the same reporting period. 76632

(3) The depository institution shall be directed, by the 76633
person or law firm establishing the account, shall direct the 76634
eligible depository to do all of the following: 76635

(a) Remit by the fifteenth day of each month interest or 76636
dividends, whichever is applicable, on the average monthly balance 76637
in the account earned in the preceding month or as otherwise 76638
computed in accordance with the institution's eligible 76639
depository's standard accounting practice, less reasonable service 76640
charges, to the treasurer of state at least quarterly for deposit 76641
in the legal aid fund established under section 120.52 of the 76642
Revised Code; 76643

(b) Transmit to the treasurer of state, upon its request, to 76644

the Ohio Legal Assistance Foundation, and if requested, to the 76645
depositing attorney, law firm, or legal professional association 76646
upon the attorney's, firm's, or association's request, at the time 76647
of each remittance required by division (A)(3)(a) of this section, 76648
a statement showing the name of the attorney for whom or the law 76649
firm or legal professional association for which the remittance is 76650
sent, the comparable accounts or product types and the rates paid, 76651
as required in division (A)(2)(b) of this section, the rate of 76652
interest applied, the accounting period, the net amount remitted 76653
to the treasurer of state for each account, the total remitted, 76654
the average account balance for each month of the period for which 76655
the report is made, and the amount deducted for service charges 76656
assessed to and paid by the account holder or other party; 76657

~~(4) The depository institution shall notify (c) Notify the~~ 76658
office of disciplinary counsel or other entity designated by the 76659
supreme court on each occasion when a properly payable instrument 76660
is presented for payment from the account, and the account 76661
contains insufficient funds. ~~The depository institution shall,~~ 76662
provide this notice without regard to whether the instrument is 76663
honored by the eligible depository institution. ~~The depository~~ 76664
~~institution shall,~~ provide the notice described in division 76665
(A)~~(4)~~(3)(c) of this section by electronic or other means within 76666
five banking days of the date that the instrument was honored or 76667
returned as dishonored. ~~The, and include in the notice shall~~ 76668
~~contain~~ all of the following: 76669

~~(a)(i)~~ The name and address of the eligible depository 76670
institution; 76671

~~(b)(ii)~~ The name and address of the lawyer, law firm, or 76672
legal professional association that maintains the account; 76673

~~(c)(iii)~~ The account number and either the amount of the 76674
overdraft and the date issued or the amount of the dishonored 76675
instrument and the date returned. 76676

(B)(1) The statements and reports of individual depositor 76677
information made under ~~divisions~~ division (A)(3) and ~~(4)~~ of this 76678
section are confidential and are not public records subject to 76679
section 149.43 of the Revised Code and shall be used by the Ohio 76680
legal assistance foundation only for purposes of administering the 76681
legal aid fund and by the supreme court for enforcement of the 76682
rules of professional conduct adopted by the supreme court. 76683

(2) A depository institution may charge the lawyer, law firm, 76684
or legal professional association that maintains the account with 76685
fees associated with producing and mailing a notice required by 76686
division (A)~~(4)~~(3)(c) of this section but shall not deduct such 76687
fees from the interest earned on the account. 76688

(C) As used in this section: 76689

(1) "Approved rate" and "eligible depository" have the same 76690
meaning as in section 3953.231 of the Revised Code. 76691

(2) "IOLTA account product" means a separate and unique 76692
product offered by an eligible depository that is used exclusively 76693
for the deposit of funds transferred electronically or otherwise, 76694
cash, money orders, or negotiable instruments that are received by 76695
an attorney that is used to hold client funds and fully complies 76696
with the account requirements of sections 120.52, 4705.09, and 76697
4705.10 of the Revised Code. 76698

Sec. 4709.12. (A) The barber board shall charge and collect 76699
the following fees: 76700

(1) For the application to take the barber examination, 76701
ninety dollars; 76702

(2) For an application to retake any part of the barber 76703
examination, forty-five dollars; 76704

(3) For the initial issuance of a license to practice as a 76705
barber, thirty dollars; 76706

(4) For the biennial renewal of the license to practice as a barber, one hundred ten dollars;	76707 76708
(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;	76709 76710 76711 76712
(6) For the issuance of a duplicate barber or shop license, forty-five dollars;	76713 76714
(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	76715 76716 76717 76718
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	76719 76720
(9) For the restoration of a barber shop license, one hundred ten dollars;	76721 76722
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	76723 76724 76725
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	76726 76727
(12) For the restoration of a barber school license, one thousand dollars;	76728 76729
(13) For the issuance of a student registration, forty dollars;	76730 76731
(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	76732 76733
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	76734 76735

(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars; 76736
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(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars; 76740
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(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars. 76743
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(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent. 76745
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(C) In addition to any other fee charged and collected under this section, the barber board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund. 76749
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Sec. 4713.28. The state board of cosmetology shall issue a practicing license to an applicant who, except as provided in section 4713.30 of the Revised Code, satisfies all of the following applicable conditions: 76756
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(A) Is at least sixteen years of age; 76760

(B) Is of good moral character; 76761

(C) ~~Has the equivalent of an Ohio public school tenth grade education~~ high school diploma, certificate of completion, or a general equivalency diploma or has met all career technical requirements as established by the Ohio department of education; 76762
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(D) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice; 76766
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(E) Pays to the board the applicable fee; 76769

(F) In the case of an applicant for an initial cosmetologist license, has successfully completed at least fifteen hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code; 76770
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(G) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state; 76777
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(H) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code; 76781
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(I) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state; 76789
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(J) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws 76793
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and rules governing the practice of cosmetology. 76797

Sec. 4713.32. When determining the total hours of instruction 76798
received by an applicant for a license under section 4713.28, 76799
4713.30, or 4713.31 of the Revised Code, the state board of 76800
cosmetology shall not take into account more than ~~eight~~ ten hours 76801
of instruction per day. The board shall take into account 76802
instruction received more than five years prior to the date of 76803
application for the license in accordance with rules adopted under 76804
section 4713.08 of the Revised Code. 76805

Sec. 4713.63. A practicing license, managing license, or 76806
instructor license that has not been renewed for any reason other 76807
than because it has been revoked, suspended, or classified 76808
inactive, or because the license holder has been given a waiver or 76809
extension under section 4713.60 of the Revised Code, is expired. 76810
An expired license may be restored if the person who held the 76811
license meets all of the following applicable conditions: 76812

(A) Pays to the state board of cosmetology the restoration 76813
fee, the current renewal fee, and any applicable late fees; 76814

(B) Pays ~~all a lapsed renewal fees~~ fee of forty-five dollars 76815
per license renewal period that has elapsed since the license was 76816
last issued or renewed; 76817

(C) ~~Submits proof satisfactory to the state board of~~ 76818
~~cosmetology that the person has completed all applicable~~ 76819
~~continuing education requirements;~~ 76820

~~(D) In the case of a practicing license or managing license~~ 76821
~~that has been expired for more than two years, retakes and passes~~ 76822
~~an examination conducted under section 4713.24 of the Revised Code~~ 76823
~~for the branch of cosmetology that the person seeks to practice or~~ 76824
~~type of salon the person seeks to manage~~ consecutive license 76825
renewal periods, completes eight hours of continuing education for 76826

each license renewal period that has elapsed since the license was 76827
last issued or renewed, up to a maximum of twenty-four hours. At 76828
least four of those hours shall include a course pertaining to 76829
sanitation and safety methods. 76830

The board shall deposit all fees it receives under division 76831
(B) of this section into the general revenue fund. 76832

Sec. 4713.64. (A) In accordance with Chapter 119. of the 76833
Revised Code, the state board of cosmetology may deny, revoke, or 76834
suspend a license or permit issued by the board or impose a fine 76835
for any of the following: 76836

(1) Failure to comply with the requirements of this chapter 76837
or rules adopted under it; 76838

(2) Continued practice by a person knowingly having an 76839
infectious or contagious disease; 76840

(3) Habitual drunkenness or addiction to any habit-forming 76841
drug; 76842

(4) Willful false and fraudulent or deceptive advertising; 76843

(5) Falsification of any record or application required to be 76844
filed with the board; 76845

(6) Failure to pay a fine or abide by a suspension order 76846
issued by the board. 76847

(B) The board may impose a separate fine for each offense 76848
listed in division (A) of this section. The amount of a fine shall 76849
be not more than ~~one~~ five hundred dollars if the violator has not 76850
previously been fined for that offense. The fine shall be not more 76851
than ~~five hundred~~ one thousand dollars if the violator has been 76852
fined for the same offense once before. The fine shall be not more 76853
than one thousand five hundred dollars if the violator has been 76854
fined for the same offense two or more times before. 76855

(C) If a person fails to request a hearing within thirty days of the date the board, in accordance with section 119.07 of the Revised Code, notifies the person of the board's intent to act against the person under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the person without holding an adjudication hearing.

(D) The board, after a hearing in accordance with Chapter 119. of the Revised Code, may suspend a tanning facility permit if the owner or operator fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection of the tanning facility. If a violation has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any person using the tanning facility, the inspector may suspend the permit without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held and the board either upholds the suspension or reinstates the permit.

Sec. 4731.10. Upon the request of a person ~~licensed who holds a certificate~~ to practice in this state pursuant to Chapter 4731. of the Revised Code ~~and is seeking licensure in another state,~~ the state medical board shall ~~certify an application for licensure in another~~ provide verification of the person's certificate to practice in this state. The fee for such ~~certification verification~~ shall be fifty dollars.

Sec. 4731.26. Upon application by the holder of a certificate to practice or certificate of registration issued under this chapter, the state medical board shall issue a duplicate certificate to replace one missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for ~~such a~~ duplicate certificate to practice or duplicate certificate of registration shall be thirty-five dollars.

Sec. 4731.38. All vouchers of the state medical board shall 76887
be approved by the ~~board~~ board's president or, the board's 76888
executive ~~secretary~~ director, or ~~both~~, as another person 76889
authorized by the board. 76890

Sec. 4733.10. The state board of registration for 76891
professional engineers and surveyors shall prepare annually a 76892
listing of all registered professional engineers, registered 76893
professional surveyors, and firms that possess a certificate of 76894
authorization. The board shall provide a copy of this listing upon 76895
request to registrants of the board and to firms possessing a 76896
certificate of authorization without charge and to the public upon 76897
request and payment of copy costs. 76898

Additionally, the board shall issue an official verification 76899
of the status of any person registered as a professional engineer 76900
or professional surveyor in this state upon receipt of a 76901
verification form and the payment of a fee established by the 76902
board. 76903

Sec. 4735.06. (A) Application for a license as a real estate 76904
broker shall be made to the superintendent of real estate on forms 76905
furnished by the superintendent and filed with the superintendent 76906
and shall be signed by the applicant or its members or officers. 76907
Each application shall state the name of the person applying and 76908
the location of the place of business for which the license is 76909
desired, and give such other information as the superintendent 76910
requires in the form of application prescribed by the 76911
superintendent. 76912

If the applicant is a partnership, limited liability company, 76913
limited liability partnership, or association, the names of all 76914
the members also shall be stated, and, if the applicant is a 76915
corporation, the names of its president and of each of its 76916

officers also shall be stated. The superintendent has the right to 76917
reject the application of any partnership, association, limited 76918
liability company, limited liability partnership, or corporation 76919
if the name proposed to be used by such partnership, association, 76920
limited liability company, limited liability partnership, or 76921
corporation is likely to mislead the public or if the name is not 76922
such as to distinguish it from the name of any existing 76923
partnership, association, limited liability company, limited 76924
liability partnership, or corporation licensed under this chapter, 76925
unless there is filed with the application the written consent of 76926
such existing partnership, association, limited liability company, 76927
limited liability partnership, or corporation, executed by a duly 76928
authorized representative of it, permitting the use of the name of 76929
such existing partnership, association, limited liability company, 76930
limited liability partnership, or corporation. 76931

(B) A fee of ~~sixty-nine~~ one hundred dollars shall accompany 76932
the application for a real estate broker's license, which fee 76933
includes the fee for the initial year of the licensing period, if 76934
a license is issued. The application fee shall be retained by the 76935
superintendent if the applicant is admitted to the examination for 76936
the license or the examination requirement is waived, but, if an 76937
applicant is not so admitted and a waiver is not involved, 76938
one-half of the fee shall be retained by the superintendent to 76939
cover the expenses of processing the application and the other 76940
one-half shall be returned to the applicant. A fee of ~~sixty-nine~~ 76941
one hundred dollars shall be charged by the superintendent for 76942
each successive application made by an applicant. In the case of 76943
issuance of a three-year license, upon passing the examination, or 76944
upon waiver of the examination requirement, if the superintendent 76945
determines it is necessary, the applicant shall submit an 76946
additional fee determined by the superintendent based upon the 76947
number of years remaining in a real estate salesperson's licensing 76948
period. 76949

(C) ~~Four dollars~~ One dollar of each application fee for a 76950
real estate broker's license shall be credited to the real estate 76951
education and research fund, which is hereby created in the state 76952
treasury. The Ohio real estate commission may use the fund in 76953
discharging the duties prescribed in divisions (E), (F), (G), and 76954
(H) of section 4735.03 of the Revised Code and shall use it in the 76955
advancement of education and research in real estate at any 76956
institution of higher education in the state, or in contracting 76957
with any such institution or a trade organization for a particular 76958
research or educational project in the field of real estate, or in 76959
advancing loans, not exceeding eight hundred dollars, to 76960
applicants for salesperson licenses, to defray the costs of 76961
satisfying the educational requirements of division (F) of section 76962
4735.09 of the Revised Code. Such loans shall be made according to 76963
rules established by the commission under the procedures of 76964
Chapter 119. of the Revised Code, and they shall be repaid to the 76965
fund within three years of the time they are made. No more than 76966
ten thousand dollars shall be lent from the fund in any one year. 76967

The governor may appoint a representative from the executive 76968
branch to be a member ex officio of the commission for the purpose 76969
of advising on research requests or educational projects. The 76970
commission shall report to the general assembly on the third 76971
Tuesday after the third Monday in January of each year setting 76972
forth the total amount contained in the fund and the amount of 76973
each research grant that it has authorized and the amount of each 76974
research grant requested. A copy of all research reports shall be 76975
submitted to the state library of Ohio and the library of the 76976
legislative service commission. 76977

(D) If the superintendent, with the consent of the 76978
commission, enters into an agreement with a national testing 76979
service to administer the real estate broker's examination, 76980
pursuant to division (A) of section 4735.07 of the Revised Code, 76981

the superintendent may require an applicant to pay the testing 76982
service's examination fee directly to the testing service. If the 76983
superintendent requires the payment of the examination fee 76984
directly to the testing service, each applicant shall submit to 76985
the superintendent a processing fee in an amount determined by the 76986
Ohio real estate commission pursuant to division (A)(2) of section 76987
4735.10 of the Revised Code. 76988

Sec. 4735.09. (A) Application for a license as a real estate 76989
salesperson shall be made to the superintendent of real estate on 76990
forms furnished by the superintendent and signed by the applicant. 76991
The application shall be in the form prescribed by the 76992
superintendent and shall contain such information as is required 76993
by this chapter and the rules of the Ohio real estate commission. 76994
The application shall be accompanied by the recommendation of the 76995
real estate broker with whom the applicant is associated or with 76996
whom the applicant intends to be associated, certifying that the 76997
applicant is honest, truthful, and of good reputation, has not 76998
been convicted of a felony or a crime involving moral turpitude, 76999
and has not been finally adjudged by a court to have violated any 77000
municipal, state, or federal civil rights laws relevant to the 77001
protection of purchasers or sellers of real estate, which 77002
conviction or adjudication the applicant has not disclosed to the 77003
superintendent, and recommending that the applicant be admitted to 77004
the real estate salesperson examination. 77005

(B) A fee of ~~forty-nine~~ sixty dollars shall accompany the 77006
application, which fee includes the fee for the initial year of 77007
the licensing period, if a license is issued. The application fee 77008
shall be retained by the superintendent if the applicant is 77009
admitted to the examination for the license or the examination 77010
requirement is waived, but, if an applicant is not so admitted and 77011
a waiver is not involved, one-half of the fee shall be retained by 77012
the superintendent to cover the expenses of processing the 77013

application and the other one-half shall be returned to the 77014
applicant. A fee of ~~forty-nine~~ sixty dollars shall be charged by 77015
the superintendent for each successive application made by the 77016
applicant. ~~Four dollars~~ One dollar of each application fee shall 77017
be credited to the real estate education and research fund. 77018

(C) There shall be no limit placed on the number of times an 77019
applicant may retake the examination. 77020

(D) The superintendent, with the consent of the commission, 77021
may enter into an agreement with a recognized national testing 77022
service to administer the real estate salesperson's examination 77023
under the superintendent's supervision and control, consistent 77024
with the requirements of this chapter as to the contents of the 77025
examination. 77026

If the superintendent, with the consent of the commission, 77027
enters into an agreement with a national testing service to 77028
administer the real estate salesperson's examination, the 77029
superintendent may require an applicant to pay the testing 77030
service's examination fee directly to the testing service. If the 77031
superintendent requires the payment of the examination fee 77032
directly to the testing service, each applicant shall submit to 77033
the superintendent a processing fee in an amount determined by the 77034
Ohio real estate commission pursuant to division (A)(1) of section 77035
4735.10 of the Revised Code. 77036

(E) The superintendent shall issue a real estate 77037
salesperson's license when satisfied that the applicant has 77038
received a passing score on each portion of the salesperson's 77039
examination as determined by rule by the real estate commission, 77040
except that the superintendent may waive one or more of the 77041
requirements of this section in the case of an applicant who is a 77042
licensed real estate salesperson in another state pursuant to a 77043
reciprocity agreement with the licensing authority of the state 77044
from which the applicant holds a valid real estate salesperson's 77045

license. 77046

(F) No applicant for a salesperson's license shall take the 77047
salesperson's examination who has not established to the 77048
satisfaction of the superintendent that the applicant: 77049

(1) Is honest, truthful, and of good reputation; 77050

(2)(a) Has not been convicted of a felony or crime of moral 77051
turpitude or, if the applicant has been so convicted, the 77052
superintendent has disregarded the conviction because the 77053
applicant has proven to the superintendent, by a preponderance of 77054
the evidence, that the applicant's activities and employment 77055
record since the conviction show that the applicant is honest, 77056
truthful, and of good reputation, and there is no basis in fact 77057
for believing that the applicant again will violate the laws 77058
involved; 77059

(b) Has not been finally adjudged by a court to have violated 77060
any municipal, state, or federal civil rights laws relevant to the 77061
protection of purchasers or sellers of real estate or, if the 77062
applicant has been so adjudged, at least two years have passed 77063
since the court decision and the superintendent has disregarded 77064
the adjudication because the applicant has proven, by a 77065
preponderance of the evidence, that the applicant is honest, 77066
truthful, and of good reputation, and there is no basis in fact 77067
for believing that the applicant again will violate the laws 77068
involved. 77069

(3) Has not, during any period in which the applicant was 77070
licensed under this chapter, violated any provision of, or any 77071
rule adopted pursuant to this chapter, or, if the applicant has 77072
violated such provision or rule, has established to the 77073
satisfaction of the superintendent that the applicant will not 77074
again violate such provision or rule; 77075

(4) Is at least eighteen years of age; 77076

(5) If born after the year 1950, has a high school diploma or
its equivalent as recognized by the state department of education; 77077
77078

(6)(a) If beginning instruction prior to August 1, 2001, has 77079
successfully completed at an institution of higher education all 77080
of the following: 77081

(i) Thirty hours of classroom instruction in real estate 77082
practice; 77083

(ii) Thirty hours of classroom instruction that includes the 77084
subjects of Ohio real estate law, municipal, state, and federal 77085
civil rights law, new case law on housing discrimination, 77086
desegregation issues, and methods of eliminating the effects of 77087
prior discrimination. If feasible, the classroom instruction in 77088
Ohio real estate law shall be taught by a member of the faculty of 77089
an accredited law school. If feasible, the classroom instruction 77090
in municipal, state, and federal civil rights law, new case law on 77091
housing discrimination, desegregation issues, and methods of 77092
eliminating the effects of prior discrimination shall be taught by 77093
a staff member of the Ohio civil rights commission who is 77094
knowledgeable with respect to those subjects. The requirements of 77095
this division do not apply to an applicant who is admitted to 77096
practice before the supreme court. 77097

(iii) Thirty hours of classroom instruction in real estate 77098
appraisal; 77099

(iv) Thirty hours of classroom instruction in real estate 77100
finance. 77101

(b) Any person who has not been licensed as a real estate 77102
salesperson or broker within a four-year period immediately 77103
preceding the person's current application for the salesperson's 77104
examination shall have successfully completed the classroom 77105
instruction required by division (F)(6)(a) of this section within 77106
a ten-year period immediately preceding the person's current 77107

application for the salesperson's examination. 77108

(7) If beginning instruction, as determined by the 77109
superintendent, on or after August 1, 2001, has successfully 77110
completed at an institution of higher education all of the 77111
following: 77112

(a) Forty hours of classroom instruction in real estate 77113
practice; 77114

(b) Forty hours of classroom instruction that includes the 77115
subjects of Ohio real estate law, municipal, state, and federal 77116
civil rights law, new case law on housing discrimination, 77117
desegregation issues, and methods of eliminating the effects of 77118
prior discrimination. If feasible, the classroom instruction in 77119
Ohio real estate law shall be taught by a member of the faculty of 77120
an accredited law school. If feasible, the classroom instruction 77121
in municipal, state, and federal civil rights law, new case law on 77122
housing discrimination, desegregation issues, and methods of 77123
eliminating the effects of prior discrimination shall be taught by 77124
a staff member of the Ohio civil rights commission who is 77125
knowledgeable with respect to those subjects. The requirements of 77126
this division do not apply to an applicant who is admitted to 77127
practice before the supreme court. 77128

(c) Twenty hours of classroom instruction in real estate 77129
appraisal; 77130

(d) Twenty hours of classroom instruction in real estate 77131
finance. 77132

(G) No later than twelve months after the date of issue of a 77133
real estate salesperson license to a licensee, the licensee shall 77134
submit proof satisfactory to the superintendent, on forms made 77135
available by the superintendent, of completion, at an institution 77136
of higher education or any other institution approved by the 77137
commission, of ten hours of classroom instruction in real estate 77138

courses that cover current issues regarding consumers, real estate 77139
practice, ethics, and real estate law. 77140

If proof of completion of the required instruction is not 77141
submitted within twelve months of the date a license is issued 77142
under this section, the licensee's license is suspended 77143
automatically without the taking of any action by the 77144
superintendent. The superintendent immediately shall notify the 77145
broker with whom such salesperson is associated of the suspension 77146
of the salesperson's license. A salesperson whose license has been 77147
suspended under this division shall have twelve months after the 77148
date of the suspension of the salesperson's license to submit 77149
proof of successful completion of the instruction required under 77150
this division. No such license shall be reactivated by the 77151
superintendent until it is established, to the satisfaction of the 77152
superintendent, that the requirements of this division have been 77153
met and that the licensee is in compliance with this chapter. A 77154
licensee's license is revoked automatically without the taking of 77155
any action by the superintendent when the licensee fails to submit 77156
the required proof of completion of the education requirements 77157
under division (G) of this section within twelve months of the 77158
date the license is suspended. 77159

(H) Examinations shall be administered with reasonable 77160
accommodations in accordance with the requirements of the 77161
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 77162
U.S.C. 12101. The contents of an examination shall be consistent 77163
with the classroom instructional requirements of division (F)(6) 77164
or (7) of this section. An applicant who has completed the 77165
classroom instructional requirements of division (F)(6) or (7) of 77166
this section at the time of application shall be examined no later 77167
than twelve months after the applicant is notified of the 77168
applicant's admission to the examination. 77169

Sec. 4735.12. (A) The real estate recovery fund is hereby 77170
created in the state treasury, to be administered by the 77171
superintendent of real estate. Amounts collected by the 77172
superintendent as prescribed in this section and interest earned 77173
on the assets of the fund shall be credited by the treasurer of 77174
state to the fund. The amount of money in the fund shall be 77175
ascertained by the superintendent as of the first day of July of 77176
each year. 77177

The commission, in accordance with rules adopted under 77178
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 77179
impose a special assessment not to exceed ten dollars per year for 77180
each year of a licensing period on each licensee filing a notice 77181
of renewal under section 4735.14 of the Revised Code if the amount 77182
available in the fund is less than ~~one million~~ five hundred
thousand dollars on the first day of July preceding that filing. 77183
The commission may impose a special assessment not to exceed five 77184
dollars per year for each year of a licensing period if the amount 77185
available in the fund is greater than one million dollars, but 77186
less than two million dollars on the first day of July preceding 77187
that filing. The commission shall not impose a special assessment 77188
if the amount available in the fund exceeds two million dollars on 77189
the first day of July preceding that filing. 77190
77191

(B)(1) Any person who obtains a final judgment in any court 77192
of competent jurisdiction against any broker or salesperson 77193
licensed under this chapter, on the grounds of conduct that is in 77194
violation of this chapter or the rules adopted under it, and that 77195
is associated with an act or transaction that only a licensed real 77196
estate broker or licensed real estate salesperson is authorized to 77197
perform as specified in division (A) or (C) of section 4735.01 of 77198
the Revised Code, may file a verified application, as described in 77199
division (B)(3) of this section, in ~~any~~ the court of common pleas 77200
of Franklin county for an order directing payment out of the real 77201

estate recovery fund of the portion of the judgment that remains 77202
unpaid and that represents the actual and direct loss sustained by 77203
the applicant. 77204

(2) Punitive damages, attorney's fees, and interest on a 77205
judgment are not recoverable from the fund. In the discretion of 77206
the superintendent of real estate, court costs may be recovered 77207
from the fund, and, if the superintendent authorizes the recovery 77208
of court costs, the order of the court of common pleas then may 77209
direct their payment from the fund. 77210

(3) The application shall specify the nature of the act or 77211
transaction upon which the underlying judgment was based, the 77212
activities of the applicant in pursuit of remedies available under 77213
law for the collection of judgments, and the actual and direct 77214
losses, attorney's fees, and the court costs sustained or incurred 77215
by the applicant. The applicant shall attach to the application a 77216
copy of each pleading and order in the underlying court action. 77217

(4) The court shall order the superintendent to make such 77218
payments out of the fund when the person seeking the order has 77219
shown all of the following: 77220

(a) The person has obtained a judgment, as provided in this 77221
division; 77222

(b) All appeals from the judgment have been exhausted and the 77223
person has given notice to the superintendent, as required by 77224
division (C) of this section; 77225

(c) The person is not a spouse of the judgment debtor, or the 77226
personal representative of such spouse; 77227

(d) The person has diligently pursued the person's remedies 77228
against all the judgment debtors and all other persons liable to 77229
the person in the transaction for which the person seeks recovery 77230
from the fund; 77231

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 77232
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 77235
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(a) Actions arising from property management accounts maintained in the name of the property owner; 77237
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(b) A bonding company when it is not a principal in a real estate transaction; 77239
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(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 77241
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 77245
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(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that 77247
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the superintendent shall give written notice to the applicant at 77263
least ten days before such motion. The superintendent may, subject 77264
to court approval, compromise a claim based upon the application 77265
of an aggrieved party. The superintendent shall not be bound by 77266
any prior compromise or stipulation of the judgment debtor. 77267

(D) Notwithstanding any other provision of this section, the 77268
liability of the fund shall not exceed forty thousand dollars for 77269
any one licensee. If a licensee's license is reactivated as 77270
provided in division (E) of this section, the liability of the 77271
fund for the licensee under this section shall again be forty 77272
thousand dollars, but only for transactions that occur subsequent 77273
to the time of reactivation. 77274

If the forty-thousand-dollar liability of the fund is 77275
insufficient to pay in full the valid claims of all aggrieved 77276
persons by whom claims have been filed against any one licensee, 77277
the forty thousand dollars shall be distributed among them in the 77278
ratio that their respective claims bear to the aggregate of valid 77279
claims or in such other manner as the court finds equitable. 77280
Distribution of moneys shall be among the persons entitled to 77281
share in it, without regard to the order of priority in which 77282
their respective judgments may have been obtained or their claims 77283
have been filed. Upon petition of the superintendent, the court 77284
may require all claimants and prospective claimants against one 77285
licensee to be joined in one action, to the end that the 77286
respective rights of all such claimants to the fund may be 77287
equitably adjudicated and settled. 77288

(E) If the superintendent pays from the fund any amount in 77289
settlement of a claim or toward satisfaction of a judgment against 77290
a licensed broker or salesperson, the license of the broker or 77291
salesperson shall be automatically suspended upon the date of 77292
payment from the fund. The superintendent shall not reactivate the 77293
suspended license of that broker or salesperson until the broker 77294

or salesperson has repaid in full, plus interest per annum at the 77295
rate specified in division (A) of section 1343.03 of the Revised 77296
Code, the amount paid from the fund on the broker's or 77297
salesperson's account. A discharge in bankruptcy does not relieve 77298
a person from the suspension and requirements for reactivation 77299
provided in this section unless the underlying judgment has been 77300
included in the discharge and has not been reaffirmed by the 77301
debtor. 77302

(F) If, at any time, the money deposited in the fund is 77303
insufficient to satisfy any duly authorized claim or portion of a 77304
claim, the superintendent shall, when sufficient money has been 77305
deposited in the fund, satisfy such unpaid claims or portions, in 77306
the order that such claims or portions were originally filed, plus 77307
accumulated interest per annum at the rate specified in division 77308
(A) of section 1343.03 of the Revised Code. 77309

(G) When, upon the order of the court, the superintendent has 77310
paid from the fund any sum to the judgment creditor, the 77311
superintendent shall be subrogated to all of the rights of the 77312
judgment creditor to the extent of the amount so paid, and the 77313
judgment creditor shall assign all the judgment creditor's right, 77314
title, and interest in the judgment to the superintendent to the 77315
extent of the amount so paid. Any amount and interest so recovered 77316
by the superintendent on the judgment shall be deposited in the 77317
fund. 77318

(H) Nothing contained in this section shall limit the 77319
authority of the superintendent to take disciplinary action 77320
against any licensee under other provisions of this chapter; nor 77321
shall the repayment in full of all obligations to the fund by any 77322
licensee nullify or modify the effect of any other disciplinary 77323
proceeding brought pursuant to this chapter. 77324

(I) The superintendent shall collect from the fund a service 77325
fee in an amount equivalent to the interest rate specified in 77326

division (A) of section 1343.03 of the Revised Code multiplied by 77327
the annual interest earned on the assets of the fund, to defray 77328
the expenses incurred in the administration of the fund. 77329

Sec. 4735.13. (A) The license of a real estate broker shall 77330
be prominently displayed in the office or place of business of the 77331
broker, and no license shall authorize the licensee to do business 77332
except from the location specified in it. If the broker maintains 77333
more than one place of business within the state, the broker shall 77334
apply for and procure a duplicate license for each branch office 77335
maintained by the broker. Each branch office shall be in the 77336
charge of a licensed broker or salesperson. The branch office 77337
license shall be prominently displayed at the branch office 77338
location. 77339

(B) The license of each real estate salesperson shall be 77340
mailed to and remain in the possession of the licensed broker with 77341
whom the salesperson is or is to be associated until the licensee 77342
places the license on inactive, voluntary hold, or resigned status 77343
or until the salesperson leaves the brokerage or is terminated. 77344
The broker shall keep each salesperson's license in a way that it 77345
can, and shall on request, be made immediately available for 77346
public inspection at the office or place of business of the 77347
broker. Except as provided in divisions (G) and (H) of this 77348
section, immediately upon the salesperson's leaving the 77349
association or termination of the association of a real estate 77350
salesperson with the broker, the broker shall return the 77351
salesperson's license to the superintendent of real estate. 77352

The failure of a broker to return the license of a real 77353
estate salesperson or broker who leaves or who is terminated, via 77354
certified mail return receipt requested, within three business 77355
days of the receipt of a written request from the superintendent 77356
for the return of the license, is prima-facie evidence of 77357

misconduct under division (A)(6) of section 4735.18 of the Revised Code. 77358
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(C) Any licensee who is convicted of a felony or a crime involving moral turpitude or of violating any federal, state, or municipal civil rights law pertaining to discrimination in housing, or any court that issues a finding of an unlawful discriminatory practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code or that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination, shall notify the superintendent of the conviction or finding within fifteen days. If a licensee fails to notify the superintendent within the required time, the superintendent immediately may revoke the license of the licensee. 77360
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Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction. 77372
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(D) In case of any change of business location, a broker shall give notice in writing to the superintendent, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code. 77376
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(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of 77383
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the real estate broker with whom the applicant intends to become 77390
associated and a fee of twenty-five dollars for the real estate 77391
salesperson's license. ~~Four dollars~~ One dollar of the fee shall be 77392
credited to the real estate education and research fund. If the 77393
superintendent is satisfied that the applicant is honest, 77394
truthful, and of good reputation, has not been convicted of a 77395
felony or a crime involving moral turpitude, and has not been 77396
finally adjudged by a court to have violated any municipal, state, 77397
or federal civil rights laws relevant to the protection of 77398
purchasers or sellers of real estate, and that the association of 77399
the real estate broker and the applicant will be in the public 77400
interest, the superintendent shall grant the application and issue 77401
a real estate salesperson's license to the applicant. Any license 77402
so deposited with the superintendent shall be subject to this 77403
chapter. A broker who intends to deposit the broker's license with 77404
the superintendent, as provided in this section, shall give 77405
written notice of this fact in a format prescribed by the 77406
superintendent to all salespersons associated with the broker when 77407
applying to place the broker's license on deposit. 77408

(F) If a real estate broker desires to become a member or 77409
officer of a partnership, association, limited liability company, 77410
limited liability partnership, or corporation that is or intends 77411
to become a licensed real estate broker, the broker shall notify 77412
the superintendent of the broker's intentions. The notice of 77413
intention shall be on a form prescribed by the superintendent and 77414
shall be accompanied by a fee of twenty-five dollars. ~~Four dollars~~ 77415
One dollar of the fee shall be credited to the real estate 77416
education and research fund. 77417

No real estate broker who is a member or officer of a 77418
partnership, association, limited liability company, limited 77419
liability partnership, or corporation that is a licensed real 77420
estate broker shall perform any acts as a real estate broker other 77421

than as the agent of the partnership, association, limited liability company, limited liability partnership, or corporation, and such broker shall not have any real estate salespersons associated with the broker.

(G) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter. Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's discharge. The commission shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent.

Sec. 4735.15. (A) The fees for reactivation or transfer of a license shall be as follows:

(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company,

limited liability partnership, or corporation or from one 77453
partnership, association, limited liability company, limited 77454
liability partnership, or corporation to another partnership, 77455
association, limited liability company, limited liability 77456
partnership, or corporation, twenty-five dollars. An application 77457
for such transfer shall be made to the superintendent of real 77458
estate on forms provided by the superintendent. 77459

(2) Reactivation or transfer of a license by a real estate 77460
salesperson, ~~twenty~~ twenty-five dollars. 77461

(B) Except as may otherwise be specified pursuant to division 77462
(F) of this section, the nonrefundable fees for a branch office 77463
license, license renewal, late filing, and foreign real estate 77464
dealer and salesperson license are as follows per year for each 77465
year of a licensing period: 77466

(1) Branch office license, ~~eight~~ fifteen dollars; 77467

(2) Renewal of a real estate broker's license, ~~forty-nine~~ 77468
sixty dollars. If the licensee is a partnership, association, 77469
limited liability company, limited liability partnership, or 77470
corporation, the full broker's renewal fee shall be required for 77471
each member of such partnership, association, limited liability 77472
company, limited liability partnership, or corporation that is a 77473
real estate broker. If the real estate broker has not less than 77474
eleven nor more than twenty real estate salespersons associated 77475
with the broker, an additional fee of sixty-four dollars shall be 77476
assessed to the brokerage. For every additional ten real estate 77477
salespersons or fraction of that number, the brokerage assessment 77478
fee shall be increased in the amount of thirty-seven dollars. 77479

(3) Renewal of a real estate salesperson's license, 77480
~~thirty-nine~~ forty-five dollars; 77481

(4) Renewal of a real estate broker's or salesperson's 77482
license filed within twelve months after the licensee's renewal 77483

date, an additional late filing penalty of fifty per cent of the 77484
required fee; 77485

(5) Foreign real estate dealer's license and each renewal of 77486
the license, thirty dollars per salesperson employed by the 77487
dealer, but not less than one hundred fifty dollars; 77488

(6) Foreign real estate salesperson's license and each 77489
renewal of the license, fifty dollars. 77490

(C) All fees collected under this section shall be paid to 77491
the treasurer of state. ~~Four dollars~~ One dollar of each such fee 77492
shall be credited to the real estate education and research fund, 77493
except that for fees that are assessed only once every three 77494
years, ~~twelve~~ three dollars of each triennial fee shall be 77495
credited to the real estate education and research fund. 77496

(D) In all cases, the fee and any penalty shall accompany the 77497
application for the license, license transfer, or license 77498
reactivation or shall accompany the filing of the renewal. 77499

(E) The commission may establish by rule reasonable fees for 77500
services not otherwise established by this chapter. 77501

(F) The commission may adopt rules that provide for a 77502
reduction in the fees established in divisions (B)(2) and (3) of 77503
this section. 77504

Sec. 4740.03. (A) The administrative section of the Ohio 77505
construction industry licensing board annually shall elect from 77506
among its members a chairperson and other officers as the board, 77507
by rule, designates. The chairperson shall preside over meetings 77508
of the administrative section or designate another member to 77509
preside in the chairperson's absence. The administrative section 77510
shall hold at least two regular meetings each year, but may meet 77511
at additional times as specified by rule, at the call of the 77512
chairperson, or upon the request of two or more members. A 77513

majority of the members of the administrative section constitutes 77514
a quorum for the transaction of all business. The administrative 77515
section may not take any action without the concurrence of at 77516
least three of its members. 77517

(B)(1) The administrative section shall employ a secretary, 77518
who is not a member of the board, to serve at the pleasure of the 77519
administrative section, and shall fix the compensation of the 77520
secretary. The secretary shall be in the unclassified civil 77521
service of the state. 77522

(2) The secretary shall do all of the following: 77523

(a) Keep or set standards for and delegate to another person 77524
the keeping of the minutes, books, and other records and files of 77525
the board and each section of the board; 77526

(b) Issue all licenses in the name of the board; 77527

(c) Send out all notices, including advance notices of 77528
meetings of the board and each section of the board, and attend to 77529
all correspondence of the board and each section of the board, 77530
under the direction of the administrative section; 77531

(d) Receive and deposit all fees payable pursuant to this 77532
chapter into the ~~industrial compliance~~ labor operating fund 77533
created pursuant to section 121.084 of the Revised Code; 77534

(e) Perform all other duties incidental to the office of the 77535
secretary or properly assigned to the secretary by the 77536
administrative section of the board. 77537

(3) Before entering upon the discharge of the duties of the 77538
secretary, the secretary shall file with the treasurer of state a 77539
bond in the sum of five thousand dollars, payable to the state, to 77540
ensure the faithful performance of the secretary's duties. The 77541
board shall pay the premium of the bond in the same manner as it 77542
pays other expenditures of the board. 77543

(C) Upon the request of the administrative section of the board, the director of commerce shall supply the board and its sections with personnel, office space, and supplies, as the director determines appropriate. The administrative section of the board shall employ any additional staff it considers necessary and appropriate.

(D) The chairperson of the board or the secretary, or both, as authorized by the board, shall approve all vouchers of the board.

Sec. 4740.11. The Ohio construction industry licensing board and its sections shall deposit all receipts and fines collected under this chapter into the state treasury to the credit of the ~~industrial compliance labor~~ operating fund created in section 121.084 of the Revised Code.

Sec. 4740.14. (A) There is hereby created within the department of commerce the residential construction advisory committee consisting of nine persons the director of commerce appoints. Of the advisory committee's members, three shall be general contractors who have recognized ability and experience in the construction of residential buildings, two shall be building officials who have experience administering and enforcing a residential building code, one, chosen from a list of three names the Ohio fire chief's association submits, shall be from the fire service certified as a fire safety inspector who has at least ten years of experience enforcing fire or building codes, one shall be a residential contractor who has recognized ability and experience in the remodeling and construction of residential buildings, one shall be an architect registered pursuant to Chapter 4703. of the Revised Code, with recognized ability and experience in the architecture of residential buildings, and one, chosen from a list of three names the Ohio municipal league submits to the director,

shall be a mayor of a municipal corporation in which the Ohio 77575
residential building code is being enforced in the municipal 77576
corporation by a certified building department. 77577

(B) The director shall make appointments to the advisory 77578
committee within ninety days after May 27, 2005. Terms of office 77579
shall be for three years, with each term ending on the date three 77580
years after the date of appointment. Each member shall hold office 77581
from the date of appointment until the end of the term for which 77582
the member was appointed. The director shall fill a vacancy in the 77583
manner provided for initial appointments. Any member appointed to 77584
fill a vacancy in an unexpired term shall hold office for the 77585
remainder of that term. 77586

(C) The advisory committee shall do all of the following: 77587

(1) Recommend to the board of building standards a building 77588
code for residential buildings. The committee shall recommend a 77589
code that it models on a residential building code a national 77590
model code organization issues, with adaptations necessary to 77591
implement the code in this state. If the board of building 77592
standards decides not to adopt a code the committee recommends, 77593
the committee shall revise the code and resubmit it until the 77594
board adopts a code the committee recommends as the state 77595
residential building code; 77596

(2) Advise the board regarding the establishment of standards 77597
for certification of building officials who enforce the state 77598
residential building code; 77599

(3) Assist the board in providing information and guidance to 77600
residential contractors and building officials who enforce the 77601
state residential building code; 77602

(4) Advise the board regarding the interpretation of the 77603
state residential building code; 77604

(5) Provide other assistance the committee considers necessary. 77605
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(D) In making its recommendation to the board pursuant to division (C)(1) of this section, the advisory committee shall consider all of the following: 77607
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(1) The impact that the state residential building code may have upon the health, safety, and welfare of the public; 77610
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(2) The economic reasonableness of the residential building code; 77612
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(3) The technical feasibility of the residential building code; 77614
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(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing. 77616
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(E) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall receive their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee and shall receive a per diem for each day in attendance at an official meeting of the committee, to be paid from the ~~industrial compliance labor~~ operating fund in the state treasury, using fees collected in connection with residential buildings pursuant to division (F)(2) of section 3781.102 of the Revised Code and deposited in that fund. 77618
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(F) The advisory committee is not subject to divisions (A) and (B) of section 101.84 of the Revised Code. 77628
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Sec. 4741.41. There is hereby created the veterinarian loan repayment program. Under the program, the ~~Ohio board of regents~~ state veterinary medical licensing board, by means of a contract entered into under section 4741.44 of the Revised Code, may agree to repay all or part of the principal and interest of a government 77630
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or other educational loan taken out by a veterinarian for the 77635
following expenses if the expenses were incurred while the 77636
veterinarian was enrolled, for a maximum of four years, in a 77637
veterinary college in the United States that, during the time of 77638
enrollment, was approved by the ~~state veterinary medical licensing~~ 77639
board or accredited by the American veterinary medical 77640
association: 77641

(A) Tuition; 77642

(B) Other educational expenses, such as fees, books, and 77643
laboratory expenses, for specific purposes and in amounts 77644
determined to be reasonable by the ~~state veterinary medical~~ 77645
~~licensing~~ board; 77646

(C) Room and board, in an amount determined to be reasonable 77647
by the ~~state veterinary medical licensing~~ board. 77648

No repayment shall exceed twenty thousand dollars in any 77649
year. If, however, a repayment results in an increase in the 77650
veterinarian's federal, state, or local income tax liability, the 77651
~~Ohio board of regents board~~, at the veterinarian's request ~~and~~ 77652
~~with the approval of the state veterinary medical licensing board~~, 77653
may reimburse the veterinarian for the increased tax liability 77654
regardless of the amount of the repayment made to the veterinarian 77655
in that year. 77656

Sec. 4741.44. (A) A veterinarian who has signed a letter of 77657
intent under section 4741.43 of the Revised Code, and the state 77658
veterinary medical licensing board, ~~and the Ohio board of regents~~ 77659
may enter into a contract for the veterinarian's participation in 77660
the veterinarian loan repayment program. A lending institution 77661
also may be a party to the contract. 77662

(B) The contract shall include all of the following 77663
obligations: 77664

(1) The veterinarian agrees to provide large animal veterinary services or to provide veterinary services necessary to implement or enforce the law or to protect public health, as applicable, in a veterinary resource shortage area identified in the letter of intent for at least two years or one year per ten thousand dollars of repayment agreed to under division (B)(3) of this section, whichever is greater.

(2) When providing veterinary services in the veterinary resource shortage area, the veterinarian agrees to do both of the following:

(a) Provide veterinary services for a minimum of forty hours per week;

(b) Devote not less than sixty per cent of total monthly veterinary services to large animal veterinary services or veterinary services necessary to implement or enforce the law or to protect public health, as applicable.

(3) The ~~Ohio board of regents~~ state veterinary medical licensing board agrees, as provided in section 4741.41 of the Revised Code, to repay, so long as the veterinarian performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the veterinarian for expenses described in section 4741.41 of the Revised Code.

(4) The veterinarian agrees to pay the ~~Ohio board of regents~~ state veterinary medical licensing board the following as damages if the veterinarian fails to complete the service obligation agreed to under division (B)(1) of this section:

(a) If the failure occurs during the first two years of the service obligation, two times the total amount the board has agreed to pay under division (B)(3) of this section;

(b) If the failure occurs after the first two years of the

service obligation, two times the total amount the board is still 77696
obligated to repay under division (B)(3) of this section. 77697

(C) The contract may include any other terms agreed upon by 77698
the parties, including an assignment to the ~~Ohio board of regents~~ 77699
state veterinary medical licensing board of the veterinarian's 77700
duty to pay the principal and interest of a government or other 77701
educational loan taken by the veterinarian for expenses described 77702
in section 4741.41 of the Revised Code. If the ~~Ohio board of~~ 77703
~~regents~~ state veterinary medical licensing board assumes the 77704
veterinarian's duty to pay a loan, the contract shall set forth 77705
the total amount of principal and interest to be paid, an 77706
amortization schedule, and the amount of each payment to be made 77707
under the schedule. 77708

(D) Not later than the thirty-first day of January each year, 77709
the ~~Ohio board of regents~~ board shall mail to each veterinarian to 77710
whom or on whose behalf repayment is made under section 4741.41 of 77711
the Revised Code a statement showing the amount of principal and 77712
interest repaid by the ~~Ohio board of regents~~ board in the 77713
preceding year pursuant to the contract. The statement shall be 77714
sent by ordinary mail with address correction and forwarding 77715
requested in the manner prescribed by the United States postal 77716
service. 77717

Sec. 4741.45. The state veterinary medical licensing board, 77718
in accordance with Chapter 119. of the Revised Code, shall adopt 77719
rules that do all of the following: 77720

(A) Define "large animal veterinary services," "veterinary 77721
services necessary to implement or enforce the law," and 77722
"veterinary services necessary to protect public health"; 77723

(B) Designate veterinary resource shortage areas comprised of 77724
areas in this state that have limited access to each of the 77725
following: 77726

(1) Large animal veterinary services;	77727
(2) Veterinary services necessary to implement or enforce the law;	77728 77729
(3) Veterinary services necessary to protect public health.	77730
The designations may apply to a geographic area, one or more facilities within a particular area, or a population group of animals within a particular area.	77731 77732 77733
(C) Establish priorities among veterinary resource shortage areas for use in recruiting veterinarians under the veterinarian loan repayment program;	77734 77735 77736
(D) Establish priorities for use in determining eligibility among applicants for participation in the veterinarian loan repayment program;	77737 77738 77739
(E) Establish any other requirement or procedure that is necessary to implement and administer sections 4741.40 to 4741.47 of the Revised Code.	77740 77741 77742
In adopting the rules, the board shall consult with the state veterinarian and the Ohio board of regents.	77743 77744
Sec. 4741.46. (A) The state veterinary medical licensing board may accept gifts of money from any source for the implementation and administration of sections 4741.40 to 4741.45 of the Revised Code. The board shall deposit all gifts so accepted into the state treasury to the credit of the veterinary resource shortage area fund, which is hereby created. The board shall use the fund for the implementation and administration of sections 4741.40 to 4741.45 of the Revised Code.	77745 77746 77747 77748 77749 77750 77751 77752
(B) The Ohio board of regents <u>board</u> may accept gifts of money from any source for the implementation and administration of sections <u>purposes of providing loans under the veterinarian loan repayment program created in section 4741.41 and 4741.44</u> of the	77753 77754 77755 77756

Revised Code. The board shall deposit all gifts so accepted 77757
together with all damages collected under division (B)(4) of 77758
section 4741.44 of the Revised Code into the state treasury to the 77759
credit of the veterinarian loan repayment fund, which is hereby 77760
created. The fund also shall consist of the portion of biennial 77761
renewal fees that is credited to the fund under section 4741.17 of 77762
the Revised Code. The board shall use the fund for the 77763
implementation and administration of the veterinarian loan 77764
repayment program ~~created in section 4741.41 of the Revised Code.~~ 77765

Sec. 4755.06. The occupational therapy section of the Ohio 77766
occupational therapy, physical therapy, and athletic trainers 77767
board may make reasonable rules in accordance with Chapter 119. of 77768
the Revised Code relating to, but not limited to, the following: 77769

(A) The form and manner for filing applications for licensure 77770
under sections 4755.04 to 4755.13 of the Revised Code; 77771

(B) The issuance, suspension, and revocation of the licenses 77772
and the conducting of investigations and hearings; 77773

(C) Standards for approval of courses of study relative to 77774
the practice of occupational therapy; 77775

(D) The time and form of examination for the licensure; 77776

(E) Standards of ethical conduct in the practice of 77777
occupational therapy; 77778

(F) The form and manner for filing applications for renewal 77779
and a schedule of deadlines for renewal; 77780

(G) ~~Late fees and the~~ The conditions under which a license of 77781
a licensee who files a late application for renewal will be 77782
reinstated; 77783

(H) Placing an existing license in escrow; 77784

(I) The amount, scope, and nature of continuing education 77785

activities required for license renewal, including waivers and the 77786
establishment of appropriate fees to be charged for the 77787
~~administrative costs associated with the review of the~~ continuing 77788
education activities requirements; 77789

(J) ~~Limited permit guidelines~~ Guidelines for limited permits; 77790

(K) Requirements for criminal records checks of applicants 77791
under section 4776.03 of the Revised Code; 77792

(L) The amounts to be charged for the fees specified in 77793
section 4755.12 of the Revised Code; 77794

(M) The establishment of fees under division (A)(9) of 77795
section 4755.12 of the Revised Code and the amounts to be charged 77796
for the fees. 77797

The section may hear testimony in matters relating to the 77798
duties imposed upon it, and the chairperson and secretary of the 77799
section may administer oaths. The section may require proof, 77800
beyond the evidence found in the application, of the honesty, 77801
truthfulness, and good reputation of any person named in an 77802
application for ~~such~~ licensure, before admitting the applicant to 77803
an examination or issuing a license. 77804

Sec. 4755.12. (A) The occupational therapy section of the 77805
Ohio occupational therapy, physical therapy, and athletic trainers 77806
board shall charge a all of the following fees: 77807

~~(1) A nonrefundable examination fee, established pursuant to~~ 77808
~~section 4755.03 of the Revised Code,~~ which is to be paid at the 77809
time of application for licensure- 77810

~~The section shall charge an~~ 77811

(2) An application fee for an initial license; 77812

(3) An initial licensure fee, ~~established pursuant to section~~ 77813
~~4755.03 of the Revised Code.~~ 77814

person holding a license or certificate of registration issued 77844
under this chapter; 77845

(B) Establish standards for training and experience of 77846
supervisors described in division (C) of section 4757.30 of the 77847
Revised Code; 77848

(C) Define the requirement that an applicant be of good moral 77849
character in order to be licensed or registered under this 77850
chapter; 77851

(D) Establish requirements for criminal records checks of 77852
applicants under section 4776.03 of the Revised Code; 77853

(E) Establish a graduated system of fines based on the scope 77854
and severity of violations and the history of compliance, not to 77855
exceed five hundred dollars per incident, that any professional 77856
standards committee of the board may charge for a disciplinary 77857
violation described in section 4757.36 of the Revised Code. 77858

All rules adopted under this section shall be adopted in 77859
accordance with Chapter 119. of the Revised Code. When it adopts 77860
rules under this section or any other section of this chapter, the 77861
board may consider standards established by any national 77862
association or other organization representing the interests of 77863
those involved in professional counseling, social work, or 77864
marriage and family therapy. 77865

Sec. 4757.31. (A) Subject to division (B) of this section, 77866
the counselor, social worker, and marriage and family therapist 77867
board shall establish, and may from time to time adjust, fees to 77868
be charged for the following: 77869

(1) Examination for licensure as a professional clinical 77870
counselor, professional counselor, marriage and family therapist, 77871
independent marriage and family therapist, social worker, or 77872
independent social worker; 77873

(2) Initial licenses of professional clinical counselors, 77874
professional counselors, marriage and family therapists, 77875
independent marriage and family therapists, social workers, and 77876
independent social workers, except that the board shall charge 77877
only one fee to a person who fulfills all requirements for more 77878
than one of the following initial licenses: an initial license as 77879
a social worker or independent social worker, an initial license 77880
as a professional counselor or professional clinical counselor, 77881
and an initial license as a marriage and family therapist or 77882
independent marriage and family therapist; 77883

(3) Initial certificates of registration of social work 77884
assistants; 77885

(4) Renewal and late renewal of licenses of professional 77886
clinical counselors, professional counselors, marriage and family 77887
therapists, independent marriage and family therapists, social 77888
workers, and independent social workers and renewal and late 77889
renewal of certificates of registration of social work assistants; 77890

(5) Verification, to another jurisdiction, of a license or 77891
registration issued by the board; 77892

(6) Continuing education programs offered by the board to 77893
licensees or registrants. 77894

(B) The fees charged under division (A)(1) of this section 77895
shall be established in amounts sufficient to cover the direct 77896
expenses incurred in examining applicants for licensure. The fees 77897
charged under divisions (A)(2), ~~(3), and (4)~~ to (6) of this 77898
section shall be nonrefundable and shall be established in amounts 77899
sufficient to cover the necessary expenses in administering this 77900
chapter and rules adopted under it that are not covered by fees 77901
charged under division (A)(1) or (C) of this section. The renewal 77902
fee for a license or certificate of registration shall not be less 77903
than the initial fee for that license or certificate. The fees 77904

charged for licensure and registration and the renewal of 77905
licensure and registration may differ for the various types of 77906
licensure and registration, but shall not exceed one hundred 77907
twenty-five dollars each, unless the board determines that amounts 77908
in excess of one hundred twenty-five dollars are needed to cover 77909
its necessary expenses in administering this chapter and rules 77910
adopted under it and the amounts in excess of one hundred 77911
twenty-five dollars are approved by the controlling board. 77912

(C) All receipts of the board shall be deposited in the state 77913
treasury to the credit of the occupational licensing and 77914
regulatory fund. All vouchers of the board shall be approved by 77915
the chairperson or executive director of the board, or both, as 77916
authorized by the board. 77917

Sec. 4757.36. (A) The appropriate professional standards 77918
~~committees~~ committee of the counselor, social worker, and marriage 77919
and family therapist board may, in accordance with Chapter 119. of 77920
the Revised Code, ~~may refuse to issue a license or certificate of~~ 77921
~~registration applied for under this chapter; refuse to renew a~~ 77922
~~license or certificate of registration issued under this chapter;~~ 77923
~~suspend, revoke, or otherwise restrict a license or certificate of~~ 77924
~~registration issued under this chapter; or reprimand a person~~ 77925
~~holding a license or certificate of registration issued under this~~ 77926
~~chapter. Such actions may be taken by the appropriate committee if~~ 77927
~~the applicant for a license or certificate of registration or the~~ 77928
~~person holding a license or certificate of registration has take~~ 77929
any action specified in division (B) of this section against an 77930
individual who has applied for or holds a license to practice as a 77931
professional clinical counselor, professional counselor, 77932
independent marriage and family therapist, marriage and family 77933
therapist, social worker, or independent social worker, or a 77934
certificate of registration to practice as a social work 77935
assistant, for any reason described in division (C) of this 77936

<u>section.</u>	77937
<u>(B) In its imposition of sanctions against an individual, the board may do any of the following:</u>	77938
<u>(1) Refuse to issue a license or certificate of registration;</u>	77939
<u>(2) Suspend, revoke, or otherwise restrict a license or certificate of registration;</u>	77940
<u>(3) Reprimand an individual holding a license or certificate of registration;</u>	77941
<u>(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code.</u>	77942
<u>(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:</u>	77943
<u>(1) Committed a violation of <u>Commission of an act that violates</u> any provision of this chapter or rules adopted under it;</u>	77944
<u>(2) Knowingly made <u>making</u> a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;</u>	77945
<u>(3) Accepted <u>Accepting</u> a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;</u>	77946
<u>(4) Failed <u>A failure</u> to comply with section 4757.12 of the Revised Code;</u>	77947
<u>(5) Been convicted <u>A conviction</u> in this or any other state of</u>	77948
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~~any a~~ crime that is a felony in this state; 77966

(6) ~~Had the ability~~ A failure to perform properly as a 77967
professional clinical counselor, professional counselor, 77968
independent marriage and family therapist, marriage and family 77969
therapist, social work assistant, social worker, or independent 77970
social worker ~~impaired~~ due to the use of alcohol or other drugs or 77971
any other physical or mental condition; 77972

(7) ~~Been convicted~~ A conviction in this state or in any other 77973
state of a misdemeanor committed in the course of practice as a 77974
professional clinical counselor, professional counselor, 77975
independent marriage and family therapist, marriage and family 77976
therapist, social work assistant, social worker, or independent 77977
social worker; 77978

(8) ~~Practiced~~ Practicing outside the scope of practice 77979
applicable to that person; 77980

(9) ~~Practiced without complying with~~ Practicing in violation 77981
of the supervision requirements specified under sections 4757.21 77982
and 4757.26, and division (F) of section 4757.30, of the Revised 77983
Code; 77984

(10) ~~Violated~~ A violation of the person's code of ethical 77985
practice adopted by rule of the board pursuant to section 4757.11 77986
of the Revised Code; 77987

(11) ~~Had~~ Revocation or suspension of a license or certificate 77988
of registration ~~revoked or suspended~~, or ~~voluntarily surrendered~~ 77989
the voluntary surrender of a license or certificate of 77990
registration in another state or jurisdiction for an offense that 77991
would be a violation of this chapter. 77992

~~(B)(D)~~ One year or more after the date of suspension or 77993
revocation of a license or certificate of registration under this 77994
section, application may be made to the appropriate professional 77995
standards committee for reinstatement. The committee may accept or 77996

refuse an application for reinstatement. If a license has been 77997
suspended or revoked, the committee may require an examination for 77998
reinstatement. 77999

(E) On request of the board, the attorney general shall bring 78000
and prosecute to judgment a civil action to collect any fine 78001
imposed under division (B)(4) of this section that remains unpaid. 78002

(F) All fines collected under division (B)(4) of this section 78003
shall be deposited into the state treasury to the credit of the 78004
occupational licensing and regulatory fund. 78005

Sec. 4763.01. As used in this chapter: 78006

(A) "Real estate appraisal" or "appraisal" means an analysis, 78007
opinion, or conclusion relating to the nature, quality, value, or 78008
utility of specified interests in, or aspects of identified real 78009
estate that is classified as either a valuation or an analysis. 78010

(B) "Valuation" means an estimate of the value of real 78011
estate. 78012

(C) "Analysis" means a study of real estate for purposes 78013
other than valuation. 78014

(D) "Appraisal report" means a written communication of a 78015
real estate appraisal, appraisal review, or appraisal consulting 78016
service or an oral communication of a real estate appraisal 78017
accompanied, appraisal review, or appraisal consulting service 78018
that is documented by a writing that supports the oral 78019
communication. 78020

(E) "Appraisal assignment" means an engagement for which a 78021
person licensed or certified under this chapter is employed ~~or~~ 78022
retained, or engaged to act, or would be perceived by third 78023
parties or the public as acting, as a disinterested third party in 78024
rendering an unbiased real estate appraisal. 78025

(F) "Specialized services" means all appraisal services, 78026

other than appraisal assignments, including, but not limited to, 78027
valuation and analysis given in connection with activities such as 78028
real estate brokerage, mortgage banking, real estate counseling, 78029
and real estate tax counseling, and specialized marketing, 78030
financing, and feasibility studies. 78031

(G) "Real estate" has the same meaning as in section 4735.01 78032
of the Revised Code. 78033

(H) "Appraisal foundation" means a nonprofit corporation 78034
incorporated under the laws of the state of Illinois on November 78035
30, 1987, for the purposes of establishing and improving uniform 78036
appraisal standards by defining, issuing, and promoting those 78037
standards; establishing appropriate criteria for the certification 78038
and recertification of qualified appraisers by defining, issuing, 78039
and promoting the qualification criteria and disseminating the 78040
qualification criteria to others; and developing or assisting in 78041
development of appropriate examinations for qualified appraisers. 78042

(I) "Prepare" means to develop and communicate, whether 78043
through a personal physical inspection or through the act or 78044
process of critically studying a report prepared by another who 78045
made the physical inspection, an appraisal, analysis, or opinion, 78046
or specialized service and to report the results. If the person 78047
who develops and communicates the appraisal or specialized service 78048
does not make the personal inspection, the name of the person who 78049
does make the personal inspection shall be identified on the 78050
appraisal or specialized service reported. 78051

(J) "Report" means any communication, written, oral, or by 78052
any other means of transmission of information, of a real estate 78053
appraisal, appraisal review, appraisal consulting service, or 78054
specialized service that is transmitted to a client or employer 78055
upon completion of the appraisal or service. 78056

(K) "State-certified general real estate appraiser" means any 78057

person who satisfies the certification requirements of this 78058
chapter relating to the appraisal of all types of real property 78059
and who holds a current and valid certificate or renewal 78060
certificate issued to the person pursuant to this chapter. 78061

(L) "State-certified residential real estate appraiser" means 78062
any person who satisfies the certification requirements only 78063
relating to the appraisal of one to four units of single-family 78064
residential real estate without regard to transaction value or 78065
complexity and who holds a current and valid certificate or 78066
renewal certificate issued to the person pursuant to this chapter. 78067

(M) "State-licensed residential real estate appraiser" means 78068
any person who satisfies the licensure requirements of this 78069
chapter relating to the appraisal of noncomplex one-to-four unit 78070
single-family residential real estate having a transaction value 78071
of less than one million dollars and complex one-to-four unit 78072
single-family residential real estate having a transaction value 78073
of less than two hundred fifty thousand dollars and who holds a 78074
current and valid license or renewal license issued to the person 78075
pursuant to this chapter. 78076

(N) "Certified or licensed real estate appraisal" means an 78077
appraisal prepared and reported by a certificate holder or 78078
licensee under this chapter acting within the scope of 78079
certification or licensure and as a disinterested third party. 78080

(O) "State-registered real estate appraiser assistant" means 78081
any person, other than a state-certified general real estate 78082
appraiser, state-certified residential real estate appraiser, or a 78083
state-licensed residential real estate appraiser, who satisfies 78084
the registration requirements of this chapter for participating in 78085
the development and preparation of real estate appraisals and who 78086
holds a current and valid registration or renewal registration 78087
issued to the person pursuant to this chapter. 78088

(P) "Institution of higher education" means a state university or college, a private college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or an accredited college or university located outside this state that is accredited by an accrediting organization or professional accrediting association recognized by the Ohio board of regents.

(Q) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing."

(R) "Superintendent" or "superintendent of real estate" means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(S) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, appraisal review, or appraisal consulting assignment.

(T) "Appraisal consulting" means the act or process of developing an analysis, recommendation, or opinion to solve a problem related to real estate.

(U) "Work file" means documentation used during the preparation of an appraisal report or necessary to support an appraiser's analyses, opinions, or conclusions.

Sec. 4763.03. (A) In addition to any other duties imposed on the real estate appraiser board under this chapter, the board

shall: 78119

(1) Adopt rules, in accordance with Chapter 119. of the 78120
Revised Code, in furtherance of this chapter, including, but not 78121
limited to, all of the following: 78122

(a) Defining, with respect to state-certified general real 78123
estate appraisers, state-certified residential real estate 78124
appraisers, and state-licensed residential real estate appraisers, 78125
the type of educational experience, appraisal experience, and 78126
other equivalent experience that satisfy the requirements of this 78127
chapter. The rules shall require that all appraisal experience 78128
performed after January 1, 1996, meet the uniform standards of 78129
professional practice established by the appraisal foundation. 78130

(b) Establishing the examination specifications for 78131
state-certified general real estate appraisers, state-certified 78132
residential real estate appraisers, and state-licensed residential 78133
real estate appraisers; 78134

(c) Relating to disciplinary proceedings conducted in 78135
accordance with section 4763.11 of the Revised Code, including 78136
rules governing the reinstatement of certificates, registrations, 78137
and licenses that have been suspended pursuant to those 78138
proceedings; 78139

(d) Identifying any additional information to be included on 78140
the forms specified in division (C) of section 4763.12 of the 78141
Revised Code, provided that the rules shall not require any less 78142
information than is required in that division; 78143

(e) Establishing the fees set forth in section 4763.09 of the 78144
Revised Code; 78145

(f) Establishing the amount of the assessment required by 78146
division (A)(2) of section 4763.05 of the Revised Code. The board 78147
annually shall determine the amount due from each applicant for an 78148

initial certificate, registration, and license in an amount that 78149
will maintain the real estate appraiser recovery fund at the level 78150
specified in division (A) of section 4763.16 of the Revised Code. 78151
The board may, if the fund falls below that amount, require 78152
current certificate holders, registrants, and licensees to pay an 78153
additional assessment. 78154

(g) Defining the educational requirements pursuant to 78155
division (C) of section 4763.05 of the Revised Code; 78156

(h) Establishing a real estate appraiser assistant program 78157
for the registration of real estate appraiser assistants. 78158

(2) Prescribe by rule the requirements for the examinations 78159
required by division (D) of section 4763.05 of the Revised Code; 78160

(3) Periodically review the standards for ~~preparation and~~ 78161
~~reporting of real estate appraisals~~ the development and reporting 78162
of appraisal reports provided in this chapter and adopt rules 78163
explaining and interpreting those standards; 78164

(4) Hear appeals, pursuant to Chapter 119. of the Revised 78165
Code, from decisions and orders the superintendent of real estate 78166
issues pursuant to this chapter; 78167

(5) Request the initiation by the superintendent of 78168
investigations of violations of this chapter or the rules adopted 78169
pursuant thereto, as the board determines appropriate; 78170

(6) Determine the appropriate disciplinary actions to be 78171
taken against certificate holders, registrants, and licensees 78172
under this chapter as provided in section 4763.11 of the Revised 78173
Code. 78174

(B) In addition to any other duties imposed on the 78175
superintendent of real estate under this chapter, the 78176
superintendent shall: 78177

(1) Prescribe the form and content of all applications 78178

required by this chapter;	78179
(2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;	78180 78181 78182 78183
(3) Retain records and all application materials submitted to the superintendent;	78184 78185
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	78186 78187 78188
(5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter;	78189 78190 78191
(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	78192 78193
(7) Administer this chapter;	78194
(8) Issue all orders necessary to implement this chapter;	78195
(9) Investigate complaints, upon the superintendent's own motion or upon receipt of a complaint or upon a request of the board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a certificate, registration, or license issued pursuant to this chapter;	78196 78197 78198 78199 78200 78201
(10) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal business hours. The superintendent may utilize the investigators	78202 78203 78204 78205 78206 78207 78208

and auditors employed pursuant to division (B)(4) of section 78209
4735.05 of the Revised Code or currently licensed certificate 78210
holders or licensees to assist in performing the duties of this 78211
division. 78212

(11) Appoint a referee or examiner for any proceeding 78213
involving the ~~revocation or suspension of a certificate,~~ 78214
~~registration, or license under section 3123.47 or disciplinary~~ 78215
action of a certificate holder, licensee, or registrant under 78216
section 4763.11 of the Revised Code; 78217

(12) Administer the real estate appraiser recovery fund; 78218

(13) Conduct the examinations required by division (D) of 78219
section 4763.05 of the Revised Code at least four times per year. 78220

(C) The superintendent may do all of the following: 78221

(1) In connection with investigations and audits under 78222
division (B) of this section, subpoena witnesses as provided in 78223
section 4763.04 of the Revised Code; 78224

(2) Apply to the appropriate court to enjoin any violation of 78225
this chapter. Upon a showing by the superintendent that any person 78226
has violated or is about to violate this chapter, the court shall 78227
grant an injunction, restraining order, or other appropriate 78228
relief, or any combination thereof. 78229

(D) All information that is obtained by investigators and 78230
auditors performing investigations or conducting inspections, 78231
audits, and other inquiries pursuant to division (B)(10) of this 78232
section, from certificate holders, registrants, licensees, 78233
complainants, or other persons, and all reports, documents, and 78234
other work products that arise from that information and that are 78235
prepared by the investigators, auditors, or other personnel of the 78236
department of commerce, shall be held in confidence by the 78237
superintendent, the investigators and auditors, and other 78238
personnel of the department. 78239

(E) This section does not prevent the division of real estate 78240
and professional licensing from releasing information relating to 78241
certificate holders, registrants, and licensees to the 78242
superintendent of financial institutions for purposes relating to 78243
the administration of sections 1322.01 to 1322.12 of the Revised 78244
Code, to the superintendent of insurance for purposes relating to 78245
the administration of Chapter 3953. of the Revised Code, to the 78246
attorney general, or to local law enforcement agencies and local 78247
prosecutors. Information released by the division pursuant to this 78248
section remains confidential. 78249

(F) Any rule the board adopts shall not exceed the 78250
requirements specified in federal law or regulations. 78251

Sec. 4763.04. The real estate appraiser board or the 78252
superintendent ~~or~~ of real estate may compel, by order or subpoena, 78253
the attendance of witnesses to testify in relation to any matter 78254
over which the board or the superintendent has jurisdiction and 78255
which is the subject of the inquiry and investigation by the board 78256
or superintendent, and require the production of any book, paper, 78257
or document pertaining to such matter. For such purpose, the board 78258
or the superintendent has the same power as judges of county 78259
courts to administer oaths, compel the attendance of witnesses, 78260
and punish witnesses for refusal to testify. ~~Sheriffs and service~~ 78261
of the subpoena may be made by constables or by certified mail, 78262
return receipt requested, and the subpoena shall be deemed served 78263
on the date delivery is made or the date the person refuses to 78264
accept delivery. Sheriffs or constables shall ~~serve and~~ return 78265
such process and shall receive the same fees for doing so as are 78266
allowed for like service if service of the subpoena is made by 78267
sheriffs or constables. Witnesses shall receive, after their 78268
appearance before the board or the superintendent, the fees and 78269
mileage provided for under section 119.094 of the Revised Code. If 78270
two or more witnesses travel together in the same vehicle, the 78271

mileage fee shall be paid to only one of those witnesses, but the 78272
witnesses may agree to divide the fee among themselves in any 78273
manner. 78274

In addition to the powers and duties granted to the board and 78275
the superintendent under this section, in case any person fails to 78276
file any statement or report, obey any subpoena, give testimony, 78277
answer questions, or produce books, records, or papers as required 78278
by the board or the superintendent under this chapter, the court 78279
of common pleas of any county in the state, upon application made 78280
to it by the board or the superintendent setting forth the 78281
failure, may make an order awarding process of subpoena or 78282
subpoena duces tecum for the person to appear and testify before 78283
the board or the superintendent, and may order any person to give 78284
testimony and answer questions, and to produce books, records, or 78285
papers, as required by the board or the superintendent. Upon the 78286
filing of such order in the office of the clerk of the court of 78287
common pleas, the clerk, under the seal of the court, shall issue 78288
process or subpoena, and each day thereafter until the examination 78289
of the person is completed. The subpoena may contain a direction 78290
that the witness bring with the witness to the examination any 78291
books, records, or papers mentioned in the subpoena. The clerk 78292
also shall issue, under the seal of the court, such other orders, 78293
in reference to the examination, appearance, and production of 78294
books, records, or papers, as the court directs. If any person 78295
summoned by subpoena fails to obey the subpoena, to give 78296
testimony, to answer questions as required, or to obey an order of 78297
the court, the court, on motion supported by proof, may order an 78298
attachment for contempt to be issued against the person charged 78299
with disobedience of any order or injunction issued by the court 78300
under this chapter. If the person is brought before the court by 78301
virtue of the attachment, and if upon a hearing the disobedience 78302
appears, the court may order the offender to be committed and kept 78303
in close custody. 78304

Sec. 4763.05. (A)(1)(a) A person shall make application for 78305
an initial state-certified general real estate appraiser 78306
certificate, an initial state-certified residential real estate 78307
appraiser certificate, an initial state-licensed residential real 78308
estate appraiser license, or an initial state-registered real 78309
estate appraiser assistant registration in writing to the 78310
superintendent of real estate on a form the superintendent 78311
prescribes. The application shall include the address of the 78312
applicant's principal place of business and all other addresses at 78313
which the applicant currently engages in the business of preparing 78314
real estate appraisals and the address of the applicant's current 78315
residence. The superintendent shall retain the applicant's current 78316
residence address in a separate record which shall not constitute 78317
a public record for purposes of section 149.03 of the Revised 78318
Code. The application shall indicate whether the applicant seeks 78319
certification as a general real estate appraiser or as a 78320
residential real estate appraiser, licensure as a residential real 78321
estate appraiser, or registration as a real estate appraiser 78322
assistant and be accompanied by the prescribed examination and 78323
certification, registration, or licensure fees set forth in 78324
section 4763.09 of the Revised Code. The application also shall 78325
include ~~a fingerprint of the applicant;~~ a pledge, signed by the 78326
applicant, that the applicant will comply with the standards set 78327
forth in this chapter; and a statement that the applicant 78328
understands the types of misconduct for which disciplinary 78329
proceedings may be initiated against the applicant pursuant to 78330
this chapter. 78331

(b) Upon the filing of an application and payment of any 78332
examination and certification, registration, or licensure fees, 78333
the superintendent of real estate shall request the superintendent 78334
of the bureau of criminal identification and investigation, or a 78335
vendor approved by the bureau, to conduct a criminal records check 78336

based on the applicant's fingerprints in accordance with division 78337
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 78338
division (K) of section 121.08 of the Revised Code, the 78339
superintendent of real estate shall request that criminal record 78340
information from the federal bureau of investigation be obtained 78341
as part of the criminal records check. Any fee required under 78342
division (C)(3) of section 109.572 of the Revised Code shall be 78343
paid by the applicant. 78344

(2) For purposes of providing funding for the real estate 78345
appraiser recovery fund established by section 4763.16 of the 78346
Revised Code, the real estate appraiser board shall levy an 78347
assessment against each person issued an initial certificate, 78348
registration, or license and against current licensees, 78349
registrants, and certificate holders, as required by board rule. 78350
The assessment is in addition to the application and examination 78351
fees for initial applicants required by division (A)(1) of this 78352
section and the renewal fees required for current certificate 78353
holders, registrants, and licensees. The superintendent of real 78354
estate shall deposit the assessment into the state treasury to the 78355
credit of the real estate appraiser recovery fund. The assessment 78356
for initial certificate holders, registrants, and licensees shall 78357
be paid prior to the issuance of a certificate, registration, or 78358
license, and for current certificate holders, registrants, and 78359
licensees, at the time of renewal. 78360

(B) An applicant for an initial general real estate appraiser 78361
certificate, residential real estate appraiser certificate, or 78362
residential real estate appraiser license shall possess experience 78363
in real estate appraisal as the board prescribes by rule. In 78364
addition to any other information required by the board, the 78365
applicant shall furnish, under oath, a detailed listing of the 78366
appraisal reports or file memoranda for each year for which 78367
experience is claimed and, upon request of the superintendent or 78368

the board, shall make available for examination a sample of the 78369
appraisal reports prepared by the applicant in the course of the 78370
applicant's practice. 78371

(C) An applicant for an initial certificate, registration, or 78372
license shall be at least eighteen years of age, honest, truthful, 78373
and of good reputation and shall present satisfactory evidence to 78374
the superintendent that the applicant has successfully completed 78375
any education requirements the board prescribes by rule. 78376

(D) An applicant for an initial general real estate appraiser 78377
or residential real estate appraiser certificate or residential 78378
real estate appraiser license shall take and successfully complete 78379
a written examination in order to qualify for the certificate or 78380
license. 78381

The board shall prescribe the examination requirements by 78382
rule. 78383

(E)(1) A nonresident, natural person of this state who has 78384
complied with this section may obtain a certificate, registration, 78385
or license. The board shall adopt rules relating to the 78386
certification, registration, and licensure of a nonresident 78387
applicant whose state of residence the board determines to have 78388
certification, registration, or licensure requirements that are 78389
substantially similar to those set forth in this chapter and the 78390
rules adopted thereunder. 78391

(2) The board shall recognize on a temporary basis a 78392
certification or license issued in another state and shall 78393
register on a temporary basis an appraiser who is certified or 78394
licensed in another state if all of the following apply: 78395

(a) The temporary registration is to perform an appraisal 78396
assignment that is part of a federally related transaction. 78397

(b) The appraiser's business in this state is of a temporary 78398
nature. 78399

(c) The appraiser registers with the board pursuant to this 78400
division. 78401

An appraiser who is certified or licensed in another state 78402
shall register with the board for temporary practice before 78403
performing an appraisal assignment in this state in connection 78404
with a federally related transaction. 78405

The board shall adopt rules relating to registration for the 78406
temporary recognition of certification and licensure of appraisers 78407
from another state. The registration for temporary recognition of 78408
certified or licensed appraisers from another state shall not 78409
authorize completion of more than one appraisal assignment in this 78410
state. The board shall not issue more than two registrations for 78411
temporary practice to any one applicant in any calendar year. 78412

(3) In addition to any other information required to be 78413
submitted with the nonresident applicant's or appraiser's 78414
application for a certificate, registration, license, or temporary 78415
recognition of a certificate or license, each nonresident 78416
applicant or appraiser shall submit a statement consenting to the 78417
service of process upon the nonresident applicant or appraiser by 78418
means of delivering that process to the secretary of state if, in 78419
an action against the applicant, certificate holder, registrant, 78420
or licensee arising from the applicant's, certificate holder's, 78421
registrant's, or licensee's activities as a certificate holder, 78422
registrant, or licensee, the plaintiff, in the exercise of due 78423
diligence, cannot effect personal service upon the applicant, 78424
certificate holder, registrant, or licensee. 78425

(F) The superintendent shall not issue a certificate, 78426
registration, or license to, or recognize on a temporary basis an 78427
appraiser from another state that is a corporation, partnership, 78428
or association. This prohibition shall not be construed to prevent 78429
a certificate holder or licensee from signing an appraisal report 78430
on behalf of a corporation, partnership, or association. 78431

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or license to the superintendent.

(H)(1) The superintendent shall not issue a certificate, registration, or license to any person, or recognize on a temporary basis an appraiser from another state, who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.

(2) The superintendent shall not issue a general real estate appraiser certificate, residential real estate appraiser certificate, residential real estate appraiser license, or real estate appraiser assistant registration to any person who has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, including a violation of an existing or former law of this state, any other state, or the United States that substantially is equivalent to such an offense. However, if the applicant has pleaded guilty to or been convicted of such an offense, the superintendent shall not consider the offense if the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the

applicant will commit such an offense again. 78464

Sec. 4763.07. (A) Every state-certified general real estate 78465
appraiser, state-certified residential real estate appraiser, and 78466
state-licensed residential real estate appraiser, ~~and~~ 78467
~~state-registered real estate appraiser assistant~~ shall submit 78468
proof of successfully completing a minimum of fourteen classroom 78469
hours of continuing education instruction in courses or seminars 78470
approved by the real estate appraiser board. The certificate 78471
holder and licensee shall have satisfied the fourteen-hour 78472
continuing education requirements within the one-year period 78473
immediately following the issuance of the initial certificate or 78474
license and shall satisfy those requirements annually thereafter. 78475
A state-registered real estate appraiser assistant who remains in 78476
this classification for more than two years shall satisfy in the 78477
third and successive years this section's requirements. If the 78478
certificate holder ~~or~~, licensee, or registrant fails to submit 78479
proof to the superintendent of meeting these requirements, the 78480
certificate holder's, registrant's, or licensee's certificate ~~or~~, 78481
license, or registration automatically is suspended. The 78482
superintendent shall notify the certificate holder ~~or~~, licensee, 78483
or registrant of the suspension and if the certificate holder ~~or~~, 78484
licensee, or registrant fails to submit proof to the 78485
superintendent of meeting those requirements within three months 78486
from the date of suspension, the superintendent shall revoke the 78487
certificate ~~or~~, license, or registration. If a certificate holder 78488
~~or~~, licensee, or registrant whose certificate ~~or~~, license, or 78489
registration has been revoked under this division desires to be 78490
certified ~~or~~, licensed, or registered under this chapter the 78491
certificate holder ~~or~~, licensee, or registrant shall apply for an 78492
initial certificate ~~or~~, license, or registration and shall meet 78493
all of the requirements of section 4763.05 of the Revised Code for 78494
the issuance of a certificate ~~or~~, license, or registration. 78495

A certificate holder ~~and~~, licensee, or registrant may satisfy 78496
all or a portion of the required hours of classroom instruction in 78497
the following manner: 78498

(1) Completion of an educational program of study determined 78499
by the board to be equivalent, for continuing education purposes, 78500
to courses or seminars approved by the board; 78501

(2) Participation, other than as a student, in educational 78502
processes or programs approved by the board that relate to real 78503
estate appraisal theory, practices, or techniques. 78504

A certificate holder and a licensee shall present to the 78505
superintendent of real estate evidence of the manner in which the 78506
certificate holder and licensee satisfied the requirements of 78507
division (A) of this section. 78508

(B) The board shall adopt rules for implementing a continuing 78509
education program for state-certified general real estate 78510
appraisers, state-certified residential real estate appraisers, 78511
state-licensed residential real estate appraisers, and 78512
state-registered real estate appraiser assistants for the purpose 78513
of assuring that certificate holders ~~and~~, licensees, and 78514
registrants have current knowledge of real estate appraisal 78515
theories, practices, and techniques that will provide a high 78516
degree of service and protection to members of the public. In 78517
addition to any other provisions the board considers appropriate, 78518
the rules adopted by the board shall prescribe the following: 78519

(1) Policies and procedures for obtaining board approval of 78520
courses of instruction and seminars; 78521

(2) Standards, policies, and procedures to be applied in 78522
evaluating the alternative methods of complying with continuing 78523
education requirements set forth in divisions (A)(1) and (2) of 78524
this section; 78525

(3) Standards, monitoring methods, and systems for recording 78526

attendance to be employed by course sponsors as a prerequisite to approval of courses for continuing education credit. 78527
78528

(C) No amendment or rescission of a rule the board adopts pursuant to division (B) of this section shall operate to deprive a certificate holder or licensee of credit toward renewal of certification or licensure for any course of instruction completed by the certificate holder or licensee prior to the effective date of the amendment or rescission that would have qualified for credit under the rule as it existed prior to amendment or rescission. 78529
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(D) The superintendent of real estate shall not issue a renewal certificate, registration, or license to any person who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule. 78537
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Sec. 4763.09. (A) The real estate appraiser board shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the establishment of the following fees: 78541
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(1) The examination fee required under division (A) of section 4763.05 of the Revised Code, up to a maximum of one hundred fifty dollars, which fee shall be nonrefundable; 78544
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78546

(2) The initial state-certified general real estate appraiser and state-certified residential real estate appraiser certification and state-licensed residential real estate appraiser license fees, and the annual renewal thereof, up to a maximum of one hundred ~~twenty-five~~ seventy-five dollars each; 78547
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(3) The initial real estate appraiser assistant registration fee, and the annual renewal thereof, up to a maximum of ~~fifty one~~ hundred dollars; 78552
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78554

(4) The late filing fee for renewal of a certification, registration, or license, which shall be one-half of the 78555
78556

certification, registration, and licensure fees established 78557
pursuant to divisions (A)(2) and (3) of this section; 78558

(5) The amount to be charged to cover the cost of the 78559
issuance of a temporary certificate or license under division 78560
(E)(2) of section 4763.05 of the Revised Code; 78561

(6) Other reasonable fees as needed, including any annual 78562
pass-through charges imposed by the federal government. 78563

(B) An applicant for certification or licensure under this 78564
chapter shall pay the examination fee directly to a testing 78565
service if so prescribed and in such amount as the superintendent 78566
of real estate prescribes. The balance, if any, of the examination 78567
fee shall accompany the application. 78568

Sec. 4763.11. (A) Within ~~five~~ ten business days after a 78569
person files a ~~signed~~ written complaint against a person 78570
certified, registered, or licensed under this chapter with the 78571
division of real estate, the superintendent of real estate shall 78572
acknowledge receipt of the complaint ~~or request and send a by~~ 78573
sending notice to the certificate holder, registrant, or licensee 78574
~~describing the acts of which there is a~~ that includes a copy of 78575
the complaint. The acknowledgement to the complainant and the 78576
notice to the certificate holder, registrant, or licensee ~~shall~~ 78577
may state that an informal mediation meeting will be held with the 78578
complainant, the certificate holder, registrant, or licensee, and 78579
an investigator from the investigation and audit section of the 78580
division, if the complainant and certificate holder, registrant, 78581
or licensee both file a request for such a meeting within ~~ten~~ 78582
business twenty calendar days ~~thereafter on a form the~~ 78583
~~superintendent provides~~ after the acknowledgment and notice are 78584
mailed. 78585

(B) If the complainant and certificate holder, registrant, or 78586
licensee both file with the division requests for an informal 78587

mediation meeting, the superintendent shall notify the complainant 78588
and certificate holder, registrant, or licensee of the date of the 78589
meeting, ~~which shall be within twenty business days thereafter,~~ 78590
~~except that the complainant, certificate holder, registrant, or~~ 78591
~~licensee may request an extension of up to fifteen business days~~ 78592
~~for good cause shown~~ by regular mail. If the complainant and 78593
certificate holder, registrant, or licensee reach an accommodation 78594
at an informal mediation meeting, the investigator shall ~~se~~ report 78595
the accommodation to the superintendent ~~and to~~ the complainant, 78596
and the certificate holder, registrant, or licensee and the 78597
complaint file shall be closed, ~~unless, based upon the~~ 78598
~~investigator's report, the superintendent finds evidence that the~~ 78599
~~certificate holder, registrant, or licensee has violated division~~ 78600
~~(C) of this section~~ upon the superintendent receiving satisfactory 78601
notice that the accommodation has been fulfilled. 78602

(C) If the complainant and certificate holder, registrant, or 78603
licensee fail to agree to an informal mediation meeting or fail to 78604
reach an accommodation, ~~or if the superintendent finds evidence of~~ 78605
~~a violation of division (C) of this section pursuant to an~~ 78606
~~investigation conducted pursuant to division (B)(9) of section~~ 78607
~~4763.03 of the Revised Code~~ agreement, or fail to fulfill an 78608
accommodation agreement, the superintendent shall, ~~within five~~ 78609
~~business days of such determination, notify the complainant and~~ 78610
~~certificate holder, registrant, or licensee and investigate~~ assign 78611
the complaint to an investigator for an investigation into the 78612
conduct of the certificate holder, registrant, or licensee against 78613
whom the complaint is filed. 78614

(D) ~~Within sixty business days after receipt of the~~ 78615
~~complaint, or, if an informal meeting is held, within sixty days~~ 78616
~~after such meeting~~ Upon the conclusion of the investigation, the 78617
investigator shall file a written report of the results of the 78618
investigation with the superintendent. ~~Within ten business days~~ 78619

~~thereafter, the~~ The superintendent shall review the report and 78620
determine whether there exists reasonable and substantial evidence 78621
of a violation of division (G) of this section by the certificate 78622
holder, registrant, or licensee. If the superintendent finds such 78623
evidence exists, ~~within five business days of that determination,~~ 78624
the superintendent shall notify the complainant and certificate 78625
holder, registrant, or licensee of the determination. The 78626
certificate holder, registrant, or licensee may request a hearing 78627
pursuant to Chapter 119. of the Revised Code. If a formal hearing 78628
is conducted, the hearing examiner shall file a report of findings 78629
of fact and conclusions of law with the superintendent, the board, 78630
the complainant and the certificate holder, licensee, or 78631
registrant after the conclusion of the formal hearing. Within ten 78632
calendar days of receipt of the copy of the hearing examiner's 78633
finding of fact and conclusions of law, the certificate holder, 78634
licensee, or registrant or the division may file with the board 78635
written objections to the hearing examiner's report, which shall 78636
be considered by the board before approving, modifying, or 78637
rejecting the hearing examiner's report. If the superintendent 78638
finds that such evidence does not exist, ~~within five business days~~ 78639
~~thereafter,~~ the superintendent shall notify the complainant and 78640
certificate holder, registrant, or licensee of that determination 78641
and the basis for the determination. Within fifteen business days 78642
after the superintendent notifies the complainant and certificate 78643
holder, registrant, or licensee that such evidence does not exist, 78644
the complainant may file with the division a request that the real 78645
estate appraiser board review the determination. If the 78646
complainant files such request, the board shall review the 78647
determination at the next regularly scheduled meeting held at 78648
least fifteen business days after the request is filed but no 78649
longer than six months after the request is filed. The board may 78650
hear the testimony of the complainant, certificate holder, 78651
registrant, or licensee at the meeting upon the request of that 78652

party. If the board affirms the determination of the 78653
superintendent, the superintendent shall notify the complainant 78654
and the certificate holder, registrant, or licensee within five 78655
business days thereafter. If the board reverses the determination 78656
of the superintendent, a hearing before a hearing examiner shall 78657
be held and the complainant and certificate holder, registrant, or 78658
licensee notified as provided in this division. 78659

(E) The board shall review the referee's or hearing 78660
examiner's report and the evidence at the next regularly scheduled 78661
board meeting held at least fifteen business days after receipt of 78662
the referee's or examiner's report. The board may hear the 78663
testimony of the complainant, certificate holder, registrant, or 78664
licensee upon request. If the complainant is the Ohio civil rights 78665
commission, the board shall review the complaint 78666

(F) If the board determines that a licensee, registrant, or 78667
certificate holder has violated this chapter for which 78668
disciplinary action may be taken under division (G) of this 78669
section, after review of the referee's or examiner's report and 78670
the evidence as provided in division (E) of this section, the 78671
board shall order the disciplinary action the board considers 78672
appropriate, which may include, but is not limited to, any of the 78673
following: 78674

(1) Reprimand of the certificate holder, registrant, or 78675
licensee; 78676

(2) Imposition of a fine, not exceeding, two thousand five 78677
hundred dollars per violation; 78678

(3) Requirement of the completion of additional education 78679
courses. Any course work imposed pursuant to this section shall 78680
not count toward continuing education requirements or prelicense 78681
or precertification requirements set forth in section 4763.05 of 78682
the Revised Code. 78683

(4) Suspension of the certificate, registration, or license
for a specific period of time; 78684
78685

~~(3) Suspension of the certificate, registration, or license
until the certificate holder, registrant, or licensee complies
with conditions the board sets, including but not limited to,
successful completion of the real estate appraiser examination
described in division (D) of section 4763.05 of the Revised Code
or completion of a specific number of hours of continuing
education instruction in courses or seminars approved by the
board;~~ 78686
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~~(4)~~(5) Revocation of the certificate, registration, or
license. 78694
78695

The decision and order of the board is final, subject to 78696
review in the manner provided for in Chapter 119. of the Revised 78697
Code and appeal to any court of common pleas. 78698

(G) The board shall take any disciplinary action authorized 78699
by this section against a certificate holder, registrant, or 78700
licensee who is found to have committed any of the following acts, 78701
omissions, or violations during the appraiser's certification, 78702
registration, or licensure: 78703

(1) Procuring or attempting to procure a certificate, 78704
registration, or license pursuant to this chapter by knowingly 78705
making a false statement, submitting false information, refusing 78706
to provide complete information in response to a question in an 78707
application for certification, registration, or licensure, or by 78708
any means of fraud or misrepresentation; 78709

(2) Paying, or attempting to pay, anything of value, other 78710
than the fees or assessments required by this chapter, to any 78711
member or employee of the board for the purpose of procuring a 78712
certificate, registration, or license; 78713

(3) Being convicted in a criminal proceeding for a felony or 78714

a crime involving moral turpitude;	78715
(4) Dishonesty, fraud, or misrepresentation, with the intent to either benefit the certificate holder, registrant, or licensee or another person or injure another person;	78716 78717 78718
(5) Violation of any of the standards for the development or , <u>preparation, communication, or reporting</u> of real estate appraisals <u>an appraisal report</u> set forth in this chapter and rules of the board;	78719 78720 78721 78722
(6) Failure or refusal to exercise reasonable diligence in developing an appraisal , <u>preparing, or communicating</u> an appraisal report, or communicating an appraisal ;	78723 78724 78725
(7) Negligence or incompetence in developing an appraisal , <u>in preparing, communicating, or reporting</u> an appraisal report, or in communicating an appraisal ;	78726 78727 78728
(8) Willfully <u>Violating or willfully</u> disregarding or violating this chapter or the rules adopted thereunder;	78729 78730
(9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment;	78731 78732 78733 78734 78735 78736
(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency;	78737 78738 78739 78740
(11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in the making of any appraisal of real estate;	78741 78742 78743 78744

- (12) Violating any federal or state civil rights law; 78745
- (13) Having published advertising, whether printed, radio, 78746
display, or of any other nature, which was misleading or 78747
inaccurate in any material particular, or in any way having 78748
misrepresented any appraisal or specialized service; 78749
- (14) Failing to provide copies of records to the 78750
superintendent or failing to maintain records for five years as 78751
required by section 4763.14 of the Revised Code. Failure of a 78752
certificate holder, licensee, or registrant to comply with a 78753
subpoena issued under division (C)(1) of section 4763.03 of the 78754
Revised Code is prima-facie evidence of a violation of division 78755
(G)(14) of section 4763.11 of the Revised Code. 78756
- (15) Failing to provide notice to the board as required in 78757
division (I) of this section. 78758
- (H) The board immediately shall notify the superintendent of 78759
real estate of any disciplinary action taken under this section 78760
against a certificate holder, registrant, or licensee who also is 78761
licensed under Chapter 4735. of the Revised Code, and also shall 78762
notify any other federal, state, or local agency and any other 78763
public or private association that the board determines is 78764
responsible for licensing or otherwise regulating the professional 78765
or business activity of the appraiser. Additionally, the board 78766
shall notify the complainant and any other party who may have 78767
suffered financial loss because of the certificate holder's, 78768
registrant's, or licensee's violations, that the complainant or 78769
other party may sue for recovery under section 4763.16 of the 78770
Revised Code. The notice provided under this division shall 78771
specify the conduct for which the certificate holder, registrant, 78772
or licensee was disciplined and the disciplinary action taken by 78773
the board and the result of that conduct. 78774
- (I) A certificate holder, registrant, or licensee shall 78775

notify the board of the existence of a criminal conviction of the 78776
type within fifteen days of the agency's issuance of an order 78777
revoking or permanently surrendering any professional license, 78778
certificate, or registration by any public entity other than the 78779
division of real estate. A certificate holder, registrant, or 78780
licensee who is convicted of a felony or crime of moral turpitude 78781
as described in division (G)(3) of this section shall notify the 78782
board of the conviction within fifteen days of the conviction. 78783

(J) If the board determines that a certificate holder, 78784
registrant, or licensee has violated this chapter for which 78785
disciplinary action may be taken under division (G) of this 78786
section as a result of an investigation conducted by the 78787
superintendent upon the superintendent's own motion or upon the 78788
request of the board, the superintendent shall notify the 78789
certificate holder, registrant, or licensee of the certificate 78790
holder's, registrant's, or licensee's right to a hearing pursuant 78791
to Chapter 119. of the Revised Code and to an appeal of a final 78792
determination of such administrative proceedings to any court of 78793
common pleas. 78794

(K) All notices, written reports, and determinations issued 78795
pursuant to this section shall be mailed via certified mail, 78796
return receipt requested. If the certified notice is returned 78797
because of failure of delivery or was unclaimed, the notice, 78798
written reports, or determinations are deemed served if the 78799
superintendent sends the notice, written reports, or determination 78800
via regular mail and obtains a certificate of mailing of the 78801
notice, written reports, or determination. Refusal of delivery by 78802
personal service or by mail is not failure of delivery and service 78803
is deemed to be complete. 78804

Sec. 4763.13. (A) In engaging in appraisal activities, a 78805
person certified, registered, or licensed under this chapter shall 78806

comply with the applicable standards prescribed by the board of 78807
governors of the federal reserve system, the federal deposit 78808
insurance corporation, the comptroller of the currency, the office 78809
of thrift supervision, the national credit union administration, 78810
and the resolution trust corporation in connection with federally 78811
related transactions under the jurisdiction of the applicable 78812
agency or instrumentality. A certificate holder, registrant, and 78813
licensee also shall comply with the uniform standards of 78814
professional appraisal practice, as adopted by the appraisal 78815
standards board of the appraisal foundation and such other 78816
standards adopted by the real estate appraiser board, to the 78817
extent that those standards do not conflict with applicable 78818
federal standards in connection with a particular federally 78819
related transaction. 78820

(B) The terms "state-licensed residential real estate 78821
appraiser," "state-certified residential real estate appraiser," 78822
"state-certified general real estate appraiser," and 78823
"state-registered real estate appraiser assistant" shall be used 78824
to refer only to those persons who have been issued the applicable 78825
certificate, registration, or license or renewal certificate, 78826
registration, or license pursuant to this chapter. None of these 78827
terms shall be used following or in connection with the name or 78828
signature of a partnership, corporation, or association or in a 78829
manner that could be interpreted as referring to a person other 78830
than the person to whom the certificate, registration, or license 78831
has been issued. No person shall fail to comply with this 78832
division. 78833

(C) No person, other than a certificate holder, a registrant, 78834
or a licensee, shall assume or use a title, designation, or 78835
abbreviation that is likely to create the impression that the 78836
person possesses certification, registration, or licensure under 78837
this chapter, provided that professional designations containing 78838

the term "certified appraiser" and being used on or before July 78839
26, 1989, shall not be construed as being misleading under this 78840
division. No person other than a person certified or licensed 78841
under this chapter shall describe or refer to an appraisal or 78842
other evaluation of real estate located in this state as being 78843
certified. 78844

(D) The terms "state-certified or state-licensed real estate 78845
appraisal report," "state-certified or state-licensed appraisal 78846
report," or "state-certified or state-licensed appraisal" shall be 78847
used to refer only to those real estate appraisals conducted by a 78848
certificate holder or licensee as a disinterested and unbiased 78849
third party provided that the certificate holder or licensee 78850
provides certification with the appraisal and provided further 78851
that if a licensee is providing the appraisal, such terms shall 78852
only be used if the licensee is acting within the scope of the 78853
licensee's license. No person shall fail to comply with this 78854
division. 78855

(E) Nothing in this chapter shall preclude a partnership, 78856
corporation, or association which employs ~~or~~, retains, or engages 78857
the services of a certificate holder or licensee to advertise that 78858
the partnership, corporation, or association offers 78859
state-certified or state-licensed appraisals through a certificate 78860
holder or licensee if the advertisement clearly states such fact 78861
in accordance with guidelines for such advertisements established 78862
by rule of the real estate appraiser board. 78863

(F) Except as otherwise provided in section 4763.19 of the 78864
Revised Code, nothing in this chapter shall preclude a person who 78865
is not licensed or certified under this chapter from appraising 78866
real estate for compensation. 78867
78868

Sec. 4763.14. A person licensed, registered, or certified 78869

under this chapter shall retain for a period of five years the 78870
original or a true copy of each written contract for the person's 78871
services relating to real estate appraisal work ~~and~~, all appraisal 78872
reports, and all work file documentation and ~~supporting~~ data 78873
assembled ~~and formulated by the person~~ in preparing those reports. 78874
The retention period begins on the date the appraisal is submitted 78875
to the client unless, prior to expiration of the retention period, 78876
the certificate holder, registrant, or licensee is notified that 78877
the appraisal or report is the subject of or is otherwise involved 78878
in pending litigation, in which case the retention period begins 78879
on the date of final disposition of the litigation. 78880

A certificate holder, registrant, and a licensee shall make 78881
available all records required to be maintained under this section 78882
for inspection and copying by the superintendent of real estate or 78883
the real estate appraiser board, or both, upon reasonable notice 78884
to the certificate holder, registrant, or licensee. 78885

Sec. 4763.17. Every partnership, corporation, or association 78886
which employs ~~or~~, retains, or engages the services of a person 78887
licensed, registered, or certified under this chapter, whether the 78888
certificate holder, registrant, or licensee is an independent 78889
contractor or under the supervision or control of the partnership, 78890
corporation, or association, is jointly and severally liable for 78891
any damages incurred by any person as a result of an act or 78892
omission concerning a state-certified or state-licensed real 78893
estate appraisal prepared or facilitated in the preparation by a 78894
certificate holder, registrant, or licensee while employed ~~or~~, 78895
retained, or engaged by the partnership, corporation, or 78896
association. 78897

Sec. 4766.09. This chapter does not apply to any of the 78898
following: 78899

(A) A person rendering services with an ambulance in the event of a disaster situation when licensees' vehicles based in the locality of the disaster situation are incapacitated or insufficient in number to render the services needed;	78900 78901 78902 78903
(B) Any person operating an ambulance, ambulette, rotorcraft air ambulance, or fixed wing air ambulance outside this state unless receiving a person within this state for transport to a location within this state;	78904 78905 78906 78907
(C) A publicly owned or operated emergency medical service organization and the vehicles it owns or leases and operates, except as provided in section 307.051, division (G) of section 307.055, division (F) of section 505.37, division (B) of section 505.375, and division (B)(3) of section 505.72 of the Revised Code;	78908 78909 78910 78911 78912 78913
(D) An ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle owned or leased and operated by the federal government;	78914 78915 78916
(E) A publicly owned and operated fire department vehicle;	78917
(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;	78918 78919 78920
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	78921 78922 78923
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	78924 78925 78926
(I) A public emergency medical service organization;	78927
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of	78928 78929

remuneration and do not receive payment for services other than 78930
reimbursement for expenses; 78931

(K) A private, nonprofit emergency medical service 78932
organization when fifty per cent or more of its personnel are 78933
volunteers, as defined in section 4765.01 of the Revised Code; 78934

(L) Emergency medical service personnel who are regulated by 78935
the state board of emergency medical services under Chapter 4765. 78936
of the Revised Code; 78937

(M) Any of the following that operates a transit bus, as that 78938
term is defined in division (Q) of section 5735.01 of the Revised 78939
Code, unless the entity provides ambulette services that are 78940
reimbursed under the state medicaid plan: 78941

(1) A public nonemergency medical service organization; 78942

(2) An urban or rural public transit system; 78943

(3) A private nonprofit organization that receives grants 78944
under section 5501.07 of the Revised Code. 78945

(N)~~(1)~~ An entity ~~or vehicle owned by an entity that, to the~~ 78946
~~extent it provides ambulette services, if the entity meets all of~~ 78947
~~the following conditions:~~ 78948

(a) The entity is certified by the department of aging or the 78949
department's designee ~~under in accordance with~~ section 173.391 of 78950
the Revised Code ~~and or operates under a contract or grant~~ 78951
~~agreement with the department or the department's designee in~~ 78952
~~accordance with section 173.392 of the Revised Code.~~ 78953

(b) The entity meets the requirements of section 4766.14 of 78954
the Revised Code, ~~unless the entity or.~~ 78955

(c) The entity does not provide ambulette services that are 78956
reimbursed under the state medicaid plan. 78957

(2) A vehicle, to the extent it is used to provide ambulette 78958
services, if the vehicle meets both of the following conditions: 78959

(a) The vehicle is owned by an entity that meets the 78960
conditions specified in division (N)(1) of this section. 78961

(b) The vehicle ~~provides~~ does not provide ambulette services 78962
that are reimbursed under the state medicaid plan~~r~~. 78963

(O) A vehicle that meets both of the following criteria, 78964
unless the vehicle provides services that are reimbursed under the 78965
state medicaid plan: 78966

(1) The vehicle was purchased with funds from a grant made by 78967
the United States secretary of transportation under 49 U.S.C. 78968
5310; 78969

(2) The department of transportation holds alien on the 78970
vehicle. 78971

Sec. 4767.05. (A) There is hereby created the Ohio cemetery 78972
dispute resolution commission, which shall consist of nine members 78973
to be appointed by the governor with the advice and consent of the 78974
senate as follows: 78975

(1) One member shall be the management authority of a 78976
municipal, township, or union cemetery and shall be selected from 78977
a list of four names submitted to the governor. Two of the four 78978
names shall be submitted by the Ohio township association and two 78979
names shall be submitted by the Ohio municipal league. 78980

(2) Four members shall be individuals employed in a 78981
management position by a cemetery company or cemetery association. 78982
Two of the four members shall be selected from a list of four 78983
names submitted to the governor by the Ohio association of 78984
cemeteries and two shall be selected from a list of four names 78985
submitted by the Ohio association of cemetery superintendents and 78986
officials. 78987

(3) Two members shall be employed in a management position by 78988
a cemetery that is owned or operated by a religious, fraternal, or 78989

benevolent society and shall be selected from a list of four names 78990
submitted by the Ohio association of cemetery superintendents and 78991
officials. 78992

(4) Two members, at least one of whom shall be at least 78993
sixty-five years of age, shall be representatives of the public 78994
with no financial interest in the death care industry. 78995

Each member of the commission, except for the two members who 78996
represent the public, shall, at the time of appointment, have had 78997
a minimum of five consecutive years of experience in the active 78998
administration and management of a cemetery in this state. 78999

(B) Within ninety days after the effective date of this 79000
section, the governor shall make initial appointments to the 79001
commission. Of the initial appointments, two shall be for terms 79002
ending one year after the effective date of this section, two 79003
shall be for terms ending two years after that date, two shall be 79004
for terms ending three years after that date, and three shall be 79005
for terms ending four years after that date. Thereafter, terms of 79006
office shall be for four years, with each term ending on the same 79007
day of the same month as did the term that it succeeds. Each 79008
member shall hold office from the date of appointment until the 79009
end of the term for which the member was appointed. Vacancies 79010
shall be filled in the manner provided for original appointments, 79011
with each appointee, other than a representative of the public, 79012
being appointed from a list of two names submitted to the governor 79013
by the association or organization that was required to nominate 79014
candidates for initial appointment to the position that has become 79015
vacant. Any member appointed to fill a vacancy occurring prior to 79016
the expiration date of the term for which the member's predecessor 79017
was appointed shall hold office for the remainder of that term. A 79018
member shall continue in office subsequent to the expiration date 79019
of the member's term until the member's successor takes office or 79020
until a period of sixty days has elapsed, whichever occurs first. 79021

No person shall serve as a member of the commission for more than 79022
two consecutive terms, excluding any term served to fill an 79023
initial appointment to a term of less than four years or an 79024
unexpired term caused by a vacancy. 79025

(C) The commission annually shall elect from among its 79026
members a chairperson, vice-chairperson, and secretary, each of 79027
whom shall serve a term of one year in that office. The commission 79028
shall meet at least four times a year. Additional meetings may be 79029
called by the chairperson, or by the vice-chairperson when the 79030
chairperson is disabled, or by a majority of the members of the 79031
commission. A majority of the members constitutes a quorum to 79032
transact and vote on business of the commission. 79033

The chairperson or vice-chairperson may: 79034

(1) Administer oaths; 79035

(2) Issue subpoenas; 79036

(3) Summon witnesses; 79037

(4) Compel the production of books, papers, records, and 79038
other forms of evidence; 79039

(5) Fix the time and place for hearing any matter related to 79040
compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 79041
4735.02, ~~4735.22~~, and 4767.02 of the Revised Code. 79042

The chairperson shall designate three members of the 79043
commission to serve on the crematory review board in accordance 79044
with section 4717.03 of the Revised Code for such time as the 79045
chairperson finds appropriate. Members designated to serve on the 79046
crematory review board shall perform all functions necessary to 79047
carry out the duties of the board as described in section 4717.03 79048
of the Revised Code. Members who serve on the crematory review 79049
board shall receive no compensation for such service. 79050

(D) Before entering upon the duties of office, each member of 79051

the commission shall take the oath pursuant to section 3.22 of the Revised Code. The governor may remove any member for misconduct, neglect of duty, incapacity, or malfeasance in accordance with section 3.04 of the Revised Code.

(E) Members of the commission shall receive no compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the commission.

(F) The division of real estate in the department of commerce shall provide the commission with meeting space, staff services, and other technical assistance required by the commission in carrying out its duties pursuant to sections 4767.05 to 4767.08 of the Revised Code.

Sec. 4767.07. (A) Any person may file a complaint regarding the activity, practice, policy, or procedure of, or regarding an alleged violation of section 1721.19, 1721.20, 1721.21, 1721.211, 4735.02, ~~4735.22~~, or 4767.02 of the Revised Code by, any person operating or maintaining a cemetery registered pursuant to section 4767.03 of the Revised Code that adversely affects or may adversely affect the interest of an owner or family member of the owner of a cemetery lot or burial, entombment, or columbarium right. All complaints shall be in writing and submitted to the division of real estate in the department of commerce on forms provided by the division.

(B) With respect to complaints filed pursuant to division (A) of this section, the division of real estate shall do all of the following:

(1) Acknowledge receipt of the complaint by sending written notice to the person who filed the complaint not more than twenty days after receipt of the complaint;

(2) Send written notice of the complaint within seven days after receipt of the complaint to the person responsible for the operation and maintenance of the cemetery that is the subject of the complaint;

(3) Before taking further action, allow the owner or the person responsible for the operation and maintenance of the cemetery that is the subject of a complaint thirty days after the date the division sends notice of the complaint to respond to the division with respect to the complaint.

(C) The cemetery dispute resolution commission shall hear each complaint filed pursuant to division (A) of this section within one hundred eighty days after its filing, unless it has been resolved by the parties to the complaint.

Sec. 4767.08. (A) The Ohio cemetery dispute resolution commission, on its own motion or as a result of a complaint received pursuant to section 4767.07 of the Revised Code and with good cause shown, shall investigate or cause to be investigated alleged violations of sections 1721.19, 1721.20, 1721.21, 1721.211, 4735.02, ~~4735.22, and 4767.03~~ 4767.02, and 4767.03 of the Revised Code. If the commission or the superintendent of the division of real estate in the department of commerce believes that a violation has occurred, the commission or superintendent shall do all of the following:

(1) Review the financial records of the cemetery to ensure compliance with sections 1721.21 and 1721.211 of the Revised Code;

(2) Request the prosecuting attorney of the county in which the alleged violation occurred to initiate such proceedings as are appropriate.

(B) If, as a result of an investigation, the commission or the superintendent believes that a person has violated Chapter

1345. of the Revised Code, the commission or superintendent shall 79112
report the findings to the attorney general. 79113

(C) The commission, at any time, may dismiss a complaint if 79114
it determines there is not good cause shown for the complaint. If 79115
the commission dismisses a complaint, it shall notify the person 79116
who filed the complaint within twenty days of reaching its 79117
decision and identify the reason why the complaint was dismissed. 79118

(D) When necessary for the division of real estate to perform 79119
the duties required by sections 4767.07 and 4767.08 of the Revised 79120
Code, the superintendent of the division, after consultation with 79121
at least a majority of the members of the cemetery dispute 79122
resolution commission, may issue subpoenas and compel the 79123
production of books, papers, records, and other forms of evidence. 79124

Sec. 4781.01. As used in this chapter: 79125

(A) "Industrialized unit" has the same meaning as in division 79126
(C)(3) of section 3781.06 of the Revised Code. 79127

(B) "Installation" means any of the following: 79128

(1) The temporary or permanent construction of stabilization, 79129
support, and anchoring systems for manufactured housing; 79130

(2) The placement and erection of a manufactured housing unit 79131
or components of a unit on a structural support system; 79132

(3) The supporting, blocking, leveling, securing, anchoring, 79133
underpinning, or adjusting of any section or component of a 79134
manufactured housing unit; 79135

(4) The joining or connecting of all sections or components 79136
of a manufactured housing unit. 79137

(C) "Manufactured home" has the same meaning as in division 79138
(C)(4) of section 3781.06 of the Revised Code. 79139

(D) "Manufactured home park" has the same meaning as in 79140

division (A) of section 3733.01 of the Revised Code. 79141

(E) "Manufactured housing" means manufactured homes and 79142
mobile homes. 79143

(F) "Manufactured housing installer" means an individual who 79144
installs manufactured housing. 79145

(G) "Mobile home" has the same meaning as in division (O) of 79146
section 4501.01 of the Revised Code. 79147

(H) "Model standards" means the federal manufactured home 79148
installation standards established pursuant to 42 U.S.C. 5404. 79149

(I) "Permanent foundation" has the same meaning as in 79150
division (C)(5) of section 3781.06 of the Revised Code. 79151

(J) "Business" includes any activities engaged in by any 79152
person for the object of gain, benefit, or advantage either direct 79153
or indirect. 79154

(K) "Casual sale" means any transfer of a manufactured home 79155
or mobile home by a person other than a manufactured housing 79156
dealer, manufactured housing salesperson, or manufacturer to an 79157
ultimate consumer or a person who purchases the home for use as a 79158
residence. 79159

(L) "Engaging in business" means commencing, conducting, or 79160
continuing in business, or liquidating a business when the 79161
liquidator thereof holds self out to be conducting such business; 79162
making a casual sale or otherwise making transfers in the ordinary 79163
course of business when the transfers are made in connection with 79164
the disposition of all or substantially all of the transferor's 79165
assets is not engaging in business. 79166

(M) "Manufactured home park operator" has the same meaning as 79167
"operator" in section 3733.01 of the Revised Code. 79168

(N) "Manufactured housing broker" means any person acting as 79169
a selling agent on behalf of an owner of a manufactured home or 79170

mobile home that is subject to taxation under section 4503.06 of 79171
the Revised Code. 79172

(O) "Manufactured housing dealer" means any person engaged in 79173
the business of selling at retail, displaying, offering for sale, 79174
or dealing in manufactured homes or mobile homes. 79175

(P) "Manufacturer" means a person who manufactures, 79176
assembles, or imports manufactured homes or mobile homes. 79177

(O) "Retail sale" or "sale at retail" means the act or 79178
attempted act of selling, bartering, exchanging, or otherwise 79179
disposing of a manufactured home or mobile home to an ultimate 79180
purchaser for use as a residence. 79181

(R) "Salesperson" means any individual employed by a 79182
manufactured housing dealer or manufactured housing broker to 79183
sell, display, and offer for sale, or deal in manufactured homes 79184
or mobile homes for a commission, compensation, or other valuable 79185
consideration, but does not mean any public officer performing 79186
official duties. 79187

(S) "Ultimate purchaser" means, with respect to any new 79188
manufactured home, the first person, other than a manufactured 79189
housing dealer purchasing in the capacity of a manufactured 79190
housing dealer, who purchases such new manufactured home for 79191
purposes other than resale. 79192

Sec. 4781.02. (A) There is hereby created the manufactured 79193
homes commission which consists of nine members, with three 79194
members appointed by the governor, three members appointed by the 79195
president of the senate, and three members appointed by the 79196
speaker of the house of representatives. 79197

(B)(1) Commission members shall be residents of this state, 79198
except for members appointed pursuant to divisions (B)(3)(b) and 79199
(B)(4)(a) of this section. Members shall be selected from a list 79200

of persons the Ohio manufactured homes association, or any 79201
successor entity, recommends, except for appointments made 79202
pursuant to division (B)(2) of this section. 79203

(2) The governor shall appoint the following members: 79204

(a) One member to represent the board of building standards, 79205
who may be a member of the board or a board employee not in the 79206
classified civil service, with an initial term ending December 31, 79207
2007; 79208

(b) One member to represent the department of health, who may 79209
be a department employee not in the classified civil service, with 79210
an initial term ending December 31, 2005; 79211

(c) One member whose primary residence is a manufactured 79212
home, with an initial term ending December 31, 2006. 79213

(3) The president of the senate shall appoint the following 79214
members: 79215

(a) Two members who are manufactured housing installers who 79216
have been actively engaged in the installation of manufactured 79217
housing for the five years immediately prior to appointment, with 79218
the initial term of one installer ending December 31, 2007, and 79219
the initial term of the other installer ending December 31, 2005. 79220

(b) One member who manufactures manufactured homes in this 79221
state or who manufactures manufactured homes in another state and 79222
ships homes into this state, to represent manufactured home 79223
manufacturers, with an initial term ending December 31, 2006. 79224

(4) The speaker of the house of representatives shall appoint 79225
the following members: 79226

(a) One member who operates a manufactured or mobile home 79227
retail business in this state to represent manufactured ~~and mobile~~ 79228
~~home-retailers~~ housing dealers, with an initial term ending 79229
December 31, 2007; 79230

(b) One member who is a manufactured home park operator or is employed by an operator, with an initial term ending December 31, 2005;

(c) One member to represent the Ohio manufactured home association, or any successor entity, who may be the president or executive director of the association or the successor entity, with an initial term ending December 31, 2006.

(C)(1) After the initial term, each term of office is for four years ending on the thirty-first day of December. A member holds office from the date of appointment until the end of the term. No member may serve more than two consecutive four-year terms.

(2) Any member appointed to fill a vacancy that occurs prior to the expiration of a term continues in office for the remainder of that term. Any member continues in office subsequent to the expiration date of the term until the member's successor takes office or until sixty days have elapsed, which ever occurs first.

(3) A vacancy on the commission does not impair the authority of the remaining members to exercise all of the commission's powers.

(D)(1) The governor may remove any member from office for incompetence, neglect of duty, misfeasance, nonfeasance, malfeasance, or unprofessional conduct in office.

(2) Vacancies shall be filled in the manner of the original appointment.

Sec. 4781.04. (A) The manufactured homes commission shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:

(1) Establish uniform standards that govern the installation of manufactured housing. Not later than one hundred eighty days

after the secretary of the United States department of housing and 79261
urban development adopts model standards for the installation of 79262
manufactured housing or amends those standards, the commission 79263
shall amend its standards as necessary to be consistent with, and 79264
not less stringent than, the model standards for the design and 79265
installation of manufactured housing the secretary adopts or any 79266
manufacturers' standards that the secretary determines are equal 79267
to or not less stringent than the model standards. 79268

(2) Govern the inspection of the installation of manufactured 79269
housing. The rules shall specify that the ~~department of health or~~ 79270
~~a licenser, as determined by the director of health, commission,~~ 79271
any building department or personnel of any department, any 79272
licensor or personnel of any licenser, or any private third party, 79273
certified pursuant to section 4781.07 of the Revised Code shall 79274
conduct all inspections of the installation of manufactured 79275
housing located in manufactured home parks to determine compliance 79276
with the uniform installation standards the commission establishes 79277
pursuant to this section. ~~The rules shall specify that all~~ 79278
~~installation inspections in a manufactured home park the~~ 79279
~~department of health or the licenser conducts shall be conducted~~ 79280
~~by a person who has completed an installation training course~~ 79281
~~approved by the commission pursuant to division (B) of section~~ 79282
~~4781.04 of the Revised Code.~~ 79283

As used in division (A)(2) of this section, "licensor" has 79284
the same meaning as in section 3733.01 of the Revised Code. 79285

(3) Govern the design, construction, installation, approval, 79286
and inspection of foundations and the base support systems for 79287
manufactured housing. The rules shall specify that the ~~department~~ 79288
~~of health or the licenser, as determined by the director of~~ 79289
health, commission, any building department or personnel of any 79290
department, any licenser or personnel of any licenser, or any 79291
private third party, certified pursuant to section 4781.07 of the 79292

~~Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the commission establishes pursuant to this section. The rules shall specify that all foundation and base support system inspections in a manufactured home park the department of health or the licensor conducts shall be conducted by a person who has completed an installation training course approved by the commission pursuant to division (B) of section 4781.04 of the Revised Code.~~

As used in division (A)(3) of this section, "licensor" has the same meaning as in section 3733.01 of the Revised Code.

(4) Govern the training, experience, and education requirements for manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons;

(5) Establish a code of ethics for manufactured housing installers;

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;

(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter;

(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;

(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing

without a license, licensed manufactured housing dealer, licensed
manufactured housing broker, or manufactured housing salesperson; 79324
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(10) Establish a dispute resolution program for the timely 79326
resolution of warranty issues involving new manufactured homes, 79327
disputes regarding responsibility for the correction or repair of 79328
defects in manufactured housing, and the installation of 79329
manufactured housing. The rules shall provide for the timely 79330
resolution of disputes between manufacturers, ~~retailers~~ 79331
manufactured housing dealers, and installers regarding the 79332
correction or repair of defects in manufactured housing that are 79333
reported by the purchaser of the home during the one-year period 79334
beginning on the date of installation of the home. The rules also 79335
shall provide that decisions made regarding the dispute under the 79336
program are not binding upon the purchaser of the home or the 79337
other parties involved in the dispute unless the purchaser so 79338
agrees in a written acknowledgement that the purchaser signs and 79339
delivers to the program within ten business days after the 79340
decision is issued. 79341

(11) Establish the requirements and procedures for the 79342
certification of building departments and building department 79343
personnel pursuant to section 4781.07 of the Revised Code; 79344

(12) Establish fees to be charged to building departments and 79345
building department personnel applying for certification and 79346
renewal of certification pursuant to section 4781.07 of the 79347
Revised Code; 79348

(13) Carry out any other provision of this chapter. 79349

(B) The manufactured homes commission shall do all of the 79350
following: 79351

(1) Prepare and administer a licensure examination to 79352
determine an applicant's knowledge of manufactured housing 79353
installation and other aspects of installation the commission 79354

determines appropriate;	79355
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	79356 79357 79358
(3) Prepare and distribute any application form this chapter requires;	79359 79360
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	79361 79362
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	79363 79364
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	79365 79366 79367
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	79368 79369
(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;	79370 79371 79372 79373 79374
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any <u>manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson;</u>	79375 79376 79377 79378
(10) Determine appropriate disciplinary actions for violations of this chapter;	79379 79380
(11) Conduct audits and inquiries of manufactured housing <u>installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons</u> as appropriate for the enforcement of this chapter. The commission, or any person the	79381 79382 79383 79384

commission employs for the purpose, may review and audit the 79385
business records of any manufactured housing installer, dealer, 79386
broker, or salesperson during normal business hours. 79387

(12) Approve an installation training course, which may be 79388
offered by the Ohio manufactured homes association or other 79389
entity; 79390

(13) Perform any function or duty necessary to administer 79391
this chapter and the rules adopted pursuant to it. 79392

Sec. 4781.05. The executive director of the manufactured 79393
homes commission shall do all of the following: 79394

(A) With commission approval, secure and manage office space, 79395
supplies, and the professional and clerical staff necessary to 79396
effectively perform the executive director's and commission's 79397
duties; 79398

(B) Pursuant to rules the commission adopts, review 79399
applications for manufactured housing installer licenses, 79400
manufactured housing dealer licenses, manufactured housing broker 79401
licenses, and manufactured housing salesperson licenses and on 79402
behalf of the commission, issue licenses to qualified persons; 79403

(C) Administer the dispute resolution program the commission 79404
develops if the commission does not contract with the Ohio 79405
manufactured homes association or another entity to administer the 79406
program; 79407

(D) Administer any continuing education program the 79408
commission develops; 79409

(E) Collect fees the commission establishes; 79410

(F) Except as provided in divisions (A)(2) and (3) of section 79411
4781.04 of the Revised Code, employ installation inspectors and 79412
investigators to serve at the executive director's pleasure to 79413
assist in carrying out the executive director's duties under this 79414

chapter or the duties the commission delegates to the executive 79415
director; 79416

(G) Serve as secretary of the commission and maintain a 79417
written record of the commission's meetings and proceedings; 79418

(H) Notify manufactured housing installers, manufactured 79419
housing dealers, manufactured housing brokers, and manufactured 79420
housing salespersons of changes in this chapter and the rules 79421
adopted pursuant to it; 79422

(I) Do all things the commission requests or delegates for 79423
the administration and enforcement of this chapter. 79424

Sec. 4781.06. (A) The manufactured homes commission may 79425
delegate to the executive director any of its duties set forth in 79426
division (B) of section 4781.04 of the Revised Code. 79427

(B) The commission may enter into a contract with the Ohio 79428
manufactured homes association or another entity to administer the 79429
dispute resolution program created pursuant to section 4781.04 of 79430
the Revised Code. The contract shall specify the terms for the 79431
administration of the program. 79432

(C)(1) The commission may enter into a contract with any 79433
private third party, municipal corporation, township, county, 79434
state agency, or the Ohio manufactured homes association, or any 79435
successor entity, to perform any of the commission's functions set 79436
forth in division (B) of section 4781.04 of the Revised Code that 79437
the commission has not delegated to the executive director. Each 79438
contract shall specify the compensation to be paid to the private 79439
third party, municipal corporation, township, county, state 79440
agency, or the Ohio manufactured homes association, or successor 79441
entity, for the performance of the commission's functions. 79442

(2) Except as provided in this division, the commission shall 79443
not enter into any contract with any person or building department 79444

to accept and approve plans and specifications or to inspect 79445
manufactured housing foundations and the installation of 79446
manufactured housing unless that person or building department is 79447
certified pursuant to section 4781.07 of the Revised Code. The 79448
commission shall ~~not~~ require inspectors the Ohio department of 79449
health employs to obtain certification pursuant to section 4781.07 79450
of the Revised Code, ~~but shall require inspectors to complete an~~ 79451
~~installation training course approved by the commission pursuant~~ 79452
~~to division (B) of section 4781.04 of the Revised Code.~~ 79453

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 79454
commission adopts, the commission may certify municipal, township, 79455
and county building departments and the personnel of those 79456
departments, licensors as defined in section 3733.01 of the 79457
Revised Code and the personnel of those licensors, or any private 79458
third party, to exercise the commission's enforcement authority, 79459
accept and approve plans and specifications for foundations, 79460
support systems and installations, and inspect manufactured 79461
housing foundations, support systems, and manufactured housing 79462
installations. Any certification is effective for three years. 79463

(B) Following an investigation and finding of facts that 79464
support its action, the commission may revoke or suspend 79465
certification. The commission may initiate an investigation on its 79466
own motion or the petition of a person affected by the enforcement 79467
or approval of plans. 79468

Sec. 4781.16. (A) Except as provided in division (E) of this 79469
section, no person shall do any of the following: 79470

(1) Engage in the business of displaying or selling at retail 79471
manufactured homes or mobile homes or assume to engage in that 79472
business, unless the person is licensed as a manufactured housing 79473
dealer under this chapter, or is a salesperson licensed under this 79474

chapter and employed by a licensed manufactured housing dealer; 79475

(2) Make more than five casual sales of manufactured homes or mobile homes in a twelve-month period without obtaining a license as a manufactured housing dealer under this chapter; 79476
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(3) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured housing broker under this chapter. 79479
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(B)(1) Except as provided in this division, no manufactured housing dealer shall sell, display, offer for sale, or deal in manufactured homes or mobile homes at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in manufactured homes or mobile homes. 79482
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(2) No manufactured housing broker shall engage in the business of brokering manufactured or mobile homes at any place except an established place of business that is used exclusively for the purpose of brokering manufactured and mobile homes. 79488
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(3) A place of business used for the brokering or sale of manufactured homes or mobile homes is considered to be used exclusively for brokering, selling, displaying, offering for sale, or dealing in motor vehicles even though industrialized units, as defined by section 3781.06 of the Revised Code, are brokered, sold, displayed, offered for sale, or dealt at the same place of business. 79492
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(4) If the licensed manufactured housing dealer is a manufactured home park operator, then all of the following apply: 79499
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(a) An established place of business that is located in the operator's manufactured home park and that is used for selling, leasing, and renting manufactured homes and mobile homes in that manufactured home park is considered to be used exclusively for that purpose even though rent and other activities related to the 79501
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operation of the manufactured home park take place at the same 79506
location or office. 79507

(b) The dealer's established place of business in the 79508
manufactured home park shall be staffed by someone licensed and 79509
regulated under this chapter who could reasonably assist any 79510
retail customer with or without an appointment, but such 79511
established place of business need not satisfy office size, 79512
display lot size, and physical barrier requirements applicable to 79513
other used motor vehicle dealers. 79514

(c) The manufactured and mobile homes being offered for sale, 79515
lease, or rental by the dealer may be located on individual rental 79516
lots inside the operator's manufactured home park. 79517

(C) Nothing in this chapter shall be construed as prohibiting 79518
the sale of a new or used manufactured or mobile home located in a 79519
manufactured home park by a licensed manufactured housing dealer. 79520

(D) Nothing in this section shall be construed to prohibit 79521
persons licensed under this chapter from making sales calls. 79522

(E)(1) This chapter does not apply to mortgagees selling at 79523
retail only those manufactured homes or mobile homes that have 79524
come into their possession by a default in the terms of a mortgage 79525
contract. 79526

(2) When a partnership licensed under sections 4517.01 to 79527
4517.45 of the Revised Code is dissolved by death, the surviving 79528
partners may operate under the manufactured housing dealer license 79529
for a period of sixty days, and the heirs or representatives of 79530
deceased persons and receivers or trustees in bankruptcy appointed 79531
by any competent authority may operate under the license of the 79532
person succeeded in possession by that heir, representative, 79533
receiver, or trustee in bankruptcy. 79534

Sec. 4781.17. (A) Each person applying for a manufactured 79535

housing dealer's license or manufactured housing broker's license 79536
shall complete and deliver to the manufactured homes commission, 79537
before the first day of April, a separate application for license 79538
for each county in which the business of selling manufactured or 79539
mobile homes is to be conducted. The application shall be in the 79540
form prescribed by the commission and accompanied by the fee 79541
established by the commission. The applicant shall sign and swear 79542
to the application that shall include all of the following: 79543

(1) Name of applicant and location of principal place of 79544
business; 79545

(2) Name or style under which business is to be conducted 79546
and, if a corporation, the state of incorporation; 79547

(3) Name and address of each owner or partner and, if a 79548
corporation, the names of the officers and directors; 79549

(4) The county in which the business is to be conducted and 79550
the address of each place of business therein; 79551

(5) A statement of the previous history, record, and 79552
association of the applicant and of each owner, partner, officer, 79553
and director, that is sufficient to establish to the satisfaction 79554
of the commission the reputation in business of the applicant; 79555

(6) A statement showing whether the applicant has previously 79556
applied for a manufactured housing dealer's license, manufactured 79557
housing broker's license, manufactured housing salesperson's 79558
license, or, prior to July 1, 2010, a motor vehicle dealer's 79559
license, manufactured home broker's license, or motor vehicle 79560
salesperson's license, and the result of the application, and 79561
whether the applicant has ever been the holder of any such license 79562
that was revoked or suspended; 79563

(7) If the applicant is a corporation or partnership, a 79564
statement showing whether any partner, employee, officer, or 79565

director has been refused a manufactured housing dealer's license, 79566
manufactured housing broker's license, manufactured housing 79567
salesperson's license, or, prior to July 1, 2010, a motor vehicle 79568
dealer's license, manufactured home broker's license, or motor 79569
vehicle salesperson's license, or has been the holder of any such 79570
license that was revoked or suspended; 79571

(8) Any other information required by the commission. 79572

(B) Each person applying for a manufactured housing 79573
salesperson's license shall complete and deliver to the 79574
manufactured homes commission before the first day of July an 79575
application for license. The application shall be in the form 79576
prescribed by the commission and shall be accompanied by the fee 79577
established by the commission. The applicant shall sign and swear 79578
to the application that shall include all of the following: 79579

(1) Name and post-office address of the applicant; 79580

(2) Name and post-office address of the manufactured housing 79581
dealer or manufactured housing broker for whom the applicant 79582
intends to act as salesperson; 79583

(3) A statement of the applicant's previous history, record, 79584
and association, that is sufficient to establish to the 79585
satisfaction of the commission the applicant's reputation in 79586
business; 79587

(4) A statement as to whether the applicant intends to engage 79588
in any occupation or business other than that of a manufactured 79589
housing salesperson; 79590

(5) A statement as to whether the applicant has ever had any 79591
previous application for a manufactured housing salesperson 79592
license refused or, prior to July 1, 2010, any application for a 79593
motor vehicle salesperson license refused, and whether the 79594
applicant has previously had a manufactured housing salesperson or 79595
motor vehicle salesperson license revoked or suspended; 79596

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked; 79597
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(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson; 79601
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(8) Any other information required by the commission. 79604

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the commission under this section also shall be accompanied by a photograph, as prescribed by the commission, of each place of business operated, or to be operated, by the applicant. 79605
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(D) The manufactured homes commission shall deposit all license fees into the state treasury to the credit of the occupational licensing and regulatory fund. 79610
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Sec. 4781.18. (A) The manufactured homes commission shall deny the application of any person for a license as a manufactured housing dealer or manufactured housing broker and refuse to issue the license if the commission finds that any of the following is true of the applicant: 79613
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(1) The applicant has made any false statement of a material fact in the application. 79618
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(2) The applicant has not complied with this chapter or the rules adopted by the commission under this chapter. 79620
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(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 79622
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(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing or in connection with brokering manufactured housing. 79624
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(5) The applicant has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of manufactured homes that is contrary to the requirements of this chapter. 79627
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(6) The applicant is insolvent. 79631

(7) The applicant is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of business as a manufactured housing dealer or manufactured housing broker during the period of the license applied for, or has failed to satisfy any such judgment. 79632
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(8) The applicant has no established place of business that, where applicable, is used or will be used for the purpose of selling, displaying, offering for sale or dealing in manufactured housing at the location for which application is made. 79638
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(9) Within less than twelve months prior to making application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked. 79642
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(B) The commission shall deny the application of any person for a license as a salesperson and refuse to issue the license if the commission finds that any of the following is true of the applicant: 79646
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(1) The applicant has made any false statement of a material fact in the application. 79650
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(2) The applicant has not complied with this chapter or the rules adopted by the commission under this chapter. 79652
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(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 79654
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(4) The applicant has been guilty of a fraudulent act in 79656

connection with selling or otherwise dealing in manufactured housing. 79657
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(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located. 79659
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(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 79667
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(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked. 79672
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(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked. 79675
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(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the commission may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, or partner as an individual. The commission's finding may be based upon facts contained in the application or upon any other information the commission may have. 79678
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(D) Notwithstanding division (A)(4) of this section, the 79687

commission shall not deny the application of any person and refuse 79688
to issue a license if the commission finds that the applicant is 79689
engaged or will engage in the business of selling at retail any 79690
new manufactured homes and demonstrates that the applicant has 79691
posted a bond, surety, or certificate of deposit with the 79692
commission in an amount not less than one hundred thousand dollars 79693
for the protection and benefit of the applicant's customers. 79694

(E) A decision made by the commission under this section may 79695
be based upon any statement contained in the application or upon 79696
any facts within the commission's knowledge. 79697

(F) Immediately upon denying an application for any of the 79698
reasons in this section, the commission shall enter a final order 79699
together with the commission's findings. If the application is 79700
denied by the executive director of the commission under authority 79701
of section 4781.05 of the Revised Code, the executive director 79702
shall enter a final order together with the director's findings 79703
and certify the same to the commission. The commission shall issue 79704
to the applicant a written notice of refusal to grant a license 79705
that shall disclose the reason for refusal. 79706

Sec. 4781.19. (A) At the time the manufactured homes 79707
commission grants the application of any person for a license as a 79708
manufactured housing dealer, manufactured housing broker, or 79709
manufactured housing salesperson, the commission shall issue to 79710
the person a license that includes the name and post-office 79711
address of the person licensed. If a manufactured housing dealer 79712
or manufactured housing broker has more than one place of business 79713
in a county, the dealer or broker shall make application, in such 79714
form as the commission prescribes, for a certified copy of the 79715
license issued to the dealer or broker for each place of business 79716
in the county. 79717

(B) The commission may require each applicant for a 79718

manufactured housing dealer's license, manufactured housing 79719
broker's license, and manufactured housing salesperson's license 79720
issued under this chapter to pay an additional fee, which shall be 79721
used by the commission to pay the costs of obtaining a record of 79722
any arrests and convictions of the applicant from the bureau of 79723
identification and investigation. The amount of the fee shall be 79724
equal to that paid by the commission to obtain such record. 79725

(C) In the event of the loss, mutilation, or destruction of a 79726
manufactured housing dealer's license, manufactured housing 79727
broker's license, or manufactured housing salesperson's license, 79728
any licensee may make application to the commission, in the form 79729
prescribed by the commission, for a duplicate copy thereof and pay 79730
a fee established by the commission. 79731

(D) All manufactured housing dealers' licenses, all 79732
manufactured housing brokers' licenses, and all manufactured 79733
housing salespersons' licenses issued or renewed shall expire 79734
biennially on a day within the two-year cycle that is prescribed 79735
by the manufactured homes commission, unless sooner suspended or 79736
revoked. Before the first day after the day prescribed by the 79737
commission in the year that the license expires, each licensed 79738
manufactured housing dealer, manufactured housing broker, and 79739
manufactured housing salesperson, in the year in which the license 79740
will expire, shall file an application, in such form as the 79741
commission prescribes, for the renewal of such license. The fee 79742
required by this section for the original license shall accompany 79743
the application. 79744

(E) Each manufactured housing dealer and manufactured housing 79745
broker shall keep the license or a certified copy thereof and a 79746
current list of the dealer's or the broker's licensed 79747
salespersons, showing the names, addresses, and serial numbers of 79748
their licenses, posted in a conspicuous place in each place of 79749
business. Each salesperson shall carry the salesperson's license 79750

or a certified copy thereof and shall exhibit such license or copy 79751
upon demand to any inspector of the commission, state highway 79752
patrol trooper, police officer, or person with whom the 79753
salesperson seeks to transact business as a manufactured housing 79754
salesperson. 79755

Sec. 4781.20. The applications for licenses submitted under 79756
section 4781.17 of the Revised Code are not part of the public 79757
records but are confidential information for the use of the 79758
manufactured homes commission. No person shall divulge any 79759
information contained in such applications and acquired by the 79760
person in the person's capacity as an official or employee of the 79761
manufactured homes commission, except in a report to the 79762
commission, or when called upon to testify in any court or 79763
proceeding. 79764

Sec. 4781.21. (A) The manufactured homes commission may make 79765
rules governing its actions relative to the suspension and 79766
revocation of manufactured housing dealers', manufactured housing 79767
brokers', and manufactured housing salespersons' licenses, and 79768
may, upon its own motion, and shall, upon the verified complaint 79769
in writing of any person, investigate the conduct of any licensee 79770
under this chapter. The commission shall suspend, revoke, or 79771
refuse to renew any manufactured housing dealer's, manufactured 79772
housing broker's, or manufactured housing salesperson's license, 79773
if any ground existed upon which the license might have been 79774
refused, or if a ground exists that would be cause for refusal to 79775
issue a license. 79776

The commission may suspend or revoke any license if the 79777
licensee has in any manner violated the rules adopted by the 79778
commission under this chapter, or has been convicted of committing 79779
a felony or violating any law that in any way relates to the 79780
selling, taxing, licensing, or regulation of sales of manufactured 79781

or mobile homes. 79782

(B) Any salesperson's license shall be suspended upon the 79783
termination, suspension, or revocation of the license of the 79784
manufactured housing dealer or manufactured housing broker for 79785
whom the salesperson is acting, or upon the salesperson leaving 79786
the service of the manufactured housing dealer or manufactured 79787
housing broker. Upon the termination, suspension, or revocation of 79788
the license of the manufactured housing dealer or manufactured 79789
housing broker for whom the salesperson is acting, or upon the 79790
salesperson leaving the service of a licensed manufactured housing 79791
or manufactured housing broker, the licensed salesperson may make 79792
application to the commission, in such form as the commission 79793
prescribes, to have the salesperson's license reinstated, 79794
transferred, and registered as a salesperson for another dealer or 79795
broker. If the information contained in the application is 79796
satisfactory to the commission, the commission shall reinstate, 79797
transfer, or register the salesperson's license as a salesperson 79798
for other dealer or broker. The commission shall establish the fee 79799
for the reinstatement and transfer of license. No license issued 79800
to a dealer, broker, or salesperson under this chapter may be 79801
transferred to any other person. 79802

(C) Any person whose manufactured housing dealer's license, 79803
manufactured housing broker's license, or manufactured housing 79804
salesperson's license is revoked, suspended, denied, or not 79805
renewed may request an adjudication hearing on the matter within 79806
thirty days after receipt of the notice of the action. If no 79807
appeal is taken within thirty days after receipt of the order, the 79808
order is final and conclusive. All appeals must be by petition in 79809
writing and verified under oath by the applicant whose application 79810
for license has been revoked, suspended, denied, or not renewed 79811
and must set forth the reason for the appeal and the reason why, 79812
in the petitioner's opinion, the order is not correct. In such 79813

appeals the board may make investigation to determine the 79814
correctness and legality of the appealed order. The hearing shall 79815
be held in accordance with Chapter 119. of the Revised Code. 79816

Sec. 4781.22. No manufactured housing dealer licensed under 79817
this chapter shall do any of the following: 79818

(A) Directly or indirectly, solicit the sale of a 79819
manufactured home or mobile home through an interested person 79820
other than a salesperson licensed in the employ of a licensed 79821
dealer; 79822

(B) Pay any commission or compensation in any form to any 79823
person in connection with the sale of a manufactured home or 79824
mobile home unless the person is licensed as a salesperson in the 79825
employ of the dealer; 79826

(C) Fail to immediately notify the manufactured homes 79827
commission upon termination of the employment of any person 79828
licensed as a salesperson to sell, display, offer for sale, or 79829
deal in manufactured homes or mobile homes for the dealer. 79830

Sec. 4781.23. (A) Each licensed manufactured housing dealer 79831
and manufactured housing broker shall notify the manufactured 79832
homes commission of any change in status as a manufactured housing 79833
dealer or manufactured housing broker during the period for which 79834
the dealer or broker is licensed, if the change of status concerns 79835
either of the following: 79836

(1) Personnel of owners, partners, officers, or directors; 79837

(2) Location of an office or principal place of business. 79838

(B) The notification required by division (A) of this section 79839
shall be made by filing with the commission, within fifteen days 79840
after the change of status, a supplemental statement in a form 79841
prescribed by the commission showing in what respect the status 79842

has been changed. 79843

The commission may adopt a rule exempting from the 79844
notification requirement of division (A)(1) of this section any 79845
dealer if stock in the dealer or its parent company is publicly 79846
traded and if there are public records filed with and in the 79847
possession of state or federal agencies that provide the 79848
information required by division (A)(1) of this section. 79849

Sec. 4781.24. (A) Every retail sale of a manufactured home or 79850
mobile home shall be preceded by a written contract that shall 79851
contain all of the agreements of the parties and shall be signed 79852
by the buyer and the seller. The seller, upon execution of the 79853
contract and before the delivery of the manufactured or mobile 79854
home, shall deliver to the buyer a copy of the contract that shall 79855
clearly describe all of the following: 79856

(1) The home sold to the buyer, including, where applicable, 79857
its vehicle identification number; 79858

(2) The sale price of the home, and, if applicable, the 79859
amount paid down by the buyer; 79860

(3) The amount credited to the buyer for any trade-in and a 79861
description thereof; 79862

(4) The amount of any finance charge; 79863

(5) The amount charged for any home insurance and a statement 79864
of the types of insurance provided by the policy or policies; 79865

(6) The amount of any other charge and a specification of its 79866
purpose; 79867

(7) The net balance of payment due from the buyer including 79868
the terms of the payment of the net balance. 79869

(B) A manufactured housing dealer may contract for and 79870
receive a documentary service charge for a retail sale of a 79871

manufactured home or mobile home. The documentary service charge 79872
shall be specified in writing without itemization of the 79873
individual services provided and shall not be more than the lesser 79874
of the following: 79875

(1) The amount allowed in a retail installment contract; 79876

(2) Ten per cent of the amount the buyer is required to pay 79877
pursuant to the contract, excluding tax, title, and registration 79878
fees, and any negative equity adjustment. 79879

(C) This section does not apply to a casual sale of a 79880
manufactured home or mobile home. 79881

Sec. 4781.25. The manufactured homes commission shall adopt 79882
rules for the regulation of manufactured housing brokers in 79883
accordance with Chapter 119. of the Revised Code. The rules shall 79884
require that a manufactured housing broker maintain a bond of a 79885
surety company authorized to transact business in this state in an 79886
amount determined by the commission. The rules also shall require 79887
each person licensed as a manufactured housing broker to maintain 79888
at all times a special or trust bank account that is 79889
noninterest-bearing, is separate and distinct from any personal or 79890
other account of the broker, and into which shall be deposited and 79891
maintained all escrow funds, security deposits, and other moneys 79892
received by the broker in a fiduciary capacity. In a form 79893
determined by the commission, a manufactured housing broker shall 79894
submit written proof to the commission of the continued 79895
maintenance of the special or trust account. A depository where 79896
special or trust accounts are maintained in accordance with this 79897
section shall be located in this state. 79898

Sec. 4781.99. (A) Whoever violates division (A) of section 79899
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 79900
first offense and shall be subject to a mandatory fine of one 79901

hundred dollars. On a second offense, the person is guilty of a 79902
misdemeanor of the first degree and shall be subject to a 79903
mandatory fine of one thousand dollars. 79904

(B) Whoever violates section 4781.20 of the Revised Code is 79905
guilty of a minor misdemeanor. 79906

(C) Whoever violates any of the following is guilty of a 79907
misdemeanor of the fourth degree: 79908

(1) Division (B) or (C) of section 4781.16 of the Revised 79909
Code; 79910

(2) Section 4781.22 of the Revised Code; 79911

(3) Section 4781.23 of the Revised Code; 79912

(4) Division (A) of section 4781.24 of the Revised Code; 79913

(5) Section 4781.25 of the Revised Code. 79914

Sec. 4905.06. The public utilities commission has general 79915
supervision over all public utilities within its jurisdiction as 79916
defined in section 4905.05 of the Revised Code, and may examine 79917
such public utilities and keep informed as to their general 79918
condition, capitalization, and franchises, and as to the manner in 79919
which their properties are leased, operated, managed, and 79920
conducted with respect to the adequacy or accommodation afforded 79921
by their service, the safety and security of the public and their 79922
employees, and their compliance with all laws, orders of the 79923
commission, franchises, and charter requirements. The commission 79924
has general supervision over all other companies referred to in 79925
section 4905.05 of the Revised Code to the extent of its 79926
jurisdiction as defined in that section, and may examine such 79927
companies and keep informed as to their general condition and 79928
capitalization, and as to the manner in which their properties are 79929
leased, operated, managed, and conducted with respect to the 79930

adequacy or accommodation afforded by their service, and their 79931
compliance with all laws and orders of the commission, insofar as 79932
any of such matters may relate to the costs associated with the 79933
provision of electric utility service by public utilities in this 79934
state which are affiliated or associated with such companies. The 79935
commission, through the public utilities commissioners or 79936
inspectors or employees of the commission authorized by it, may 79937
enter in or upon, for purposes of inspection, any property, 79938
equipment, building, plant, factory, office, apparatus, machinery, 79939
device, and lines of any public utility. The power to inspect 79940
includes the power to prescribe any rule or order that the 79941
commission finds necessary for protection of the public safety. In 79942
order to assist the commission in the performance of its duties 79943
under this chapter, authorized employees of the motor carrier 79944
enforcement unit, created under section 5503.34 of the Revised 79945
Code in the division of state highway patrol, of the department of 79946
public safety may enter in or upon, for inspection purposes, any 79947
motor vehicle of any motor transportation company or private motor 79948
carrier as defined in section 4923.02 of the Revised Code. 79949

In order to inspect motor vehicles owned or operated by a 79950
motor transportation company engaged in the transportation of 79951
persons, authorized employees of the motor carrier enforcement 79952
unit, division of state highway patrol, of the department of 79953
public safety and authorized sheriffs, deputy sheriffs, and 79954
municipal police officers acting pursuant to section 311.32 or 79955
737.39 of the Revised Code and in accordance with memoranda of 79956
agreement entered into under section 4919.80 of the Revised Code 79957
may enter in or upon any property of any motor transportation 79958
company, as defined in section 4921.02 of the Revised Code, 79959
engaged in the intrastate transportation of persons. 79960

Sec. 4919.79. (A) The public utilities commission may adopt 79961
safety rules applicable to the highway transportation and offering 79962

for transportation of hazardous materials in interstate commerce, 79963
which highway transportation takes place into or through this 79964
state. 79965

(B) The commission may adopt safety rules applicable to the 79966
highway transportation of persons or property in interstate 79967
commerce, which transportation takes place into or through this 79968
state. 79969

(C) Rules adopted under divisions (A) and (B) of this section 79970
shall be consistent with, and equivalent in scope, coverage, and 79971
content to, the "Hazardous Materials Transportation Act," 88 Stat. 79972
2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 79973
under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 79974
2832, 49 U.S.C.A. 2501, and regulations adopted under it, 79975
respectively. No person shall violate a rule adopted under 79976
division (A) or (B) of this section or any order of the commission 79977
issued to secure compliance with any such rule. 79978

(D) The commission shall cooperate with, and permit the use 79979
of, the services, records, and facilities of the commission as 79980
fully as practicable by appropriate officers of the interstate 79981
commerce commission, the United States department of 79982
transportation, and other federal agencies or commissions and 79983
appropriate commissions of other states in the enforcement and 79984
administration of state and federal laws relating to highway 79985
transportation by motor vehicles. The commission may enter into 79986
cooperative agreements with the interstate commerce commission, 79987
the United States department of transportation, and any other 79988
federal agency or commission to enforce the economic and safety 79989
laws and rules of this state and of the United States concerning 79990
highway transportation by motor vehicles. All grants-in-aid, cash, 79991
and reimbursements received by the commission pursuant to those 79992
cooperative agreements shall be deposited to the credit of the 79993
motor carrier safety fund, which is hereby created in the state 79994

treasury, to be used by the commission for the purpose of carrying 79995
out this section. 79996

(E) To achieve the purposes of this section, the commission, 79997
through its inspectors or other authorized employees, may inspect 79998
any vehicles of carriers of persons or property in interstate 79999
commerce subject to the safety rules prescribed by this section 80000
and may enter upon the premises and vehicles of such carriers to 80001
examine any of the carriers' records or documents that relate to 80002
the safety of operation of such carriers. In order to assist the 80003
commission in the performance of its duties under this section, 80004
authorized employees of the motor carrier enforcement unit, 80005
created under section 5503.34 of the Revised Code in the division 80006
of state highway patrol, of the department of public safety and 80007
authorized sheriffs, deputy sheriffs, and municipal police 80008
officers acting pursuant to section 311.32 or 737.39 of the 80009
Revised Code and in accordance with memoranda of agreement entered 80010
into under section 4919.80 of the Revised Code may enter in or 80011
upon, for purposes of inspection, any vehicle of any such carrier. 80012

In order to inspect motor vehicles owned or operated by 80013
private motor carriers of persons, authorized employees of the 80014
motor carrier enforcement unit, division of state highway patrol, 80015
of the department of public safety may enter in or upon the 80016
premises of any private carrier of persons in interstate commerce, 80017
subject to the safety rules prescribed by this section. 80018

Sec. 4919.80. (A) The public utilities commission shall adopt 80019
any rules it finds necessary regarding sheriff, deputy sheriff, 80020
and municipal police officer authority under sections 311.32 and 80021
737.39 of the Revised Code. The rules shall include all of the 80022
following: 80023

(1) Specification of the form, manner, and time in which any 80024
violation cited pursuant to either such section must be forwarded 80025

to the commission; 80026

(2) Specification of the training, education, and certification required to act under those sections; 80027
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(3) The eligibility of, and procedures to be followed by, the legislative authority of a county or municipal corporation to apply to the commission for reimbursement only of training and equipment costs incurred by the county or municipal corporation pursuant to section 311.32 or 737.39 of the Revised Code. 80029
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(B) The commission shall establish a memorandum of agreement, and the procedures for entering into that memorandum, between the commission and the legislative authority of a county or municipal corporation in relation to enforcement under sections 311.32 and 737.39 of the Revised Code. 80034
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(C) All forfeitures collected pursuant to section 311.32 or 737.39 of the Revised Code shall be deposited to the credit of the local commercial motor vehicle enforcement fund, which is hereby created in the state treasury. An amount not exceeding the first two hundred thousand dollars of forfeitures so deposited in a fiscal year shall be used by the commission for the administration of the fund and to carry out its duties under this section. Any excess forfeitures not exceeding one million two hundred thousand dollars deposited in the fiscal year shall be distributed by the commission to the legislative authority of any county or municipal corporation upon application pursuant to the rules adopted under division (A)(3) of this section. All forfeitures collected and equal to or greater than one million two hundred thousand dollars in a fiscal year shall be deposited to the credit of the general revenue fund. 80039
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Sec. 4923.12. (A) The taxes imposed by sections 4921.18 and 4923.11 of the Revised Code shall be paid to the treasurer of state. The first received remittances of the taxes in each fiscal 80054
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year shall be credited to the public utilities fund until the 80057
aggregate credit from the taxes, and from the fees collected under 80058
division (B) of this section, in a fiscal year amounts to a sum 80059
equal to the appropriation from the public utilities fund made by 80060
the general assembly for defraying all expenses incident to 80061
maintaining the nonrailroad transportation activities of the 80062
public utilities commission. Receipt of the taxes subsequent 80063
thereto, after receipt by the treasurer of state of certifications 80064
from the commissioners of the sinking fund certifying, as required 80065
by sections 5528.15 and 5528.35 of the Revised Code, that there 80066
are sufficient moneys to the credit of the highway improvement 80067
bond retirement fund created by section 5528.12 of the Revised 80068
Code to meet in full all payments of interest, principal, and 80069
charges for the retirement of bonds and other obligations issued 80070
pursuant to Section 2g of Article VIII, Ohio Constitution and 80071
sections 5528.10 and 5528.11 of the Revised Code, due and payable 80072
during the current calendar year, and that there are sufficient 80073
moneys to the credit of the highway obligations bond retirement 80074
fund created by section 5528.32 of the Revised Code to meet in 80075
full all payments of interest, principal, and charges for the 80076
retirement of highway obligations issued pursuant to Section 2i of 80077
Article VIII, Ohio Constitution and sections 5528.30 and 5528.31 80078
of the Revised Code due and payable during the current calendar 80079
year, shall be paid into the state treasury to the credit of the 80080
state highway safety fund created by section 4501.06 of the 80081
Revised Code, and shall be subject to appropriation solely for the 80082
expense of operation and maintenance of the department of public 80083
safety. 80084

(B) The fees set by the commission in accordance with 80085
sections 4919.76 and 4919.77 of the Revised Code shall be credited 80086
to the public utilities fund except for those fees collected on 80087
behalf of other states participating in the single state insurance 80088
registration program, which shall be credited to the base state 80089

registration fund, which is hereby created in the state treasury. 80090

(C) The Except as provided in section 4919.80 of the Revised 80091
Code, the forfeitures imposed by sections 4919.99, 4921.99, and 80092
4923.99 of the Revised Code shall be paid to the treasurer of 80093
state. The first received remittances of the forfeitures in each 80094
fiscal year shall be credited to the transportation enforcement 80095
fund, which is hereby created in the state treasury, until the 80096
aggregate credit in the fiscal year is equal to the appropriation 80097
in the fund for the fiscal year less any outstanding unencumbered 80098
cash balance from the previous fiscal year in the fund. All 80099
forfeitures subsequently received shall be credited to the general 80100
revenue fund. The public utilities commission shall use the 80101
transportation enforcement fund to administer the civil forfeiture 80102
program of sections 4919.99, 4921.99, and 4923.99 of the Revised 80103
Code. 80104

(D) If the director of budget and management determines that 80105
the balance of the public utilities fund will be less than the 80106
appropriations from the fund, the director shall transfer from the 80107
general revenue fund to the public utilities fund an amount equal 80108
to the difference between the balance of the public utilities fund 80109
and the amount needed to support the appropriations from that 80110
fund. If the director subsequently determines that the balance and 80111
revenues of the public utilities fund during the fiscal year will 80112
exceed the amount needed to support the appropriations from the 80113
fund, the director shall transfer the excess, up to the amount of 80114
the original transfer, back to the general revenue fund. 80115

Sec. 4923.20. (A) As used in this section: 80116

(1) "Private motor carrier" has the same meaning as in 80117
section 4923.02 of the Revised Code, except that it includes only 80118
private motor carriers operating on a not-for-hire basis and 80119
excludes all private motor carriers operating on a for-hire basis. 80120

(2) "Commercial motor vehicle" has the same meaning as in the 80121
"Commercial Motor Vehicle Safety Act of 1986," 49 U.S.C.A. 2701, 80122
as amended, except that "commerce" means trade, traffic, and 80123
transportation solely within this state. 80124

(B) The public utilities commission may adopt and enforce 80125
rules concerning the safety of operation of commercial motor 80126
vehicles by private motor carriers, except that the rules shall 80127
not affect any rights or duties granted to or imposed upon the 80128
operator of such a motor vehicle by Chapter 4511. of the Revised 80129
Code. 80130

(C) The commission may adopt safety rules applicable to the 80131
transportation of hazardous materials by private motor carriers by 80132
means of commercial motor vehicles and applicable to the offering 80133
of hazardous materials for such transportation. The rules shall be 80134
consistent with, and equivalent in scope, coverage, and content 80135
to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 80136
(1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 80137
under it. 80138

(D) To achieve the purposes of this section, the commission 80139
may, through inspectors or other authorized employees, inspect any 80140
motor vehicles of such carriers and may enter upon the premises 80141
and vehicles of the carriers to examine any of the carriers' 80142
records or documents that relate to the safety of operation of 80143
private motor carriers. In order to assist the commission in 80144
performing its duties under this section, authorized employees of 80145
the motor carrier enforcement unit, created under section 5503.34 80146
of the Revised Code in the division of state highway patrol, of 80147
the department of public safety may enter in or upon, for purposes 80148
of inspection, any motor vehicle of any such carrier. 80149

In order to inspect motor vehicles owned or operated by 80150
private motor carriers engaged in the transportation of persons, 80151
authorized employees of the motor carrier enforcement unit, 80152

division of state highway patrol, of the department of public 80153
safety and authorized sheriffs, deputy sheriffs, and municipal 80154
police officers acting pursuant to section 311.32 or 737.39 of the 80155
Revised Code and in accordance with memoranda of agreement entered 80156
into under section 4919.80 of the Revised Code may enter in or 80157
upon the premises of any private motor carrier engaged in the 80158
intrastate transportation of persons. 80159

(E) No private motor carrier or person offering hazardous 80160
materials for transportation by private motor carrier shall fail 80161
to comply with any order, decision, or rule adopted under this 80162
section or any order of the commission issued to secure compliance 80163
with any such rule. 80164

Sec. 4928.01. (A) As used in this chapter: 80165

(1) "Ancillary service" means any function necessary to the 80166
provision of electric transmission or distribution service to a 80167
retail customer and includes, but is not limited to, scheduling, 80168
system control, and dispatch services; reactive supply from 80169
generation resources and voltage control service; reactive supply 80170
from transmission resources service; regulation service; frequency 80171
response service; energy imbalance service; operating 80172
reserve-spinning reserve service; operating reserve-supplemental 80173
reserve service; load following; back-up supply service; 80174
real-power loss replacement service; dynamic scheduling; system 80175
black start capability; and network stability service. 80176

(2) "Billing and collection agent" means a fully independent 80177
agent, not affiliated with or otherwise controlled by an electric 80178
utility, electric services company, electric cooperative, or 80179
governmental aggregator subject to certification under section 80180
4928.08 of the Revised Code, to the extent that the agent is under 80181
contract with such utility, company, cooperative, or aggregator 80182
solely to provide billing and collection for retail electric 80183

service on behalf of the utility company, cooperative, or 80184
aggregator. 80185

(3) "Certified territory" means the certified territory 80186
established for an electric supplier under sections 4933.81 to 80187
4933.90 of the Revised Code. 80188

(4) "Competitive retail electric service" means a component 80189
of retail electric service that is competitive as provided under 80190
division (B) of this section. 80191

(5) "Electric cooperative" means a not-for-profit electric 80192
light company that both is or has been financed in whole or in 80193
part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 80194
7 U.S.C. 901, and owns or operates facilities in this state to 80195
generate, transmit, or distribute electricity, or a not-for-profit 80196
successor of such company. 80197

(6) "Electric distribution utility" means an electric utility 80198
that supplies at least retail electric distribution service. 80199

(7) "Electric light company" has the same meaning as in 80200
section 4905.03 of the Revised Code and includes an electric 80201
services company, but excludes any self-generator to the extent 80202
that it consumes electricity it so produces, sells that 80203
electricity for resale, or obtains electricity from a generating 80204
facility it hosts on its premises. 80205

(8) "Electric load center" has the same meaning as in section 80206
4933.81 of the Revised Code. 80207

(9) "Electric services company" means an electric light 80208
company that is engaged on a for-profit or not-for-profit basis in 80209
the business of supplying or arranging for the supply of only a 80210
competitive retail electric service in this state. "Electric 80211
services company" includes a power marketer, power broker, 80212
aggregator, or independent power producer but excludes an electric 80213
cooperative, municipal electric utility, governmental aggregator, 80214

or billing and collection agent. 80215

(10) "Electric supplier" has the same meaning as in section 80216
4933.81 of the Revised Code. 80217

(11) "Electric utility" means an electric light company that 80218
has a certified territory and is engaged on a for-profit basis 80219
either in the business of supplying a noncompetitive retail 80220
electric service in this state or in the businesses of supplying 80221
both a noncompetitive and a competitive retail electric service in 80222
this state. "Electric utility" excludes a municipal electric 80223
utility or a billing and collection agent. 80224

(12) "Firm electric service" means electric service other 80225
than nonfirm electric service. 80226

(13) "Governmental aggregator" means a legislative authority 80227
of a municipal corporation, a board of township trustees, or a 80228
board of county commissioners acting as an aggregator for the 80229
provision of a competitive retail electric service under authority 80230
conferred under section 4928.20 of the Revised Code. 80231

(14) A person acts "knowingly," regardless of the person's 80232
purpose, when the person is aware that the person's conduct will 80233
probably cause a certain result or will probably be of a certain 80234
nature. A person has knowledge of circumstances when the person is 80235
aware that such circumstances probably exist. 80236

(15) "Level of funding for low-income customer energy 80237
efficiency programs provided through electric utility rates" means 80238
the level of funds specifically included in an electric utility's 80239
rates on October 5, 1999, pursuant to an order of the public 80240
utilities commission issued under Chapter 4905. or 4909. of the 80241
Revised Code and in effect on October 4, 1999, for the purpose of 80242
improving the energy efficiency of housing for the utility's 80243
low-income customers. The term excludes the level of any such 80244
funds committed to a specific nonprofit organization or 80245

organizations pursuant to a stipulation or contract. 80246

(16) "Low-income customer assistance programs" means the 80247
percentage of income payment plan program, the home energy 80248
assistance program, the home weatherization assistance program, 80249
and the targeted energy efficiency and weatherization program. 80250

(17) "Market development period" for an electric utility 80251
means the period of time beginning on the starting date of 80252
competitive retail electric service and ending on the applicable 80253
date for that utility as specified in section 4928.40 of the 80254
Revised Code, irrespective of whether the utility applies to 80255
receive transition revenues under this chapter. 80256

(18) "Market power" means the ability to impose on customers 80257
a sustained price for a product or service above the price that 80258
would prevail in a competitive market. 80259

(19) "Mercantile customer" means a commercial or industrial 80260
customer if the electricity consumed is for nonresidential use and 80261
the customer consumes more than seven hundred thousand kilowatt 80262
hours per year or is part of a national account involving multiple 80263
facilities in one or more states. 80264

(20) "Municipal electric utility" means a municipal 80265
corporation that owns or operates facilities to generate, 80266
transmit, or distribute electricity. 80267

(21) "Noncompetitive retail electric service" means a 80268
component of retail electric service that is noncompetitive as 80269
provided under division (B) of this section. 80270

(22) "Nonfirm electric service" means electric service 80271
provided pursuant to a schedule filed under section 4905.30 of the 80272
Revised Code or pursuant to an arrangement under section 4905.31 80273
of the Revised Code, which schedule or arrangement includes 80274
conditions that may require the customer to curtail or interrupt 80275
electric usage during nonemergency circumstances upon notification 80276

by an electric utility. 80277

(23) "Percentage of income payment plan arrears" means funds 80278
eligible for collection through the percentage of income payment 80279
plan rider, but uncollected as of July 1, 2000. 80280

(24) "Person" has the same meaning as in section 1.59 of the 80281
Revised Code. 80282

(25) "Advanced energy project" means any technologies, 80283
products, activities, or management practices or strategies that 80284
facilitate the generation or use of electricity or energy and that 80285
reduce or support the reduction of energy consumption or support 80286
the production of clean, renewable energy for industrial, 80287
distribution, commercial, institutional, governmental, research, 80288
not-for-profit, or residential energy users, including, but not 80289
limited to, advanced energy resources and renewable energy 80290
resources. "Advanced energy project" also includes any project 80291
described in division (A), (B), or (C) of section 4928.621 of the 80292
Revised Code. 80293

(26) "Regulatory assets" means the unamortized net regulatory 80294
assets that are capitalized or deferred on the regulatory books of 80295
the electric utility, pursuant to an order or practice of the 80296
public utilities commission or pursuant to generally accepted 80297
accounting principles as a result of a prior commission 80298
rate-making decision, and that would otherwise have been charged 80299
to expense as incurred or would not have been capitalized or 80300
otherwise deferred for future regulatory consideration absent 80301
commission action. "Regulatory assets" includes, but is not 80302
limited to, all deferred demand-side management costs; all 80303
deferred percentage of income payment plan arrears; 80304
post-in-service capitalized charges and assets recognized in 80305
connection with statement of financial accounting standards no. 80306
109 (receivables from customers for income taxes); future nuclear 80307
decommissioning costs and fuel disposal costs as those costs have 80308

been determined by the commission in the electric utility's most 80309
recent rate or accounting application proceeding addressing such 80310
costs; the undepreciated costs of safety and radiation control 80311
equipment on nuclear generating plants owned or leased by an 80312
electric utility; and fuel costs currently deferred pursuant to 80313
the terms of one or more settlement agreements approved by the 80314
commission. 80315

(27) "Retail electric service" means any service involved in 80316
supplying or arranging for the supply of electricity to ultimate 80317
consumers in this state, from the point of generation to the point 80318
of consumption. For the purposes of this chapter, retail electric 80319
service includes one or more of the following "service 80320
components": generation service, aggregation service, power 80321
marketing service, power brokerage service, transmission service, 80322
distribution service, ancillary service, metering service, and 80323
billing and collection service. 80324

(28) "Starting date of competitive retail electric service" 80325
means January 1, 2001. 80326

(29) "Customer-generator" means a user of a net metering 80327
system. 80328

(30) "Net metering" means measuring the difference in an 80329
applicable billing period between the electricity supplied by an 80330
electric service provider and the electricity generated by a 80331
customer-generator that is fed back to the electric service 80332
provider. 80333

(31) "Net metering system" means a facility for the 80334
production of electrical energy that does all of the following: 80335

(a) Uses as its fuel either solar, wind, biomass, landfill 80336
gas, or hydropower, or uses a microturbine or a fuel cell; 80337

(b) Is located on a customer-generator's premises; 80338

(c) Operates in parallel with the electric utility's transmission and distribution facilities; 80339
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(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity. 80341
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(32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract. 80343
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(33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008. 80349
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(34) "Advanced energy resource" means any of the following: 80352

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility; 80353
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(b) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously, primarily to meet the energy needs of the customer's facilities; 80358
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(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design 80361
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capability the commission shall adopt by rule and shall be based 80370
on economically feasible best available technology or, in the 80371
absence of a determined best available technology, shall be of the 80372
highest level of economically feasible design capability for which 80373
there exists generally accepted scientific opinion; 80374

(d) Advanced nuclear energy technology consisting of 80375
generation III technology as defined by the nuclear regulatory 80376
commission; other, later technology; or significant improvements 80377
to existing facilities; 80378

(e) Any fuel cell used in the generation of electricity, 80379
including, but not limited to, a proton exchange membrane fuel 80380
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 80381
solid oxide fuel cell; 80382

(f) Advanced solid waste or construction and demolition 80383
debris conversion technology, including, but not limited to, 80384
advanced stoker technology, and advanced fluidized bed 80385
gasification technology, that results in measurable greenhouse gas 80386
emissions reductions as calculated pursuant to the United States 80387
environmental protection agency's waste reduction model (WARM). 80388
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(g) Demand-side management and any energy efficiency 80390
improvement. 80391

(35) "Renewable energy resource" means solar photovoltaic or 80392
solar thermal energy, wind energy, power produced by a 80393
hydroelectric facility, geothermal energy, fuel derived from solid 80394
wastes, as defined in section 3734.01 of the Revised Code, through 80395
fractionation, biological decomposition, or other process that 80396
does not principally involve combustion, biomass energy, 80397
biologically derived methane gas, methane gas emitted from an 80398
abandoned coal mine, or energy derived from nontreated by-products 80399
of the pulping process or wood manufacturing process, including 80400

bark, wood chips, sawdust, and lignin in spent pulping liquors. 80401
"Renewable energy resource" includes, but is not limited to, any 80402
fuel cell used in the generation of electricity, including, but 80403
not limited to, a proton exchange membrane fuel cell, phosphoric 80404
acid fuel cell, molten carbonate fuel cell, or solid oxide fuel 80405
cell; wind turbine located in the state's territorial waters of 80406
Lake Erie; storage facility that will promote the better 80407
utilization of a renewable energy resource that primarily 80408
generates off peak; or distributed generation system used by a 80409
customer to generate electricity from any such energy. As used in 80410
division (A)(35) of this section, "hydroelectric facility" means a 80411
hydroelectric generating facility that is located at a dam on a 80412
river, or on any water discharged to a river, that is within or 80413
bordering this state or within or bordering an adjoining state and 80414
meets all of the following standards: 80415

(a) The facility provides for river flows that are not 80417
detrimental for fish, wildlife, and water quality, including 80418
seasonal flow fluctuations as defined by the applicable licensing 80419
agency for the facility. 80420

(b) The facility demonstrates that it complies with the water 80421
quality standards of this state, which compliance may consist of 80422
certification under Section 401 of the "Clean Water Act of 1977," 80423
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 80424
not contributed to a finding by this state that the river has 80425
impaired water quality under Section 303(d) of the "Clean Water 80426
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 80427

(c) The facility complies with mandatory prescriptions 80429
regarding fish passage as required by the federal energy 80430
regulatory commission license issued for the project, regarding 80431
fish protection for riverine, anadromous, and catadromus fish. 80432

(d) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(e) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(f) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(g) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(h) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

(B) For the purposes of this chapter, a retail electric service component shall be deemed a competitive retail electric service if the service component is competitive pursuant to a declaration by a provision of the Revised Code or pursuant to an order of the public utilities commission authorized under division (A) of section 4928.04 of the Revised Code. Otherwise, the service

component shall be deemed a noncompetitive retail electric 80464
service. 80465

Sec. 5101.073. There is hereby created in the state treasury 80466
the ODJFS general services administration and operating fund. The 80467
director of job and family services may submit a deposit 80468
modification and payment detail report to the treasurer of state 80469
after the completion of the reconciliation of all final 80470
transactions with the federal government regarding a federal grant 80471
for a program the department of job and family services 80472
administers and a final closeout for the grant. On receipt of the 80473
report, the treasurer of state shall transfer the money in the 80474
refunds and audit settlements fund that is the subject of the 80475
report to the ODJFS general services administration and operating 80476
fund. Money in the ODJFS general services administration and 80477
operating fund shall be used to pay for the expenses of the 80478
programs the department administers and the department's 80479
administrative expenses, including the costs of state hearings 80480
under section 5101.35 of the Revised Code, required audit 80481
adjustments, and other related expenses. 80482

Sec. 5101.11. This section does not apply to contracts 80483
entered into under section 5111.90 or 5111.91 of the Revised Code. 80484

(A) As used in this section: 80485

(1) "Entity" includes an agency, board, commission, or 80486
department of the state or a political subdivision of the state; a 80487
private, nonprofit entity; a school district; a private school; or 80488
a public or private institution of higher education. 80489

(2) "Federal financial participation" means the federal 80490
government's share of expenditures made by an entity in 80491
implementing a program administered by the department of job and 80492
family services. 80493

(B) At the request of any public entity having authority to 80494
implement a program administered by the department of job and 80495
family services or any private entity under contract with a public 80496
entity to implement a program administered by the department, the 80497
department may seek to obtain federal financial participation for 80498
costs incurred by the entity. Federal financial participation may 80499
be sought from programs operated pursuant to Title IV-A, Title 80500
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 80501
(1935), 42 U.S.C. 301, as amended; the "~~Food Stamp~~ and Nutrition 80502
Act of 1964," ~~78 Stat. 703,~~ 2008 (7 U.S.C. 2011, ~~as amended et~~ 80503
seq.); and any other statute or regulation under which federal 80504
financial participation may be available, except that federal 80505
financial participation may be sought only for expenditures made 80506
with funds for which federal financial participation is available 80507
under federal law. 80508

(C) All funds collected by the department of job and family 80509
services pursuant to division (B) of this section shall be 80510
distributed to the entities that incurred the costs, except for 80511
any amounts retained by the department pursuant to division (D)(3) 80512
of this section. 80513

(D) In distributing federal financial participation pursuant 80514
to this section, the department may either enter into an agreement 80515
with the entity that is to receive the funds or distribute the 80516
funds in accordance with rules adopted under division (F) of this 80517
section. If the department decides to enter into an agreement to 80518
distribute the funds, the agreement may include terms that do any 80519
of the following: 80520

(1) Provide for the whole or partial reimbursement of any 80521
cost incurred by the entity in implementing the program; 80522

(2) In the event that federal financial participation is 80523
disallowed or otherwise unavailable for any expenditure, require 80524
the department of job and family services or the entity, whichever 80525

party caused the disallowance or unavailability of federal 80526
financial participation, to assume responsibility for the 80527
expenditures; 80528

(3) Permit the department to retain not more than five per 80529
cent of the amount of the federal financial participation to be 80530
distributed to the entity; 80531

(4) Require the public entity to certify the availability of 80532
sufficient unencumbered funds to match the federal financial 80533
participation it receives under this section; 80534

(5) Establish the length of the agreement, which may be for a 80535
fixed or a continuing period of time; 80536

(6) Establish any other requirements determined by the 80537
department to be necessary for the efficient administration of the 80538
agreement. 80539

(E) An entity that receives federal financial participation 80540
pursuant to this section for a program aiding children and their 80541
families shall establish a process for collaborative planning with 80542
the department of job and family services for the use of the funds 80543
to improve and expand the program. 80544

(F) The director of job and family services shall adopt rules 80545
as necessary to implement this section, including rules for the 80546
distribution of federal financial participation pursuant to this 80547
section. The rules shall be adopted in accordance with Chapter 80548
119. of the Revised Code. The director may adopt or amend any 80549
statewide plan required by the federal government for a program 80550
administered by the department, as necessary to implement this 80551
section. 80552

(G) Federal financial participation received pursuant to this 80553
section shall not be included in any calculation made under 80554
section 5101.16 or 5101.161 of the Revised Code. 80555

Sec. 5101.16. (A) As used in this section and sections	80556
5101.161 and 5101.162 of the Revised Code:	80557
(1) "Disability financial assistance" means the financial	80558
assistance program established under Chapter 5115. of the Revised	80559
Code.	80560
(2) "Disability medical assistance" means the medical	80561
assistance program established under Chapter 5115. of the Revised	80562
Code.	80563
(3) "Food stamps <u>Supplemental nutrition assistance program</u> "	80564
means the program administered by the department of job and family	80565
services pursuant to section 5101.54 of the Revised Code.	80566
(4) "Medicaid" means the medical assistance program	80567
established by Chapter 5111. of the Revised Code, excluding	80568
transportation services provided under that chapter.	80569
(5) "Ohio works first" means the program established by	80570
Chapter 5107. of the Revised Code.	80571
(6) "Prevention, retention, and contingency" means the	80572
program established by Chapter 5108. of the Revised Code.	80573
(7) "Public assistance expenditures" means expenditures for	80574
all of the following:	80575
(a) Ohio works first;	80576
(b) County administration of Ohio works first;	80577
(c) Prevention, retention, and contingency;	80578
(d) County administration of prevention, retention, and	80579
contingency;	80580
(e) Disability financial assistance;	80581
(f) Disability medical assistance;	80582
(g) County administration of disability financial assistance;	80583

(h) County administration of disability medical assistance; 80584

(i) County administration of ~~food stamps~~ the supplemental nutrition assistance program; 80585
80586

(j) County administration of medicaid. 80587

(8) "Title IV-A program" has the same meaning as in section 80588
5101.80 of the Revised Code. 80589

(B) Each board of county commissioners shall pay the county 80590
share of public assistance expenditures in accordance with section 80591
5101.161 of the Revised Code. Except as provided in division (C) 80592
of this section, a county's share of public assistance 80593
expenditures is the sum of all of the following for state fiscal 80594
year 1998 and each state fiscal year thereafter: 80595

(1) The amount that is twenty-five per cent of the county's 80596
total expenditures for disability financial assistance and 80597
disability medical assistance and county administration of those 80598
programs during the state fiscal year ending in the previous 80599
calendar year that the department of job and family services 80600
determines are allowable. 80601

(2) The amount that is ten per cent, or other percentage 80602
determined under division (D) of this section, of the county's 80603
total expenditures for county administration of ~~food stamps~~ the 80604
supplemental nutrition assistance program and medicaid during the 80605
state fiscal year ending in the previous calendar year that the 80606
department determines are allowable, less the amount of federal 80607
reimbursement credited to the county under division (E) of this 80608
section for the state fiscal year ending in the previous calendar 80609
year; 80610

(3) A percentage of the actual amount of the county share of 80611
program and administrative expenditures during federal fiscal year 80612
1994 for assistance and services, other than child care, provided 80613
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 80614

620 (1935), 42 U.S.C. 301, as those titles existed prior to the 80615
enactment of the "Personal Responsibility and Work Opportunity 80616
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 80617
and family services shall determine the actual amount of the 80618
county share from expenditure reports submitted to the United 80619
States department of health and human services. The percentage 80620
shall be the percentage established in rules adopted under 80621
division (F) of this section. 80622

(C)(1) If a county's share of public assistance expenditures 80623
determined under division (B) of this section for a state fiscal 80624
year exceeds one hundred ten per cent of the county's share for 80625
those expenditures for the immediately preceding state fiscal 80626
year, the department of job and family services shall reduce the 80627
county's share for expenditures under divisions (B)(1) and (2) of 80628
this section so that the total of the county's share for 80629
expenditures under division (B) of this section equals one hundred 80630
ten per cent of the county's share of those expenditures for the 80631
immediately preceding state fiscal year. 80632

(2) A county's share of public assistance expenditures 80633
determined under division (B) of this section may be increased 80634
pursuant to section 5101.163 of the Revised Code and a sanction 80635
under section 5101.24 of the Revised Code. An increase made 80636
pursuant to section 5101.163 of the Revised Code may cause the 80637
county's share to exceed the limit established by division (C)(1) 80638
of this section. 80639

(D)(1) If the per capita tax duplicate of a county is less 80640
than the per capita tax duplicate of the state as a whole and 80641
division (D)(2) of this section does not apply to the county, the 80642
percentage to be used for the purpose of division (B)(2) of this 80643
section is the product of ten multiplied by a fraction of which 80644
the numerator is the per capita tax duplicate of the county and 80645
the denominator is the per capita tax duplicate of the state as a 80646

whole. The department of job and family services shall compute the 80647
per capita tax duplicate for the state and for each county by 80648
dividing the tax duplicate for the most recent available year by 80649
the current estimate of population prepared by the department of 80650
development. 80651

(2) If the percentage of families in a county with an annual 80652
income of less than three thousand dollars is greater than the 80653
percentage of such families in the state and division (D)(1) of 80654
this section does not apply to the county, the percentage to be 80655
used for the purpose of division (B)(2) of this section is the 80656
product of ten multiplied by a fraction of which the numerator is 80657
the percentage of families in the state with an annual income of 80658
less than three thousand dollars a year and the denominator is the 80659
percentage of such families in the county. The department of job 80660
and family services shall compute the percentage of families with 80661
an annual income of less than three thousand dollars for the state 80662
and for each county by multiplying the most recent estimate of 80663
such families published by the department of development, by a 80664
fraction, the numerator of which is the estimate of average annual 80665
personal income published by the bureau of economic analysis of 80666
the United States department of commerce for the year on which the 80667
census estimate is based and the denominator of which is the most 80668
recent such estimate published by the bureau. 80669

(3) If the per capita tax duplicate of a county is less than 80670
the per capita tax duplicate of the state as a whole and the 80671
percentage of families in the county with an annual income of less 80672
than three thousand dollars is greater than the percentage of such 80673
families in the state, the percentage to be used for the purpose 80674
of division (B)(2) of this section shall be determined as follows: 80675

(a) Multiply ten by the fraction determined under division 80676
(D)(1) of this section; 80677

(b) Multiply the product determined under division (D)(3)(a) 80678

of this section by the fraction determined under division (D)(2) 80679
of this section. 80680

(4) The department of job and family services shall 80681
determine, for each county, the percentage to be used for the 80682
purpose of division (B)(2) of this section not later than the 80683
first day of July of the year preceding the state fiscal year for 80684
which the percentage is used. 80685

(E) The department of job and family services shall credit to 80686
a county the amount of federal reimbursement the department 80687
receives from the United States departments of agriculture and 80688
health and human services for the county's expenditures for 80689
administration of ~~food stamps~~ the supplemental nutrition
assistance program and medicaid that the department determines are 80691
allowable administrative expenditures. 80692

(F)(1) The director of job and family services shall adopt 80693
rules in accordance with section 111.15 of the Revised Code to 80694
establish all of the following: 80695

(a) The method the department is to use to change a county's 80696
share of public assistance expenditures determined under division 80697
(B) of this section as provided in division (C) of this section; 80698

(b) The allocation methodology and formula the department 80699
will use to determine the amount of funds to credit to a county 80700
under this section; 80701

(c) The method the department will use to change the payment 80702
of the county share of public assistance expenditures from a 80703
calendar-year basis to a state fiscal year basis; 80704

(d) The percentage to be used for the purpose of division 80705
(B)(3) of this section, which shall, except as provided in section 80706
5101.163 of the Revised Code, meet both of the following 80707
requirements: 80708

(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent; 80709
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(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7). 80711
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(e) Other procedures and requirements necessary to implement this section. 80715
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(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management. 80717
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Sec. 5101.162. Subject to available federal funds and appropriations made by the general assembly, the department of job and family services may, at its sole discretion, use available federal funds to reimburse county expenditures for county administration of ~~food stamps~~ the supplemental nutrition assistance program or medicaid even though the county expenditures meet or exceed the maximum allowable reimbursement amount established by rules adopted under section 5101.161 of the Revised Code. The director may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section. 80724
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Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code: 80735
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(A) "County agency" means a county department of job and family services or a public children services agency. 80737
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(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.

(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

(E) "Medical assistance provided under a public assistance program" means medical assistance provided under the programs established under sections 5101.49, 5101.50 ~~to 5101.503~~, 5101.51 ~~to 5101.5110~~, 5101.52 ~~to 5101.529~~, and 5101.5211 to 5101.5216, Chapters 5111. and 5115., or any other provision of the Revised Code.

(F) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107.,

5108., 5111., or 5115. of the Revised Code or an executive order 80771
issued under section 107.17 of the Revised Code. 80772

(G) "Public assistance recipient" means an applicant for or 80773
recipient or former recipient of public assistance. 80774

Sec. 5101.33. (A) As used in this section, "benefits" means 80775
any of the following: 80776

(1) Cash assistance paid under Chapter 5107. or 5115. of the 80777
Revised Code; 80778

(2) ~~Food stamp~~ Supplemental nutrition assistance program 80779
benefits provided under section 5101.54 of the Revised Code; 80780

(3) Any other program administered by the department of job 80781
and family services under which assistance is provided or service 80782
rendered; 80783

(4) Any other program, service, or assistance administered by 80784
a person or government entity that the department determines may 80785
be delivered through the medium of electronic benefit transfer. 80786

(B) The department of job and family services may make any 80787
payment or delivery of benefits to eligible individuals through 80788
the medium of electronic benefit transfer by doing all of the 80789
following: 80790

(1) Contracting with an agent to supply debit cards to the 80791
department of job and family services for use by such individuals 80792
in accessing their benefits and to credit such cards 80793
electronically with the amounts specified by the director of job 80794
and family services pursuant to law; 80795

(2) Informing such individuals about the use of the 80796
electronic benefit transfer system and furnishing them with debit 80797
cards and information that will enable them to access their 80798
benefits through the system; 80799

(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their facilities;

(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer;

(5) Satisfying any applicable requirements of federal and state law.

(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government entity to pay to the department either or both of the following:

(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;

(2) A fee for having the benefits provided through the electronic benefit transfer system.

(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.

(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.

Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The

commission shall consist of the following members: 80830

(1)(a) Four members of the house of representatives appointed 80831
by the speaker of the house, not more than two of whom are members 80832
of the same political party. Two of the members must be from 80833
legislative districts that include a county or part of a county 80834
that is among the one-third of counties in this state with the 80835
highest number per capita of households headed by females. 80836

(b) Two members of the senate appointed by the president of 80837
the senate, each from a different political party. One of the 80838
members must be from a legislative district that includes a county 80839
or part of a county that is among the one-third of counties in 80840
this state with the highest number per capita of households headed 80841
by females. 80842

(2) The governor, or the governor's designee; 80843

(3) One representative of the judicial branch of government 80844
appointed by the chief justice of the supreme court; 80845

(4) The directors of health, job and family services, 80846
rehabilitation and correction, alcohol and drug addiction 80847
services, and youth services and the superintendent of public 80848
instruction, or their designees; 80849

(5) One representative of the Ohio family and children first 80850
cabinet council created under section 121.37 of the Revised Code 80851
appointed by the chairperson of the council; 80852

(6) Five representatives of the general public appointed by 80853
the governor. These members shall have extensive experience in 80854
issues related to fatherhood. 80855

(B) The appointing authorities of the Ohio commission on 80856
fatherhood shall make initial appointments to the commission 80857
within thirty days after ~~the effective date of this section~~ 80858
September 29, 1999. Of the initial appointments to the commission 80859

made pursuant to divisions (A)(3), (5), and (6) of this section, 80860
three of the members shall serve a term of one year and four shall 80861
serve a term of two years. Members so appointed subsequently shall 80862
serve two-year terms. A member appointed pursuant to division 80863
(A)(1) of this section shall serve on the commission until the end 80864
of the general assembly from which the member was appointed or 80865
until the member ceases to serve in the chamber of the general 80866
assembly in which the member serves at the time of appointment, 80867
whichever occurs first. The governor or the governor's designee 80868
shall serve on the commission until the governor ceases to be 80869
governor. The directors and superintendent or their designees 80870
shall serve on the commission until they cease, or the director or 80871
superintendent a designee represents ceases, to be director or 80872
superintendent. Each member shall serve on the commission from the 80873
date of appointment until the end of the term for which the member 80874
was appointed. Members may be reappointed. 80875

Vacancies shall be filled in the manner provided for original 80876
appointments. Any member appointed to fill a vacancy occurring 80877
prior to the expiration date of the term for which the member's 80878
predecessor was appointed shall serve on the commission for the 80879
remainder of that term. A member shall continue to serve on the 80880
commission subsequent to the expiration date of the member's term 80881
until the member's successor is appointed or until a period of 80882
sixty days has elapsed, whichever occurs first. Members shall 80883
serve without compensation but shall be reimbursed for necessary 80884
expenses. 80885

Sec. 5101.47. (A) Except as provided in division (B) of this 80886
section, the director of job and family services may accept 80887
applications, determine eligibility, redetermine eligibility, and 80888
perform related administrative activities for one or more of the 80889
following: 80890

(1) The medicaid program established by Chapter 5111. of the Revised Code; 80891
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(2) The children's health insurance program parts I, II, and III provided for under sections 5101.50, 5101.51, and 5101.52 of the Revised Code; 80893
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(3) Publicly funded child care provided under Chapter 5104. of the Revised Code; 80896
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(4) The ~~food stamp~~ supplemental nutrition assistance program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code; 80898
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(5) Other programs the director determines are supportive of children, adults, or families; 80901
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(6) Other programs regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities. 80903
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(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services. 80908
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(C) Subject to division (B) of this section, if the director elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply: 80913
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(1) An individual seeking services under the program may apply for the program to the director or to the entity that state law governing the program authorizes to accept applications for 80918
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the program. 80921

(2) The director is subject to federal statutes and 80922
regulations and state statutes and rules that require, permit, or 80923
prohibit an action regarding accepting applications, determining 80924
or redetermining eligibility, and performing related 80925
administrative activities for the program. 80926

(D) The director may adopt rules as necessary to implement 80927
this section. 80928

Sec. 5101.50. (A) As used in sections 5101.50 to ~~5101.529~~ 80929
5101.5210 of the Revised Code: 80930

(1) "Children's health insurance program" means the program 80931
authorized by Title XXI of the "Social Security Act," 111 Stat. 80932
552 (1997), 42 U.S.C.A. 1397aa. 80933

(2) "Federal poverty guidelines" has the same meaning as in 80934
section 5101.46 of the Revised Code. 80935

(B) The director of job and family services may continue to 80936
operate the children's health insurance program initially 80937
authorized by an executive order issued under section 107.17 of 80938
the Revised Code as long as federal financial participation is 80939
available for the program. If operated, the program shall provide 80940
health assistance to uninsured individuals under nineteen years of 80941
age with family incomes not exceeding one hundred fifty per cent 80942
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 80943
1397aa, the director may provide for the health assistance to meet 80944
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 80945
medicaid program established under Chapter 5111. of the Revised 80946
Code, or to be a combination of both. 80947

Sec. 5101.504. (A) A school-based health center, as defined 80948
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 80949
that the children's health insurance program part I covers if the 80950

center meets the requirements applicable to other providers 80951
providing those services. 80952

(B) The director may adopt rules under section 5101.502 of 80953
the Revised Code pertaining to the billing, reimbursement, and 80954
data collection for health-based health centers. 80955

Sec. 5101.5110. (A) A school-based health center, as defined 80956
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 80957
that the children's health insurance program part II covers if the 80958
center meets the requirements applicable to other providers 80959
providing those services. 80960

(B) The director may adopt rules under section 5101.512 of 80961
the Revised Code pertaining to the billing, reimbursement, and 80962
data collection for health-based health centers. 80963

Sec. ~~5101.5110~~ 5101.5111. (A) The director of job and family 80964
services may submit a waiver request to the United States 80965
secretary of health and human services to provide health 80966
assistance to any individual who meets all of the following 80967
requirements: 80968

(1) Is the parent of a child under nineteen years of age who 80969
resides with the parent and is eligible for health assistance 80970
under the children's health insurance program part I or II or the 80971
medicaid program established under Chapter 5111. of the Revised 80972
Code; 80973

(2) Is uninsured; 80974

(3) Has a family income that does not exceed one hundred per 80975
cent of the federal poverty guidelines. 80976

(B) A waiver request the director submits under division (A) 80977
of this section may seek federal funds allotted to the state under 80978
Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 80979

U.S.C.A. 1397dd, as amended, that are not otherwise used to fund 80980
the children's health insurance program parts I and II. 80981

(C) If a waiver request the director submits under division 80982
(A) of this section is granted, the director may adopt rules in 80983
accordance with Chapter 119. of the Revised Code as necessary for 80984
the efficient administration of the program authorization by the 80985
waiver. 80986

Sec. 5101.5210. (A) A school-based health center, as defined 80987
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 80988
that the children's health insurance program part III covers if 80989
the center meets the requirements applicable to other providers 80990
providing those services. 80991

(B) The director may adopt rules under section 5101.522 of 80992
the Revised Code pertaining to the billing, reimbursement, and 80993
data collection for health-based health centers. 80994

Sec. 5101.5212. (A) Under the children's buy-in program and 80995
subject to section 5101.5213 of the Revised Code, an individual 80996
who does both of the following in accordance with rules adopted 80997
under section 5101.5215 of the Revised Code qualifies for medical 80998
assistance under the program, unless the director of job and 80999
family services has adopted rules under division (B) of section 81000
5101.5215 of the Revised Code to limit the number of individuals 81001
who may participate in the program at one time and the program is 81002
serving the maximum number of individuals specified in the rules: 81003

~~(A)(1)~~ Applies for the children's buy-in program; 81005

~~(B)(2)~~ Provides satisfactory evidence of all of the 81006
following: 81007

~~(1)(a)~~ That the individual is under nineteen years of age; 81008

~~(2)(b)~~ That the individual's countable family income exceeds 81009
~~two~~ three hundred fifty per cent of the federal poverty 81010
guidelines; 81011

~~(3) That (c) Except as provided in division (B) of this~~ 81012
~~section, that~~ the individual has not had creditable coverage for 81013
at least ~~six~~ three months before enrolling in the children's 81014
buy-in program, ~~unless the individual lost the only creditable~~ 81015
~~coverage available to the individual because the individual~~ 81016
~~exhausted a lifetime benefit limitation;~~ 81017

~~(4) That one or more of the following apply to the~~ 81018
~~individual:~~ 81019

~~(a) The individual is unable to obtain creditable coverage~~ 81020
~~due to a pre-existing condition of the individual;~~ 81021

~~(b) The individual lost the only creditable coverage~~ 81022
~~available to the individual because the individual has exhausted a~~ 81023
~~lifetime benefit limitation;~~ 81024

~~(c) The premium for the only creditable coverage available to~~ 81025
~~the individual is greater than two hundred per cent of the premium~~ 81026
~~applicable to the individual under the children's buy in program;~~ 81027

~~(d) The individual participates in the program for medically~~ 81028
~~handicapped children.~~ 81029

~~(5)(d)~~ That the individual meets the additional eligibility 81030
requirements for the children's buy-in program established in 81031
rules adopted under section 5101.5215 of the Revised Code. 81032

(B) Division (A)(2)(c) of this section does not apply to an 81033
individual who meets both of the following requirements: 81034

(1) At least one of the following applies to the individual: 81035

(a) The individual's parents are involuntarily unemployed. 81036

(b) At least one of the individual's parents is unable to 81037
find work due to a disabling condition. 81038

<u>(c) At least one of the individual's parents involuntarily</u>	81039
<u>lost creditable coverage for the individual.</u>	81040
<u>(d) The individual has creditable coverage under COBRA</u>	81041
<u>continuation coverage as defined in 42 U.S.C. 1396a(u)(3).</u>	81042
<u>(2) At least one of the following applies to the individual:</u>	81043
<u>(a) The cost of the least expensive creditable coverage</u>	81044
<u>available to the individual is greater than ten per cent of the</u>	81045
<u>individual's countable family income.</u>	81046
<u>(b) The premium for the creditable coverage with the lowest</u>	81047
<u>premium available to the individual is greater than one hundred</u>	81048
<u>fifty per cent of the premium applicable to the individual under</u>	81049
<u>the children's buy-in program.</u>	81050
<u>(c) The individual is unable to obtain creditable coverage</u>	81051
<u>due to a pre-existing condition of the individual.</u>	81052
<u>(d) The individual lost the only creditable coverage</u>	81053
<u>available to the individual because the individual has exhausted a</u>	81054
<u>lifetime benefit limitation.</u>	81055
<u>(e) The individual participates in the program for medically</u>	81056
<u>handicapped children.</u>	81057
Sec. 5101.54. (A) The director of job and family services	81058
shall administer the food stamp <u>supplemental nutrition assistance</u>	81059
program in accordance with the " Food Stamp and Nutrition Act of	81060
1977," 91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended et seq.)	81061
The department may:	81062
(1) Prepare and submit to the secretary of the United States	81063
department of agriculture a plan for the administration of the	81064
food stamp <u>supplemental nutrition assistance</u> program;	81065
(2) Prescribe forms for applications, certificates, reports,	81066
records, and accounts of county departments of job and family	81067

services, and other matters; 81068

(3) Require such reports and information from each county 81069
department of job and family services as may be necessary and 81070
advisable; 81071

(4) Administer and expend any sums appropriated by the 81072
general assembly for the purposes of ~~this section~~ the supplemental 81073
nutrition assistance program and all sums paid to the state by the 81074
United States as authorized by the Food ~~Stamp~~ and Nutrition Act of 81075
~~1977~~ 2008; 81076

(5) Conduct such investigations as are necessary; 81077

(6) Enter into interagency agreements and cooperate with 81078
investigations conducted by the department of public safety, 81079
including providing information for investigative purposes, 81080
exchanging property and records, passing through federal financial 81081
participation, modifying any agreements with the United States 81082
department of agriculture, providing for the supply, security, and 81083
accounting of ~~food stamp~~ supplemental nutrition assistance program 81084
benefits for investigative purposes, and meeting any other 81085
requirements necessary for the detection and deterrence of illegal 81086
activities in the ~~state food stamp~~ supplemental nutrition 81087
assistance program; 81088

(7) Adopt rules in accordance with Chapter 119. of the 81089
Revised Code governing employment and training requirements of 81090
recipients of ~~food stamp~~ supplemental nutrition assistance program 81091
benefits, including rules specifying which recipients are subject 81092
to the requirements and establishing sanctions for failure to 81093
satisfy the requirements. The rules shall be consistent with 7 81094
U.S.C.A. ~~2015~~ and, to the extent practicable, may provide for ~~food~~ 81095
~~stamp benefit~~ the recipients to participate in work activities, 81096
developmental activities, and alternative work activities 81097
established under sections 5107.40 to 5107.69 of the Revised Code 81098

that are comparable to programs authorized by 7 U.S.C.A. 81099
2015(d)(4). The rules may reference rules adopted under section 81100
5107.05 of the Revised Code governing work activities, 81101
developmental activities, and alternative work activities 81102
established under sections 5107.40 to 5107.69 of the Revised Code. 81103

(8) Adopt rules in accordance with section 111.15 of the 81104
Revised Code that are consistent with the Food ~~Stamp~~ and Nutrition 81105
Act of ~~1977~~ 2008, as amended, and regulations adopted thereunder 81106
governing the following: 81107

(a) Eligibility requirements for the ~~food-stamp~~ supplemental 81108
nutrition assistance program; 81109

(b) Sanctions for failure to comply with eligibility 81110
requirements; 81111

(c) Allotment of ~~food-stamp~~ supplemental nutrition assistance 81112
program benefits; 81113

(d) To the extent permitted under federal statutes and 81114
regulations, a system under which some or all recipients of ~~food~~ 81115
~~stamp~~ supplemental nutrition assistance program benefits subject 81116
to employment and training requirements established by rules 81117
adopted under division (A)(7) of this section receive ~~food-stamp~~ 81118
the benefits after satisfying the requirements; 81119

(e) Administration of the program by county departments of 81120
job and family services; 81121

(f) Other requirements necessary for the efficient 81122
administration of the program. 81123

(9) Submit a plan to the United States secretary of 81124
agriculture for the department of job and family services to 81125
operate a simplified ~~food-stamp~~ supplemental nutrition assistance 81126
program pursuant to 7 U.S.C.A. 2035 under which requirements 81127
governing the Ohio works first program established under Chapter 81128

5107. of the Revised Code also govern the ~~food stamp~~ supplemental nutrition assistance program in the case of households receiving ~~food stamp~~ supplemental nutrition assistance program benefits and participating in Ohio works first.

(B) ~~Except while in the custody of the United States postal service, food stamps and any document necessary to obtain food stamps are the property of the department of job and family services from the time they are received in accordance with federal regulations by the department from the federal agency responsible for such delivery until they are received by a household entitled to receive them or by the authorized representative of the household.~~

~~(C)~~ A household that is entitled to receive ~~food stamps under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended,~~ supplemental nutrition assistance program benefits and that is determined to be in immediate need of ~~food~~ nutrition assistance, shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:

(1) The results of the application interview indicate that the household will be eligible upon full verification;

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file, and shall include:

(a) The name of the person who provided the name of the information source;

(b) The name and address of the information source;

(c) A summary of the information obtained.

The period of temporary eligibility shall not exceed one 81159
month from the date of certification of temporary eligibility. If 81160
eligibility is established by full verification, benefits shall 81161
continue without interruption as long as eligibility continues. 81162

At the time of application, the county department of job and 81163
family services shall provide to a household described in this 81164
division a list of community assistance programs that provide 81165
emergency food. 81166

~~(D)~~(C) All applications shall be approved or denied through 81167
full verification within thirty days from receipt of the 81168
application by the county department of job and family services. 81169

~~(E)~~(D) Nothing in this section shall be construed to prohibit 81170
the certification of households that qualify under federal 81171
regulations to receive ~~food stamps~~ supplemental nutrition 81172
assistance program benefits without charge under the "Food Stamp 81173
and Nutrition Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 81174
~~amended 2008.~~ 81175

~~(F)~~(E) Any person who applies for ~~food stamps~~ under this 81176
~~section~~ the supplemental nutrition assistance program shall 81177
receive a voter registration application under section 3503.10 of 81178
the Revised Code. 81179

Sec. 5101.541. The ~~food stamp~~ supplemental nutrition 81180
assistance program fund is hereby created in the state treasury. 81181
The fund shall consist of federal reimbursement for ~~food stamp~~ 81182
supplemental nutrition assistance program administrative expenses 81183
and other ~~food stamp~~ supplemental nutrition assistance program 81184
expenses. The department of job and family services shall use the 81185
money credited to the fund to pay for ~~food stamp~~ supplemental 81186
nutrition assistance program administrative expenses and other 81187
~~food stamp~~ supplemental nutrition assistance program expenses. 81188

Sec. 5101.542. Immediately following a county department of 81189
job and family services' certification that a household determined 81190
under division (B) of section 5101.54 of the Revised Code to be in 81191
immediate need of nutrition assistance is eligible for the 81192
supplemental nutrition assistance program, the department of job 81193
and family services shall provide for the household to be sent by 81194
regular United States mail an electronic benefit transfer card 81195
containing the amount of benefits the household is eligible to 81196
receive under the program. The card shall be sent to the member of 81197
the household in whose name application for the supplemental 81198
nutrition assistance program was made or that member's authorized 81199
representative. 81200

Sec. 5101.544. If the benefits of a household are reduced 81201
under a federal, state, or local means-tested public assistance 81202
program for failure of a member of the household to perform an 81203
action required under the program, the household may not receive, 81204
for the duration of the reduction, an increased allotment of ~~food~~ 81205
~~stamp~~ supplemental nutrition assistance program benefits as the 81206
result of a decrease in the income of the household to the extent 81207
that the decrease is the result of the reduction. 81208

The department of job and family services shall adopt rules 81209
in accordance with Chapter 119. of the Revised Code to implement 81210
this section. The rules shall be consistent with 7 U.S.C.A. 81211
2017(d) and federal regulations. 81212

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of 81213
the Revised Code: 81214

(A) "Information" means all of the following: 81215

(1) An individual's name, address, date of birth, and social 81216
security number; 81217

(2) The group or plan number, or other identifier, assigned	81218
by a third party to a policy held by an individual or a plan in	81219
which the individual participates and the nature of the coverage;	81220
(3) Any other data the director of job and family services	81221
specifies in rules adopted under section 5101.591 of the Revised	81222
Code.	81223
(B) "Medical assistance" means medical items or services	81224
provided under any of the following:	81225
(1) Medicaid, as defined in section 5111.01 of the Revised	81226
Code;	81227
(2) The children's health insurance program part I, part II,	81228
and part III established under sections 5101.50 to 5101.529,	81229
<u>5101.51, and 5101.52</u> of the Revised Code;	81230
(3) The disability medical assistance program established	81231
under Chapter 5115. of the Revised Code;	81232
(4) The children's buy-in program established under sections	81233
5101.5211 to 5101.5216 of the Revised Code.	81234
(C) "Medical support" means support specified as support for	81235
the purpose of medical care by order of a court or administrative	81236
agency.	81237
(D) "Public assistance" means medical assistance or	81238
assistance under the Ohio works first program established under	81239
Chapter 5107. of the Revised Code.	81240
(E)(1) Subject to division (E)(2) of this section, and except	81241
as provided in division (E)(3) of this section, "third party"	81242
means all of the following:	81243
(a) A person authorized to engage in the business of sickness	81244
and accident insurance under Title XXXIX of the Revised Code;	81245
(b) A person or governmental entity providing coverage for	81246
medical services or items to individuals on a self-insurance	81247

basis;	81248
(c) A health insuring corporation as defined in section 1751.01 of the Revised Code;	81249 81250
(d) A group health plan as defined in 29 U.S.C. 1167;	81251
(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);	81252 81253
(f) A managed care organization;	81254
(g) A pharmacy benefit manager;	81255
(h) A third party administrator;	81256
(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant.	81257 81258 81259 81260
(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient.	81261 81262 81263 81264 81265
(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code.	81266 81267 81268
Sec. 5101.573. (A) Subject to divisions (B) and (C) of this section, a third party shall do all of the following:	81269 81270
(1) Accept the department of job and family services' right of recovery under section 5101.58 of the Revised Code and the assignment of rights to the department that are described in section 5101.59 of the Revised Code;	81271 81272 81273 81274
(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the	81275 81276

third party not later than three years after the date of the 81277
provision of such medical item or service; 81278

(3) Pay a claim described in division (A)(2) of this section; 81279

(4) Not deny a claim submitted by the department solely on 81280
the basis of the date of submission of the claim, type or format 81281
of the claim form, or a failure by the medical assistance 81282
recipient who is the subject of the claim to present proper 81283
documentation of coverage at the time of service, if both of the 81284
following are true: 81285

(a) The claim was submitted by the department not later than 81286
three years after the date of the provision of the medical item or 81287
service. 81288

(b) An action by the department to enforce its right of 81289
recovery under section 5101.58 of the Revised Code on the claim 81290
was commenced not later than six years after the department's 81291
submission of the claim. 81292

(5) Consider the department's payment of a claim for a 81293
medical item or service to be the equivalent of the medical 81294
assistance recipient having obtained prior authorization for the 81295
item or service from the third party; 81296

(6) Not deny a claim described in division (A)(5) of this 81297
section that is submitted by the department solely on the basis of 81298
the medical assistance recipient's failure to obtain prior 81299
authorization for the medical item or service. 81300

(B) For purposes of the requirements in division (A) of this 81301
section, a third party shall treat a managed care organization as 81302
the department for a claim in which both of the following are 81303
true: 81304

(1) The individual who is the subject of the claim received a 81305
medical item or service through a managed care organization that 81306

has entered into a contract with the department of job and family services under section ~~5111.16~~ 5111.17 of the Revised Code; 81307
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(2) The department has assigned its right of recovery for the claim to the managed care organization. 81309
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(C) The time limitations associated with the requirements in divisions (A)(2) and (A)(4) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which 42 U.S.C. 1396a(a)(25)(I) applies. 81311
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Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the Revised Code: 81315
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(A) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish. 81317
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(B) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. ~~Except as otherwise provided in this division,~~ 81320
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~~An "independent living arrangement" includes a community alternative home an adult care facility licensed pursuant to section ~~3724.03~~ Chapter 3722. of the Revised Code, but does not include other institutions or facilities licensed by the state, or facilities in which a person resides as a result of voluntary, civil, or criminal commitment. "Independent living arrangement" does include adult care facilities licensed pursuant to Chapter 3722. of the Revised Code.~~

(C) "Caretaker" means the person assuming the responsibility 81336

for the care of an adult on a voluntary basis, by contract, 81337
through receipt of payment for care, as a result of a family 81338
relationship, or by order of a court of competent jurisdiction. 81339

(D) "Court" means the probate court in the county where an 81340
adult resides. 81341

(E) "Emergency" means that the adult is living in conditions 81342
which present a substantial risk of immediate and irreparable 81343
physical harm or death to self or any other person. 81344

(F) "Emergency services" means protective services furnished 81345
to an adult in an emergency. 81346

(G) "Exploitation" means the unlawful or improper act of a 81347
caretaker using an adult or an adult's resources for monetary or 81348
personal benefit, profit, or gain. 81349

(H) "In need of protective services" means an adult known or 81350
suspected to be suffering from abuse, neglect, or exploitation to 81351
an extent that either life is endangered or physical harm, mental 81352
anguish, or mental illness results or is likely to result. 81353

(I) "Incapacitated person" means a person who is impaired for 81354
any reason to the extent that the person lacks sufficient 81355
understanding or capacity to make and carry out reasonable 81356
decisions concerning the person's self or resources, with or 81357
without the assistance of a caretaker. Refusal to consent to the 81358
provision of services shall not be the sole determinative that the 81359
person is incapacitated. "Reasonable decisions" are decisions made 81360
in daily living which facilitate the provision of food, shelter, 81361
clothing, and health care necessary for life support. 81362

(J) "Mental illness" means a substantial disorder of thought, 81363
mood, perception, orientation, or memory that grossly impairs 81364
judgment, behavior, capacity to recognize reality, or ability to 81365
meet the ordinary demands of life. 81366

(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult.

(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter.

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code.

Sec. 5101.61. (A) As used in this section:

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(a) Provides preventive, diagnostic, therapeutic,

rehabilitative, or palliative items or services furnished to an 81397
outpatient or ambulatory patient, by or under the direction of a 81398
physician or dentist in a facility which is not a part of a 81399
hospital, but which is organized and operated to provide medical 81400
care to outpatients; 81401

(b) Has health and medical care policies which are developed 81402
with the advice of, and with the provision of review of such 81403
policies, an advisory committee of professional personnel, 81404
including one or more physicians, one or more dentists, if dental 81405
care is provided, and one or more registered nurses; 81406

(c) Has a medical director, a dental director, if dental care 81407
is provided, and a nursing director responsible for the execution 81408
of such policies, and has physicians, dentists, nursing, and 81409
ancillary staff appropriate to the scope of services provided; 81410

(d) Requires that the health care and medical care of every 81411
patient be under the supervision of a physician, provides for 81412
medical care in a case of emergency, has in effect a written 81413
agreement with one or more hospitals and other centers or clinics, 81414
and has an established patient referral system to other resources, 81415
and a utilization review plan and program; 81416

(e) Maintains clinical records on all patients; 81417

(f) Provides nursing services and other therapeutic services 81418
in accordance with programs and policies, with such services 81419
supervised by a registered professional nurse, and has a 81420
registered professional nurse on duty at all times of clinical 81421
operations; 81422

(g) Provides approved methods and procedures for the 81423
dispensing and administration of drugs and biologicals; 81424

(h) Has established an accounting and record keeping system 81425
to determine reasonable and allowable costs; 81426

(i) "Ambulatory health facilities" also includes an 81427
alcoholism treatment facility approved by the joint commission on 81428
accreditation of healthcare organizations as an alcoholism 81429
treatment facility or certified by the department of alcohol and 81430
drug addiction services, and such facility shall comply with other 81431
provisions of this division not inconsistent with such 81432
accreditation or certification. 81433

(3) "Community mental health facility" means a facility which 81434
provides community mental health services and is included in the 81435
comprehensive mental health plan for the alcohol, drug addiction, 81436
and mental health service district in which it is located. 81437

(4) "Community mental health service" means services, other 81438
than inpatient services, provided by a community mental health 81439
facility. 81440

(5) "Home health agency" means an institution or a distinct 81441
part of an institution operated in this state which: 81442

(a) Is primarily engaged in providing home health services; 81443

(b) Has home health policies which are established by a group 81444
of professional personnel, including one or more duly licensed 81445
doctors of medicine or osteopathy and one or more registered 81446
professional nurses, to govern the home health services it 81447
provides and which includes a requirement that every patient must 81448
be under the care of a duly licensed doctor of medicine or 81449
osteopathy; 81450

(c) Is under the supervision of a duly licensed doctor of 81451
medicine or doctor of osteopathy or a registered professional 81452
nurse who is responsible for the execution of such home health 81453
policies; 81454

(d) Maintains comprehensive records on all patients; 81455

(e) Is operated by the state, a political subdivision, or an 81456

agency of either, or is operated not for profit in this state and 81457
is licensed or registered, if required, pursuant to law by the 81458
appropriate department of the state, county, or municipality in 81459
which it furnishes services; or is operated for profit in this 81460
state, meets all the requirements specified in divisions (A)(5)(a) 81461
to (d) of this section, and is certified under Title XVIII of the 81462
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 81463
amended. 81464

(6) "Home health service" means the following items and 81465
services, provided, except as provided in division (A)(6)(g) of 81466
this section, on a visiting basis in a place of residence used as 81467
the patient's home: 81468

(a) Nursing care provided by or under the supervision of a 81469
registered professional nurse; 81470

(b) Physical, occupational, or speech therapy ordered by the 81471
patient's attending physician; 81472

(c) Medical social services performed by or under the 81473
supervision of a qualified medical or psychiatric social worker 81474
and under the direction of the patient's attending physician; 81475

(d) Personal health care of the patient performed by aides in 81476
accordance with the orders of a doctor of medicine or osteopathy 81477
and under the supervision of a registered professional nurse; 81478

(e) Medical supplies and the use of medical appliances; 81479

(f) Medical services of interns and residents-in-training 81480
under an approved teaching program of a nonprofit hospital and 81481
under the direction and supervision of the patient's attending 81482
physician; 81483

(g) Any of the foregoing items and services which: 81484

(i) Are provided on an outpatient basis under arrangements 81485
made by the home health agency at a hospital or skilled nursing 81486

facility; 81487

(ii) Involve the use of equipment of such a nature that the 81488
items and services cannot readily be made available to the patient 81489
in the patient's place of residence, or which are furnished at the 81490
hospital or skilled nursing facility while the patient is there to 81491
receive any item or service involving the use of such equipment. 81492

Any attorney, physician, osteopath, podiatrist, chiropractor, 81493
dentist, psychologist, any employee of a hospital as defined in 81494
section 3701.01 of the Revised Code, any nurse licensed under 81495
Chapter 4723. of the Revised Code, any employee of an ambulatory 81496
health facility, any employee of a home health agency, any 81497
employee of an adult care facility as defined in section 3722.01 81498
of the Revised Code, ~~any employee of a community alternative home~~ 81499
~~as defined in section 3724.01 of the Revised Code,~~ any employee of 81500
a nursing home, residential care facility, or home for the aging, 81501
as defined in section 3721.01 of the Revised Code, any senior 81502
service provider, any peace officer, coroner, clergyman, any 81503
employee of a community mental health facility, and any person 81504
engaged in social work or counseling having reasonable cause to 81505
believe that an adult is being abused, neglected, or exploited, or 81506
is in a condition which is the result of abuse, neglect, or 81507
exploitation shall immediately report such belief to the county 81508
department of job and family services. This section does not apply 81509
to employees of any hospital or public hospital as defined in 81510
section 5122.01 of the Revised Code. 81511

(B) Any person having reasonable cause to believe that an 81512
adult has suffered abuse, neglect, or exploitation may report, or 81513
cause reports to be made of such belief to the department. 81514

(C) The reports made under this section shall be made orally 81515
or in writing except that oral reports shall be followed by a 81516
written report if a written report is requested by the department. 81517
Written reports shall include: 81518

(1) The name, address, and approximate age of the adult who is the subject of the report; 81519
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(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known; 81521
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(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult; 81524
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(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited. 81526
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(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose. 81528
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(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section. 81538
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(F) Neither the written or oral report provided for in this section nor the investigatory report provided for in section 5101.62 of the Revised Code shall be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, to agencies authorized 81544
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by the department to receive information contained in the report, 81550
and to legal counsel for the adult. 81551

Sec. 5101.83. (A) As used in this section: 81552

(1) "Assistance group" has the same meaning as in section 81553
5107.02 of the Revised Code, ~~except that it also means a group~~ 81554
~~provided benefits and services under the prevention, retention,~~ 81555
~~and contingency program.~~ 81556

(2) "Fraudulent assistance" means ~~assistance and service,~~ 81557
~~including~~ cash assistance, provided under the Ohio works first 81558
program established under Chapter 5107., ~~or benefits and services~~ 81559
~~provided under the prevention, retention, and contingency program~~ 81560
~~established under Chapter 5108.~~ of the Revised Code, to or on 81561
behalf of an assistance group that is provided as a result of 81562
fraud by a member of the assistance group, including an 81563
intentional violation of the program's requirements. "Fraudulent 81564
assistance" does not include cash assistance ~~or services~~ to or on 81565
behalf of an assistance group that is provided as a result of an 81566
error that is the fault of a county department of job and family 81567
services or the state department of job and family services. 81568

(B) If a county director of job and family services 81569
determines that an assistance group has received fraudulent 81570
assistance, the assistance group is ineligible to participate in 81571
the Ohio works first program ~~or the prevention, retention, and~~ 81572
~~contingency program~~ until a member of the assistance group repays 81573
the cost of the fraudulent assistance. If a member repays the cost 81574
of the fraudulent assistance and the assistance group otherwise 81575
meets the eligibility requirements for the Ohio works first 81576
program ~~or the prevention, retention, and contingency program,~~ the 81577
assistance group shall not be denied the opportunity to 81578
participate in the program. 81579

This section does not limit the ability of a county 81580

department of job and family services to recover erroneous 81581
payments under section 5107.76 of the Revised Code. 81582

The state department of job and family services shall adopt 81583
rules in accordance with Chapter 119. of the Revised Code to 81584
implement this section. 81585

Sec. 5101.84. An individual otherwise ineligible for aid 81586
under ~~Chapter 5107. or 5108. a Title IV-A program, as defined in~~ 81587
section 5101.80 of the Revised Code, or ~~food stamps supplemental~~ 81588
nutrition assistance program benefits under the "Food Stamp and 81589
Nutrition Act of 1977, " 78 Stat. 703, 2008 (7 U.S.C. 2011, as 81590
~~amended, et seq.)~~ because of paragraph (a) of ~~section 115 of the~~ 81591
~~"Personal Responsibility and Work Opportunity Reconciliation Act~~ 81592
~~of 1996, " 110 Stat. 2105, 21 U.S.C. 862a,~~ is eligible for the aid 81593
or benefits if the individual meets all other eligibility 81594
requirements for the aid or benefits. 81595

Sec. 5104.01. As used in this chapter: 81596

(A) "Administrator" means the person responsible for the 81597
daily operation of a center or type A home. The administrator and 81598
the owner may be the same person. 81599

(B) "Approved child day camp" means a child day camp approved 81600
pursuant to section 5104.22 of the Revised Code. 81601

(C) "Authorized provider" means a person authorized by a 81602
county director of job and family services to operate a certified 81603
type B family day-care home. 81604

(D) "Border state child care provider" means a child care 81605
provider that is located in a state bordering Ohio and that is 81606
licensed, certified, or otherwise approved by that state to 81607
provide child care. 81608

(E) "Caretaker parent" means the father or mother of a child 81609

whose presence in the home is needed as the caretaker of the 81610
child, a person who has legal custody of a child and whose 81611
presence in the home is needed as the caretaker of the child, a 81612
guardian of a child whose presence in the home is needed as the 81613
caretaker of the child, and any other person who stands in loco 81614
parentis with respect to the child and whose presence in the home 81615
is needed as the caretaker of the child. 81616

(F) "Certified type B family day-care home" and "certified 81617
type B home" mean a type B family day-care home that is certified 81618
by the director of the county department of job and family 81619
services pursuant to section 5104.11 of the Revised Code to 81620
receive public funds for providing child care pursuant to this 81621
chapter and any rules adopted under it. 81622

(G) "Chartered nonpublic school" means a school that meets 81623
standards for nonpublic schools prescribed by the state board of 81624
education for nonpublic schools pursuant to section 3301.07 of the 81625
Revised Code. 81626

(H) "Child" includes an infant, toddler, preschool child, or 81627
school child. 81628

(I) "Child care block grant act" means the "Child Care and 81629
Development Block Grant Act of 1990," established in section 5082 81630
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 81631
1388-236 (1990), 42 U.S.C. 9858, as amended. 81632

(J) "Child day camp" means a program in which only school 81633
children attend or participate, that operates for no more than 81634
seven hours per day, that operates only during one or more public 81635
school district's regular vacation periods or for no more than 81636
fifteen weeks during the summer, and that operates outdoor 81637
activities for each child who attends or participates in the 81638
program for a minimum of fifty per cent of each day that children 81639
attend or participate in the program, except for any day when 81640

hazardous weather conditions prevent the program from operating 81641
outdoor activities for a minimum of fifty per cent of that day. 81642
For purposes of this division, the maximum seven hours of 81643
operation time does not include transportation time from a child's 81644
home to a child day camp and from a child day camp to a child's 81645
home. 81646

(K) "Child care" means administering to the needs of infants, 81647
toddlers, preschool children, and school children outside of 81648
school hours by persons other than their parents or guardians, 81649
custodians, or relatives by blood, marriage, or adoption for any 81650
part of the twenty-four-hour day in a place or residence other 81651
than a child's own home. 81652

(L) "Child day-care center" and "center" mean any place in 81653
which child care or publicly funded child care is provided for 81654
thirteen or more children at one time or any place that is not the 81655
permanent residence of the licensee or administrator in which 81656
child care or publicly funded child care is provided for seven to 81657
twelve children at one time. In counting children for the purposes 81658
of this division, any children under six years of age who are 81659
related to a licensee, administrator, or employee and who are on 81660
the premises of the center shall be counted. "Child day-care 81661
center" and "center" do not include any of the following: 81662

(1) A place located in and operated by a hospital, as defined 81663
in section 3727.01 of the Revised Code, in which the needs of 81664
children are administered to, if all the children whose needs are 81665
being administered to are monitored under the on-site supervision 81666
of a physician licensed under Chapter 4731. of the Revised Code or 81667
a registered nurse licensed under Chapter 4723. of the Revised 81668
Code, and the services are provided only for children who, in the 81669
opinion of the child's parent, guardian, or custodian, are 81670
exhibiting symptoms of a communicable disease or other illness or 81671
are injured; 81672

(2) A child day camp;	81673
(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	81674
(a) An organized religious body provides the child care;	81675
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	81676
(c) The child care is not provided for more than thirty days a year;	81677
(d) The child care is provided only for preschool and school children.	81678
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	81679
(N) "Child care resource and referral services" means all of the following services:	81680
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	81681
(2) Provision of individualized consumer education to families seeking child care;	81682
(3) Provision of timely referrals of available child care providers to families seeking child care;	81683
(4) Recruitment of child care providers;	81684
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	81685
(6) Collection and analysis of data on the supply of and	81686

demand for child care in the community;	81702
(7) Technical assistance concerning locally, state, and	81703
federally funded child care and early childhood education	81704
programs;	81705
(8) Stimulation of employer involvement in making child care	81706
more affordable, more available, safer, and of higher quality for	81707
their employees and for the community;	81708
(9) Provision of written educational materials to caretaker	81709
parents and informational resources to child care providers;	81710
(10) Coordination of services among child care resource and	81711
referral service organizations to assist in developing and	81712
maintaining a statewide system of child care resource and referral	81713
services if required by the department of job and family services;	81714
(11) Cooperation with the county department of job and family	81715
services in encouraging the establishment of parent cooperative	81716
child care centers and parent cooperative type A family day-care	81717
homes.	81718
(O) "Child-care staff member" means an employee of a child	81719
day-care center or type A family day-care home who is primarily	81720
responsible for the care and supervision of children. The	81721
administrator may be a part-time child-care staff member when not	81722
involved in other duties.	81723
(P) "Drop-in child day-care center," "drop-in center,"	81724
"drop-in type A family day-care home," and "drop-in type A home"	81725
mean a center or type A home that provides child care or publicly	81726
funded child care for children on a temporary, irregular basis.	81727
(Q) "Employee" means a person who either:	81728
(1) Receives compensation for duties performed in a child	81729
day-care center or type A family day-care home;	81730
(2) Is assigned specific working hours or duties in a child	81731

day-care center or type A family day-care home. 81732

(R) "Employer" means a person, firm, institution, 81733
organization, or agency that operates a child day-care center or 81734
type A family day-care home subject to licensure under this 81735
chapter. 81736

(S) "Federal poverty line" means the official poverty 81737
guideline as revised annually in accordance with section 673(2) of 81738
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 81739
U.S.C. 9902, as amended, for a family size equal to the size of 81740
the family of the person whose income is being determined. 81741

(T) "Full-time week" means at least thirty-two and one-half 81742
hours and not more than sixty hours of care in a week for licensed 81743
child care centers and licensed type A homes and at least 81744
thirty-two and one-half hours and not more than fifty hours of 81745
care in a week for certified type B providers. 81746

(U) "Head start program" means a comprehensive child 81747
development program that receives funds distributed under the 81748
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 81749
amended, and is licensed as a child day-care center. 81750

~~(U)~~(V) "Income" means gross income, as defined in section 81751
5107.10 of the Revised Code, less any amounts required by federal 81752
statutes or regulations to be disregarded. 81753

~~(V)~~(W) "Indicator checklist" means an inspection tool, used 81754
in conjunction with an instrument-based program monitoring 81755
information system, that contains selected licensing requirements 81756
that are statistically reliable indicators or predictors of a 81757
child day-care center or type A family day-care home's compliance 81758
with licensing requirements. 81759

~~(W)~~(X) "Infant" means a child who is less than eighteen 81760
months of age. 81761

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

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

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

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

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

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

establish, manage, conduct, or maintain a child day camp. 81793

~~(DD)~~(EE) "Owner" includes a person, as defined in section 81794
1.59 of the Revised Code, or government entity. 81795

~~(EE)~~(FF) "Parent cooperative child day-care center," "parent 81796
cooperative center," "parent cooperative type A family day-care 81797
home," and "parent cooperative type A home" mean a corporation or 81798
association organized for providing educational services to the 81799
children of members of the corporation or association, without 81800
gain to the corporation or association as an entity, in which the 81801
services of the corporation or association are provided only to 81802
children of the members of the corporation or association, 81803
ownership and control of the corporation or association rests 81804
solely with the members of the corporation or association, and at 81805
least one parent-member of the corporation or association is on 81806
the premises of the center or type A home during its hours of 81807
operation. 81808

~~(FF)~~(GG) "Part-time child day-care center," "part-time 81809
center," "part-time type A family day-care home," and "part-time 81810
type A home" mean a center or type A home that provides child care 81811
or publicly funded child care for no more than four hours a day 81812
for any child. 81813

~~(GG)~~(HH) "Place of worship" means a building where activities 81814
of an organized religious group are conducted and includes the 81815
grounds and any other buildings on the grounds used for such 81816
activities. 81817

~~(HH)~~(II) "Preschool child" means a child who is three years 81818
old or older but is not a school child. 81819

~~(II)~~(JJ) "Protective child care" means publicly funded child 81820
care for the direct care and protection of a child to whom either 81821
of the following applies: 81822

(1) A case plan prepared and maintained for the child 81823

pursuant to section 2151.412 of the Revised Code indicates a need 81824
for protective care and the child resides with a parent, 81825
stepparent, guardian, or another person who stands in loco 81826
parentis as defined in rules adopted under section 5104.38 of the 81827
Revised Code; 81828

(2) The child and the child's caretaker either temporarily 81829
reside in a facility providing emergency shelter for homeless 81830
families or are determined by the county department of job and 81831
family services to be homeless, and are otherwise ineligible for 81832
publicly funded child care. 81833

~~(JJ)~~(KK) "Publicly funded child care" means administering to 81834
the needs of infants, toddlers, preschool children, and school 81835
children under age thirteen during any part of the 81836
twenty-four-hour day by persons other than their caretaker parents 81837
for remuneration wholly or in part with federal or state funds, 81838
including funds available under the child care block grant act, 81839
Title IV-A, and Title XX, distributed by the department of job and 81840
family services. 81841

~~(KK)~~(LL) "Religious activities" means any of the following: 81842
worship or other religious services; religious instruction; Sunday 81843
school classes or other religious classes conducted during or 81844
prior to worship or other religious services; youth or adult 81845
fellowship activities; choir or other musical group practices or 81846
programs; meals; festivals; or meetings conducted by an organized 81847
religious group. 81848

~~(LL)~~(MM) "School child" means a child who is enrolled in or 81849
is eligible to be enrolled in a grade of kindergarten or above but 81850
is less than fifteen years old. 81851

~~(MM)~~(NN) "School child day-care center," "school child 81852
center," "school child type A family day-care home," and "school 81853
child type A family home" mean a center or type A home that 81854

provides child care for school children only and that does either 81855
or both of the following: 81856

(1) Operates only during that part of the day that 81857
immediately precedes or follows the public school day of the 81858
school district in which the center or type A home is located; 81859

(2) Operates only when the public schools in the school 81860
district in which the center or type A home is located are not 81861
open for instruction with pupils in attendance. 81862

~~(NN)~~(OO) "State median income" means the state median income 81863
calculated by the department of development pursuant to division 81864
(A)(1)(g) of section 5709.61 of the Revised Code. 81865

~~(OO)~~(PP) "Title IV-A" means Title IV-A of the "Social 81866
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 81867

~~(PP)~~(QQ) "Title XX" means Title XX of the "Social Security 81868
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 81869

~~(QQ)~~(RR) "Toddler" means a child who is at least eighteen 81870
months of age but less than three years of age. 81871

~~(RR)~~(SS) "Type A family day-care home" and "type A home" mean 81872
a permanent residence of the administrator in which child care or 81873
publicly funded child care is provided for seven to twelve 81874
children at one time or a permanent residence of the administrator 81875
in which child care is provided for four to twelve children at one 81876
time if four or more children at one time are under two years of 81877
age. In counting children for the purposes of this division, any 81878
children under six years of age who are related to a licensee, 81879
administrator, or employee and who are on the premises of the type 81880
A home shall be counted. "Type A family day-care home" and "type A 81881
home" do not include any child day camp. 81882

~~(SS)~~(TT) "Type B family day-care home" and "type B home" mean 81883
a permanent residence of the provider in which child care is 81884

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

Sec. 5104.051. (A)(1) The department of commerce is responsible for the inspections of child day-care centers as required by division (A)(1) of section 5104.05 of the Revised Code. Where there is a municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes day-care centers, all inspections required under division (A)(1) of section 5104.05 of the Revised Code shall be made by that department according to the standards established by the board of building standards. Inspections in areas of the state where there is no municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes day-care centers shall be made by personnel of the department of commerce. Inspections of centers shall be contingent upon payment of a fee by the applicant to the department having jurisdiction to inspect.

(2) The department of commerce is responsible for the inspections of type A family day-care homes as required by division (B)(3) of section 5104.05 of the Revised Code. Where there is a municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes type A homes, all inspections required

under division (B)(3) of section 5104.05 of the Revised Code shall 81917
be made by that department according to the standards established 81918
by the board of building standards. Inspections in areas of the 81919
state where there is no municipal, township, or county building 81920
department certified under section 3781.10 of the Revised Code to 81921
exercise enforcement authority with respect to the category of 81922
building occupancy which includes type A homes shall be made by 81923
personnel of the department of commerce. Inspections of type A 81924
homes shall be contingent upon payment of a fee by the applicant 81925
to the department having jurisdiction to inspect. 81926

(B) The state fire marshal is responsible for the inspections 81927
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 81928
Revised Code. In municipal corporations and in townships outside 81929
municipal corporations where there is a fire prevention official, 81930
the inspections shall be made by the fire chief or the fire 81931
prevention official under the supervision of and according to the 81932
standards established by the state fire marshal. In townships 81933
outside municipal corporations where there is no fire prevention 81934
official, inspections shall be made by the employees of the state 81935
fire marshal. 81936

(C) The state fire marshal shall enforce all statutes and 81937
rules pertaining to fire safety and fire prevention in child 81938
day-care centers and type A family day-care homes. In the event of 81939
a dispute between the state fire marshal and any other responsible 81940
officer under sections 5104.05 and 5104.051 of the Revised Code 81941
with respect to the interpretation or application of a specific 81942
fire safety statute or rule, the interpretation of the state fire 81943
marshal shall prevail. 81944

(D) As used in this division, "licensor" has the same meaning 81945
as in section 3717.01 of the Revised Code. 81946

The licensor for food service operations in the city or 81947
general health district in which the center is located is 81948

responsible for the inspections required under Chapter 3717. of 81949
the Revised Code. 81950

(E) Any moneys collected by the department of commerce under 81951
this section shall be paid into the state treasury to the credit 81952
of the ~~industrial compliance~~ labor operating fund created in 81953
section 121.084 of the Revised Code. 81954

Sec. 5104.30. (A) The department of job and family services 81955
is hereby designated as the state agency responsible for 81956
administration and coordination of federal and state funding for 81957
publicly funded child care in this state. Publicly funded child 81958
care shall be provided to the following: 81959

(1) Recipients of transitional child care as provided under 81960
section 5104.34 of the Revised Code; 81961

(2) Participants in the Ohio works first program established 81962
under Chapter 5107. of the Revised Code; 81963

(3) Individuals who would be participating in the Ohio works 81964
first program if not for a sanction under section 5107.16 of the 81965
Revised Code and who continue to participate in a work activity, 81966
developmental activity, or alternative work activity pursuant to 81967
an assignment under section 5107.42 of the Revised Code; 81968

(4) A family receiving publicly funded child care on October 81969
1, 1997, until the family's income reaches one hundred fifty per 81970
cent of the federal poverty line; 81971

(5) Subject to available funds, other individuals determined 81972
eligible in accordance with rules adopted under section 5104.38 of 81973
the Revised Code. 81974

The department shall apply to the United States department of 81975
health and human services for authority to operate a coordinated 81976
program for publicly funded child care, if the director of job and 81977
family services determines that the application is necessary. For 81978

purposes of this section, the department of job and family 81979
services may enter into agreements with other state agencies that 81980
are involved in regulation or funding of child care. The 81981
department shall consider the special needs of migrant workers 81982
when it administers and coordinates publicly funded child care and 81983
shall develop appropriate procedures for accommodating the needs 81984
of migrant workers for publicly funded child care. 81985

(B) The department of job and family services shall 81986
distribute state and federal funds for publicly funded child care, 81987
including appropriations of state funds for publicly funded child 81988
care and appropriations of federal funds available under the child 81989
care block grant act, Title IV-A, and Title XX. The department may 81990
use any state funds appropriated for publicly funded child care as 81991
the state share required to match any federal funds appropriated 81992
for publicly funded child care. 81993

(C) In the use of federal funds available under the child 81994
care block grant act, all of the following apply: 81995

(1) The department may use the federal funds to hire staff to 81996
prepare any rules required under this chapter and to administer 81997
and coordinate federal and state funding for publicly funded child 81998
care. 81999

(2) Not more than five per cent of the aggregate amount of 82000
the federal funds received for a fiscal year may be expended for 82001
administrative costs. 82002

(3) The department shall allocate and use at least four per 82003
cent of the federal funds for the following: 82004

(a) Activities designed to provide comprehensive consumer 82005
education to parents and the public; 82006

(b) Activities that increase parental choice; 82007

(c) Activities, including child care resource and referral 82008

services, designed to improve the quality, and increase the 82009
supply, of child care; 82010

(d) Establishing a voluntary child day-care center 82011
quality-rating program in which participation in the program may 82012
allow a child day-care center to be eligible for grants, technical 82013
assistance, training, or other assistance and become eligible for 82014
unrestricted monetary awards for maintaining a quality rating. 82015

(4) The department shall ensure that the federal funds will 82016
be used only to supplement, and will not be used to supplant, 82017
federal, state, and local funds available on the effective date of 82018
the child care block grant act for publicly funded child care and 82019
related programs. A If authorized by rules adopted by the 82020
department pursuant to section 5104.42 of the Revised Code, county 82021
~~department~~ departments of job and family services may purchase 82022
child care from funds obtained through any other means. 82023

(D) The department shall encourage the development of 82024
suitable child care throughout the state, especially in areas with 82025
high concentrations of recipients of public assistance and 82026
families with low incomes. The department shall encourage the 82027
development of suitable child care designed to accommodate the 82028
special needs of migrant workers. On request, the department, 82029
through its employees or contracts with state or community child 82030
care resource and referral service organizations, shall provide 82031
consultation to groups and individuals interested in developing 82032
child care. The department of job and family services may enter 82033
into interagency agreements with the department of education, the 82034
board of regents, the department of development, and other state 82035
agencies and entities whenever the cooperative efforts of the 82036
other state agencies and entities are necessary for the department 82037
of job and family services to fulfill its duties and 82038
responsibilities under this chapter. 82039

The department shall develop and maintain a registry of 82040

persons providing child care. The director shall adopt rules 82041
pursuant to Chapter 119. of the Revised Code establishing 82042
procedures and requirements for the registry's administration. 82043

(E)(1) The director shall adopt rules in accordance with 82044
Chapter 119. of the Revised Code establishing both of the 82045
following: 82046

(a) Reimbursement ceilings for providers of publicly funded 82047
child care not later than the first day of July in each 82048
odd-numbered year; 82049

(b) A procedure for reimbursing and paying providers of 82050
publicly funded child care. 82051

(2) In establishing reimbursement ceilings under division 82052
(E)(1)(a) of this section, the director shall do all of the 82053
following: 82054

(a) Use the information obtained under division (B)(3) of 82055
section 5104.04 of the Revised Code; 82056

(b) Establish an enhanced reimbursement ceiling for providers 82057
who provide child care for caretaker parents who work 82058
nontraditional hours; 82059

(c) For a type B family day-care home provider that has 82060
received limited certification pursuant to rules adopted under 82061
division (G)(1) of section 5104.011 of the Revised Code, establish 82062
a reimbursement ceiling that is the following: 82063

(i) If the provider is a person described in division 82064
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 82065
per cent of the reimbursement ceiling that applies to a type B 82066
family day-care home certified by the same county department of 82067
job and family services pursuant to section 5104.11 of the Revised 82068
Code; 82069

(ii) If the provider is a person described in division 82070

(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code. 82071
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(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following: 82075
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(a) Geographic location of the provider; 82078

(b) Type of care provided; 82079

(c) Age of the child served; 82080

(d) Special needs of the child served; 82081

(e) Whether the expanded hours of service are provided; 82082

(f) Whether weekend service is provided; 82083

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care; 82084
82085

(h) Any other factors the director considers appropriate. 82086

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the voluntary child day-care center quality-rating program described in division (C)(3)(d) of this section. 82087
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Sec. 5104.32. (A) Except as provided in division (C) of this section, all purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, certified type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the county department of job and family services. A county department of job and family services may enter into a contract with a provider for publicly 82091
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funded child care for a specified period of time or upon a 82100
continuous basis for an unspecified period of time. All contracts 82101
for publicly funded child care shall be contingent upon the 82102
availability of state and federal funds. The department of job and 82103
family services shall prescribe a standard form to be used for all 82104
contracts for the purchase of publicly funded child care, 82105
regardless of the source of public funds used to purchase the 82106
child care. To the extent permitted by federal law and 82107
notwithstanding any other provision of the Revised Code that 82108
regulates state or county contracts or contracts involving the 82109
expenditure of state, county, or federal funds, all contracts for 82110
publicly funded child care shall be entered into in accordance 82111
with the provisions of this chapter and are exempt from any other 82112
provision of the Revised Code that regulates state or county 82113
contracts or contracts involving the expenditure of state, county, 82114
or federal funds. 82115

(B) Each contract for publicly funded child care shall 82116
specify at least the following: 82117

(1) That the provider of publicly funded child care agrees to 82118
be paid for rendering services at the lowest of the rate 82119
customarily charged by the provider for children enrolled for 82120
child care, the reimbursement ceiling or rate of payment 82121
established pursuant to section 5104.30 of the Revised Code, or a 82122
rate the county department negotiates with the provider; 82123

(2) That, if a provider provides child care to an individual 82124
potentially eligible for publicly funded child care who is 82125
subsequently determined to be eligible, the county department 82126
agrees to pay for all child care provided between the date the 82127
county department receives the individual's completed application 82128
and the date the individual's eligibility is determined; 82129

(3) Whether the county department of job and family services, 82130
the provider, or a child care resource and referral service 82131

organization will make eligibility determinations, whether the 82132
provider or a child care resource and referral service 82133
organization will be required to collect information to be used by 82134
the county department to make eligibility determinations, and the 82135
time period within which the provider or child care resource and 82136
referral service organization is required to complete required 82137
eligibility determinations or to transmit to the county department 82138
any information collected for the purpose of making eligibility 82139
determinations; 82140

(4) That the provider, other than a border state child care 82141
provider, shall continue to be licensed, approved, or certified 82142
pursuant to this chapter and shall comply with all standards and 82143
other requirements in this chapter and in rules adopted pursuant 82144
to this chapter for maintaining the provider's license, approval, 82145
or certification; 82146

(5) That, in the case of a border state child care provider, 82147
the provider shall continue to be licensed, certified, or 82148
otherwise approved by the state in which the provider is located 82149
and shall comply with all standards and other requirements 82150
established by that state for maintaining the provider's license, 82151
certificate, or other approval; 82152

(6) Whether the provider will be paid by the county 82153
department of job and family services ~~or~~ the state department of 82154
job and family services, or in some other manner as prescribed by 82155
rules adopted under section 5104.42 of the Revised Code; 82156

(7) That the contract is subject to the availability of state 82157
and federal funds. 82158

(C) Unless specifically prohibited by federal law or by rules 82159
adopted under section 5104.42 of the Revised Code, the county 82160
department of job and family services shall give individuals 82161
eligible for publicly funded child care the option of obtaining 82162

certificates for payment that the individual may use to purchase 82163
services from any provider qualified to provide publicly funded 82164
child care under section 5104.31 of the Revised Code. Providers of 82165
publicly funded child care may present these certificates for 82166
payment for reimbursement in accordance with rules that the 82167
director of job and family services shall adopt. Only providers 82168
may receive reimbursement for certificates for payment. The value 82169
of the certificate for payment shall be based on the lowest of the 82170
rate customarily charged by the provider, the reimbursement 82171
ceiling or rate of payment established pursuant to section 5104.30 82172
of the Revised Code, or a rate the county department negotiates 82173
with the provider. The county department may provide the 82174
certificates for payment to the individuals or may contract with 82175
child care providers or child care resource and referral service 82176
organizations that make determinations of eligibility for publicly 82177
funded child care pursuant to contracts entered into under section 82178
5104.34 of the Revised Code for the providers or resource and 82179
referral service organizations to provide the certificates for 82180
payment to individuals whom they determine are eligible for 82181
publicly funded child care. 82182

For each six-month period a provider of publicly funded child 82183
care provides publicly funded child day-care to the child of an 82184
individual given certificates for payment, the individual shall 82185
provide the provider certificates for days the provider would have 82186
provided publicly funded child care to the child had the child 82187
been present. ~~County departments shall specify the maximum number~~ 82188
~~of days providers will be provided certificates of payment for~~ 82189
~~days the provider would have provided publicly funded child care~~ 82190
~~had the child been present.~~ The maximum number of days providers 82191
shall be provided certificates shall not exceed ten days in a 82192
six-month period during which publicly funded child care is 82193
provided to the child regardless of the number of providers that 82194
provide publicly funded child care to the child during that 82195

period. 82196

Sec. 5104.341. (A) Except as provided in division (B) of this 82197
section, both of the following apply: 82198

(1) An eligibility determination made under section 5104.34 82199
of the Revised Code for publicly funded child care is valid for 82200
one year; 82201

(2) The county department of job and family services shall 82202
~~redetermine~~ adjust the appropriate level of a fee charged under 82203
division (B) of section 5104.34 of the Revised Code ~~every six~~ 82204
~~months during the one year period, unless~~ if a caretaker parent 82205
~~requests that the fee be reduced due to~~ reports changes in income, 82206
family size, or both ~~and the county department of job and family~~ 82207
~~services approves the reduction.~~ 82208

(B) Division (A) of this section does not apply in either of 82209
the following circumstances: 82210

(1) The publicly funded child care is provided under division 82211
(B)(4) of section 5104.35 of the Revised Code; 82212

(2) The recipient of the publicly funded child care ceases to 82213
be eligible for publicly funded child care. 82214

Sec. 5104.35. (A) The county department of job and family 82215
services shall do all of the following: 82216

(1) Accept any gift, grant, or other funds from either public 82217
or private sources offered unconditionally or under conditions 82218
which are, in the judgment of the department, proper and 82219
consistent with this chapter and deposit the funds in the county 82220
public assistance fund established by section 5101.161 of the 82221
Revised Code; 82222

(2) Recruit individuals and groups interested in 82223
certification as in-home aides or in developing and operating 82224

suitable licensed child day-care centers, type A family day-care 82225
homes, or certified type B family day-care homes, especially in 82226
areas with high concentrations of recipients of public assistance, 82227
and for that purpose provide consultation to interested 82228
individuals and groups on request; 82229

(3) Inform clients of the availability of child care 82230
services; 82231

(4) Pay to a child day-care center, type A family day-care 82232
home, certified type B family day-care home, in-home aide, 82233
approved child day camp, licensed preschool program, licensed 82234
school child program, or border state child care provider for 82235
child care services, the amount provided for in division (B) of 82236
section 5104.32 of the Revised Code. If part of the cost of care 82237
of a child is paid by the child's parent or any other person, the 82238
amount paid shall be subtracted from the amount the ~~county~~ 82239
~~department pays~~ provider is paid. 82240

(5) In accordance with rules adopted pursuant to section 82241
5104.39 of the Revised Code, provide monthly reports to the 82242
director of job and family services and the director of budget and 82243
management regarding expenditures for the purchase of publicly 82244
funded child care. 82245

(B) The county department of job and family services may do 82246
any of the following: 82247

(1) To the extent permitted by federal law, use public child 82248
care funds to extend the hours of operation of the county 82249
department to accommodate the needs of working caretaker parents 82250
and enable those parents to apply for publicly funded child care; 82251

(2) In accordance with rules adopted by the director of job 82252
and family services, request a waiver of the reimbursement ceiling 82253
established pursuant to section 5104.30 of the Revised Code for 82254
the purpose of paying a higher rate for publicly funded child care 82255

based upon the special needs of a child; 82256

(3) To the extent permitted by federal law, use state and 82257
federal funds to pay deposits and other advance payments that a 82258
provider of child care customarily charges all children who 82259
receive child care from that provider; 82260

(4) To the extent permitted by federal law, pay for up to 82261
thirty days of child care for a child whose caretaker parent is 82262
seeking employment, taking part in employment orientation 82263
activities, or taking part in activities in anticipation of 82264
enrollment or attendance in an education or training program or 82265
activity, if the employment or education or training program or 82266
activity is expected to begin within the thirty-day period. 82267

Sec. 5104.38. In addition to any other rules adopted under 82268
this chapter, the director of job and family services shall adopt 82269
rules in accordance with Chapter 119. of the Revised Code 82270
governing financial and administrative requirements for publicly 82271
funded child care and establishing all of the following: 82272

(A) Procedures and criteria to be used in making 82273
determinations of eligibility for publicly funded child care that 82274
give priority to children of families with lower incomes and 82275
procedures and criteria for eligibility for publicly funded 82276
protective child care. The rules shall specify the maximum amount 82277
of income a family may have for initial and continued eligibility. 82278
The maximum amount shall not exceed two hundred per cent of the 82279
federal poverty line. 82280

(B) Procedures under which a county department of job and 82281
family services may, if the department, under division (A) of this 82282
section, specifies a maximum amount of income a family may have 82283
for eligibility for publicly funded child care that is less than 82284
the maximum amount specified in that division, specify a maximum 82285
amount of income a family residing in the county the county 82286

department serves may have for initial and continued eligibility 82287
for publicly funded child care that is higher than the amount 82288
specified by the department but does not exceed the maximum amount 82289
specified in division (A) of this section; 82290

(C) A schedule of fees requiring all eligible caretaker 82291
parents to pay a fee for publicly funded child care according to 82292
income and family size, which shall be uniform for all types of 82293
publicly funded child care, except as authorized by rule, and, to 82294
the extent permitted by federal law, shall permit the use of state 82295
and federal funds to pay the customary deposits and other advance 82296
payments that a provider charges all children who receive child 82297
care from that provider. The schedule of fees may not provide for 82298
a caretaker parent to pay a fee that exceeds ten per cent of the 82299
parent's family income. 82300

(D) A formula based upon a percentage of the county's total 82301
expenditures for publicly funded child care for determining the 82302
maximum amount of state and federal funds appropriated for 82303
publicly funded child care that a county department may use for 82304
administrative purposes; 82305

(E) Procedures to be followed by the department and county 82306
departments in recruiting individuals and groups to become 82307
providers of child care; 82308

(F) Procedures to be followed in establishing state or local 82309
programs designed to assist individuals who are eligible for 82310
publicly funded child care in identifying the resources available 82311
to them and to refer the individuals to appropriate sources to 82312
obtain child care; 82313

(G) Procedures to deal with fraud and abuse committed by 82314
either recipients or providers of publicly funded child care; 82315

(H) Procedures for establishing a child care grant or loan 82316
program in accordance with the child care block grant act; 82317

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans; 82318
82319

(J) A definition of "person who stands in loco parentis" for the purposes of division ~~(II)~~(JJ)(1) of section 5104.01 of the Revised Code; 82320
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82322

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 82323
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(L) Any other rules necessary to carry out sections 5104.30 to 5104.39 of the Revised Code. 82328
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Sec. 5104.39. (A) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for monitoring the expenditures of county departments of job and family services to ensure that expenditures do not exceed the available federal and state funds for publicly funded child care. The department, with the assistance of the office of budget and management and the child care advisory council created pursuant to section 5104.08 of the Revised Code, shall monitor the anticipated future expenditures of county departments for publicly funded child care and shall compare those anticipated future expenditures to available federal and state funds for publicly funded child care. Whenever the department determines that the anticipated future expenditures of the county departments will exceed the available federal and state funds for publicly funded child care, ~~it~~ and the department reimburses the county departments in accordance with rules adopted under section 5104.42 of the Revised Code, the department shall promptly ~~shall~~ notify the county departments and, before the available state and federal funds are used, the director shall 82330
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issue and implement an administrative order that shall specify 82349
both of the following: 82350

(1) Priorities for expending the remaining available federal 82351
and state funds for publicly funded child care; 82352

(2) Instructions and procedures to be used by the county 82353
departments. 82354

(B) The order may do any or all of the following: 82355

(1) Suspend enrollment of all new participants in any program 82356
of publicly funded child care; 82357

(2) Limit enrollment of new participants to those with 82358
incomes at or below a specified percentage of the federal poverty 82359
line; 82360

(3) Disenroll existing participants with income above a 82361
specified percentage of the federal poverty line. 82362

(C) Each county department shall comply with the order no 82363
later than thirty days after it is issued. If the department fails 82364
to notify the county departments and to implement the reallocation 82365
priorities specified in the order before the available federal and 82366
state funds for publicly funded child care are used, the state 82367
department shall provide sufficient funds to the county 82368
departments for publicly funded child care to enable each county 82369
department to pay for all publicly funded child care that was 82370
provided by providers pursuant to contract prior to the date that 82371
the county department received notice under this section and the 82372
state department implemented in that county the priorities. 82373

(D) If after issuing an order under this section to suspend 82374
or limit enrollment of new participants or disenroll existing 82375
participants the department determines that available state and 82376
federal funds for publicly funded child care exceed the 82377
anticipated future expenditures of the county departments, the 82378

director may issue and implement another administrative order 82379
increasing income eligibility levels to a specified percentage of 82380
the federal poverty line. The order shall include instructions and 82381
procedures to be used by the county departments. Each county 82382
department shall comply with the order not later than thirty days 82383
after it is issued. 82384

(E) The department of job and family services shall do all of 82385
the following: 82386

(1) Conduct a quarterly evaluation of the program of publicly 82387
funded child care that is operated pursuant to sections 5104.30 to 82388
5104.39 of the Revised Code; 82389

(2) Prepare reports based upon the evaluations that specify 82390
for each county the number of participants and amount of 82391
expenditures; 82392

(3) Provide copies of the reports to both houses of the 82393
general assembly and, on request, to interested parties. 82394

Sec. 5104.42. The director of job and family services shall 82395
adopt rules pursuant to section 111.15 of the Revised Code 82396
establishing a payment procedure for publicly funded child care. 82397
The rules may provide that the department of job and family 82398
services will ~~either~~ reimburse county departments of job and 82399
family services for payments made to providers of publicly funded 82400
child care ~~or, make direct payments to providers pursuant to an~~ 82401
~~agreement entered into with a county board of commissioners~~ 82402
~~pursuant to section 5101.21 of the Revised Code, or establish~~ 82403
another system for the payment of publicly funded child care. 82404

Alternately, the director, by rule adopted in accordance with 82405
section 111.15 of the Revised Code, may establish a methodology 82406
for allocating among the county departments the state and federal 82407
funds appropriated for all publicly funded child care services. If 82408

the department chooses to allocate funds for publicly funded child care, it may provide the funds to each county department, up to the limit of the county's allocation, by advancing the funds or reimbursing county care expenditures. The rules adopted under this section may prescribe procedures for making the advances or reimbursements. The rules may establish a method under which the department may determine which county expenditures for child care services are allowable for use of and federal funds.

The rules may establish procedures that a county department shall follow when the county department determines that its anticipated future expenditures for publicly funded child care services will exceed the amount of state and federal funds allocated by the state department. The procedures may include suspending or limiting enrollment of new participants.

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

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

(1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with

section 5107.04 of the Revised Code;	82440
(2) For the purpose of section 5107.04 of the Revised Code, the method of determining the amount of cash assistance an assistance group receives under Ohio works first;	82441 82442 82443
(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition;	82444 82445 82446
(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;	82447 82448 82449
(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;	82450 82451 82452 82453
(6) For the purpose of section 5107.16 of the Revised Code, standards <u>all of the following:</u>	82454 82455
(a) <u>Standards</u> for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;	82456 82457 82458
(b) <u>The compliance form a member of an assistance group may complete to indicate willingness to come into full compliance with a provision of a self-sufficiency contract;</u>	82459 82460 82461
(c) <u>The manner by which the compliance form is to be completed and provided to a county department of job and family services.</u>	82462 82463 82464
(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code;	82465 82466 82467
(8) <u>For the purpose of division (A)(2) of section 5107.17 of the Revised Code, the period of time by which a county department</u>	82468 82469

of job and family services is to receive a compliance form 82470
established in rules adopted under division (A)(6)(b) of this 82471
section; 82472

(9) Requirements for the collection and distribution of 82473
support payments owed participants of Ohio works first pursuant to 82474
section 5107.20 of the Revised Code; 82475

~~(9)~~(10) For the purpose of section 5107.22 of the Revised 82476
Code, what constitutes cooperating in establishing a minor child's 82477
paternity or establishing, modifying, or enforcing a child support 82478
order and good cause for failure or refusal to cooperate; 82479
82480

~~(10)~~(11) The requirements governing the LEAP program, 82481
including the definitions of "equivalent of a high school diploma" 82482
and "good cause," and the incentives provided under the LEAP 82483
program; 82484

~~(11)~~(12) If the director implements section 5107.301 of the 82485
Revised Code, the requirements governing the award provided under 82486
that section, including the form that the award is to take and 82487
requirements an individual must satisfy to receive the award; 82488

~~(12)~~(13) Circumstances under which a county department of job 82489
and family services may exempt a minor head of household or adult 82490
from participating in a work activity or developmental activity 82491
for all or some of the weekly hours otherwise required by section 82492
5107.43 of the Revised Code. 82493

~~(13)~~(14) The maximum amount of time the department will 82494
subsidize positions created by state agencies and political 82495
subdivisions under division (C) of section 5107.52 of the Revised 82496
Code; 82497

~~(14)~~(15) The implementation of sections 5107.71 to 5107.717 82498
of the Revised Code by county departments of job and family 82499
services; 82500

~~(15)~~(16) A domestic violence screening process to be used for 82501
the purpose of division (A) of section 5107.71 of the Revised 82502
Code; 82503

~~(16)~~(17) The minimum frequency with which county departments 82504
of job and family services must redetermine a member of an 82505
assistance group's need for a waiver issued under section 5107.714 82506
of the Revised Code. 82507

(B) The rules adopted under division (A)(3) of this section 82508
regarding income shall specify what is countable income, gross 82509
earned income, and gross unearned income for the purpose of 82510
section 5107.10 of the Revised Code. 82511

The rules adopted under division (A)~~(9)~~(10) of this section 82512
shall be consistent with 42 U.S.C. 654(29). 82513

The rules adopted under division (A)~~(12)~~(13) of this section 82514
shall specify that the circumstances include that a school or 82515
place of work is closed due to a holiday or weather or other 82516
emergency and that an employer grants the minor head of household 82517
or adult leave for illness or earned vacation. 82518

(C) The rules may provide that a county department of job and 82519
family services is not required to take action under section 82520
5107.76 of the Revised Code to recover an erroneous payment that 82521
is below an amount the department specifies. 82522

Sec. 5107.16. (A) If a member of an assistance group fails or 82523
refuses, without good cause, to comply in full with a provision of 82524
a self-sufficiency contract entered into under section 5107.14 of 82525
the Revised Code, a county department of job and family services 82526
shall sanction the assistance group as follows: 82527

(1) For a first failure or refusal, the county department 82528
shall deny or terminate the assistance group's eligibility to 82529
participate in Ohio works first for one payment month or until the 82530

failure or refusal ceases, whichever is longer; 82531

(2) For a second failure or refusal, the county department 82532
shall deny or terminate the assistance group's eligibility to 82533
participate in Ohio works first for three payment months or until 82534
the failure or refusal ceases, whichever is longer; 82535

(3) For a third or subsequent failure or refusal, the county 82536
department shall deny or terminate the assistance group's 82537
eligibility to participate in Ohio works first for six payment 82538
months or until the failure or refusal ceases, whichever is 82539
longer. 82540

(B) The director of job and family services shall establish 82541
standards for the determination of good cause for failure or 82542
refusal to comply in full with a provision of a self-sufficiency 82543
contract in rules adopted under section 5107.05 of the Revised 82544
Code. 82545

(C) The director of job and family services shall provide a 82546
compliance form established in rules adopted under section 5107.05 82547
of the Revised Code to an assistance group member who fails or 82548
refuses, without good cause, to comply in full with a provision of 82549
a self-sufficiency contract. The member's failure or refusal to 82550
comply in full with the provision shall be deemed to have ceased 82551
on the date a county department of job and family services 82552
receives the compliance form from the member if the compliance 82553
form is completed and provided to the county department in the 82554
manner specified in rules adopted under section 5107.05 of the 82555
Revised Code. 82556

(D) After sanctioning an assistance group under division (A) 82557
of this section, a county department of job and family services 82558
shall continue to work with the assistance group. 82559

~~(D)~~(E) An adult eligible for medicaid pursuant to division 82560
(A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned 82561

under division (A)(3) of this section for a failure or refusal, 82562
without good cause, to comply in full with a provision of a 82563
self-sufficiency contract related to work responsibilities under 82564
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 82565
for medicaid unless the adult is otherwise eligible for medicaid 82566
pursuant to another division of section 5111.01 of the Revised 82567
Code. 82568

An assistance group that would be participating in Ohio works 82569
first if not for a sanction under this section shall continue to 82570
be eligible for all of the following: 82571

(1) Publicly funded child care in accordance with division 82572
(A)(3) of section 5104.30 of the Revised Code; 82573

(2) Support services in accordance with section 5107.66 of 82574
the Revised Code; 82575

(3) To the extent permitted by the "Fair Labor Standards Act 82576
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 82577
in work activities, developmental activities, and alternative work 82578
activities in accordance with sections 5107.40 to 5107.69 of the 82579
Revised Code. 82580

Sec. 5107.17. An assistance group that resumes participation 82581
in Ohio works first following a sanction under section 5107.16 of 82582
the Revised Code is not required to do either of the following: 82583

(A) Reapply under section 5107.12 of the Revised Code, unless 82584
~~it~~ either of the following applies: 82585

(1) It is the assistance group's regularly scheduled time for 82586
an eligibility redetermination; 82587

(2) The county department of job and family services does not 82588
receive the completed compliance form established in rules adopted 82589
under section 5107.05 of the Revised Code within the period of 82590
time specified in rules adopted under that section. 82591

(B) Enter into a new self-sufficiency contract under section 82592
5107.14 of the Revised Code, unless the county department of job 82593
and family services determines it is time for a new appraisal 82594
under section 5107.41 of the Revised Code or the assistance 82595
group's circumstances have changed in a manner necessitating an 82596
amendment to the self-sufficiency contract as determined using 82597
procedures included in the contract under division (B)(9) of 82598
section 5107.14 of the Revised Code. 82599

Sec. 5107.58. In accordance with a federal waiver granted by 82600
the United States secretary of health and human services pursuant 82601
to a request made under former section 5101.09 of the Revised 82602
Code, county departments of job and family services may establish 82603
and administer as a work activity for minor heads of households 82604
and adults participating in Ohio works first an education program 82605
under which the participant is enrolled full-time in 82606
post-secondary education leading to vocation at a state 82607
institution of higher education, as defined in section 3345.031 of 82608
the Revised Code; a private nonprofit college or university that 82609
possesses a certificate of authorization issued by the Ohio board 82610
of regents pursuant to Chapter 1713. of the Revised Code, or is 82611
exempted by division (E) of section 1713.02 of the Revised Code 82612
from the requirement of a certificate; a school that holds a 82613
certificate of registration and program authorization issued by 82614
the state board of career colleges and schools under Chapter 3332. 82615
of the Revised Code; a private institution exempt from regulation 82616
under Chapter 3332. of the Revised Code as prescribed in section 82617
3333.046 of the Revised Code; or a school that has entered into a 82618
contract with the county department of job and family services. 82619
The participant shall make reasonable efforts, as determined by 82620
the county department, to obtain ~~a~~ an applicable loan, 82621
scholarship, grant, or other assistance to pay for the tuition, 82622
including a federal Pell grant under 20 U.S.C.A. 1070a, an Ohio 82623

instructional grant under section 3333.12 of the Revised Code, and 82624
an Ohio college opportunity grant, a private higher education 82625
need-based financial aid block grant program grant, and a 82626
career-college needs-based financial aid block grant program grant 82627
under section 3333.122 of the Revised Code. If the participant has 82628
made reasonable efforts but is unable to obtain sufficient 82629
assistance to pay the tuition the program may pay the tuition. On 82630
or after October 1, 1998, the county department may enter into a 82631
loan agreement with the participant to pay the tuition. The total 82632
period for which tuition is paid and loans made shall not exceed 82633
two years. If the participant, pursuant to division (B)(3) of 82634
section 5107.43 of the Revised Code, volunteers to participate in 82635
the education program for more hours each week than the 82636
participant is assigned to the program, the program may pay or the 82637
county department may loan the cost of the tuition for the 82638
additional voluntary hours as well as the cost of the tuition for 82639
the assigned number of hours. The participant may receive, for not 82640
more than three years, support services, including publicly funded 82641
child care under Chapter 5104. of the Revised Code and 82642
transportation, that the participant needs to participate in the 82643
program. To receive support services in the third year, the 82644
participant must be, as determined by the educational institution 82645
in which the participant is enrolled, in good standing with the 82646
institution. 82647

A county department that provides loans under this section 82648
shall establish procedures governing loan application for and 82649
approval and administration of loans granted pursuant to this 82650
section. 82651

Sec. 5111.01. As used in this chapter, "medical assistance 82652
program" or "medicaid" means the program that is authorized by 82653
this chapter and provided by the department of job and family 82654
services under this chapter, Title XIX of the "Social Security 82655

Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 82656
waivers of Title XIX requirements granted to the department by the 82657
centers for medicare and medicaid services of the United States 82658
department of health and human services. 82659

The department of job and family services shall act as the 82660
single state agency to supervise the administration of the 82661
medicaid program. As the single state agency, the department shall 82662
comply with 42 C.F.R. 431.10(e). The department's rules governing 82663
medicaid are binding on other agencies that administer components 82664
of the medicaid program. No agency may establish, by rule or 82665
otherwise, a policy governing medicaid that is inconsistent with a 82666
medicaid policy established, in rule or otherwise, by the director 82667
of job and family services. 82668

(A) The department of job and family services may provide 82669
medical assistance under the medicaid program as long as federal 82670
funds are provided for such assistance, to the following: 82671

(1) Families with children that meet either of the following 82672
conditions: 82673

(a) The family meets the income, resource, and family 82674
composition requirements in effect on July 16, 1996, for the 82675
former aid to dependent children program as those requirements 82676
were established by Chapter 5107. of the Revised Code, federal 82677
waivers granted pursuant to requests made under former section 82678
5101.09 of the Revised Code, and rules adopted by the department 82679
or any changes the department makes to those requirements in 82680
accordance with paragraph (a)(2) of section 114 of the "Personal 82681
Responsibility and Work Opportunity Reconciliation Act of 1996," 82682
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 82683
implementing section 5111.019 of the Revised Code. An adult loses 82684
eligibility for medicaid under division (A)(1)(a) of this section 82685
pursuant to division ~~(D)~~(E) of section 5107.16 of the Revised 82686
Code. 82687

(b) The family does not meet the requirements specified in 82688
division (A)(1)(a) of this section but is eligible for medicaid 82689
pursuant to section 5101.18 of the Revised Code. 82690

(2) Aged, blind, and disabled persons who meet the following 82691
conditions: 82692

(a) Receive federal aid under Title XVI of the "Social 82693
Security Act," or are eligible for but are not receiving such aid, 82694
provided that the income from all other sources for individuals 82695
with independent living arrangements shall not exceed one hundred 82696
seventy-five dollars per month. The income standards hereby 82697
established shall be adjusted annually at the rate that is used by 82698
the United States department of health and human services to 82699
adjust the amounts payable under Title XVI. 82700

(b) Do not receive aid under Title XVI, but meet any of the 82701
following criteria: 82702

(i) Would be eligible to receive such aid, except that their 82703
income, other than that excluded from consideration as income 82704
under Title XVI, exceeds the maximum under division (A)(2)(a) of 82705
this section, and incurred expenses for medical care, as 82706
determined under federal regulations applicable to section 209(b) 82707
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 82708
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 82709
their income exceeds the maximum under division (A)(2)(a) of this 82710
section; 82711

(ii) Received aid for the aged, aid to the blind, or aid for 82712
the permanently and totally disabled prior to January 1, 1974, and 82713
continue to meet all the same eligibility requirements; 82714

(iii) Are eligible for medicaid pursuant to section 5101.18 82715
of the Revised Code. 82716

(3) Persons to whom federal law requires, as a condition of 82717
state participation in the medicaid program, that medicaid be 82718

provided; 82719

(4) Persons under age twenty-one who meet the income 82720
requirements for the Ohio works first program established under 82721
Chapter 5107. of the Revised Code but do not meet other 82722
eligibility requirements for the program. The director shall adopt 82723
rules in accordance with Chapter 119. of the Revised Code 82724
specifying which Ohio works first requirements shall be waived for 82725
the purpose of providing medicaid eligibility under division 82726
(A)(4) of this section. 82727

(B) If sufficient funds are appropriated for the medicaid 82728
program, the department may provide medical assistance under the 82729
medicaid program to persons in groups designated by federal law as 82730
groups to which a state, at its option, may provide medical 82731
assistance under the medicaid program. 82732

(C) The department may expand eligibility for the medicaid 82733
program to include individuals under age nineteen with family 82734
incomes at or below one hundred fifty per cent of the federal 82735
poverty guidelines, except that the eligibility expansion shall 82736
not occur unless the department receives the approval of the 82737
federal government. The department may implement the eligibility 82738
expansion authorized under this division on any date selected by 82739
the department, but not sooner than January 1, 1998. 82740

(D) In addition to any other authority or requirement to 82741
adopt rules under this chapter, the director may adopt rules in 82742
accordance with section 111.15 of the Revised Code as the director 82743
considers necessary to establish standards, procedures, and other 82744
requirements regarding the provision of medical assistance under 82745
the medicaid program. The rules may establish requirements to be 82746
followed in applying for medicaid, making determinations of 82747
eligibility for medicaid, and verifying eligibility for medicaid. 82748
The rules may include special conditions as the department 82749
determines appropriate for making applications, determining 82750

eligibility, and verifying eligibility for any medical assistance 82751
that the department may provide under the medicaid program 82752
pursuant to division (C) of this section and section 5111.014 or 82753
5111.019 of the Revised Code. 82754

Sec. 5111.015. (A) If the United States secretary of health 82755
and human services grants a waiver of any contrary federal 82756
requirements governing the medical assistance program or the 82757
director of job and family services determines that there are no 82758
contrary federal requirements, divisions (A)(1) and (2) of this 82759
section apply to determinations of eligibility under this chapter: 82760

(1) In determining the eligibility of an assistance group for 82761
assistance under this chapter, the department of job and family 82762
services shall exclude from the income and resources applicable to 82763
the assistance group the value of any tuition payment contract 82764
entered into under section 3334.09 of the Revised Code or any 82765
scholarship awarded under section 3334.18 of the Revised Code and 82766
the amount of payments made ~~by the Ohio tuition trust authority~~ 82767
under section 3334.09 of the Revised Code pursuant to the contract 82768
or scholarship. 82769

(2) The department shall not require any person to terminate 82770
a tuition payment contract entered into under Chapter 3334. of the 82771
Revised Code as a condition of an assistance group's eligibility 82772
for assistance under this chapter. 82773

(B) To the extent required by federal law, the department 82774
shall include as income any refund paid under section 3334.10 of 82775
the Revised Code to a member of the assistance group. 82776

(C) Not later than sixty days after July 1, 1994, the 82777
department shall apply to the United States department of health 82778
and human services for a waiver of any federal requirements that 82779
otherwise would be violated by implementation of division (A) of 82780
this section. 82781

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

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

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

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

(2) During the phase-in period specified in division (A) of this section, the department may provide for the conversion of a provider agreement without a time limit to a provider agreement with a time limit. The department may take an action to convert the provider agreement by sending a notice by regular mail to the address of the provider on record with the department advising the provider of the conversion.

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

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

process: 82812

(1) The department of job and family services may terminate a 82813
time-limited provider agreement or deny re-enrollment when a 82814
provider fails to file an application for re-enrollment within the 82815
time and in the manner required under the re-enrollment process. 82816
82817

(2) If a provider files an application for re-enrollment 82818
within the time and in the manner required under the re-enrollment 82819
process, but the provider agreement expires before the department 82820
acts on the application or before the effective date of the 82821
department's decision on the application, the provider may 82822
continue operating under the terms of the expired provider 82823
agreement until the effective date of the department's decision. 82824

(3) A decision by the department to approve an application 82825
for re-enrollment becomes effective on the date of the 82826
department's decision. A decision by the department to deny 82827
re-enrollment shall take effect not sooner than thirty days after 82828
the date the department mails written notice of the decision to 82829
the provider. The department shall specify in the notice the date 82830
on which the provider is required to cease operating under the 82831
provider agreement. 82832

(D) Pursuant to section 5111.06 of the Revised Code, the 82833
department is not required to take the actions specified in 82834
division (C)(1) of this section by issuing an order pursuant to an 82835
adjudication conducted in accordance with Chapter 119. of the 82836
Revised Code. 82837

(E) The use of time-limited provider agreements pursuant to 82838
this section does not apply to provider agreements issued to the 82839
following, including any provider agreements issued to the 82840
following that are otherwise time-limited under the medicaid 82841
program: 82842

(1) A managed care organization under contract with the department pursuant to section 5111.17 of the Revised Code;	82843 82844
(2) A nursing facility, as defined in section 5111.20 of the Revised Code;	82845 82846
(3) An intermediate care facility for the mentally retarded, as defined in section 5111.20 of the Revised Code;	82847 82848
<u>(4) A hospital.</u>	82849
Sec. 5111.032. (A) As used in this section:	82850
(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	82851 82852
(2) "Department" includes a designee of the department of job and family services.	82853 82854
(3) "Owner" means a person who has an ownership interest in a provider in an amount designated by the department of job and family services in rules adopted under this section.	82855 82856 82857
(4) "Provider" means a person, institution, or entity that has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended.	82858 82859 82860 82861
(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services may require that any provider, applicant to be a provider, employee or prospective employee of a provider, owner or prospective owner of a provider, officer or prospective officer of a provider, or board member or prospective board member of a provider submit to a criminal records check as a condition of obtaining a provider agreement, continuing to hold a provider agreement, being employed by a provider, having an ownership interest in a provider, or being an officer or board member of a provider. The department may designate the categories of persons who are subject to the	82862 82863 82864 82865 82866 82867 82868 82869 82870 82871 82872

criminal records check requirement. The department shall designate 82873
the times at which the criminal records checks must be conducted. 82874

(2) The section does not apply to providers, applicants to be 82875
providers, employees of a provider, or prospective employees of a 82876
provider who are subject to criminal records checks under section 82877
5111.033 or 5111.034 of the Revised Code. 82878

(C)(1) The department shall inform each provider or applicant 82879
to be a provider whether the provider or applicant is subject to a 82880
criminal records check requirement under division (B) of this 82881
section. For providers, the information shall be given at times 82882
designated in rules adopted under this section. For applicants to 82883
be providers, the information shall be given at the time of 82884
initial application. When the information is given, the department 82885
shall specify which of the provider's or applicant's employees or 82886
prospective employees, owners or prospective owners, officers or 82887
prospective officers, or board members or prospective board 82888
members are subject to the criminal records check requirement. 82889

(2) At times designated in rules adopted under this section, 82890
a provider that is subject to the criminal records check 82891
requirement shall inform each person specified by the department 82892
under division (C)(1) of this section that the person is required, 82893
as applicable, to submit to a criminal records check for final 82894
consideration for employment in a full-time, part-time, or 82895
temporary position; as a condition of continued employment; or as 82896
a condition of becoming or continuing to be an officer, board 82897
member or owner of a provider. 82898

(D)(1) If a provider or applicant to be a provider is subject 82899
to a criminal records check under this section, the department 82900
shall require the conduct of a criminal records check by the 82901
superintendent of the bureau of criminal identification and 82902
investigation. If a provider or applicant to be a provider for 82903
whom a criminal records check is required does not present proof 82904

of having been a resident of this state for the five-year period 82905
immediately prior to the date the criminal records check is 82906
requested or provide evidence that within that five-year period 82907
the superintendent has requested information about the individual 82908
from the federal bureau of investigation in a criminal records 82909
check, the department shall require the provider or applicant to 82910
request that the superintendent obtain information from the 82911
federal bureau of investigation as part of the criminal records 82912
check of the provider or applicant. Even if a provider or 82913
applicant for whom a criminal records check request is required 82914
presents proof of having been a resident of this state for the 82915
five-year period, the department may require that the provider or 82916
applicant request that the superintendent obtain information from 82917
the federal bureau of investigation and include it in the criminal 82918
records check of the provider or applicant. 82919

(2) A provider shall require the conduct of a criminal 82920
records check by the superintendent with respect to each of the 82921
persons specified by the department under division (C)(1) of this 82922
section. If the person for whom a criminal records check is 82923
required does not present proof of having been a resident of this 82924
state for the five-year period immediately prior to the date the 82925
criminal records check is requested or provide evidence that 82926
within that five-year period the superintendent of the bureau of 82927
criminal identification and investigation has requested 82928
information about the individual from the federal bureau of 82929
investigation in a criminal records check, the individual shall 82930
request that the superintendent obtain information from the 82931
federal bureau of investigation as part of the criminal records 82932
check of the individual. Even if an individual for whom a criminal 82933
records check request is required presents proof of having been a 82934
resident of this state for the five-year period, the department 82935
may require the provider to request that the superintendent obtain 82936
information from the federal bureau of investigation and include 82937

it in the criminal records check of the person. 82938

(E)(1) Criminal records checks required under this section 82939
for providers or applicants to be providers shall be obtained as 82940
follows: 82941

(a) The department shall provide each provider or applicant 82942
information about accessing and completing the form prescribed 82943
pursuant to division (C)(1) of section 109.572 of the Revised Code 82944
and the standard fingerprint impression sheet prescribed pursuant 82945
to division (C)(2) of that section. 82946

(b) The provider or applicant shall submit the required form 82947
and one complete set of fingerprint impressions directly to the 82948
superintendent for purposes of conducting the criminal records 82949
check using the applicable methods prescribed by division (C) of 82950
section 109.572 of the Revised Code. The applicant or provider 82951
shall pay all fees associated with obtaining the criminal records 82952
check. 82953

(c) The superintendent shall conduct the criminal records 82954
check in accordance with section 109.572 of the Revised Code. The 82955
provider or applicant shall instruct the superintendent to submit 82956
the report of the criminal records check directly to the director 82957
of job and family services. 82958

(2) Criminal records checks required under this section for 82959
persons specified by the department under division (C)(1) of this 82960
section shall be obtained as follows: 82961

(a) The provider shall give to each person subject to 82962
criminal records check requirement information about accessing and 82963
completing the form prescribed pursuant to division (C)(1) of 82964
section 109.572 of the Revised Code and the standard fingerprint 82965
impression sheet prescribed pursuant to division (C)(2) of that 82966
section. 82967

(b) The person shall submit the required form and one 82968

complete set of fingerprint impressions directly to the 82969
superintendent for purposes of conducting the criminal records 82970
check using the applicable methods prescribed by division (C) of 82971
section 109.572 of the Revised Code. The person shall pay all fees 82972
associated with obtaining the criminal records check. 82973

(c) The superintendent shall conduct the criminal records 82974
check in accordance with section 109.572 of the Revised Code. The 82975
person subject to the criminal records check shall instruct the 82976
superintendent to submit the report of the criminal records check 82977
directly to the provider. The department may require the provider 82978
to submit the report to the department. 82979

(F) If a provider or applicant to be a provider is given the 82980
information specified in division (E)(1)(a) of this section but 82981
fails to obtain a criminal records check, the department shall, as 82982
applicable, terminate the provider agreement or deny the 82983
application to be a provider. 82984

If a person is given the information specified in division 82985
(E)(2)(a) of this section but fails to obtain a criminal records 82986
check, the provider shall not, as applicable, permit the person to 82987
be an employee, owner, officer, or board member of the provider. 82988

(G) Except as provided in rules adopted under division (J) of 82989
this section, the department shall terminate the provider 82990
agreement of a provider or the department shall not issue a 82991
provider agreement to an applicant if the provider or applicant is 82992
subject to a criminal records check under this section and the 82993
provider or applicant has been convicted of, has pleaded guilty 82994
to, or has been found eligible for intervention in lieu of 82995
conviction for any of the following, regardless of the date of the 82996
conviction, the date of entry of the guilty plea, or the date the 82997
applicant or provider was found eligible for intervention in lieu 82998
of conviction: 82999

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 83000
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 83001
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 83002
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 83003
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 83004
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 83005
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 83006
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 83007
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 83008
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 83009
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 83010
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 83011
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 83012
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 83013
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 83014
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 83015
penetration in violation of former section 2907.12 of the Revised 83016
Code, a violation of section 2905.04 of the Revised Code as it 83017
existed prior to July 1, 1996, a violation of section 2919.23 of 83018
the Revised Code that would have been a violation of section 83019
2905.04 of the Revised Code as it existed prior to July 1, 1996, 83020
had the violation been committed prior to that date; 83021

(2) ~~An~~ A violation of an existing or former municipal 83022
ordinance or law of this state, any other state, or the United 83023
States that is substantially equivalent to any of the offenses 83024
listed in division (G)(1) of this section. 83025

(H)(1)(a) Except as provided in rules adopted under division 83026
(J) of this section and subject to division (H)(2) of this 83027
section, no provider shall permit a person to be an employee, 83028
owner, officer, or board member of the provider if the person is 83029
subject to a criminal records check under this section and the 83030
person has been convicted of, has pleaded guilty to, or has been 83031

found eligible for intervention in lieu of conviction for any of 83032
the offenses specified in division (G)(1) or (2) of this section. 83033

(b) No provider shall employ a person who has been excluded 83034
from participating in the medicaid program, the medicare program 83035
operated pursuant to Title XVIII of the "Social Security Act," or 83036
any other federal health care program. 83037

(2)(a) A provider may employ conditionally a person for whom 83038
a criminal records check is required under this section prior to 83039
obtaining the results of a criminal records check regarding the 83040
person, but only if the person submits a request for a criminal 83041
records check not later than five business days after the 83042
individual begins conditional employment. 83043

(b) A provider that employs a person conditionally under 83044
authority of division (H)(2)(a) of this section shall terminate 83045
the person's employment if the results of the criminal records 83046
check request are not obtained within the period ending sixty days 83047
after the date the request is made. Regardless of when the results 83048
of the criminal records check are obtained, if the results 83049
indicate that the individual has been convicted of, has pleaded 83050
guilty to, or has been found eligible for intervention in lieu of 83051
conviction for any of the offenses specified in division (G)(1) or 83052
(2) of this section, the provider shall terminate the person's 83053
employment unless the provider chooses to employ the individual 83054
pursuant to division (J) of this section. 83055

(I) The report of a criminal records check conducted pursuant 83056
to this section is not a public record for the purposes of section 83057
149.43 of the Revised Code and shall not be made available to any 83058
person other than the following: 83059

(1) The person who is the subject of the criminal records 83060
check or the person's representative; 83061

(2) The director of job and family services and the staff of 83062

the department in the administration of the medicaid program; 83063

(3) A court, hearing officer, or other necessary individual 83064
involved in a case dealing with the denial or termination of a 83065
provider agreement; 83066

(4) A court, hearing officer, or other necessary individual 83067
involved in a case dealing with a person's denial of employment, 83068
termination of employment, or employment or unemployment benefits. 83069

(J) The department may adopt rules in accordance with Chapter 83070
119. of the Revised Code to implement this section. The rules may 83071
specify circumstances under which the department may continue a 83072
provider agreement or issue a provider agreement to an applicant 83073
when the provider or applicant has been convicted of, has pleaded 83074
guilty to, or has been found eligible for intervention in lieu of 83075
conviction for any of the offenses specified in division (G)(1) or 83076
(2) of this section. The rules may also specify circumstances 83077
under which a provider may permit a person to be an employee, 83078
owner, officer, or board member of the provider, when the person 83079
has been convicted of, has pleaded guilty to, or has been found 83080
eligible for intervention in lieu of conviction for any of the 83081
offenses specified in division (G)(1) or (2) of this section. 83082

Sec. 5111.033. (A) As used in this section: 83083

(1) "Applicant" means a person who is under final 83084
consideration for employment or, after September 26, 2003, an 83085
existing employee with a waiver agency in a full-time, part-time, 83086
or temporary position that involves providing home and 83087
community-based waiver services to a person with disabilities. 83088
"Applicant" also means an existing employee with a waiver agency 83089
in a full-time, part-time, or temporary position that involves 83090
providing home and community-based waiver services to a person 83091
with disabilities after September 26, 2003. 83092

(2) "Criminal records check" has the same meaning as in 83093
section 109.572 of the Revised Code. 83094

(3) "Waiver agency" means a person or government entity that 83095
is not certified under the medicare program and is accredited by 83096
the community health accreditation program or the joint commission 83097
on accreditation of health care organizations or a company that 83098
provides home and community-based waiver services to persons with 83099
disabilities through department of job and family services 83100
administered home and community-based waiver programs. 83101

(4) "Home and community-based waiver services" means services 83102
furnished under the provision of 42 C.F.R. 441, subpart G, that 83103
permit individuals to live in a home setting rather than a nursing 83104
facility or hospital. Home and community-based waiver services are 83105
approved by the centers for medicare and medicaid for specific 83106
populations and are not otherwise available under the medicaid 83107
state plan. 83108

(B)(1) The chief administrator of a waiver agency shall 83109
require each applicant to request that the superintendent of the 83110
bureau of criminal identification and investigation conduct a 83111
criminal records check with respect to the applicant. If an 83112
applicant for whom a criminal records check request is required 83113
under this division does not present proof of having been a 83114
resident of this state for the five-year period immediately prior 83115
to the date the criminal records check is requested or provide 83116
evidence that within that five-year period the superintendent has 83117
requested information about the applicant from the federal bureau 83118
of investigation in a criminal records check, the chief 83119
administrator shall require the applicant to request that the 83120
superintendent obtain information from the federal bureau of 83121
investigation as part of the criminal records check of the 83122
applicant. Even if an applicant for whom a criminal records check 83123
request is required under this division presents proof of having 83124

been a resident of this state for the five-year period, the chief 83125
administrator may require the applicant to request that the 83126
superintendent include information from the federal bureau of 83127
investigation in the criminal records check. 83128

(2) The chief administrator shall provide the following to 83129
each applicant for whom a criminal records check request is 83130
required under division (B)(1) of this section: 83131

(a) Information about accessing, completing, and forwarding 83132
to the superintendent of the bureau of criminal identification and 83133
investigation the form prescribed pursuant to division (C)(1) of 83134
section 109.572 of the Revised Code and the standard fingerprint 83135
impression sheet prescribed pursuant to division (C)(2) of that 83136
section; 83137

(b) Written notification that the applicant is to instruct 83138
the superintendent to submit the completed report of the criminal 83139
records check directly to the chief administrator. 83140

(3) An applicant given information and notification under 83141
divisions (B)(2)(a) and (b) of this section who fails to access, 83142
complete, and forward to the superintendent the form or the 83143
standard fingerprint impression sheet, or who fails to instruct 83144
the superintendent to submit the completed report of the criminal 83145
records check directly to the chief administrator, shall not be 83146
employed in any position in a waiver agency for which a criminal 83147
records check is required by this section. 83148

(C)(1) Except as provided in rules adopted by the department 83149
of job and family services in accordance with division (F) of this 83150
section and subject to division (C)(2) of this section, no waiver 83151
agency shall employ a person in a position that involves providing 83152
home and community-based waiver services to persons with 83153
disabilities if the person has been convicted of, has pleaded 83154
guilty to, or has been found eligible for intervention in lieu of 83155

conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

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

(2)(a) A waiver agency may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a

criminal records check regarding the individual, provided that the 83188
agency shall require the individual to request a criminal records 83189
check regarding the individual in accordance with division (B)(1) 83190
of this section not later than five business days after the 83191
individual begins conditional employment. 83192

(b) A waiver agency that employs an individual conditionally 83193
under authority of division (C)(2)(a) of this section shall 83194
terminate the individual's employment if the results of the 83195
criminal records check request under division (B) of this section, 83196
other than the results of any request for information from the 83197
federal bureau of investigation, are not obtained within the 83198
period ending sixty days after the date the request is made. 83199
Regardless of when the results of the criminal records check are 83200
obtained, if the results indicate that the individual has been 83201
convicted of, has pleaded guilty to, or has been found eligible 83202
for intervention in lieu of conviction for any of the offenses 83203
listed or described in division (C)(1) of this section, the agency 83204
shall terminate the individual's employment unless the agency 83205
chooses to employ the individual pursuant to division (F) of this 83206
section. 83207

(D)(1) The fee prescribed pursuant to division (C)(3) of 83208
section 109.572 of the Revised Code for each criminal records 83209
check conducted pursuant to a request made under division (B) of 83210
this section shall be paid to the bureau of criminal 83211
identification and investigation by the applicant or the waiver 83212
agency. 83213

(2) If a waiver agency pays the fee, it may charge the 83214
applicant a fee not exceeding the amount the agency pays under 83215
division (D)(1) of this section. An agency may collect a fee only 83216
if the agency notifies the person at the time of initial 83217
application for employment of the amount of the fee and that, 83218
unless the fee is paid, the person will not be considered for 83219

employment. 83220

(E) The report of any criminal records check conducted 83221
pursuant to a request made under this section is not a public 83222
record for the purposes of section 149.43 of the Revised Code and 83223
shall not be made available to any person other than the 83224
following: 83225

(1) The individual who is the subject of the criminal records 83226
check or the individual's representative; 83227

(2) The chief administrator of the agency requesting the 83228
criminal records check or the administrator's representative; 83229

(3) An administrator at the department; 83230

(4) A court, hearing officer, or other necessary individual 83231
involved in a case dealing with a denial of employment of the 83232
applicant or dealing with employment or unemployment benefits of 83233
the applicant. 83234

(F) The department shall adopt rules in accordance with 83235
Chapter 119. of the Revised Code to implement this section. The 83236
rules shall specify circumstances under which a waiver agency may 83237
employ a person who has been convicted of, has pleaded guilty to, 83238
or has been found eligible for intervention in lieu of conviction 83239
for an offense listed or described in division (C)(1) of this 83240
section. 83241

(G) The chief administrator of a waiver agency shall inform 83242
each person, at the time of initial application for a position 83243
that involves providing home and community-based waiver services 83244
to a person with a disability, that the person is required to 83245
provide a set of fingerprint impressions and that a criminal 83246
records check is required to be conducted if the person comes 83247
under final consideration for employment. 83248

(H)(1) A person who, on September 26, 2003, is an employee of 83249

a waiver agency in a full-time, part-time, or temporary position 83250
that involves providing home and community-based waiver services 83251
to a person with disabilities shall comply with this section 83252
within sixty days after September 26, 2003, unless division (H)(2) 83253
of this section applies. 83254

(2) This section shall not apply to a person to whom all of 83255
the following apply: 83256

(a) On September 26, 2003, the person is an employee of a 83257
waiver agency in a full-time, part-time, or temporary position 83258
that involves providing home and community-based waiver services 83259
to a person with disabilities. 83260

(b) The person previously had been the subject of a criminal 83261
background check relating to that position; 83262

(c) The person has been continuously employed in that 83263
position since that criminal background check had been conducted. 83264

Sec. 5111.034. (A) As used in this section: 83265

(1) "Anniversary date" means the later of the effective date 83266
of the provider agreement relating to the independent provider or 83267
sixty days after September 26, 2003. 83268

(2) "Criminal records check" has the same meaning as in 83269
section 109.572 of the Revised Code. 83270

(3) "Department" includes a designee of the department of job 83271
and family services. 83272

(4) "Independent provider" means a person who is submitting 83273
an application for a provider agreement or who has a provider 83274
agreement as an independent provider in a department of job and 83275
family services administered home and community-based services 83276
program providing home and community-based waiver services to 83277
consumers with disabilities. 83278

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

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

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

(C)(1) The department shall require the independent provider to complete a criminal records check prior to entering into a provider agreement with the independent provider and at least annually thereafter. If an independent provider for whom a criminal records check is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the independent provider from the federal bureau of investigation in a criminal records check, the department shall request that the independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part

of the criminal records check of the independent provider. Even if 83311
an independent provider for whom a criminal records check request 83312
is required under this division presents proof of having been a 83313
resident of this state for the five-year period, the department 83314
may request that the independent provider obtain information 83315
through the superintendent from the federal bureau of 83316
investigation in the criminal records check. 83317

(2) The department shall provide the following to each 83318
independent provider for whom a criminal records check request is 83319
required under division (C)(1) of this section: 83320

(a) Information about accessing, completing, and forwarding 83321
to the superintendent of the bureau of criminal identification and 83322
investigation the form prescribed pursuant to division (C)(1) of 83323
section 109.572 of the Revised Code and the standard fingerprint 83324
impression sheet prescribed pursuant to division (C)(2) of that 83325
section; 83326

(b) Written notification that the independent provider is to 83327
instruct the superintendent to submit the completed report of the 83328
criminal records check directly to the department. 83329

(3) An independent provider given information and 83330
notification under divisions (C)(2)(a) and (b) of this section who 83331
fails to access, complete, and forward to the superintendent the 83332
form or the standard fingerprint impression sheet, or who fails to 83333
instruct the superintendent to submit the completed report of the 83334
criminal records check directly to the department, shall not be 83335
approved as an independent provider. 83336

(D) Except as provided in rules adopted by the department in 83337
accordance with division (G) of this section, the department shall 83338
not issue a new provider agreement to, and shall terminate an 83339
existing provider agreement of, an independent provider if the 83340
person has been convicted of, has pleaded guilty to, or has been 83341

found eligible for intervention in lieu of conviction for any of 83342
the following, regardless of the date of the conviction, the date 83343
of entry of the guilty plea, or the date the person was found 83344
eligible for intervention in lieu of conviction: 83345

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 83346
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 83347
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 83348
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 83349
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 83350
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 83351
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 83352
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 83353
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 83354
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 83355
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 83356
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 83357
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 83358
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 83359
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 83360
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 83361
penetration in violation of former section 2907.12 of the Revised 83362
Code, a violation of section 2905.04 of the Revised Code as it 83363
existed prior to July 1, 1996, a violation of section 2919.23 of 83364
the Revised Code that would have been a violation of section 83365
2905.04 of the Revised Code as it existed prior to July 1, 1996, 83366
had the violation been committed prior to that date; 83367

(2) ~~An~~ A violation of an existing or former municipal 83368
ordinance or law of this state, any other state, or the United 83369
States that is substantially equivalent to any of the offenses 83370
listed in division (D)(1) of this section. 83371

(E) Each independent provider shall pay to the bureau of 83372
criminal identification and investigation the fee prescribed 83373

pursuant to division (C)(3) of section 109.572 of the Revised Code 83374
for each criminal records check conducted pursuant to a request 83375
made under division (C) of this section. 83376

(F) The report of any criminal records check conducted by the 83377
bureau of criminal identification and investigation in accordance 83378
with section 109.572 of the Revised Code and pursuant to a request 83379
made under division (C) of this section is not a public record for 83380
the purposes of section 149.43 of the Revised Code and shall not 83381
be made available to any person other than the following: 83382

(1) The person who is the subject of the criminal records 83383
check or the person's representative; 83384

(2) An administrator at the department or the administrator's 83385
representative; 83386

(3) A court, hearing officer, or other necessary individual 83387
involved in a case dealing with a denial or termination of a 83388
provider agreement related to the criminal records check. 83389

(G) The department shall adopt rules in accordance with 83390
Chapter 119. of the Revised Code to implement this section. The 83391
rules shall specify circumstances under which the department may 83392
either issue a provider agreement to an independent provider or 83393
allow an independent provider to maintain an existing provider 83394
agreement when the independent provider has been convicted of, has 83395
pleaded guilty to, or has been found eligible for intervention in 83396
lieu of conviction for an offense listed or described in division 83397
~~(C)(1)~~ (D)(1) or (D)(2) of this section. 83398

Sec. 5111.06. (A)(1) As used in this section and in sections 83399
5111.061 and 5111.062 of the Revised Code: 83400

(a) "Provider" means any person, institution, or entity that 83401
furnishes medicaid services under a provider agreement with the 83402
department of job and family services pursuant to Title XIX of the 83403

"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. 83404
83405

(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 83406
83407

(c) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code. 83408
83409

(2) This section does not apply to any action taken by the department of job and family services under sections 5111.35 to 5111.62 of the Revised Code. 83410
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83412

(B) Except as provided in division (D) of this section and section 5111.914 of the Revised Code, the department shall do either of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 83413
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(1) Enter into or refuse to enter into a provider agreement with a provider, or suspend, terminate, renew, or refuse to renew an existing provider agreement with a provider; 83418
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(2) Take any action based upon a final fiscal audit of a provider. 83421
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(C) Any party who is adversely affected by the issuance of an adjudication order under division (B) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code. 83423
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(D) The department is not required to comply with division (B)(1) of this section whenever any of the following occur: 83427
83428

(1) The terms of a provider agreement require the provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of job and family services, and the license, 83429
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permit, certificate, or certification has been denied, revoked, 83434
not renewed, suspended, or otherwise limited. 83435

(2) The terms of a provider agreement require the provider to 83436
hold a license, permit, or certificate or maintain certification 83437
issued by an official, board, commission, department, division, 83438
bureau, or other agency of state or federal government other than 83439
the department of job and family services, and the provider has 83440
not obtained the license, permit, certificate, or certification. 83441

(3) The provider agreement is denied, terminated, or not 83442
renewed due to the termination, refusal to renew, or denial of a 83443
license, permit, certificate, or certification by an official, 83444
board, commission, department, division, bureau, or other agency 83445
of this state other than the department of job and family 83446
services, notwithstanding the fact that the provider may hold a 83447
license, permit, certificate, or certification from an official, 83448
board, commission, department, division, bureau, or other agency 83449
of another state. 83450

(4) The provider agreement is denied, terminated, or not 83451
renewed pursuant to division (C) or (F) of section 5111.03 of the 83452
Revised Code. 83453

(5) The provider agreement is denied, terminated, or not 83454
renewed due to the provider's termination, suspension, or 83455
exclusion from the medicare program established under Title XVIII 83456
of the "Social Security Act," and the termination, suspension, or 83457
exclusion is binding on the provider's participation in the 83458
medicaid program. 83459

(6) The provider agreement is denied, terminated, or not 83460
renewed due to the provider's pleading guilty to or being 83461
convicted of a criminal activity materially related to either the 83462
medicare or medicaid program. 83463

(7) The provider agreement is denied, terminated, or 83464

suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program. 83465
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(8) The provider agreement is suspended pursuant to section 5111.031 of the Revised Code pending indictment of the provider. 83468
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(9) The provider agreement is denied, terminated, or not renewed because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of one of the offenses that caused the provider agreement to be suspended pursuant to section 5111.031 of the Revised Code. 83470
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(10) The provider agreement is converted under section 5111.028 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited. 83475
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83477

(11) The provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified for re-enrollment pursuant to section 5111.028 of the Revised Code. 83478
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(12) The provider agreement is terminated or not renewed because the provider has not billed or otherwise submitted a medicaid claim to the department for two years or longer, ~~and the department has determined that the provider has moved from the address on record with the department without leaving an active forwarding address with the department.~~ 83483
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(13) The provider agreement is denied, terminated, or not renewed because the provider fails to provide to the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162. 408. 83489
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In the case of a provider described in division (D)(12) or (13) of this section, the department may ~~terminate or not renew~~ the take its proposed action against a provider agreement by 83493
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sending a notice explaining the ~~department's~~ proposed action to 83496
the provider. The notice shall be sent to the provider's address 83497
on record with the department. The notice may be sent by regular 83498
mail. 83499

(E) The department may withhold payments for services 83500
rendered by a medicaid provider under the ~~medical assistance~~ 83501
medicaid program during the pendency of proceedings initiated 83502
under division (B)(1) of this section. If the proceedings are 83503
initiated under division (B)(2) of this section, the department 83504
may withhold payments only to the extent that they equal amounts 83505
determined in a final fiscal audit as being due the state. This 83506
division does not apply if the department fails to comply with 83507
section 119.07 of the Revised Code, requests a continuance of the 83508
hearing, or does not issue a decision within thirty days after the 83509
hearing is completed. This division does not apply to nursing 83510
facilities and intermediate care facilities for the mentally 83511
retarded as defined in section 5111.20 of the Revised Code. 83512

Sec. 5111.176. (A) As used in this section: 83513

(1) "Medicaid health insuring corporation" means a health 83514
insuring corporation that holds a certificate of authority under 83515
Chapter 1751. of the Revised Code and has entered into a contract 83516
with the department of job and family services pursuant to section 83517
5111.17 of the Revised Code. 83518

(2) "Managed care premium" means any premium payment, 83519
capitation payment, or other payment a medicaid health insuring 83520
corporation receives for providing, or arranging for the provision 83521
of, health care services to its members or enrollees residing in 83522
this state. 83523

(B) Except as provided in division (C) of this section, all 83524
of the following apply: 83525

(1) Each medicaid health insuring corporation shall pay to 83526
the department of job and family services a franchise permit fee 83527
for the period December 1, 2005, through December 31, 2005, and 83528
each calendar quarter occurring ~~thereafter~~ between January 1, 83529
2006, and September 30, 2009. 83530

(2) The fee to be paid is an amount that is equal to a 83531
percentage of the managed care premiums the medicaid health 83532
insuring corporation received in the period December 1, 2005, 83533
through December 31, 2005, and in the subsequent quarter to which 83534
the fee applies, excluding the amount of any managed care premiums 83535
the corporation returned or refunded to enrollees, members, or 83536
premium payers during the period December 1, 2005, through 83537
December 31, 2005, or the subsequent quarter to which the fee 83538
applies. 83539

(3) The percentage to be used in calculating the fee shall be 83540
four and one-half per cent, unless the department adopts rules 83541
under division (L) of this section decreasing the percentage below 83542
four and one-half per cent or increasing the percentage to not 83543
more than six per cent. 83544

(C) The department shall reduce the franchise permit fee 83545
imposed under this section or terminate its collection of the fee 83546
if the department determines either of the following: 83547

(1) That the reduction or termination is required to comply 83548
with federal statutes or regulations; 83549

(2) That the fee does not qualify as a state share of 83550
medicaid expenditures eligible for federal financial 83551
participation. 83552

(D) The franchise permit fee shall be paid on or before the 83553
thirtieth day following the end of the period December 1, 2005, 83554
through December 31, 2005, or the calendar quarter to which the 83555
fee applies. At the time the fee is submitted, the medicaid health 83556

insuring corporation shall file with the department a report on a form prescribed by the department. The corporation shall provide on the form all information required by the department and shall include with the form any necessary supporting documentation.

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

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

(a) A monetary penalty in the amount of five hundred dollars for each day any part of the fee remains unpaid, except that the penalty shall not exceed an amount equal to five per cent of the total fee that was due;

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

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

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

(G) If a medicaid health insuring corporation fails to pay the full amount of its franchise permit fee when due, or the full amount of a penalty imposed under division (F)(1)(a) of this section, the department may withhold an amount equal to the remaining amount due from any future managed care premiums to be paid to the corporation under the medicaid program. The department

may withhold amounts under this division without providing notice 83588
to the corporation. The amounts may be withheld until the amount 83589
due has been paid. 83590

(H) The department may commence actions to terminate a 83591
medicaid health insuring corporation's medicaid provider 83592
agreement, and may terminate the agreement subject to division (I) 83593
of this section, if the corporation does any of the following: 83594

(1) Fails to pay its franchise permit fee or fails to pay the 83595
fee promptly; 83596

(2) Fails to pay a penalty imposed under division (F)(1)(a) 83597
of this section or fails to pay the penalty promptly; 83598

(3) Fails to cooperate with an audit conducted under division 83599
(E) of this section. 83600

(I) At the request of a medicaid health insuring corporation, 83601
the department shall grant the corporation a hearing in accordance 83602
with Chapter 119. of the Revised Code, if either of the following 83603
is the case: 83604

(1) The department has determined that the corporation owes 83605
an additional franchise permit fee or penalty as the result of an 83606
audit conducted under division (E) of this section. 83607

(2) The department is proposing to terminate the 83608
corporation's medicaid provider agreement and the provisions of 83609
section 5111.06 of the Revised Code requiring an adjudication in 83610
accordance with Chapter 119. of the Revised Code are applicable. 83611

(J)(1) At the request of a medicaid corporation, the 83612
department shall grant the corporation a reconsideration of any 83613
issue that arises out of the provisions of this section and is not 83614
subject to division (I) of this section. The department's decision 83615
at the conclusion of the reconsideration is not subject to appeal 83616
under Chapter 119. of the Revised Code or any other provision of 83617

the Revised Code. 83618

(2) In conducting a reconsideration, the department shall do 83619
at least the following: 83620

(a) Specify the time frames within which a corporation must 83621
act in order to exercise its opportunity for a reconsideration; 83622

(b) Permit the corporation to present written arguments or 83623
other materials that support the corporation's position. 83624

(K) There is hereby created in the state treasury the managed 83625
care assessment fund. Money collected from the franchise permit 83626
fees and penalties imposed under this section shall be credited to 83627
the fund. The department shall use the money in the fund to pay 83628
for medicaid services, the department's administrative costs, and 83629
contracts with medicaid health insuring corporations. 83630

(L) The director of job and family services may adopt rules 83631
to implement and administer this section. The rules shall be 83632
adopted in accordance with Chapter 119. of the Revised Code. 83633

Sec. 5111.179. (A) Subject to division (B) of this section, 83634
the department of job and family services, managed care 83635
organizations under contract with the department pursuant to 83636
section 5111.17 of the Revised Code, or both may contract with one 83637
or more medical transportation management organizations to manage 83638
nonemergency medical transportation services provided under the 83639
medicaid program. To be eligible to contract with the department 83640
or a managed care organization under this section, a medical 83641
transportation management organization must have experience in 83642
coordinating nonemergency medical transportation services in this 83643
state. If such a contract is entered into, the department shall 83644
identify which groups of medicaid recipients shall receive 83645
medicaid-covered nonemergency medical transportation services 83646
through the medical transportation management organization. 83647

(B) The director of job and family services may submit a state medicaid plan amendment or federal medicaid waiver request to the United States secretary of health and human services as necessary to implement this section. This section shall not be implemented unless the United States secretary approves the state medicaid plan amendment or federal medicaid waiver submitted under this section.

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

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

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

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

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

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

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

(B) The department shall adjust the rates otherwise determined under divisions (A)(1), (2), (3), and (6) of this

section as directed by the general assembly through the enactment 83678
of law governing medicaid payments to providers of nursing 83679
facilities, including any law that does either of the following: 83680

(1) Establishes factors by which the rates are to be 83681
adjusted; 83682

(2) Establishes a methodology for phasing in the rates 83683
determined for fiscal year 2006 under uncodified law the general 83684
assembly enacts to rates determined for subsequent fiscal years 83685
under sections 5111.20 to 5111.33 of the Revised Code. 83686

Sec. 5111.23. (A) The department of job and family services 83687
shall pay a provider for each of the provider's eligible 83688
intermediate care facilities for the mentally retarded a per 83689
resident per day rate for direct care costs established 83690
prospectively for each facility. The department shall establish 83691
each facility's rate for direct care costs quarterly. 83692

(B) Each facility's rate for direct care costs shall be based 83693
on the facility's cost per case-mix unit, subject to the maximum 83694
costs per case-mix unit established under division (B)(2) of this 83695
section, from the calendar year preceding the fiscal year in which 83696
the rate is paid. To determine the rate, the department shall do 83697
all of the following: 83698

(1) Determine each facility's cost per case-mix unit for the 83699
calendar year preceding the fiscal year in which the rate will be 83700
paid by dividing the facility's desk-reviewed, actual, allowable, 83701
per diem direct care costs for that year by its average case-mix 83702
score determined under section 5111.232 of the Revised Code for 83703
the same calendar year. 83704

(2)(a) Set the maximum cost per case-mix unit for each peer 83705
group of intermediate care facilities for the mentally retarded 83706
with more than eight beds specified in rules ~~adopted under~~ 83707

authorized by division (E) of this section at a percentage above 83708
the cost per case-mix unit of the facility in the group that has 83709
the group's median medicaid inpatient day for the calendar year 83710
preceding the fiscal year in which the rate will be paid, as 83711
calculated under division (B)(1) of this section, that is no less 83712
than the percentage calculated under division (D)(2) of this 83713
section. 83714

(b) Set the maximum cost per case-mix unit for each peer 83715
group of intermediate care facilities for the mentally retarded 83716
with eight or fewer beds specified in rules ~~adopted under~~ 83717
authorized by division (E) of this section at a percentage above 83718
the cost per case-mix unit of the facility in the group that has 83719
the group's median medicaid inpatient day for the calendar year 83720
preceding the fiscal year in which the rate will be paid, as 83721
calculated under division (B)(1) of this section, that is no less 83722
than the percentage calculated under division (D)(3) of this 83723
section. 83724

(c) In calculating the maximum cost per case-mix unit under 83725
divisions (B)(2)(a) ~~to~~ and (b) of this section for each peer 83726
group, the department shall exclude from its calculations the cost 83727
per case-mix unit of any facility in the group that participated 83728
in the medicaid program under the same operator for less than 83729
twelve months during the calendar year preceding the fiscal year 83730
in which the rate will be paid. 83731

(3) Estimate the rate of inflation for the eighteen-month 83732
period beginning on the first day of July of the calendar year 83733
preceding the fiscal year in which the rate will be paid and 83734
ending on the thirty-first day of December of the fiscal year in 83735
which the rate will be paid, using the ~~employment cost index for~~ 83736
~~total compensation, health services component, published by the~~ 83737
~~United States bureau of labor statistics~~ inflation measuring 83738
system or inflation factor specified in rules authorized by 83739

~~division (E) of this section. If the estimated inflation rate for 83740
the eighteen month period is different from the actual inflation 83741
rate for that period, as measured using the same index, the 83742
difference shall be added to or subtracted from the inflation rate 83743
estimated under division (B)(3) of this section for the following 83744
fiscal year. 83745~~

(4) The department shall not recalculate a maximum cost per 83746
case-mix unit under division (B)(2) of this section or a 83747
percentage under division (D) of this section based on additional 83748
information that it receives after the maximum costs per case-mix 83749
unit or percentages are set. The department shall recalculate a 83750
maximum cost per case-mix units or percentage only if it made an 83751
error in computing the maximum cost per case-mix unit or 83752
percentage based on information available at the time of the 83753
original calculation. 83754

(C) Each facility's rate for direct care costs shall be 83755
determined as follows for each calendar quarter within a fiscal 83756
year: 83757

(1) Multiply the lesser of the following by the facility's 83758
average case-mix score determined under section 5111.232 of the 83759
Revised Code for the calendar quarter that preceded the 83760
immediately preceding calendar quarter: 83761

(a) The facility's cost per case-mix unit for the calendar 83762
year preceding the fiscal year in which the rate will be paid, as 83763
determined under division (B)(1) of this section; 83764

(b) The maximum cost per case-mix unit established for the 83765
fiscal year in which the rate will be paid for the facility's peer 83766
group under division (B)(2) of this section; 83767

(2) Adjust the product determined under division (C)(1) of 83768
this section by the inflation rate estimated under division (B)(3) 83769
of this section. 83770

(D)(1) The department shall calculate the percentage above 83771
the median cost per case-mix unit determined under division (B)(1) 83772
of this section for the facility that has the median medicaid 83773
inpatient day for calendar year 1992 for all intermediate care 83774
facilities for the mentally retarded with more than eight beds 83775
that would result in payment of all desk-reviewed, actual, 83776
allowable direct care costs for eighty and one-half per cent of 83777
the medicaid inpatient days for such facilities for calendar year 83778
1992. 83779

(2) The department shall calculate the percentage above the 83780
median cost per case-mix unit determined under division (B)(1) of 83781
this section for the facility that has the median medicaid 83782
inpatient day for calendar year 1992 for all intermediate care 83783
facilities for the mentally retarded with eight or fewer beds that 83784
would result in payment of all desk-reviewed, actual, allowable 83785
direct care costs for eighty and one-half per cent of the medicaid 83786
inpatient days for such facilities for calendar year 1992. 83787

(E) The director of job and family services shall adopt rules 83788
under section 5111.02 of the Revised Code that specify ~~peer~~ both 83789
of the following: 83790

(1) Peer groups of intermediate care facilities for the 83791
mentally retarded with more than eight beds and intermediate care 83792
facilities for the mentally retarded with eight or fewer beds, 83793
based on findings of significant per diem direct care cost 83794
differences due to geography and facility bed-size. The rules also 83795
may specify peer groups based on findings of significant per diem 83796
direct care cost differences due to other factors which may 83797
include case-mix. 83798

(2) The inflation measuring system or inflation factor to be 83799
used for the purpose of division (B)(3) of this section. 83800

(F) The department, in accordance with division (D) of 83801

section 5111.232 of the Revised Code and rules ~~adopted under~~ 83802
authorized by division (E) of that section, may assign case-mix 83803
scores or costs per case-mix unit if a provider fails to submit 83804
assessment data necessary to calculate an intermediate care 83805
facility for the mentally retarded's case-mix score in accordance 83806
with that section. 83807

Sec. 5111.231. (A) As used in this section, "applicable 83808
calendar year" means the following: 83809

(1) For the purpose of the department of job and family 83810
services' initial determination under division (D) of this section 83811
of each peer group's cost per case-mix unit, calendar year 2003; 83812

(2) For the purpose of the department's subsequent 83813
determinations under division (D) of this section of each peer 83814
group's cost per case-mix unit, the calendar year the department 83815
selects. 83816

(B) The department of job and family services shall pay a 83817
provider for each of the provider's eligible nursing facilities a 83818
per resident per day rate for direct care costs determined 83819
semiannually by multiplying the cost per case-mix unit determined 83820
under division (D) of this section for the facility's peer group 83821
by the facility's semiannual case-mix score determined under 83822
section 5111.232 of the Revised Code. 83823

(C) For the purpose of determining nursing facilities' rate 83824
for direct care costs, the department shall establish three peer 83825
groups. 83826

Each nursing facility located in any of the following 83827
counties shall be placed in peer group one: Brown, Butler, 83828
Clermont, Clinton, Hamilton, and Warren. 83829

Each nursing facility located in any of the following 83830
counties shall be placed in peer group two: Ashtabula, Champaign, 83831

Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 83832
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 83833
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 83834
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 83835
and Wood. 83836

Each nursing facility located in any of the following 83837
counties shall be placed in peer group three: Adams, Allen, 83838
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 83839
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 83840
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 83841
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 83842
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 83843
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 83844
Washington, Wayne, Williams, and Wyandot. 83845

(D)(1) At least once every ten years, the department shall 83846
determine a cost per case-mix unit for each peer group established 83847
under division (C) of this section. A cost per case-mix unit 83848
determined under this division for a peer group shall be used for 83849
subsequent years until the department redetermines it. To 83850
determine a peer group's cost per case-mix unit, the department 83851
shall do all of the following: 83852

(a) Determine the cost per case-mix unit for each nursing 83853
facility in the peer group for the applicable calendar year by 83854
dividing each facility's desk-reviewed, actual, allowable, per 83855
diem direct care costs for the applicable calendar year by the 83856
facility's annual average case-mix score determined under section 83857
5111.232 of the Revised Code for the applicable calendar year. 83858

(b) Subject to division (D)(2) of this section, identify 83859
which nursing facility in the peer group is at the twenty-fifth 83860
percentile of the cost per case-mix units determined under 83861
division (D)(1)(a) of this section. 83862

(c) Calculate the amount that is seven per cent above the 83863
cost per case-mix unit determined under division (D)(1)(a) of this 83864
section for the nursing facility identified under division 83865
(D)(1)(b) of this section. 83866

(d) Multiply the amount calculated under division (D)(1)(c) 83867
of this section by the rate of inflation for the eighteen-month 83868
period beginning on the first day of July of the applicable 83869
calendar year and ending the last day of December of the calendar 83870
year immediately following the applicable calendar year using the 83871
~~employment cost index for total compensation, health services~~ 83872
~~component, published by the United States bureau of labor~~ 83873
~~statistics~~ inflation measuring system or inflation factor the 83874
director of job and family services shall specify in rules adopted 83875
under section 5111.02 of the Revised Code. 83876

(2) In making the identification under division (D)(1)(b) of 83877
this section, the department shall exclude both of the following: 83878

(a) Nursing facilities that participated in the medicaid 83879
program under the same provider for less than twelve months in the 83880
applicable calendar year; 83881

(b) Nursing facilities whose cost per case-mix unit is more 83882
than one standard deviation from the mean cost per case-mix unit 83883
for all nursing facilities in the nursing facility's peer group 83884
for the applicable calendar year. 83885

(3) The department shall not redetermine a peer group's cost 83886
per case-mix unit under this division based on additional 83887
information that it receives after the peer group's per case-mix 83888
unit is determined. The department shall redetermine a peer 83889
group's cost per case-mix unit only if it made an error in 83890
determining the peer group's cost per case-mix unit based on 83891
information available to the department at the time of the 83892
original determination. 83893

Sec. 5111.232. (A)(1) The department of job and family services shall determine semiannual and annual average case-mix scores for nursing facilities by using all of the following:

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

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

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

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

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

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

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

(b) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the

relationship of the case-mix values to one another; 83924

(c) Modify the grouper methodology specified in division 83925
(A)(1)(c) of this section as follows: 83926

(i) Establish a different hierarchy for assigning residents 83927
to case-mix categories under the methodology; 83928

(ii) Prohibit the use of the index maximizer element of the 83929
methodology; 83930

(iii) Incorporate changes to the methodology the United 83931
States department of health and human services makes after June 83932
30, 1999; 83933

(iv) Make other changes the department determines are 83934
necessary. 83935

(B) The department shall determine case-mix scores for 83936
intermediate care facilities for the mentally retarded using data 83937
for each resident, regardless of payment source, from a resident 83938
assessment instrument and grouper methodology prescribed in rules 83939
adopted under section 5111.02 of the Revised Code and expressed in 83940
case-mix values established by the department in those rules. 83941

(C) Each calendar quarter, each provider shall compile 83942
complete assessment data, from the resident assessment instrument 83943
specified in rules authorized by division (A) or (B) of this 83944
section, for each resident of each of the provider's facilities, 83945
regardless of payment source, who was in the facility or on 83946
hospital or therapeutic leave from the facility on the last day of 83947
the quarter. Providers of a nursing facility shall submit the data 83948
to the department of health and, if required by rules, the 83949
department of job and family services. Providers of an 83950
intermediate care facility for the mentally retarded shall submit 83951
the data to the department of job and family services. The data 83952
shall be submitted not later than fifteen days after the end of 83953
the calendar quarter for which the data is compiled. 83954

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

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

The department may use a quarterly average case-mix score assigned under division (D)(1) of this section, instead of a quarterly average case-mix score calculated based on the provider's submitted information, to calculate the facility's rate for direct care costs being established under section 5111.23 or

5111.231 of the Revised Code for one or more months, as specified 83987
in rules authorized by division (E) of this section, of the 83988
quarter for which the rate established under section 5111.23 or 83989
5111.231 of the Revised Code will be paid. 83990

Before taking action under division (D)(1) of this section, 83991
the department shall permit the provider a reasonable period of 83992
time, specified in rules authorized by division (E) of this 83993
section, to correct the information. In the case of an 83994
intermediate care facility for the mentally retarded, the 83995
department shall not assign a quarterly average case-mix score due 83996
to late submission of corrections to assessment information unless 83997
the provider fails to submit corrected information prior to the 83998
eighty-first day after the end of the calendar quarter to which 83999
the information pertains. In the case of a nursing facility, the 84000
department shall not assign a quarterly average case-mix score due 84001
to late submission of corrections to assessment information unless 84002
the provider fails to submit corrected information prior to the 84003
earlier of the ~~eighty-first~~ forty-sixth day after the end of the 84004
calendar quarter to which the information pertains or the deadline 84005
for submission of such corrections established by regulations 84006
adopted by the United States department of health and human 84007
services under Titles XVIII and XIX. 84008

(2) If a provider is paid a rate for a facility calculated 84009
using a quarterly average case-mix score assigned under division 84010
(D)(1) of this section for more than six months in a calendar 84011
year, the department may assign the facility a cost per case-mix 84012
unit that is five per cent less than the facility's actual or 84013
assigned cost per case-mix unit for the preceding calendar year. 84014
The department may use the assigned cost per case-mix unit, 84015
instead of calculating the facility's actual cost per case-mix 84016
unit in accordance with section 5111.23 or 5111.231 of the Revised 84017
Code, to establish the facility's rate for direct care costs for 84018

the following fiscal year. 84019

(3) The department shall take action under division (D)(1) or 84020
(2) of this section only in accordance with rules authorized by 84021
division (E) of this section. The department shall not take an 84022
action that affects rates for prior payment periods except in 84023
accordance with sections 5111.27 and 5111.28 of the Revised Code. 84024

(E) The director shall adopt rules under section 5111.02 of 84025
the Revised Code that do all of the following: 84026

(1) Specify whether providers of a nursing facility must 84027
submit the assessment data to the department of job and family 84028
services; 84029

(2) Specify the medium or media through which the completed 84030
assessment data shall be submitted; 84031

(3) Establish procedures under which the assessment data 84032
shall be reviewed for accuracy and providers shall be notified of 84033
any data that requires correction; 84034

(4) Establish procedures for providers to correct assessment 84035
data and specify a reasonable period of time by which providers 84036
shall submit the corrections. The procedures may limit the content 84037
of corrections by providers of nursing facilities in the manner 84038
required by regulations adopted by the United States department of 84039
health and human services under Titles XVIII and XIX. 84040

(5) Specify when and how the department will assign case-mix 84041
scores or costs per case-mix unit under division (D) of this 84042
section if information necessary to calculate the facility's 84043
case-mix score is not provided or corrected in accordance with the 84044
procedures established by the rules. Notwithstanding any other 84045
provision of sections 5111.20 to 5111.33 of the Revised Code, the 84046
rules also may provide for the following: 84047

(a) Exclusion of case-mix scores assigned under division (D) 84048

of this section from calculation of an intermediate care facility 84049
for the mentally retarded's annual average case-mix score and the 84050
maximum cost per case-mix unit for the facility's peer group; 84051

(b) Exclusion of case-mix scores assigned under division (D) 84052
of this section from calculation of a nursing facility's 84053
semiannual or annual average case-mix score and the cost per 84054
case-mix unit for the facility's peer group. 84055

Sec. 5111.235. The department of job and family services 84056
shall pay a provider for each of the provider's eligible 84057
intermediate care facilities for the mentally retarded a per 84058
resident per day rate for other protected costs established 84059
prospectively each fiscal year for each facility. The rate for 84060
each facility shall be the facility's desk-reviewed, actual, 84061
allowable, per diem other protected costs from the calendar year 84062
preceding the fiscal year in which the rate will be paid, all 84063
adjusted for the estimated inflation rate for the eighteen-month 84064
period beginning on the first day of July of the calendar year 84065
preceding the fiscal year in which the rate will be paid and 84066
ending on the thirty-first day of December of that fiscal year. 84067
The department shall estimate inflation using the ~~consumer price~~ 84068
~~index for all urban consumers for nonprescription drugs and~~ 84069
~~medical supplies, as published by the United States bureau of~~ 84070
~~labor statistics~~ inflation measuring system or inflation factor 84071
the director of job and family services shall specify in rules 84072
adopted under section 5111.02 of the Revised Code. ~~If the~~ 84073
~~estimated inflation rate for the eighteen month period is~~ 84074
~~different from the actual inflation rate for that period, the~~ 84075
~~difference shall be added to or subtracted from the inflation rate~~ 84076
~~estimated for the following year.~~ 84077

Sec. 5111.24. (A) As used in this section, "applicable 84078
calendar year" means the following: 84079

(1) For the purpose of the department of job and family services' initial determination under division (D) of this section of each peer group's rate for ancillary and support costs, calendar year 2003; 84080
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(2) For the purpose of the department's subsequent determinations under division (D) of this section of each peer group's rate for ancillary and support costs, the calendar year the department selects. 84084
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(B) The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for ancillary and support costs determined for the nursing facility's peer group under division (D) of this section. 84088
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(C) For the purpose of determining nursing facilities' rate for ancillary and support costs, the department shall establish six peer groups. 84093
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Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two. 84096
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Each nursing facility located in any of the following counties shall be placed in peer group three or four: Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, and Wood. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in 84103
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peer group three. Each nursing facility located in any of those 84111
counties that has one hundred or more beds shall be placed in peer 84112
group four. 84113

Each nursing facility located in any of the following 84114
counties shall be placed in peer group five or six: Adams, Allen, 84115
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 84116
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 84117
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 84118
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 84119
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 84120
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 84121
Washington, Wayne, Williams, and Wyandot. Each nursing facility 84122
located in any of those counties that has fewer than one hundred 84123
beds shall be placed in peer group five. Each nursing facility 84124
located in any of those counties that has one hundred or more beds 84125
shall be placed in peer group six. 84126

(D)(1) At least once every ten years, the department shall 84127
determine the rate for ancillary and support costs for each peer 84128
group established under division (C) of this section. The rate for 84129
ancillary and support costs determined under this division for a 84130
peer group shall be used for subsequent years until the department 84131
redetermines it. To determine a peer group's rate for ancillary 84132
and support costs, the department shall do all of the following: 84133

(a) Determine the rate for ancillary and support costs for 84134
each nursing facility in the peer group for the applicable 84135
calendar year by using the greater of the nursing facility's 84136
actual inpatient days for the applicable calendar year or the 84137
inpatient days the nursing facility would have had for the 84138
applicable calendar year if its occupancy rate had been ninety per 84139
cent. For the purpose of determining a nursing facility's 84140
occupancy rate under division (D)(1)(a) of this section, the 84141
department shall include any beds that the nursing facility 84142

removes from its medicaid-certified capacity unless the nursing 84143
facility also removes the beds from its licensed bed capacity. 84144

(b) Subject to division (D)(2) of this section, identify 84145
which nursing facility in the peer group is at the twenty-fifth 84146
percentile of the rate for ancillary and support costs for the 84147
applicable calendar year determined under division (D)(1)(a) of 84148
this section. 84149

(c) Calculate the amount that is three per cent above the 84150
rate for ancillary and support costs determined under division 84151
(D)(1)(a) of this section for the nursing facility identified 84152
under division (D)(1)(b) of this section. 84153

(d) Multiply the amount calculated under division (D)(1)(c) 84154
of this section by the rate of inflation for the eighteen-month 84155
period beginning on the first day of July of the applicable 84156
calendar year and ending the last day of December of the calendar 84157
year immediately following the applicable calendar year using the 84158
~~consumer price index for all items for all urban consumers for the~~ 84159
~~north central region, published by the United States bureau of~~ 84160
~~labor statistics~~ inflation measuring system or inflation factor 84161
the director of job and family services shall specify in rules 84162
adopted under section 5111.02 of the Revised Code. 84163

(2) In making the identification under division (D)(1)(b) of 84164
this section, the department shall exclude both of the following: 84165

(a) Nursing facilities that participated in the medicaid 84166
program under the same provider for less than twelve months in the 84167
applicable calendar year; 84168

(b) Nursing facilities whose ancillary and support costs are 84169
more than one standard deviation from the mean desk-reviewed, 84170
actual, allowable, per diem ancillary and support cost for all 84171
nursing facilities in the nursing facility's peer group for the 84172
applicable calendar year. 84173

(3) The department shall not redetermine a peer group's rate 84174
for ancillary and support costs under this division based on 84175
additional information that it receives after the rate is 84176
determined. The department shall redetermine a peer group's rate 84177
for ancillary and support costs only if it made an error in 84178
determining the rate based on information available to the 84179
department at the time of the original determination. 84180

Sec. 5111.241. (A) The department of job and family services 84181
shall pay a provider for each of the provider's eligible 84182
intermediate care facilities for the mentally retarded a per 84183
resident per day rate for indirect care costs established 84184
prospectively each fiscal year for each facility. The rate for 84185
each intermediate care facility for the mentally retarded shall be 84186
the sum of the following, but shall not exceed the maximum rate 84187
established for the facility's peer group under division (B) of 84188
this section: 84189

(1) The facility's desk-reviewed, actual, allowable, per diem 84190
indirect care costs from the calendar year preceding the fiscal 84191
year in which the rate will be paid, adjusted for the inflation 84192
rate estimated under division (C)(1) of this section; 84193

(2) An efficiency incentive in the following amount: 84194

(a) For fiscal years ending in even-numbered calendar years: 84195

(i) In the case of intermediate care facilities for the 84196
mentally retarded with more than eight beds, seven and one-tenth 84197
per cent of the maximum rate established for the facility's peer 84198
group under division (B) of this section; 84199

(ii) In the case of intermediate care facilities for the 84200
mentally retarded with eight or fewer beds, seven per cent of the 84201
maximum rate established for the facility's peer group under 84202
division (B) of this section; 84203

(b) For fiscal years ending in odd-numbered calendar years, 84204
the amount calculated for the preceding fiscal year under division 84205
(A)(2)(a) of this section. 84206

(B)(1) The maximum rate for indirect care costs for each peer 84207
group of intermediate care facilities for the mentally retarded 84208
with more than eight beds specified in rules ~~adopted under~~ 84209
authorized by division (D) of this section shall be determined as 84210
follows: 84211

(a) For fiscal years ending in even-numbered calendar years, 84212
the maximum rate for each peer group shall be the rate that is no 84213
less than twelve and four-tenths per cent above the median 84214
desk-reviewed, actual, allowable, per diem indirect care cost for 84215
all intermediate care facilities for the mentally retarded with 84216
more than eight beds in the group, excluding facilities in the 84217
group whose indirect care costs for that period are more than 84218
three standard deviations from the mean desk-reviewed, actual, 84219
allowable, per diem indirect care cost for all intermediate care 84220
facilities for the mentally retarded with more than eight beds, 84221
for the calendar year preceding the fiscal year in which the rate 84222
will be paid, adjusted by the inflation rate estimated under 84223
division (C)(1) of this section. 84224

(b) For fiscal years ending in odd-numbered calendar years, 84225
the maximum rate for each peer group is the group's maximum rate 84226
for the previous fiscal year, adjusted for the inflation rate 84227
estimated under division (C)(2) of this section. 84228

(2) The maximum rate for indirect care costs for each peer 84229
group of intermediate care facilities for the mentally retarded 84230
with eight or fewer beds specified in rules ~~adopted under~~ 84231
authorized by division (D) of this section shall be determined as 84232
follows: 84233

(a) For fiscal years ending in even-numbered calendar years, 84234

the maximum rate for each peer group shall be the rate that is no less than ten and three-tenths per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all intermediate care facilities for the mentally retarded with eight or fewer beds in the group, excluding facilities in the group whose indirect care costs are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all intermediate care facilities for the mentally retarded with eight or fewer beds, for the calendar year preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division (C)(1) of this section.

(b) For fiscal years that end in odd-numbered calendar years, the maximum rate for each peer group is the group's maximum rate for the previous fiscal year, adjusted for the inflation rate estimated under division (C)(2) of this section.

(3) The department shall not recalculate a maximum rate for indirect care costs under division (B)(1) or (2) of this section based on additional information that it receives after the maximum rate is set. The department shall recalculate the maximum rate for indirect care costs only if it made an error in computing the maximum rate based on the information available at the time of the original calculation.

(C)(1) When adjusting rates for inflation under divisions (A)(1), (B)(1)(a), and (B)(2)(a) of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid, using the ~~consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics~~ inflation measuring

system or inflation factor specified in rules authorized by 84267
division (D) of this section. 84268

(2) When adjusting rates for inflation under divisions 84269
(B)(1)(b) and (B)(2)(b) of this section, the department shall 84270
estimate the rate of inflation for the twelve-month period 84271
beginning on the first day of January of the fiscal year preceding 84272
the fiscal year in which the rate will be paid and ending on the 84273
thirty-first day of December of the fiscal year in which the rate 84274
will be paid, using the ~~consumer price index for all items for all~~ 84275
~~urban consumers for the north central region, published by the~~ 84276
~~United States bureau of labor statistics~~ inflation measuring 84277
system or inflation factor specified in rules authorized by 84278
division (D) of this section. 84279

~~(3) If an inflation rate estimated under division (C)(1) or~~ 84280
~~(2) of this section is different from the actual inflation rate~~ 84281
~~for the relevant time period, as measured using the same index,~~ 84282
~~the difference shall be added to or subtracted from the inflation~~ 84283
~~rate estimated pursuant to this division for the following fiscal~~ 84284
~~year.~~ 84285

(D) The director of job and family services shall adopt rules 84286
under section 5111.02 of the Revised Code that specify ~~peer~~ both 84287
of the following: 84288

(1) Peer groups of intermediate care facilities for the 84289
mentally retarded with more than eight beds, and peer groups of 84290
intermediate care facilities for the mentally retarded with eight 84291
or fewer beds, based on findings of significant per diem indirect 84292
care cost differences due to geography and facility bed-size. The 84293
rules also may specify peer groups based on findings of 84294
significant per diem indirect care cost differences due to other 84295
factors, including case-mix. 84296

(2) The inflation measuring system or inflation factor to be 84297

used for the purpose of divisions (C)(1) and (2) of this section. 84298

Sec. 5111.25. (A) As used in this section, "applicable 84299
calendar year" means the following: 84300

(1) For the purpose of the department of job and family 84301
services' initial determination under division (D) of this section 84302
of each peer group's median rate for capital costs, calendar year 84303
2003; 84304

(2) For the purpose of the department's subsequent 84305
determinations under division (D) of this section of each peer 84306
group's median rate for capital costs, the calendar year the 84307
department selects. 84308

(B) The department of job and family services shall pay a 84309
provider for each of the provider's eligible nursing facilities a 84310
per resident per day rate for capital costs. A nursing facility's 84311
rate for capital costs shall be the greater of the following: 84312

(1) The median rate for capital costs for the nursing 84313
facilities in the nursing facility's peer group as determined 84314
under division (D) of this section; 84315

(2) The sum of the following: 84316

(a) The capital costs portion of the nursing facility's 84317
medicaid reimbursement per diem rate on June 30, 2005, regardless 84318
of whether the nursing facility has undergone a change of 84319
operator, as defined in section 5111.65 of the Revised Code, after 84320
that date; 84321

(b) Any per diem for which the nursing facility qualified 84322
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th general 84323
assembly, as amended by Am. Sub. H.B. 562 of the 127th general 84324
assembly. 84325

(C) For the purpose of determining nursing facilities' median 84326
rate for capital costs, the department shall establish six peer 84327

groups. 84328

Each nursing facility located in any of the following 84329
counties shall be placed in peer group one or two: Brown, Butler, 84330
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 84331
located in any of those counties that has fewer than one hundred 84332
beds shall be placed in peer group one. Each nursing facility 84333
located in any of those counties that has one hundred or more beds 84334
shall be placed in peer group two. 84335

Each nursing facility located in any of the following 84336
counties shall be placed in peer group three or four: Ashtabula, 84337
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 84338
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 84339
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 84340
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 84341
Union, and Wood. Each nursing facility located in any of those 84342
counties that has fewer than one hundred beds shall be placed in 84343
peer group three. Each nursing facility located in any of those 84344
counties that has one hundred or more beds shall be placed in peer 84345
group four. 84346

Each nursing facility located in any of the following 84347
counties shall be placed in peer group five or six: Adams, Allen, 84348
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 84349
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 84350
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 84351
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 84352
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 84353
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 84354
Washington, Wayne, Williams, and Wyandot. Each nursing facility 84355
located in any of those counties that has fewer than one hundred 84356
beds shall be placed in peer group five. Each nursing facility 84357
located in any of those counties that has one hundred or more beds 84358
shall be placed in peer group six. 84359

(D)(1) At least once every ten years, the department shall 84360
determine the median rate for capital costs for each peer group 84361
established under division (C) of this section. The median rate 84362
for capital costs determined under this division for a peer group 84363
shall be used for subsequent years until the department 84364
redetermines it. To determine a peer group's median rate for 84365
capital costs, the department shall do both of the following: 84366

(a) Subject to division (D)(2) of this section, use the 84367
greater of each nursing facility's actual inpatient days for the 84368
applicable calendar year or the inpatient days the nursing 84369
facility would have had for the applicable calendar year if its 84370
occupancy rate had been one hundred per cent. 84371

(b) Exclude both of the following: 84372

(i) Nursing facilities that participated in the medicaid 84373
program under the same provider for less than twelve months in the 84374
applicable calendar year; 84375

(ii) Nursing facilities whose capital costs are more than one 84376
standard deviation from the mean desk-reviewed, actual, allowable, 84377
per diem capital cost for all nursing facilities in the nursing 84378
facility's peer group for the applicable calendar year. 84379

(2) For the purpose of determining a nursing facility's 84380
occupancy rate under division (D)(1)(a) of this section, the 84381
department shall include any beds that the nursing facility 84382
removes from its medicaid-certified capacity after June 30, 2005, 84383
unless the nursing facility also removes the beds from its 84384
licensed bed capacity. 84385

(E) Buildings shall be depreciated using the straight line 84386
method over forty years or over a different period approved by the 84387
department. Components and equipment shall be depreciated using 84388
the straight-line method over a period designated in rules adopted 84389
under section 5111.02 of the Revised Code, consistent with the 84390

guidelines of the American hospital association, or over a 84391
different period approved by the department. Any rules authorized 84392
by this division that specify useful lives of buildings, 84393
components, or equipment apply only to assets acquired on or after 84394
July 1, 1993. Depreciation for costs paid or reimbursed by any 84395
government agency shall not be included in capital costs unless 84396
that part of the payment under sections 5111.20 to 5111.33 of the 84397
Revised Code is used to reimburse the government agency. 84398

(F) The capital cost basis of nursing facility assets shall 84399
be determined in the following manner: 84400

(1) Except as provided in division (F)(3) of this section, 84401
for purposes of calculating the rates to be paid for facilities 84402
with dates of licensure on or before June 30, 1993, the capital 84403
cost basis of each asset shall be equal to the desk-reviewed, 84404
actual, allowable, capital cost basis that is listed on the 84405
facility's cost report for the calendar year preceding the fiscal 84406
year during which the rate will be paid. 84407

(2) For facilities with dates of licensure after June 30, 84408
1993, the capital cost basis shall be determined in accordance 84409
with the principles of the medicare program established under 84410
Title XVIII, except as otherwise provided in sections 5111.20 to 84411
5111.33 of the Revised Code. 84412

(3) Except as provided in division (F)(4) of this section, if 84413
a provider transfers an interest in a facility to another provider 84414
after June 30, 1993, there shall be no increase in the capital 84415
cost basis of the asset if the providers are related parties or 84416
the provider to which the interest is transferred authorizes the 84417
provider that transferred the interest to continue to operate the 84418
facility under a lease, management agreement, or other 84419
arrangement. If the previous sentence does not prohibit the 84420
adjustment of the capital cost basis under this division, the 84421
basis of the asset shall be adjusted by the lesser of the 84422

following:	84423
(a) One-half of the change in construction costs during the time that the transferor held the asset, as calculated by the department of job and family services using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;	84424 84425 84426 84427 84428
(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time that the transferor held the asset.	84429 84430 84431 84432
(4) If a provider transfers an interest in a facility to another provider who is a related party, the capital cost basis of the asset shall be adjusted as specified in division (F)(3) of this section if all of the following conditions are met:	84433 84434 84435 84436
(a) The related party is a relative of owner;	84437
(b) Except as provided in division (F)(4)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;	84438 84439 84440
(c) The department of job and family services determines that the transfer is an arm's length transaction pursuant to rules adopted under section 5111.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:	84441 84442 84443 84444 84445
(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.	84446 84447 84448 84449 84450 84451
(ii) The provider that made the transfer does not reacquire	84452

an interest in the facility except through the exercise of a 84453
creditor's rights in the event of a default. If the provider 84454
reacquires an interest in the facility in this manner, the 84455
department shall treat the facility as if the transfer never 84456
occurred when the department calculates its reimbursement rates 84457
for capital costs. 84458

(iii) The transfer satisfies any other criteria specified in 84459
the rules. 84460

(d) Except in the case of hardship caused by a catastrophic 84461
event, as determined by the department, or in the case of a 84462
provider making the transfer who is at least sixty-five years of 84463
age, not less than twenty years have elapsed since, for the same 84464
facility, the capital cost basis was adjusted most recently under 84465
division (F)(4) of this section or actual, allowable cost of 84466
ownership was determined most recently under division (G)(9) of 84467
this section. 84468

(G) As used in this division: 84469

"Imputed interest" means the lesser of the prime rate plus 84470
two per cent or ten per cent. 84471

"Lease expense" means lease payments in the case of an 84472
operating lease and depreciation expense and interest expense in 84473
the case of a capital lease. 84474

"New lease" means a lease, to a different lessee, of a 84475
nursing facility that previously was operated under a lease. 84476

(1) Subject to division (B) of this section, for a lease of a 84477
facility that was effective on May 27, 1992, the entire lease 84478
expense is an actual, allowable capital cost during the term of 84479
the existing lease. The entire lease expense also is an actual, 84480
allowable capital cost if a lease in existence on May 27, 1992, is 84481
renewed under either of the following circumstances: 84482

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992; 84483
84484

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992. 84485
84486
84487

(2) Subject to division (B) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by the lesser of the following amounts: 84488
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(a) One-half of the change in construction costs during the time the lessor held each asset until the beginning of the lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift; 84496
84497
84498
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84500

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease. 84501
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(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the 84505
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following: 84514

(a) The annual depreciation expense that would be calculated 84515
at the inception of the lease using the lessor's entire historical 84516
capital asset cost basis; 84517

(b) The greater of the lessor's actual annual amortization of 84518
financing costs and interest expense at the inception of the lease 84519
or the imputed interest expense calculated at the inception of the 84520
lease using seventy per cent of the lessor's historical capital 84521
asset cost basis. 84522

(4) Subject to division (B) of this section, for a lease of a 84523
facility with a date of licensure on or after May 27, 1992, that 84524
was not initially operated under a lease and has been in existence 84525
for ten years, actual, allowable capital costs shall include the 84526
lesser of the annual lease expense or the annual depreciation 84527
expense and imputed interest expense that would be calculated at 84528
the inception of the lease using the entire historical capital 84529
asset cost basis of the lessor, adjusted by the lesser of the 84530
following: 84531

(a) One-half of the change in construction costs during the 84532
time the lessor held each asset until the beginning of the lease, 84533
as calculated by the department using the "Dodge building cost 84534
indexes, northeastern and north central states," published by 84535
Marshall and Swift; 84536

(b) One-half of the change in the consumer price index for 84537
all items for all urban consumers, as published by the United 84538
States bureau of labor statistics, during the time the lessor held 84539
each asset until the beginning of the lease. 84540

(5) Subject to division (B) of this section, for a new lease 84541
of a facility that was operated under a lease on May 27, 1992, 84542
actual, allowable capital costs shall include the lesser of the 84543
annual new lease expense or the annual old lease payment. If the 84544

old lease was in effect for ten years or longer, the old lease 84545
payment from the beginning of the old lease shall be adjusted by 84546
the lesser of the following: 84547

(a) One-half of the change in construction costs from the 84548
beginning of the old lease to the beginning of the new lease, as 84549
calculated by the department using the "Dodge building cost 84550
indexes, northeastern and north central states," published by 84551
Marshall and Swift; 84552

(b) One-half of the change in the consumer price index for 84553
all items for all urban consumers, as published by the United 84554
States bureau of labor statistics, from the beginning of the old 84555
lease to the beginning of the new lease. 84556

(6) Subject to division (B) of this section, for a new lease 84557
of a facility that was not in existence or that was in existence 84558
but not operated under a lease on May 27, 1992, actual, allowable 84559
capital costs shall include the lesser of annual new lease expense 84560
or the annual amount calculated for the old lease under division 84561
(G)(2), (3), (4), or (6) of this section, as applicable. If the 84562
old lease was in effect for ten years or longer, the lessor's 84563
historical capital asset cost basis shall be adjusted by the 84564
lesser of the following for purposes of calculating the annual 84565
amount under division (G)(2), (3), (4), or (6) of this section: 84566

(a) One-half of the change in construction costs from the 84567
beginning of the old lease to the beginning of the new lease, as 84568
calculated by the department using the "Dodge building cost 84569
indexes, northeastern and north central states," published by 84570
Marshall and Swift; 84571

(b) One-half of the change in the consumer price index for 84572
all items for all urban consumers, as published by the United 84573
States bureau of labor statistics, from the beginning of the old 84574
lease to the beginning of the new lease. 84575

In the case of a lease under division (G)(3) of this section 84576
of a facility for which a substantial commitment of money was made 84577
after December 22, 1992, and before July 1, 1993, the old lease 84578
payment shall be adjusted for the purpose of determining the 84579
annual amount. 84580

(7) For any revision of a lease described in division (G)(1), 84581
(2), (3), (4), (5), or (6) of this section, or for any subsequent 84582
lease of a facility operated under such a lease, other than 84583
execution of a new lease, the portion of actual, allowable capital 84584
costs attributable to the lease shall be the same as before the 84585
revision or subsequent lease. 84586

(8) Except as provided in division (G)(9) of this section, if 84587
a provider leases an interest in a facility to another provider 84588
who is a related party or previously operated the facility, the 84589
related party's or previous operator's actual, allowable capital 84590
costs shall include the lesser of the annual lease expense or the 84591
reasonable cost to the lessor. 84592

(9) If a provider leases an interest in a facility to another 84593
provider who is a related party, regardless of the date of the 84594
lease, the related party's actual, allowable capital costs shall 84595
include the annual lease expense, subject to the limitations 84596
specified in divisions (G)(1) to (7) of this section, if all of 84597
the following conditions are met: 84598

(a) The related party is a relative of owner; 84599

(b) If the lessor retains an ownership interest, it is, 84600
except as provided in division (G)(9)(c)(ii) of this section, in 84601
only the real property and any improvements on the real property; 84602

(c) The department of job and family services determines that 84603
the lease is an arm's length transaction pursuant to rules adopted 84604
under section 5111.02 of the Revised Code. The rules shall provide 84605
that a lease is an arm's length transaction if all of the 84606

following apply: 84607

(i) Once the lease goes into effect, the lessor has no direct 84608
or indirect interest in the lessee or, except as provided in 84609
division (G)(9)(b) of this section, the facility itself, including 84610
interest as an owner, officer, director, employee, independent 84611
contractor, or consultant, but excluding interest as a lessor. 84612

(ii) The lessor does not reacquire an interest in the 84613
facility except through the exercise of a lessor's rights in the 84614
event of a default. If the lessor reacquires an interest in the 84615
facility in this manner, the department shall treat the facility 84616
as if the lease never occurred when the department calculates its 84617
reimbursement rates for capital costs. 84618

(iii) The lease satisfies any other criteria specified in the 84619
rules. 84620

(d) Except in the case of hardship caused by a catastrophic 84621
event, as determined by the department, or in the case of a lessor 84622
who is at least sixty-five years of age, not less than twenty 84623
years have elapsed since, for the same facility, the capital cost 84624
basis was adjusted most recently under division (F)(4) of this 84625
section or actual, allowable capital costs were determined most 84626
recently under division (G)(9) of this section. 84627

(10) This division does not apply to leases of specific items 84628
of equipment. 84629

(H) After the date on which a transaction of sale is closed, 84630
the provider shall refund to the department the amount of excess 84631
depreciation paid to the provider for the facility by the 84632
department for each year the provider has operated the facility 84633
under a provider agreement and prorated according to the number of 84634
medicaid patient days for which the provider has received payment 84635
for the facility. The provider of a facility that is sold or that 84636
voluntarily terminates participation in the medicaid program also 84637

shall refund any other amount that the department properly finds 84638
to be due after the audit conducted under this division. For the 84639
purposes of this division, "depreciation paid to the provider for 84640
the facility" means the amount paid to the provider for the 84641
nursing facility for capital costs pursuant to this section less 84642
any amount paid for interest costs, amortization of financing 84643
costs, and lease expenses. For the purposes of this division, 84644
"excess depreciation" is the nursing facility's depreciated basis, 84645
which is the provider's cost less accumulated depreciation, 84646
subtracted from the purchase price net of selling costs but not 84647
exceeding the amount of depreciation paid to the provider for the 84648
facility. 84649

Sec. 5111.251. (A) The department of job and family services 84650
shall pay a provider for each of the provider's eligible 84651
intermediate care facilities for the mentally retarded for its 84652
reasonable capital costs, a per resident per day rate established 84653
prospectively each fiscal year for each intermediate care facility 84654
for the mentally retarded. Except as otherwise provided in 84655
sections 5111.20 to 5111.33 of the Revised Code, the rate shall be 84656
based on the facility's capital costs for the calendar year 84657
preceding the fiscal year in which the rate will be paid. The rate 84658
shall equal the sum of the following: 84659

(1) The facility's desk-reviewed, actual, allowable, per diem 84660
cost of ownership for the preceding cost reporting period, limited 84661
as provided in divisions (C) and (F) of this section; 84662

(2) Any efficiency incentive determined under division (B) of 84663
this section; 84664

(3) Any amounts for renovations determined under division (D) 84665
of this section; 84666

(4) Any amounts for return on equity determined under 84667
division (I) of this section. 84668

Buildings shall be depreciated using the straight line method 84669
over forty years or over a different period approved by the 84670
department. Components and equipment shall be depreciated using 84671
the straight line method over a period designated by the director 84672
of job and family services in rules adopted under section 5111.02 84673
of the Revised Code, consistent with the guidelines of the 84674
American hospital association, or over a different period approved 84675
by the department of job and family services. Any rules authorized 84676
by this division that specify useful lives of buildings, 84677
components, or equipment apply only to assets acquired on or after 84678
July 1, 1993. Depreciation for costs paid or reimbursed by any 84679
government agency shall not be included in costs of ownership or 84680
renovation unless that part of the payment under sections 5111.20 84681
to 5111.33 of the Revised Code is used to reimburse the government 84682
agency. 84683

(B) The department of job and family services shall pay to a 84684
provider for each of the provider's eligible intermediate care 84685
facilities for the mentally retarded an efficiency incentive equal 84686
to fifty per cent of the difference between any desk-reviewed, 84687
actual, allowable cost of ownership and the applicable limit on 84688
cost of ownership payments under division (C) of this section. For 84689
purposes of computing the efficiency incentive, depreciation for 84690
costs paid or reimbursed by any government agency shall be 84691
considered as a cost of ownership, and the applicable limit under 84692
division (C) of this section shall apply both to facilities with 84693
more than eight beds and facilities with eight or fewer beds. The 84694
efficiency incentive paid to a provider for a facility with eight 84695
or fewer beds shall not exceed three dollars per patient day, 84696
adjusted annually for the inflation rate for the twelve-month 84697
period beginning on the first day of July of the calendar year 84698
preceding the calendar year that precedes the fiscal year for 84699
which the efficiency incentive is determined and ending on the 84700
thirtieth day of the following June, using the ~~consumer price~~ 84701

~~index for shelter costs for all urban consumers for the north~~ 84702
~~central region, as published by the United States bureau of labor~~ 84703
~~statistics inflation measuring system or inflation factor the~~ 84704
~~director of job and family services shall specify in rules adopted~~ 84705
~~under section 5111.02 of the Revised Code.~~ 84706

(C) Cost of ownership payments for intermediate care 84707
facilities for the mentally retarded with more than eight beds 84708
shall not exceed the following limits: 84709

(1) For facilities with dates of licensure prior to January 84710
1, 1958, not exceeding two dollars and fifty cents per patient 84711
day; 84712

(2) For facilities with dates of licensure after December 31, 84713
1957, but prior to January 1, 1968, not exceeding: 84714

(a) Three dollars and fifty cents per patient day if the cost 84715
of construction was three thousand five hundred dollars or more 84716
per bed; 84717

(b) Two dollars and fifty cents per patient day if the cost 84718
of construction was less than three thousand five hundred dollars 84719
per bed. 84720

(3) For facilities with dates of licensure after December 31, 84721
1967, but prior to January 1, 1976, not exceeding: 84722

(a) Four dollars and fifty cents per patient day if the cost 84723
of construction was five thousand one hundred fifty dollars or 84724
more per bed; 84725

(b) Three dollars and fifty cents per patient day if the cost 84726
of construction was less than five thousand one hundred fifty 84727
dollars per bed, but exceeds three thousand five hundred dollars 84728
per bed; 84729

(c) Two dollars and fifty cents per patient day if the cost 84730
of construction was three thousand five hundred dollars or less 84731

per bed.	84732
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	84733
	84734
(a) Five dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;	84735
	84736
	84737
(b) Four dollars and fifty cents per patient day if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;	84738
	84739
	84740
	84741
(c) Three dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per bed;	84742
	84743
	84744
	84745
(d) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	84746
	84747
	84748
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	84749
	84750
(a) Six dollars per patient day if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	84751
	84752
	84753
(b) Five dollars and fifty cents per patient day if the cost of construction was less than seven thousand six hundred twenty-five dollars per bed but exceeds six thousand eight hundred dollars per bed;	84754
	84755
	84756
	84757
(c) Four dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or less per bed but exceeds five thousand one hundred fifty dollars per bed;	84758
	84759
	84760
(d) Three dollars and fifty cents per patient day if the cost	84761

of construction was five thousand one hundred fifty dollars or	84762
less but exceeds three thousand five hundred dollars per bed;	84763
(e) Two dollars and fifty cents per patient day if the cost	84764
of construction was three thousand five hundred dollars or less	84765
per bed.	84766
(6) For facilities with dates of licensure after December 31,	84767
1979, but prior to January 1, 1981, not exceeding:	84768
(a) Twelve dollars per patient day if the beds were	84769
originally licensed as residential facility beds by the department	84770
of mental retardation and developmental disabilities;	84771
(b) Six dollars per patient day if the beds were originally	84772
licensed as nursing home beds by the department of health.	84773
(7) For facilities with dates of licensure after December 31,	84774
1980, but prior to January 1, 1982, not exceeding:	84775
(a) Twelve dollars per patient day if the beds were	84776
originally licensed as residential facility beds by the department	84777
of mental retardation and developmental disabilities;	84778
(b) Six dollars and forty-five cents per patient day if the	84779
beds were originally licensed as nursing home beds by the	84780
department of health.	84781
(8) For facilities with dates of licensure after December 31,	84782
1981, but prior to January 1, 1983, not exceeding:	84783
(a) Twelve dollars per patient day if the beds were	84784
originally licensed as residential facility beds by the department	84785
of mental retardation and developmental disabilities;	84786
(b) Six dollars and seventy-nine cents per patient day if the	84787
beds were originally licensed as nursing home beds by the	84788
department of health.	84789
(9) For facilities with dates of licensure after December 31,	84790
1982, but prior to January 1, 1984, not exceeding:	84791

(a) Twelve dollars per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	84792 84793 84794
(b) Seven dollars and nine cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	84795 84796 84797
(10) For facilities with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	84798 84799
(a) Twelve dollars and twenty-four cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	84800 84801 84802 84803
(b) Seven dollars and twenty-three cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	84804 84805 84806
(11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	84807 84808
(a) Twelve dollars and fifty-three cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	84809 84810 84811 84812
(b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	84813 84814 84815
(12) For facilities with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:	84816 84817
(a) Twelve dollars and seventy cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	84818 84819 84820
(b) Seven dollars and fifty cents per patient day if the beds	84821

were originally licensed as nursing home beds by the department of health. 84822
84823

(13) For facilities with dates of licensure after December 84824
31, 1986, but prior to January 1, 1988, not exceeding: 84825

(a) Twelve dollars and ninety-nine cents per patient day if 84826
the beds were originally licensed as residential facility beds by 84827
the department of mental retardation and developmental 84828
disabilities; 84829

(b) Seven dollars and sixty-seven cents per patient day if 84830
the beds were originally licensed as nursing home beds by the 84831
department of health. 84832

(14) For facilities with dates of licensure after December 84833
31, 1987, but prior to January 1, 1989, not exceeding thirteen 84834
dollars and twenty-six cents per patient day; 84835

(15) For facilities with dates of licensure after December 84836
31, 1988, but prior to January 1, 1990, not exceeding thirteen 84837
dollars and forty-six cents per patient day; 84838

(16) For facilities with dates of licensure after December 84839
31, 1989, but prior to January 1, 1991, not exceeding thirteen 84840
dollars and sixty cents per patient day; 84841

(17) For facilities with dates of licensure after December 84842
31, 1990, but prior to January 1, 1992, not exceeding thirteen 84843
dollars and forty-nine cents per patient day; 84844

(18) For facilities with dates of licensure after December 84845
31, 1991, but prior to January 1, 1993, not exceeding thirteen 84846
dollars and sixty-seven cents per patient day; 84847

(19) For facilities with dates of licensure after December 84848
31, 1992, not exceeding fourteen dollars and twenty-eight cents 84849
per patient day. 84850

(D) Beginning January 1, 1981, regardless of the original 84851

date of licensure, the department of job and family services shall 84852
pay a rate for the per diem capitalized costs of renovations to 84853
intermediate care facilities for the mentally retarded made after 84854
January 1, 1981, not exceeding six dollars per patient day using 84855
1980 as the base year and adjusting the amount annually until June 84856
30, 1993, for fluctuations in construction costs calculated by the 84857
department using the "Dodge building cost indexes, northeastern 84858
and north central states," published by Marshall and Swift. The 84859
payment provided for in this division is the only payment that 84860
shall be made for the capitalized costs of a nonextensive 84861
renovation of an intermediate care facility for the mentally 84862
retarded. Nonextensive renovation costs shall not be included in 84863
cost of ownership, and a nonextensive renovation shall not affect 84864
the date of licensure for purposes of division (C) of this 84865
section. This division applies to nonextensive renovations 84866
regardless of whether they are made by an owner or a lessee. If 84867
the tenancy of a lessee that has made renovations ends before the 84868
depreciation expense for the renovation costs has been fully 84869
reported, the former lessee shall not report the undepreciated 84870
balance as an expense. 84871

For a nonextensive renovation to qualify for payment under 84872
this division, both of the following conditions must be met: 84873

(1) At least five years have elapsed since the date of 84874
licensure or date of an extensive renovation of the portion of the 84875
facility that is proposed to be renovated, except that this 84876
condition does not apply if the renovation is necessary to meet 84877
the requirements of federal, state, or local statutes, ordinances, 84878
rules, or policies. 84879

(2) The provider has obtained prior approval from the 84880
department of job and family services. The provider shall submit a 84881
plan that describes in detail the changes in capital assets to be 84882
accomplished by means of the renovation and the timetable for 84883

completing the project. The time for completion of the project 84884
shall be no more than eighteen months after the renovation begins. 84885
The director of job and family services shall adopt rules under 84886
section 5111.02 of the Revised Code that specify criteria and 84887
procedures for prior approval of renovation projects. No provider 84888
shall separate a project with the intent to evade the 84889
characterization of the project as a renovation or as an extensive 84890
renovation. No provider shall increase the scope of a project 84891
after it is approved by the department of job and family services 84892
unless the increase in scope is approved by the department. 84893

(E) The amounts specified in divisions (C) and (D) of this 84894
section shall be adjusted beginning July 1, 1993, for the 84895
estimated inflation for the twelve-month period beginning on the 84896
first day of July of the calendar year preceding the calendar year 84897
that precedes the fiscal year for which rate will be paid and 84898
ending on the thirtieth day of the following June, using the 84899
~~consumer price index for shelter costs for all urban consumers for~~ 84900
~~the north central region, as published by the United States bureau~~ 84901
~~of labor statistics~~ inflation measuring system or inflation factor 84902
the director of job and family services shall specify in rules 84903
adopted under section 5111.02 of the Revised Code. 84904

(F)(1) For facilities of eight or fewer beds that have dates 84905
of licensure or have been granted project authorization by the 84906
department of mental retardation and developmental disabilities 84907
before July 1, 1993, and for facilities of eight or fewer beds 84908
that have dates of licensure or have been granted project 84909
authorization after that date if the providers of the facilities 84910
demonstrate that they made substantial commitments of funds on or 84911
before that date, cost of ownership shall not exceed ~~eighteen~~ 84912
twenty-eight dollars ~~and thirty cents~~ per resident per day. The 84913
~~eighteen dollar and thirty cent~~ twenty-eight-dollar amount shall 84914
be ~~increased by the change in the "Dodge building cost indexes,~~ 84915

~~northeastern and north central states," published by Marshall and 84916
Swift, during the period beginning June 30, 1990, and ending July 84917
1, 1993, and by the change in the consumer price index for shelter 84918
costs for all urban consumers for the north central region, as 84919
published by the United States bureau of labor statistics, 84920
adjusted beginning July 1, 2009, and annually thereafter using the 84921
inflation measuring system or inflation factor the director of job 84922
and family services shall specify in rules adopted under section 84923
5111.02 of the Revised Code. 84924~~

(2) For facilities with eight or fewer beds that have dates 84925
of licensure or have been granted project authorization by the 84926
department of mental retardation and developmental disabilities on 84927
or after July 1, 1993, for which substantial commitments of funds 84928
were not made before that date, cost of ownership payments shall 84929
not exceed the applicable amount calculated under division (F)(1) 84930
of this section, if the department of job and family services 84931
gives prior approval for construction of the facility. If the 84932
department does not give prior approval, cost of ownership 84933
payments shall not exceed the amount specified in division (C) of 84934
this section. 84935

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this 84936
section, the total payment for cost of ownership, cost of 84937
ownership efficiency incentive, and capitalized costs of 84938
renovations for an intermediate care facility for the mentally 84939
retarded with eight or fewer beds shall not exceed the sum of the 84940
limitations specified in divisions (C) and (D) of this section. 84941

(G) Notwithstanding any provision of this section or section 84942
5111.241 of the Revised Code, the director of job and family 84943
services may adopt rules under section 5111.02 of the Revised Code 84944
that provide for a calculation of a combined maximum payment limit 84945
for indirect care costs and cost of ownership for intermediate 84946
care facilities for the mentally retarded with eight or fewer 84947

beds. 84948

(H) After the date on which a transaction of sale is closed, 84949
the provider shall refund to the department the amount of excess 84950
depreciation paid to the provider for the facility by the 84951
department for each year the provider has operated the facility 84952
under a provider agreement and prorated according to the number of 84953
medicaid patient days for which the provider has received payment 84954
for the facility. For the purposes of this division, "depreciation 84955
paid to the provider for the facility" means the amount paid to 84956
the provider for the intermediate care facility for the mentally 84957
retarded for cost of ownership pursuant to this section less any 84958
amount paid for interest costs. For the purposes of this division, 84959
"excess depreciation" is the intermediate care facility for the 84960
mentally retarded's depreciated basis, which is the provider's 84961
cost less accumulated depreciation, subtracted from the purchase 84962
price but not exceeding the amount of depreciation paid to the 84963
provider for the facility. 84964

(I) The department of job and family services shall pay a 84965
provider for each of the provider's eligible proprietary 84966
intermediate care facilities for the mentally retarded a return on 84967
the facility's net equity computed at the rate of one and one-half 84968
times the average of interest rates on special issues of public 84969
debt obligations issued to the federal hospital insurance trust 84970
fund for the cost reporting period. No facility's return on net 84971
equity paid under this division shall exceed one dollar per 84972
patient day. 84973

In calculating the rate for return on net equity, the 84974
department shall use the greater of the facility's inpatient days 84975
during the applicable cost reporting period or the number of 84976
inpatient days the facility would have had during that period if 84977
its occupancy rate had been ninety-five per cent. 84978

(J)(1) Except as provided in division (J)(2) of this section, 84979

if a provider leases or transfers an interest in a facility to 84980
another provider who is a related party, the related party's 84981
allowable cost of ownership shall include the lesser of the 84982
following: 84983

(a) The annual lease expense or actual cost of ownership, 84984
whichever is applicable; 84985

(b) The reasonable cost to the lessor or provider making the 84986
transfer. 84987

(2) If a provider leases or transfers an interest in a 84988
facility to another provider who is a related party, regardless of 84989
the date of the lease or transfer, the related party's allowable 84990
cost of ownership shall include the annual lease expense or actual 84991
cost of ownership, whichever is applicable, subject to the 84992
limitations specified in divisions (B) to (I) of this section, if 84993
all of the following conditions are met: 84994

(a) The related party is a relative of owner; 84995

(b) In the case of a lease, if the lessor retains any 84996
ownership interest, it is, except as provided in division 84997
(J)(2)(d)(ii) of this section, in only the real property and any 84998
improvements on the real property; 84999

(c) In the case of a transfer, the provider making the 85000
transfer retains, except as provided in division (J)(2)(d)(iv) of 85001
this section, no ownership interest in the facility; 85002

(d) The department of job and family services determines that 85003
the lease or transfer is an arm's length transaction pursuant to 85004
rules adopted under section 5111.02 of the Revised Code. The rules 85005
shall provide that a lease or transfer is an arm's length 85006
transaction if all of the following, as applicable, apply: 85007

(i) In the case of a lease, once the lease goes into effect, 85008
the lessor has no direct or indirect interest in the lessee or, 85009

except as provided in division (J)(2)(b) of this section, the 85010
facility itself, including interest as an owner, officer, 85011
director, employee, independent contractor, or consultant, but 85012
excluding interest as a lessor. 85013

(ii) In the case of a lease, the lessor does not reacquire an 85014
interest in the facility except through the exercise of a lessor's 85015
rights in the event of a default. If the lessor reacquires an 85016
interest in the facility in this manner, the department shall 85017
treat the facility as if the lease never occurred when the 85018
department calculates its reimbursement rates for capital costs. 85019

(iii) In the case of a transfer, once the transfer goes into 85020
effect, the provider that made the transfer has no direct or 85021
indirect interest in the provider that acquires the facility or 85022
the facility itself, including interest as an owner, officer, 85023
director, employee, independent contractor, or consultant, but 85024
excluding interest as a creditor. 85025

(iv) In the case of a transfer, the provider that made the 85026
transfer does not reacquire an interest in the facility except 85027
through the exercise of a creditor's rights in the event of a 85028
default. If the provider reacquires an interest in the facility in 85029
this manner, the department shall treat the facility as if the 85030
transfer never occurred when the department calculates its 85031
reimbursement rates for capital costs. 85032

(v) The lease or transfer satisfies any other criteria 85033
specified in the rules. 85034

(e) Except in the case of hardship caused by a catastrophic 85035
event, as determined by the department, or in the case of a lessor 85036
or provider making the transfer who is at least sixty-five years 85037
of age, not less than twenty years have elapsed since, for the 85038
same facility, allowable cost of ownership was determined most 85039
recently under this division. 85040

Sec. 5111.261. Except as otherwise provided in section 85041
5111.264 of the Revised Code, the department of job and family 85042
services, in determining whether an intermediate care facility for 85043
the mentally retarded's direct care costs and indirect care costs 85044
are allowable, shall place no limit on specific categories of 85045
reasonable costs other than compensation of owners, compensation 85046
of relatives of owners, and compensation of administrators ~~and~~ 85047
~~costs for resident meals that are prepared and consumed outside~~ 85048
~~the facility.~~ 85049

Compensation cost limits for owners and relatives of owners 85050
shall be based on compensation costs for individuals who hold 85051
comparable positions but who are not owners or relatives of 85052
owners, as reported on facility cost reports. As used in this 85053
section, "comparable position" means the position that is held by 85054
the owner or the owner's relative, if that position is listed 85055
separately on the cost report form, or if the position is not 85056
listed separately, the group of positions that is listed on the 85057
cost report form and that includes the position held by the owner 85058
or the owner's relative. In the case of an owner or owner's 85059
relative who serves the facility in a capacity such as corporate 85060
officer, proprietor, or partner for which no comparable position 85061
or group of positions is listed on the cost report form, the 85062
compensation cost limit shall be based on civil service 85063
equivalents and shall be specified in rules adopted under section 85064
5111.02 of the Revised Code. 85065

Compensation cost limits for administrators shall be based on 85066
compensation costs for administrators who are not owners or 85067
relatives of owners, as reported on facility cost reports. 85068
Compensation cost limits for administrators of four or more 85069
intermediate care facilities for the mentally retarded shall be 85070
the same as the limits for administrators of intermediate care 85071
facilities for the mentally retarded with one hundred fifty or 85072

more beds.	85073
Sec. 5111.65. As used in sections 5111.65 to 5111.688	85074
<u>5111.689</u> of the Revised Code:	85075
(A) "Change of operator" means an entering operator becoming	85076
the operator of a nursing facility or intermediate care facility	85077
for the mentally retarded in the place of the exiting operator.	85078
(1) Actions that constitute a change of operator include the	85079
following:	85080
(a) A change in an exiting operator's form of legal	85081
organization, including the formation of a partnership or	85082
corporation from a sole proprietorship;	85083
(b) A transfer of all the exiting operator's ownership	85084
interest in the operation of the facility to the entering	85085
operator, regardless of whether ownership of any or all of the	85086
real property or personal property associated with the facility is	85087
also transferred;	85088
(c) A lease of the facility to the entering operator or the	85089
exiting operator's termination of the exiting operator's lease;	85090
(d) If the exiting operator is a partnership, dissolution of	85091
the partnership;	85092
(e) If the exiting operator is a partnership, a change in	85093
composition of the partnership unless both of the following apply:	85094
(i) The change in composition does not cause the	85095
partnership's dissolution under state law.	85096
(ii) The partners agree that the change in composition does	85097
not constitute a change in operator.	85098
(f) If the operator is a corporation, dissolution of the	85099
corporation, a merger of the corporation into another corporation	85100
that is the survivor of the merger, or a consolidation of one or	85101

more other corporations to form a new corporation. 85102

(2) The following, alone, do not constitute a change of 85103
operator: 85104

(a) A contract for an entity to manage a nursing facility or 85105
intermediate care facility for the mentally retarded as the 85106
operator's agent, subject to the operator's approval of daily 85107
operating and management decisions; 85108

(b) A change of ownership, lease, or termination of a lease 85109
of real property or personal property associated with a nursing 85110
facility or intermediate care facility for the mentally retarded 85111
if an entering operator does not become the operator in place of 85112
an exiting operator; 85113

(c) If the operator is a corporation, a change of one or more 85114
members of the corporation's governing body or transfer of 85115
ownership of one or more shares of the corporation's stock, if the 85116
same corporation continues to be the operator. 85117

(B) "Effective date of a change of operator" means the day 85118
the entering operator becomes the operator of the nursing facility 85119
or intermediate care facility for the mentally retarded. 85120

(C) "Effective date of a facility closure" means the last day 85121
that the last of the residents of the nursing facility or 85122
intermediate care facility for the mentally retarded resides in 85123
the facility. 85124

(D) "Effective date of a voluntary termination" means the day 85125
the intermediate care facility for the mentally retarded ceases to 85126
accept medicaid patients. 85127

(E) "Effective date of a voluntary withdrawal of 85128
participation" means the day the nursing facility ceases to accept 85129
new medicaid patients other than the individuals who reside in the 85130
nursing facility on the day before the effective date of the 85131

voluntary withdrawal of participation. 85132

(F) "Entering operator" means the person or government entity 85133
that will become the operator of a nursing facility or 85134
intermediate care facility for the mentally retarded when a change 85135
of operator occurs. 85136

(G) "Exiting operator" means any of the following: 85137

(1) An operator that will cease to be the operator of a 85138
nursing facility or intermediate care facility for the mentally 85139
retarded on the effective date of a change of operator; 85140

(2) An operator that will cease to be the operator of a 85141
nursing facility or intermediate care facility for the mentally 85142
retarded on the effective date of a facility closure; 85143

(3) An operator of an intermediate care facility for the 85144
mentally retarded that is undergoing or has undergone a voluntary 85145
termination; 85146

(4) An operator of a nursing facility that is undergoing or 85147
has undergone a voluntary withdrawal of participation. 85148

(H)(1) "Facility closure" means discontinuance of the use of 85149
the building, or part of the building, that houses the facility as 85150
a nursing facility or intermediate care facility for the mentally 85151
retarded that results in the relocation of all of the facility's 85152
residents. A facility closure occurs regardless of any of the 85153
following: 85154

(a) The operator completely or partially replacing the 85155
facility by constructing a new facility or transferring the 85156
facility's license to another facility; 85157

(b) The facility's residents relocating to another of the 85158
operator's facilities; 85159

(c) Any action the department of health takes regarding the 85160
facility's certification under Title XIX of the "Social Security 85161

Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may 85162
result in the transfer of part of the facility's survey findings 85163
to another of the operator's facilities; 85164

(d) Any action the department of health takes regarding the 85165
facility's license under Chapter 3721. of the Revised Code; 85166

(e) Any action the department of mental retardation and 85167
developmental disabilities takes regarding the facility's license 85168
under section 5123.19 of the Revised Code. 85169

(2) A facility closure does not occur if all of the 85170
facility's residents are relocated due to an emergency evacuation 85171
and one or more of the residents return to a medicaid-certified 85172
bed in the facility not later than thirty days after the 85173
evacuation occurs. 85174

(I) "Fiscal year," "intermediate care facility for the 85175
mentally retarded," "nursing facility," "operator," "owner," and 85176
"provider agreement" have the same meanings as in section 5111.20 85177
of the Revised Code. 85178

(J) "Voluntary termination" means an operator's voluntary 85179
election to terminate the participation of an intermediate care 85180
facility for the mentally retarded in the medicaid program but to 85181
continue to provide service of the type provided by a residential 85182
facility as defined in section 5123.19 of the Revised Code. 85183

(K) "Voluntary withdrawal of participation" means an 85184
operator's voluntary election to terminate the participation of a 85185
nursing facility in the medicaid program but to continue to 85186
provide service of the type provided by a nursing facility. 85187

Sec. 5111.651. Sections 5111.65 to ~~5111.688~~ 5111.689 of the 85188
Revised Code do not apply to a nursing facility or intermediate 85189
care facility for the mentally retarded that undergoes a facility 85190
closure, voluntary termination, voluntary withdrawal of 85191

participation, or change of operator on or before September 30, 85192
2005, if the exiting operator provided written notice of the 85193
facility closure, voluntary termination, voluntary withdrawal of 85194
participation, or change of operator to the department of job and 85195
family services on or before June 30, 2005. 85196

Sec. 5111.688. (A) All amounts withheld under section 85197
5111.681 of the Revised Code from payment due an exiting operator 85198
under the medicaid program shall be deposited into the medicaid 85199
payment withholding fund created by the controlling board pursuant 85200
to section 131.35 of the Revised Code. Money in the fund shall be 85201
used as follows: 85202

(1) To pay an exiting operator when a withholding is released 85203
to the exiting operator under section 5111.686 or 5111.687 of the 85204
Revised Code; 85205

(2) To pay the department of job and family services and 85206
United States centers for medicare and medicaid services the 85207
amount an exiting operator owes the department and United States 85208
centers under the medicaid program. 85209

(B) Amounts paid from the medicaid payment withholding fund 85210
pursuant to division (A)(2) of this section shall be deposited 85211
into the appropriate department fund. 85212

Sec. ~~5111.688~~ 5111.689. The director of job and family 85213
services may adopt rules under section 5111.02 of the Revised Code 85214
to implement sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised 85215
Code, including rules applicable to an exiting operator that 85216
provides written notification under section 5111.66 of the Revised 85217
Code of a voluntary withdrawal of participation. Rules adopted 85218
under this section shall comply with section 1919(c)(2)(F) of the 85219
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 85220
1396r(c)(2)(F), regarding restrictions on transfers or discharges 85221

of nursing facility residents in the case of a voluntary 85222
withdrawal of participation. The rules may prescribe a medicaid 85223
reimbursement methodology and other procedures that are applicable 85224
after the effective date of a voluntary withdrawal of 85225
participation that differ from the reimbursement methodology and 85226
other procedures that would otherwise apply. 85227

Sec. 5111.705. No individual shall be denied eligibility for 85228
the medicaid buy-in for workers with disabilities program on the 85229
basis that the individual receives services under a home and 85230
community-based services medicaid waiver component as defined in 85231
section ~~5111.851~~ 5111.85 of the Revised Code. 85232

Sec. 5111.85. (A) As used in this section and sections 85233
5111.851 to 5111.856 of the Revised Code, "~~medicaid:~~" 85234

"Home and community-based services medicaid waiver component" 85235
means a medicaid waiver component under which home and 85236
community-based services are provided as an alternative to 85237
hospital, nursing facility, or intermediate care facility for the 85238
mentally retarded services. 85239

"Hospital" has the same meaning as in section 3727.01 of the 85240
Revised Code. 85241

"Intermediate care facility for the mentally retarded" has 85242
the same meaning as in section 5111.20 of the Revised Code. 85243

"Medicaid waiver component" means a component of the medicaid 85244
program authorized by a waiver granted by the United States 85245
department of health and human services under section 1115 or 1915 85246
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 85247
1315 or 1396n. "Medicaid waiver component" does not include a care 85248
management system established under section 5111.16 of the Revised 85249
Code. 85250

<u>"Nursing facility" has the same meaning as in section 5111.20</u>	85251
<u>of the Revised Code.</u>	85252
(B) The director of job and family services may adopt rules	85253
under Chapter 119. of the Revised Code governing medicaid waiver	85254
components that establish all of the following:	85255
(1) Eligibility requirements for the medicaid waiver	85256
components;	85257
(2) The type, amount, duration, and scope of services the	85258
medicaid waiver components provide;	85259
(3) The conditions under which the medicaid waiver components	85260
cover services;	85261
(4) The amount the medicaid waiver components pay for	85262
services or the method by which the amount is determined;	85263
(5) The manner in which the medicaid waiver components pay	85264
for services;	85265
(6) Safeguards for the health and welfare of medicaid	85266
recipients receiving services under a medicaid waiver component;	85267
(7) <u>Procedures for both of the following:</u>	85268
(a) <u>Identifying individuals who meet all of the following</u>	85269
<u>requirements:</u>	85270
(i) <u>Are eligible for a home and community-based services</u>	85271
<u>medicaid waiver component and on a waiting list for the component;</u>	85272
(ii) <u>Are receiving inpatient hospital services or residing in</u>	85273
<u>an intermediate care facility for the mentally retarded or nursing</u>	85274
<u>facility (as appropriate for the component);</u>	85275
(iii) <u>Choose to be enrolled in the component.</u>	85276
(b) <u>Approving the enrollment of individuals identified under</u>	85277
<u>the procedures established under division (B)(7)(a) of this</u>	85278
<u>section into the home and community-based services medicaid waiver</u>	85279

component. 85280

(8) Procedures for enforcing the rules, including 85281
establishing corrective action plans for, and imposing financial 85282
and administrative sanctions on, persons and government entities 85283
that violate the rules. Sanctions shall include terminating 85284
medicaid provider agreements. The procedures shall include due 85285
process protections. 85286

~~(8)~~(9) Other policies necessary for the efficient 85287
administration of the medicaid waiver components. 85288

(C) The director of job and family services may adopt 85289
different rules for the different medicaid waiver components. The 85290
rules shall be consistent with the terms of the waiver authorizing 85291
the medicaid waiver component. 85292

(D) Any procedures established under division (B)(7) of this 85293
section for the PASSPORT program shall be consistent with section 85294
173.401 of the Revised Code. Any procedures established under 85295
division (B)(7) of this section for the assisted living program 85296
shall be consistent with section 5111.894 of the Revised Code. 85297

Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 85298
of the Revised Code: 85299

"Administrative agency" means, with respect to a home and 85300
community-based services medicaid waiver component, the department 85301
of job and family services or, if a state agency or political 85302
subdivision contracts with the department under section 5111.91 of 85303
the Revised Code to administer the component, that state agency or 85304
political subdivision. 85305

~~"Home and community based services medicaid waiver component"~~ 85306
~~means a medicaid waiver component under which home and~~ 85307
~~community based services are provided as an alternative to~~ 85308
~~hospital, nursing facility, or intermediate care facility for the~~ 85309

~~mentally retarded services.~~ 85310

~~"Hospital" has the same meaning as in section 3727.01 of the Revised Code.~~ 85311
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~~"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~ 85313
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or intermediate care facility for the mentally retarded and whether the individual, if determined to need that level of care, would receive hospital, nursing facility, or intermediate care facility for the mentally retarded services if not for a home and community-based services medicaid waiver component. 85315
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"Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7011 of the Revised Code. 85323
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~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 85326
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"Skilled nursing facility" means a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 85328
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(B) The following requirements apply to each home and community-based services medicaid waiver component: 85331
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(1) Only an individual who qualifies for a component shall receive that component's services. 85333
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(2) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication 85335
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that the individual's needs have changed. 85340

(3) A written plan of care or individual service plan based 85341
on an individual assessment of the services that an individual 85342
needs to avoid needing admission to a hospital, nursing facility, 85343
or intermediate care facility for the mentally retarded shall be 85344
created for each individual determined eligible for a component. 85345

(4) Each individual determined eligible for a component shall 85346
receive that component's services in accordance with the 85347
individual's level of care determination and written plan of care 85348
or individual service plan. 85349

(5) No individual may receive services under a component 85350
while the individual is a hospital inpatient or resident of a 85351
skilled nursing facility, nursing facility, or intermediate care 85352
facility for the mentally retarded. 85353

(6) No individual may receive prevocational, educational, or 85354
supported employment services under a component if the individual 85355
is eligible for such services that are funded with federal funds 85356
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 85357
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 85358

(7) Safeguards shall be taken to protect the health and 85359
welfare of individuals receiving services under a component, 85360
including safeguards established in rules adopted under section 85361
5111.85 of the Revised Code and safeguards established by 85362
licensing and certification requirements that are applicable to 85363
the providers of that component's services. 85364

(8) No services may be provided under a component by a 85365
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 85366
requires be established if the provider fails to comply with the 85367
standards applicable to the provider. 85368

(9) Individuals determined to be eligible for a component, or 85369
such individuals' representatives, shall be informed of that 85370

component's services, including any choices that the individual or 85371
representative may make regarding the component's services, and 85372
given the choice of either receiving services under that component 85373
or, as appropriate, hospital, nursing facility, or intermediate 85374
care facility for the mentally retarded services. 85375

(10) No individual shall lose eligibility for services under 85376
a component, or have the services reduced or otherwise disrupted, 85377
on the basis that the individual also receives services under the 85378
medicaid buy-in for workers with disabilities program. 85379

(11) No individual shall lose eligibility for services under 85380
a component, or have the services reduced or otherwise disrupted, 85381
on the basis that the individual's income or resources increase to 85382
an amount above the eligibility limit for the component if the 85383
individual is participating in the medicaid buy-in for workers 85384
with disabilities program and the amount of the individual's 85385
income or resources does not exceed the eligibility limit for the 85386
medicaid buy-in for workers with disabilities program. 85387

(12) No individual receiving services under a component shall 85388
be required to pay any cost sharing expenses for the services for 85389
any period during which the individual also participates in the 85390
medicaid buy-in for workers with disabilities program. 85391

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 85392
of the Revised Code: 85393

"Home and community-based services" has the same meaning as 85394
in section 5123.01 of the Revised Code. 85395

"ICF/MR services" means intermediate care facility for the 85396
mentally retarded services covered by the medicaid program that an 85397
intermediate care facility for the mentally retarded provides to a 85398
resident of the facility who is a medicaid recipient eligible for 85399
medicaid-covered intermediate care facility for the mentally 85400

retarded services. 85401

"Intermediate care facility for the mentally retarded" means 85402
an intermediate care facility for the mentally retarded that is 85403
certified as in compliance with applicable standards for the 85404
medicaid program by the director of health in accordance with 85405
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 85406
U.S.C. 1396, as amended, and licensed as a residential facility 85407
under section 5123.19 of the Revised Code. 85408

"Residential facility" has the same meaning as in section 85409
5123.19 of the Revised Code. 85410

(B) For the purpose of increasing the number of slots 85411
available for home and community-based services and subject to 85412
sections 5111.877 and 5111.878 of the Revised Code, the operator 85413
of an intermediate care facility for the mentally retarded may 85414
convert all of the beds in the facility from providing ICF/MR 85415
services to providing home and community-based services if all of 85416
the following requirements are met: 85417

(1) The operator provides the directors of health, job and 85418
family services, and mental retardation and developmental 85419
disabilities at least ninety days' notice of the operator's intent 85420
to relinquish the facility's certification as an intermediate care 85421
facility for the mentally retarded and to begin providing home and 85422
community-based services. 85423

(2) The operator complies with the requirements of sections 85424
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 85425
voluntary termination as defined in section 5111.65 of the Revised 85426
Code if those requirements are applicable. 85427

(3) The operator notifies each of the facility's residents 85428
that the facility is to cease providing ICF/MR services and inform 85429
each resident that the resident may do either of the following: 85430

(a) Continue to receive ICF/MR services by transferring to 85431

another facility that is an intermediate care facility for the 85432
mentally retarded willing and able to accept the resident if the 85433
resident continues to qualify for ICF/MR services; 85434

(b) Begin to receive home and community-based services 85435
instead of ICF/MR services from any provider of home and 85436
community-based services that is willing and able to provide the 85437
services to the resident if the resident is eligible for the 85438
services and a slot for the services is available to the resident. 85439

(4) The operator meets the requirements for providing home 85440
and community-based services, including the following: 85441

(a) Such requirements applicable to a residential facility if 85442
the operator maintains the facility's license as a residential 85443
facility; 85444

(b) Such requirements applicable to a facility that is not 85445
licensed as a residential facility if the operator surrenders the 85446
facility's residential facility license under section 5123.19 of 85447
the Revised Code. 85448

(5) The director of mental retardation and developmental 85449
disabilities approves the conversion. 85450

(C) The notice to the director of mental retardation and 85451
developmental disabilities under division (B)(1) of this section 85452
shall specify whether the operator wishes to surrender the 85453
facility's license as a residential facility under section 5123.19 85454
of the Revised Code. 85455

(D) If the director of mental retardation and developmental 85456
disabilities approves a conversion under division (B) of this 85457
section, the director of health shall terminate the certification 85458
of the intermediate care facility for the mentally retarded to be 85459
converted. The director of health shall notify the director of job 85460
and family services of the termination. On receipt of the director 85461
of health's notice, the director of job and family services shall 85462

terminate the operator's medicaid provider agreement that 85463
authorizes the operator to provide ICF/MR services at the 85464
facility. The operator is not entitled to notice or a hearing 85465
under Chapter 119. of the Revised Code before the director of job 85466
and family services terminates the medicaid provider agreement. 85467
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Sec. 5111.875. (A) For the purpose of increasing the number 85469
of slots available for home and community-based services and 85470
subject to sections 5111.877 and 5111.878 of the Revised Code, a 85471
person who acquires, through a request for proposals issued by the 85472
director of mental retardation and developmental disabilities, a 85473
residential facility that is an intermediate care facility for the 85474
mentally retarded and for which the license as a residential 85475
facility was previously surrendered or revoked may convert some or 85476
all of the facility's beds from providing ICF/MR services to 85477
providing home and community-based services if all of the 85478
following requirements are met: 85479

(1) The person provides the directors of health, job and 85480
family services, and mental retardation and developmental 85481
disabilities at least ninety days' notice of the person's intent 85482
to make the conversion. 85483

(2) The person complies with the requirements of sections 85484
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 85485
voluntary termination as defined in section 5111.65 of the Revised 85486
Code if those requirements are applicable. 85487

(3) If the person intends to convert all of the facility's 85488
beds, the person notifies each of the facility's residents that 85489
the facility is to cease providing ICF/MR services and informs 85490
each resident that the resident may do either of the following: 85491

(a) Continue to receive ICF/MR services by transferring to 85492
another facility that is an intermediate care facility for the 85493

mentally retarded willing and able to accept the resident if the 85494
resident continues to qualify for ICF/MR services; 85495

(b) Begin to receive home and community-based services 85496
instead of ICF/MR services from any provider of home and 85497
community-based services that is willing and able to provide the 85498
services to the resident if the resident is eligible for the 85499
services and a slot for the services is available to the resident. 85500

(4) If the person intends to convert some but not all of the 85501
facility's beds, the person notifies each of the facility's 85502
residents that the facility is to convert some of its beds from 85503
providing ICF/MR services to providing home and community-based 85504
services and inform each resident that the resident may do either 85505
of the following: 85506

(a) Continue to receive ICF/MR services from any provider of 85507
ICF/MR services that is willing and able to provide the services 85508
to the resident if the resident continues to qualify for ICF/MR 85509
services; 85510

(b) Begin to receive home and community-based services 85511
instead of ICF/MR services from any provider of home and 85512
community-based services that is willing and able to provide the 85513
services to the resident if the resident is eligible for the 85514
services and a slot for the services is available to the resident. 85515

(5) The person meets the requirements for providing home and 85516
community-based services at a residential facility. 85517

(B) The notice provided to the directors under division 85518
(A)(1) of this section shall specify whether some or all of the 85519
facility's beds are to be converted. If some but not all of the 85520
beds are to be converted, the notice shall specify how many of the 85521
facility's beds are to be converted and how many of the beds are 85522
to continue to provide ICF/MR services. 85523

(C) On receipt of a notice under division (A)(1) of this 85524

section, the director of health shall do the following: 85525

(1) Terminate the certification of the intermediate care 85526
facility for the mentally retarded if the notice specifies that 85527
all of the facility's beds are to be converted; 85528

(2) Reduce the facility's certified capacity by the number of 85529
beds being converted if the notice specifies that some but not all 85530
of the beds are to be converted. 85531

(D) The director of health shall notify the director of job 85532
and family services of the termination or reduction under division 85533
(C) of this section. On receipt of the director of health's 85534
notice, the director of job and family services shall do the 85535
following: 85536

(1) Terminate the person's medicaid provider agreement that 85537
authorizes the person to provide ICF/MR services at the facility 85538
if the facility's certification was terminated; 85539

(2) Amend the person's medicaid provider agreement to reflect 85540
the facility's reduced certified capacity if the facility's 85541
certified capacity is reduced. 85542

The person is not entitled to notice or a hearing under 85543
Chapter 119. of the Revised Code before the director of job and 85544
family services terminates or amends the medicaid provider 85545
agreement. 85546

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8811 of 85547
the Revised Code: 85548

(1) "Adult" means an individual at least eighteen years of 85549
age. 85550

(2) "Authorized representative" means the following: 85551

(a) In the case of a consumer who is a minor, the consumer's 85552
parent, custodian, or guardian; 85553

(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services. 85554
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(3) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both. 85558
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(4) "Consumer" means an individual to whom all of the following apply: 85562
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(a) The individual is enrolled in a participating medicaid waiver component. 85564
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(b) The individual has a medically determinable physical impairment to which both of the following apply: 85566
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(i) It is expected to last for a continuous period of not less than twelve months. 85568
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(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both. 85570
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(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant. 85574
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(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant. 85578
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(5) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 85582
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<u>(6) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.</u>	85584
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<u>(7) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.</u>	85586
	85587
<u>(8) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.</u>	85588
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<u>(9) "Health care professional" means a physician or registered nurse.</u>	85590
	85591
<u>(10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.</u>	85592
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<u>(11) "Home care attendant services" means all of the following as provided by a home care attendant:</u>	85596
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<u>(a) Personal care aide services;</u>	85598
<u>(b) Assistance with the self-administration of medication;</u>	85599
<u>(c) Assistance with nursing tasks.</u>	85600
<u>(12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.</u>	85601
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<u>(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</u>	85603
	85604
<u>(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.</u>	85605
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<u>(15) "Minor" means an individual under eighteen years of age.</u>	85607
<u>(16) "Participating medicaid waiver component" means both of the following:</u>	85608
	85609
<u>(a) The medicaid waiver component known as Ohio home care that the department of job and family services administers;</u>	85610
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(b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers. 85612
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(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 85615
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(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice nurse, as defined in section 4723.01 of the Revised Code. 85618
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(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 85623
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(B) The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating medicaid waiver components to have those components cover home care attendant services in accordance with sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component. 85626
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Sec. 5111.881. The director of job and family services shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services to consumers if the individual does both of the following: 85636
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(A) Agrees to comply with the requirements of sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of 85640
85641

the Revised Code; 85642

(B) Provides the director evidence satisfactory to the 85643
director of all of the following: 85644

(1) That the individual either meets the personnel 85645
qualifications specified in 42 C.F.R. 484.4 for home health aides 85646
or has successfully completed at least one of the following: 85647

(a) A competency evaluation program or training and 85648
competency evaluation program approved or conducted by the 85649
director of health under section 3721.31 of the Revised Code; 85650

(b) A training program approved by the department of job and 85651
family services that includes training in at least all of the 85652
following and provides training equivalent to a training and 85653
competency evaluation program specified in division (B)(1)(a) of 85654
this section or meets the requirements of 42 C.F.R. 484.36(a): 85655

(i) Basic home safety; 85656

(ii) Universal precautions for the prevention of disease 85657
transmission, including hand-washing and proper disposal of bodily 85658
waste and medical instruments that are sharp or may produce sharp 85659
pieces if broken; 85660

(iii) Personal care aide services; 85661

(iv) The labeling, counting, and storage requirements for 85662
schedule II, III, IV, and V medications. 85663

(2) That the individual has obtained a certificate of 85664
completion of a course in first aid from a first aid course to 85665
which all of the following apply: 85666

(a) It is not provided solely through the internet. 85667

(b) It includes hands-on training provided by a first aid 85668
instructor who is qualified to provide such training according to 85669
standards set in rules adopted under section 5111.8811 of the 85670
Revised Code. 85671

(c) It requires the individual to demonstrate successfully 85672
that the individual has learned the first aid taught in the 85673
course. 85674

(3) That the individual meets any other requirements for the 85675
medicaid provider agreement specified in rules adopted under 85676
section 5111.8811 of the Revised Code. 85677

Sec. 5111.882. A home care attendant shall complete not less 85678
than twelve hours of in-service continuing education regarding 85679
home care attendant services each year and provide the director of 85680
job and family services evidence satisfactory to the director that 85681
the attendant satisfied this requirement. The evidence shall be 85682
submitted to the director not later than the annual anniversary of 85683
the issuance of the home care attendant's initial medicaid 85684
provider agreement. 85685

Sec. 5111.883. A home care attendant shall do all of the 85686
following: 85687

(A) Maintain a clinical record for each consumer to whom the 85688
attendant provides home care attendant services in a manner that 85689
protects the consumer's privacy; 85690

(B) Participate in a face-to-face visit every ninety days 85691
with all of the following to monitor the health and welfare of 85692
each of the consumers to whom the attendant provides home care 85693
attendant services: 85694

(1) The consumer; 85695

(2) The consumer's authorized representative, if any; 85696

(3) A registered nurse who agrees to answer any questions 85697
that the attendant, consumer, or authorized representative has 85698
about consumer care needs, medications, and other issues. 85699

(C) Document the activities of each visit required by 85700

division (B) of this section in the consumer's clinical record 85701
with the assistance of the registered nurse. 85702

Sec. 5111.884. (A) A home care attendant may assist a 85703
consumer with nursing tasks or self-administration of medication 85704
only after the attendant does both of the following: 85705

(1) Subject to division (B) of this section, completes 85706
consumer-specific training in how to provide the assistance that 85707
the authorizing health care professional authorizes the attendant 85708
to provide to the consumer; 85709

(2) At the request of the consumer, consumer's authorized 85710
representative, or authorizing health care professional, 85711
successfully demonstrates that the attendant has learned how to 85712
provide the authorized assistance to the consumer. 85713

(B) The training required by division (A)(1) of this section 85714
shall be provided by either of the following: 85715

(1) The authorizing health care professional; 85716

(2) The consumer or consumer's authorized representative in 85717
cooperation with the authorizing health care professional. 85718

Sec. 5111.885. A home care attendant shall comply with both 85719
of the following when assisting a consumer with nursing tasks or 85720
self-administration of medication: 85721

(A) The written consent of the consumer or consumer's 85722
authorized representative provided to the director of job and 85723
family services under section 5111.886 of the Revised Code; 85724

(B) The authorizing health care professional's written 85725
authorization provided to the director under section 5111.887 of 85726
the Revised Code. 85727

Sec. 5111.886. To consent to a home care attendant assisting 85728

a consumer with nursing tasks or self-administration of medication, the consumer or consumer's authorized representative shall provide the director of job and family services a written statement signed by the consumer or authorized representative under which the consumer or authorized representative consents to both of the following: 85729
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(A) Having the attendant assist the consumer with nursing tasks or self-administration of medication; 85735
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(B) Assuming responsibility for directing the attendant when the attendant assists the consumer with nursing tasks or self-administration of medication. 85737
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Sec. 5111.887. To authorize a home care attendant to assist a consumer with nursing tasks or self-administration of medication, a health care professional shall provide the director of job and family services a written statement signed by the health care professional that includes all of the following: 85740
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(A) The consumer's name and address; 85745

(B) A description of the nursing tasks or self-administration of medication with which the attendant is to assist the consumer, including, in the case of assistance with self-administration of medication, the name and dosage of the medication; 85746
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(C) The times or intervals when the attendant is to assist the consumer with the self-administration of each dosage of the medication or nursing tasks; 85750
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(D) The dates the attendant is to begin and cease providing the assistance; 85753
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(E) A list of severe adverse reactions the attendant must report to the health care professional should the consumer experience one or more of the reactions; 85755
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(F) At least one telephone number at which the attendant can reach the health care professional in an emergency; 85758
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(G) Instructions the attendant is to follow when assisting the consumer with nursing tasks or self-administration of medication, including instructions for maintaining sterile conditions and for storage of task-related equipment and supplies; 85760
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(H) The health care professional's attestation of both of the following: 85764
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(1) That the consumer or consumer's authorized representative has demonstrated to the health care professional the ability to direct the attendant; 85766
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(2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. 85769
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Sec. 5111.888. When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication a health care professional may not authorize a home care attendant to do any of the following: 85777
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(A) Perform a task that is outside of the health care professional's scope of practice; 85781
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(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or schedule V drug unless both of the following apply: 85783
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(1) The medication is administered orally, topically, or via a gastrostomy tube or jejunostomy tube, including through any of 85786
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<u>the following:</u>	85788
<u>(a) In the case of an oral medication, a metered dose inhaler;</u>	85789 85790
<u>(b) In the case of a topical medication, including a transdermal medication, either of the following:</u>	85791 85792
<u>(i) An eye, ear, or nose drop or spray;</u>	85793
<u>(ii) A vaginal or rectal suppository.</u>	85794
<u>(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump.</u>	85795 85796
<u>(2) The medication is in its original container and the label attached to the container displays all of the following:</u>	85797 85798
<u>(a) The consumer's full name in print;</u>	85799
<u>(b) The medication's dispensing date, which must not be more than twelve months before the date the attendant assists the consumer with self-administration of the medication;</u>	85800 85801 85802
<u>(c) The exact dosage and means of administration that match the health care professional's authorization to the attendant.</u>	85803 85804
<u>(C) Assist the consumer with the self-administration of a schedule II, schedule III, schedule IV, or schedule V medication unless, in addition to meeting the requirements of division (B) of this section, all of the following apply:</u>	85805 85806 85807 85808
<u>(1) The medication has a warning label on its container.</u>	85809
<u>(2) The attendant counts the medication in the consumer's or authorized representative's presence when the medication is administered to the consumer and records the count on a form used for the count as specified in rules adopted under section 5111.8811 of the Revised Code.</u>	85810 85811 85812 85813 85814
<u>(3) The attendant recounts the medication in the consumer's or authorized representative's presence at least monthly and</u>	85815 85816

reconciles the recount on a log located in the consumer's clinical record. 85817
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(4) The medication is stored separately from all other medications and is secured and locked at all times when not being administered to the consumer to prevent unauthorized access. 85819
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(D) Perform an intramuscular injection; 85822

(E) Perform a subcutaneous injection unless it is for a routine dose of insulin; 85823
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(F) Program a pump used to deliver a medication unless the pump is used to deliver a routine dose of insulin; 85825
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(G) Insert, remove, or discontinue an intravenous access device; 85827
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(H) Engage in intravenous medication administration; 85829

(I) Insert or initiate an infusion therapy; 85830

(J) Perform a central line dressing change. 85831

Sec. 5111.889. A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code. 85832
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A consumer or the consumer's authorized representative shall report to the director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The director shall forward a copy of each report to the board of nursing. 85838
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Sec. 5111.8810. A consumer who is an adult may select an individual to act on the consumer's behalf for purposes regarding home care attendant services by submitting a written notice of the consumer's selection of an authorized representative to the director of job and family services. The notice shall specifically identify the individual the consumer selects as authorized representative and may limit what the authorized representative may do on the consumer's behalf regarding home care attendant services. A consumer may not select the consumer's home care attendant to be the consumer's authorized representative.

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Sec. 5111.8811. The director of job and family services shall adopt rules under section 5111.85 of the Revised Code as necessary for the implementation of sections 5111.88 to 5111.8810 of the Revised Code. The rules shall be consistent with federal and state law.

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

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

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

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

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"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.

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"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.

"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity.

"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

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

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

"State administrative agency" means the department of job and family services if the department of job and family services administers the assisted living program or the department of aging if the department of aging administers the assisted living program.

(B) The director of job and family services ~~may~~ shall submit a request to the United States secretary of health and human services under 42 U.S.C. 1396n to obtain a waiver of federal medicaid requirements that would otherwise be violated in the creation and implementation of a program under which assisted living services are provided to ~~not more than one thousand eight hundred~~ individuals who meet the program's eligibility requirements established under section 5111.891 of the Revised Code.

If the secretary approves the medicaid waiver requested under this section and the director of budget and management approves the contract, the department of job and family services shall

enter into a contract with the department of aging under section 85905
5111.91 of the Revised Code that provides for the department of 85906
aging to administer the assisted living program. The contract 85907
shall include an estimate of the program's costs. 85908

The director of job and family services may adopt rules under 85909
section 5111.85 of the Revised Code regarding the assisted living 85910
program. The director of aging may adopt rules under Chapter 119. 85911
of the Revised Code regarding the program that the rules adopted 85912
by the director of job and family services authorize the director 85913
of aging to adopt. 85914

Sec. 5111.894. The state administrative agency may establish 85915
one or more waiting lists for the assisted living program. Only 85916
individuals eligible for the medicaid program may be placed on a 85917
waiting list. 85918

Each month, each area agency on aging shall determine whether 85919
any individual who resides in the area that the area agency on 85920
aging serves and is on a waiting list for the assisted living 85921
program has been admitted to a nursing facility. If an area agency 85922
on aging determines that such an individual has been admitted to a 85923
nursing facility and that there is a vacancy in a residential care 85924
facility participating in the assisted living program that is 85925
acceptable to the individual, the agency shall notify the 85926
long-term care consultation program administrator serving the area 85927
in which the individual resides about the determination. The 85928
administrator shall determine whether the assisted living program 85929
is appropriate for the individual and whether the individual would 85930
rather participate in the assisted living program than continue 85931
residing in the nursing facility. If the administrator determines 85932
that the assisted living program is appropriate for the individual 85933
and the individual would rather participate in the assisted living 85934
program than continue residing in the nursing facility, the 85935

administrator shall so notify the state administrative agency. 85936
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On receipt of the notice from the administrator, the state 85938
administrative agency shall approve the individual's enrollment in 85939
the assisted living program regardless of any waiting list for the 85940
assisted living program, unless the enrollment would cause the 85941
assisted living program to exceed ~~the~~ any limit on the number of 85942
individuals who may participate in the program as set by the 85943
United States secretary of health and human services when the 85944
medicaid waiver requested under section 5111.89 of the Revised 85945
Code is approved. Each quarter, the state administrative agency 85946
shall certify to the director of budget and management the 85947
estimated increase in costs of the assisted living program 85948
resulting from enrollment of individuals in the assisted living 85949
program pursuant to this section. 85950

~~Not later than the last day of each calendar year, the 85951
director of job and family services shall submit to the general 85952
assembly a report regarding the number of individuals enrolled in 85953
the assisted living program pursuant to this section and the costs 85954
incurred and savings achieved as a result of the enrollments. 85955~~

Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the 85956
Revised Code: 85957

(A) "Intermediate care facility for the mentally retarded" 85958
has the same meaning as in section 5111.20 of the Revised Code, 85959
~~except that it does not include any such facility operated by the 85960
department of mental retardation and developmental disabilities. 85961~~

(B) "Medicaid" has the same meaning as in section 5111.01 of 85962
the Revised Code. 85963

Sec. 5112.31. The department of job and family services shall 85964
do all of the following: 85965

(A) For the purposes specified in sections 5112.37 ~~and~~, 85966
5112.371, and 5112.372 of the Revised Code, annually assess each 85967
intermediate care facility for the mentally retarded a franchise 85968
permit fee equal to ~~eleven~~ fourteen dollars and ~~ninety-eight~~ 85969
twenty-five cents multiplied by the product of the following: 85970

(1) The number of beds certified under Title XIX of the 85971
"Social Security Act" on the first day of May of the calendar year 85972
in which the assessment is determined pursuant to division (A) of 85973
section 5112.33 of the Revised Code; 85974

(2) The number of days in the fiscal year beginning on the 85975
first day of July of the same calendar year. 85976

(B) Beginning July 1, ~~2009~~ 2011, and the first day of each 85977
July thereafter, adjust fees determined under division (A) of this 85978
section in accordance with the composite inflation factor 85979
established in rules adopted under section 5112.39 of the Revised 85980
Code. 85981

(C) If the United States secretary of health and human 85982
services determines that the franchise permit fee established by 85983
sections 5112.30 to 5112.39 of the Revised Code would be an 85984
impermissible health care-related tax under section 1903(w) of the 85985
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 85986
necessary actions to cease implementation of those sections in 85987
accordance with rules adopted under section 5112.39 of the Revised 85988
Code. 85989

Sec. 5112.37. There is hereby created in the state treasury 85990
the home and community-based services for the mentally retarded 85991
and developmentally disabled fund. ~~Ninety-four~~ Seventy-four and 85992
~~twenty-eight~~ eighty-nine hundredths per cent of all installment 85993
payments and penalties paid by an intermediate care facility for 85994
the mentally retarded under sections 5112.33 and 5112.34 of the 85995
Revised Code for state fiscal year 2010 shall be deposited into 85996

the fund. Seventy and sixty-seven hundredths per cent of all 85997
installment payments and penalties paid by an intermediate care 85998
facility for the mentally retarded under sections 5112.33 and 85999
5112.34 of the Revised Code for state fiscal year 2011 and 86000
thereafter shall be deposited into the fund. The department of job 86001
and family services shall distribute the money in the fund in 86002
accordance with rules adopted under section 5112.39 of the Revised 86003
Code. The departments of job and family services and mental 86004
retardation and developmental disabilities shall use the money for 86005
the medicaid program established under Chapter 5111. of the 86006
Revised Code and home and community-based services to mentally 86007
retarded and developmentally disabled persons. 86008

Sec. 5112.371. There is hereby created in the state treasury 86009
the children with intensive behavioral needs programs fund. ~~Five~~ 86010
~~Three~~ and ~~seventy-two~~ seventy-eight hundredths per cent of all 86011
installment payments and penalties paid by an intermediate care 86012
facility for the mentally retarded under sections 5112.33 and 86013
5112.34 of the Revised Code for state fiscal year 2010 shall be 86014
deposited in the fund. Three and fifty-seven hundredths per cent 86015
of all installment payments and penalties paid by an intermediate 86016
care facility for the mentally retarded under sections 5112.33 and 86017
5112.34 of the Revised Code for state fiscal year 2011 and 86018
thereafter shall be deposited into the fund. The money in the fund 86019
shall be used for the programs the director of mental retardation 86020
and developmental disabilities establishes under section 5123.0417 86021
of the Revised Code. 86022

Sec. 5112.372. There is hereby created in the state treasury 86023
the ODMR/DD operating and services fund. Twenty-one and 86024
thirty-three hundredths per cent of all installment payments and 86025
penalties paid by an intermediate care facility for the mentally 86026
retarded under sections 5112.33 and 5112.34 of the Revised Code 86027

for state fiscal year 2010 shall be deposited into the fund. 86028
Twenty-five and seventy-six hundredths per cent of all installment 86029
payments and penalties paid by an intermediate care facility for 86030
the mentally retarded under sections 5112.33 and 5112.34 of the 86031
Revised Code for state fiscal year 2011 and thereafter shall be 86032
deposited into the fund. The money in the fund shall be used for 86033
the expenses of the programs that the department of mental 86034
retardation and developmental disabilities administers and the 86035
department's administrative expenses. 86036

Sec. 5112.40. As used in sections 5112.40 to 5112.48 of the 86037
Revised Code: 86038

(A) "Assessment program year" means the twelve-month period 86039
beginning the first day of October of a calendar year and ending 86040
the last day of September of the following calendar year. 86041

(B) "Cost reporting period" means the period of time used by 86042
a hospital in reporting costs for purposes of the medicare 86043
program. 86044

(C) "Federal fiscal year" means the twelve-month period 86045
beginning the first day of October of a calendar year and ending 86046
the last day of September of the following calendar year. 86047

(D) "Hospital" means a nonfederal hospital to which any of 86048
the following applies: 86049

(1) The hospital is registered under section 3701.07 of the 86050
Revised Code as a general medical and surgical hospital or a 86051
pediatric general hospital and provides inpatient hospital 86052
services, as defined in 42 C.F.R. 440.10. 86053

(2) The hospital is recognized under the medicare program as 86054
a cancer hospital and is exempt from the medicare prospective 86055
payment system. 86056

(3) The hospital is a psychiatric hospital licensed under section 5119.20 of the Revised Code. 86057
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(E) "Hospital care assurance program" means the program established under sections 5112.01 to 5112.21 of the Revised Code. 86059
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(F) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 86061
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(G) "Medicare" means the program established under Title XVIII of the Social Security Act. 86063
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(H) "State fiscal year" means the twelve-month period beginning the first day of July of a calendar year and ending the last day of June of the following calendar year. 86065
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(I)(1) Except as provided in divisions (I)(2) and (3) of this section, "total facility costs" means the total costs to a hospital for all care provided to all patients, including the direct, indirect, and overhead costs to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation. 86068
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(2) "Total facility costs" excludes all of the following of a hospital's costs as shown on the cost-reporting data used for purposes of determining the hospital's assessment under section 5112.41 of the Revised Code: 86075
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(a) Skilled nursing services provided in distinct-part nursing facility units; 86079
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(b) Home health services; 86081

(c) Hospice services; 86082

(d) Ambulance services; 86083

(e) Renting durable medical equipment; 86084

(f) Buying durable medical equipment. 86085

(3) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (B) of section 5112.46 of the Revised Code. 86086
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Sec. 5112.41. (A) For the purposes specified in section 5112.45 of the Revised Code and subject to section 5112.48 of the Revised Code, there is hereby imposed an assessment on all hospitals each assessment program year. The amount of a hospital's assessment for an assessment program year shall equal the percentage specified in division (B) of this section of the hospital's total facility costs for the period of time specified in division (C) of this section. The amount of a hospital's total facility costs shall be derived from cost-reporting data for the hospital submitted to the department of job and family services for purposes of the hospital care assurance program. The cost-reporting data used to determine a hospital's assessment is subject to the same type of adjustments made to the data under the hospital care assurance program. 86089
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(B) The percentage specified in this division is the following: 86103
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(1) For the first assessment program year beginning after the effective date of this section, one and fifty-two hundredths per cent; 86105
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(2) For the second assessment program year after the effective date of this section and each successive assessment program year, one and sixty-one hundredths per cent. 86108
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(C) The period of time specified in this division is the hospital's cost reporting period that ends in the state fiscal year that ends in the federal fiscal year that precedes the federal fiscal year that precedes the assessment program year for which the assessment is imposed. 86111
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(D) The assessment imposed by this section on a hospital is 86116
in addition to the assessment imposed by section 5112.06 of the 86117
Revised Code. 86118

Sec. 5112.42. (A) Before or during each assessment program 86119
year, the department of job and family services shall mail to each 86120
hospital by certified mail, return receipt requested, the 86121
preliminary determination of the amount that the hospital is 86122
assessed under section 5112.41 of the Revised Code for the 86123
assessment program year. Except as provided in division (B) of 86124
this section, the preliminary determination becomes the final 86125
determination for the assessment program year fifteen days after 86126
the preliminary determination is mailed to the hospital. 86127

(B) A hospital may request that the department reconsider the 86128
preliminary determination mailed to the hospital under division 86129
(A) of this section by submitting to the department a written 86130
request for a reconsideration not later than fourteen days after 86131
the hospital's preliminary determination is mailed to the 86132
hospital. The request must be accompanied by written materials 86133
setting forth the basis for the reconsideration. On receipt of the 86134
timely request, the department shall reconsider the preliminary 86135
determination and may adjust the preliminary determination on the 86136
basis of the written materials accompanying the request. The 86137
result of the reconsideration is the final determination of the 86138
hospital's assessment under section 5112.41 of the Revised Code 86139
for the assessment program year. 86140

(C) The department shall mail to each hospital a written 86141
notice of the final determination of its assessment for the 86142
assessment program year. A hospital may appeal the final 86143
determination to the court of common pleas of Franklin county. 86144
While a judicial appeal is pending, the hospital shall pay, in 86145
accordance with section 5112.43 of the Revised Code, any amount of 86146

its assessment that is not in dispute. 86147

Sec. 5112.43. Each hospital shall pay the amount it is 86148
assessed under section 5112.41 of the Revised Code in three equal 86149
installments due on the fifteenth day of December, the fifteenth 86150
day of March, and the fifteenth day of June of each assessment 86151
program year unless rules adopted under section 5112.46 of the 86152
Revised Code establish a different payment schedule. 86153

Sec. 5112.44. The department of job and family services may 86154
audit a hospital to ensure that the hospital properly pays the 86155
amount it is assessed under section 5112.41 of the Revised Code. 86156
The department shall take action to recover from a hospital any 86157
amount the audit reveals that the hospital should have paid but 86158
did not pay. 86159

Sec. 5112.45. There is hereby created in the state treasury 86160
the hospital assessment fund. All installment payments made by 86161
hospitals under section 5112.43 of the Revised Code and all 86162
recoveries the department of job and family services makes under 86163
section 5112.44 of the Revised Code shall be deposited into the 86164
fund. All investment earnings of the fund shall be credited to the 86165
fund. The department shall use money in the fund to pay for the 86166
costs of the medicaid program, including the program's 86167
administrative costs. Of the amounts deposited into the fund 86168
during the first assessment program year beginning after the 86169
effective date of this section, sixteen and forty-five hundredths 86170
per cent shall be used for the hospital inpatient and outpatient 86171
supplemental upper payment limit program created under section 86172
5112.451 of the Revised Code. Of the amounts deposited into the 86173
fund during the second assessment program year beginning after the 86174
effective date of this section and each successive assessment 86175
program year, fourteen and ninety-one hundredths per cent shall be 86176

used for the hospital inpatient and outpatient supplemental upper 86177
payment limit program. 86178

Sec. 5112.451. The director of job and family services shall 86179
submit a medicaid state plan amendment to the United States 86180
secretary of health and human services to create the hospital 86181
inpatient and outpatient supplemental upper payment limit program. 86182
If the United States secretary approves the medicaid state plan 86183
amendment, the program shall make supplemental medicaid payments 86184
to hospitals for inpatient services and outpatient services 86185
covered by medicaid with funds made available for the program 86186
under section 5112.45 of the Revised Code and federal matching 86187
funds available for the program. 86188

Sec. 5112.46. (A) The director of job and family services may 86189
adopt, amend, and rescind rules in accordance with Chapter 119. of 86190
the Revised Code as necessary to implement sections 5112.40 to 86191
5112.48 of the Revised Code. 86192

(B) The rules adopted under this section may provide that a 86193
hospital's total facility costs for the purpose of the assessment 86194
under section 5112.41 of the Revised Code exclude any of the 86195
following: 86196

(1) A hospital's costs associated with providing care to 86197
recipients of any of the following: 86198

(a) The medicaid program; 86199

(b) The medicare program; 86200

(c) The disability financial assistance program established 86201
under Chapter 5115. of the Revised Code; 86202

(d) The disability medical assistance program established 86203
under Chapter 5115. of the Revised Code; 86204

<u>(e) The program for medically handicapped children</u>	86205
<u>established under section 3701.023 of the Revised Code;</u>	86206
<u>(f) Services provided under the maternal and child health</u>	86207
<u>services block grant established under Title V of the Social</u>	86208
<u>Security Act.</u>	86209
<u>(2) Any other category of hospital costs the director deems</u>	86210
<u>appropriate under federal law and regulations governing the</u>	86211
<u>medicaid program.</u>	86212
<u>Sec. 5112.47.</u> <u>The director of job and family services shall</u>	86213
<u>implement the assessment imposed by section 5112.41 of the Revised</u>	86214
<u>Code in a manner that does not cause a reduction in federal</u>	86215
<u>financial participation for the medicaid program under 42 U.S.C.</u>	86216
<u>1396b(w).</u>	86217
<u>Sec. 5112.48.</u> <u>If the United States secretary of health and</u>	86218
<u>human services determines that the assessment imposed by section</u>	86219
<u>5112.41 of the Revised Code is an impermissible health</u>	86220
<u>care-related tax under 42 U.S.C. 1396b(w), the director of job and</u>	86221
<u>family services shall take all necessary actions to cease</u>	86222
<u>implementation of sections 5112.40 to 5112.47 of the Revised Code</u>	86223
<u>and shall promptly refund to each hospital the amount of money in</u>	86224
<u>the hospital assessment fund at the time the refund is to be made</u>	86225
<u>that the hospital paid under section 5112.43 of the Revised Code,</u>	86226
<u>plus any corresponding investment earnings on that amount.</u>	86227
<u>Sec. 5115.03.</u> (A) <u>The director of job and family services</u>	86228
<u>shall adopt rules in accordance with section 111.15 of the Revised</u>	86229
<u>Code governing the disability financial assistance program. The</u>	86230
<u>rules may establish or specify any or all of the following:</u>	86231
<u>(1) Maximum payment amounts under the disability financial</u>	86232
<u>assistance program, based on state appropriations for the program;</u>	86233

(2) Limits on the length of time an individual may receive disability financial assistance;	86234
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(3) Limits on the total number of individuals in the state who may receive disability financial assistance;	86236
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(4) Income, resource, citizenship, age, residence, living arrangement, and other eligibility requirements for disability financial assistance;	86238
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(5) Procedures for disregarding amounts of earned and unearned income for the purpose of determining eligibility for disability financial assistance and the amount of assistance to be provided;	86241
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(6) Procedures for including the income and resources, or a certain amount of the income and resources, of a member of an individual's family when determining eligibility for disability financial assistance and the amount of assistance to be provided.	86245
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(B) In establishing or specifying eligibility requirements for disability financial assistance, the director shall exclude the value of any tuition payment contract entered into under section 3334.09 of the Revised Code or any scholarship awarded under section 3334.18 of the Revised Code and the amount of payments made by the Ohio tuition trust authority under section 3334.09 of the Revised Code pursuant to the contract or scholarship. The director shall not require any individual to terminate a tuition payment contract entered into under Chapter 3334. of the Revised Code as a condition of eligibility for disability financial assistance. The director shall consider as income any refund paid under section 3334.10 of the Revised Code.	86249
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(C) Notwithstanding section 3109.01 of the Revised Code, when a disability financial assistance applicant or recipient who is at least eighteen but under twenty-two years of age resides with the applicant's or recipient's parents, the income of the parents	86261
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shall be taken into account in determining the applicant's or 86265
recipient's financial eligibility. In the rules adopted under this 86266
section, the director shall specify procedures for determining the 86267
amount of income to be attributed to applicants and recipients in 86268
this age category. 86269

(D) For purposes of limiting the cost of the disability 86270
financial assistance program, the director may do either or both 86271
of the following: 86272

(1) Adopt rules in accordance with section 111.15 of the 86273
Revised Code that revise the program's eligibility requirements, 86274
the maximum payment amounts, or any other requirement or standard 86275
established or specified in the rules adopted by the director; 86276

(2) Suspend acceptance of applications for disability 86277
financial assistance. While a suspension is in effect, no person 86278
shall receive a determination or redetermination of eligibility 86279
for disability financial assistance unless the person was 86280
receiving the assistance during the month immediately preceding 86281
the suspension's effective date or the person submitted an 86282
application prior to the suspension's effective date and receives 86283
a determination of eligibility based on that application. The 86284
director may adopt rules in accordance with section 111.15 of the 86285
Revised Code establishing requirements and specifying procedures 86286
applicable to the suspension of acceptance of applications. 86287

Sec. 5119.16. As used in this section, "free clinic" has the 86288
same meaning as in section 2305.2341 of the Revised Code. 86289

(A) The department of mental health ~~is hereby designated to~~ 86290
may provide certain goods and services for the department of 86291
mental health, the department of mental retardation and 86292
developmental disabilities, the department of rehabilitation and 86293
correction, the department of youth services, and other state, 86294
county, or municipal agencies requesting such goods and services 86295

when the department of mental health determines that it is in the public interest, and considers it advisable, to provide these goods and services. The department of mental health also may provide goods and services to agencies operated by the United States government and to public or private nonprofit agencies, other than free clinics, that are funded in whole or in part by the state if the public or private nonprofit agencies are designated for participation in this program by the director of mental health for community mental health agencies, the director of mental retardation and developmental disabilities for community mental retardation and developmental disabilities agencies, the director of rehabilitation and correction for community rehabilitation and correction agencies, or the director of youth services for community youth services agencies.

Designated community agencies shall receive goods and services through the department of mental health only in those cases where the designating state agency certifies that providing such goods and services to the agency will conserve public resources to the benefit of the public and where the provision of such goods and services is considered feasible by the department of mental health.

(B) The department of mental health may permit free clinics to purchase certain goods and services to the extent the purchases fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to ~~non-profit~~ nonprofit institutions, in 15 U.S.C. 13c, as amended.

(C) The goods and services ~~to~~ that may be provided by the department of mental health under divisions (A) and (B) of this section may include:

(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;

(2) Procurement, storage, and distribution of medical and 86327
laboratory supplies, dental supplies, medical records, forms, 86328
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 86329
~~Revised Code;~~ 86330

(3) Procurement, storage, repackaging, distribution, and 86331
dispensing of drugs, the provision of professional pharmacy 86332
consultation, and drug information services; 86333

(4) Other goods and services ~~as may be agreed to.~~ 86334

(D) The department of mental health ~~shall~~ may provide the 86335
goods and services designated in division (C) of this section to 86336
its institutions and to state-operated community-based mental 86337
health services. 86338

(E) After consultation with and advice from the director of 86339
mental retardation and developmental disabilities, the director of 86340
rehabilitation and correction, and the director of youth services, 86341
the department of mental health ~~shall~~ may provide the goods and 86342
services designated in division (C) of this section to the 86343
department of mental retardation and developmental disabilities, 86344
the department of rehabilitation and correction, and the 86345
department of youth services. 86346

(F) The cost of administration of this section shall be 86347
determined by the department of mental health and paid by the 86348
agencies or free clinics receiving the goods and services to the 86349
department for deposit in the state treasury to the credit of the 86350
mental health fund, which is hereby created. The fund shall be 86351
used to pay the cost of administration of this section to the 86352
department. 86353

(G) ~~If the goods or services designated in division (C) of~~ 86354
~~this section are not provided in a satisfactory manner by the~~ 86355
~~department of mental health to the agencies described in division~~ 86356
~~(A) of this section, the director of mental retardation and~~ 86357

~~developmental disabilities, the director of rehabilitation and 86358
correction, the director of youth services, or the managing 86359
officer of a department of mental health institution shall attempt 86360
to resolve unsatisfactory service with the director of mental 86361
health. If, after such attempt, the provision of goods or services 86362
continues to be unsatisfactory, the director or officer shall 86363
notify the director of mental health. If within thirty days of 86364
such notice the department of mental health does not provide the 86365
specified goods and services in a satisfactory manner, the 86366
director of mental retardation and developmental disabilities, the 86367
director of rehabilitation and correction, the director of youth 86368
services, or the managing officer of the department of mental 86369
health institution shall notify the director of mental health of 86370
the director's or managing officer's intent to cease purchasing 86371
goods and services from the department. Following a sixty day 86372
cancellation period from the date of such notice, the department 86373
of mental retardation, department of rehabilitation and 86374
correction, department of youth services, or the department of 86375
mental health institution may obtain the goods and services from a 86376
source other than the department of mental health, if the 86377
department certifies to the department of administrative services 86378
that the requirements of this division have been met. 86379~~

~~(H)~~ Whenever a state agency fails to make a payment for goods 86380
and services provided under this section within thirty-one days 86381
after the date the payment was due, the office of budget and 86382
management may transfer moneys from the state agency to the 86383
department of mental health. The amount transferred shall not 86384
exceed the amount of overdue payments. Prior to making a transfer 86385
under this division, the office of budget and management shall 86386
apply any credits the state agency has accumulated in payments for 86387
goods and services provided under this section. 86388

~~(I)~~(H) Purchases of goods and services under this section are 86389

not subject to section 307.86 of the Revised Code. 86390

Sec. 5119.61. Any provision in this chapter that refers to a 86391
board of alcohol, drug addiction, and mental health services also 86392
refers to the community mental health board in an alcohol, drug 86393
addiction, and mental health service district that has a community 86394
mental health board. 86395

The director of mental health with respect to all facilities 86396
and programs established and operated under Chapter 340. of the 86397
Revised Code for mentally ill and emotionally disturbed persons, 86398
shall do all of the following: 86399

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 86400
that may be necessary to carry out the purposes of Chapter 340. 86401
and sections 5119.61 to 5119.63 of the Revised Code. 86402

(1) The rules shall include all of the following: 86403

(a) Rules governing a community mental health agency's 86404
services under section 340.091 of the Revised Code to an 86405
individual referred to the agency under division (C)(2) of section 86406
173.35 of the Revised Code; 86407

(b) For the purpose of division (A)(16) of section 340.03 of 86408
the Revised Code, rules governing the duties of mental health 86409
agencies and boards of alcohol, drug addiction, and mental health 86410
services under section 3722.18 of the Revised Code regarding 86411
referrals of individuals with mental illness or severe mental 86412
disability to adult care facilities and effective arrangements for 86413
ongoing mental health services for the individuals. The rules 86414
shall do at least the following: 86415

(i) Provide for agencies and boards to participate fully in 86416
the procedures owners and managers of adult care facilities must 86417
follow under division (A)~~(2)~~ of section 3722.18 of the Revised 86418
Code; 86419

(ii) Specify the manner in which boards are accountable for ensuring that ongoing mental health services are effectively arranged for individuals with mental illness or severe mental disability who are referred by the board or mental health agency under contract with the board to an adult care facility.

(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of health under section 3722.17 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.

(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, approve and allocate funds to support community programs, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of

noncompliance and the action necessary to achieve compliance. The 86452
director shall offer technical assistance to the board to achieve 86453
compliance. The director shall give the board a reasonable time 86454
within which to comply or to present its position that it is in 86455
compliance. Before withholding funds, a hearing shall be conducted 86456
to determine if there are continuing violations and that either 86457
assistance is rejected or the board is unable to achieve 86458
compliance. Subsequent to the hearing process, if it is determined 86459
that compliance has not been achieved, the director may allocate 86460
all or part of the withheld funds to a public or private agency to 86461
provide the services not in compliance until the time that there 86462
is compliance. The director shall establish rules pursuant to 86463
Chapter 119. of the Revised Code to implement this division. 86464

(D) Withhold state or federal funds from a board of alcohol, 86465
drug addiction, and mental health services that denies available 86466
service on the basis of religion, race, color, creed, sex, 86467
national origin, age, disability as defined in section 4112.01 of 86468
the Revised Code, developmental disability, or the inability to 86469
pay; 86470

(E) Provide consultative services to community mental health 86471
agencies with the knowledge and cooperation of the board of 86472
alcohol, drug addiction, and mental health services; 86473

(F) Provide to boards of alcohol, drug addiction, and mental 86474
health services state or federal funds, in addition to those 86475
allocated under section 5119.62 of the Revised Code, for special 86476
programs or projects the director considers necessary but for 86477
which local funds are not available; 86478

(G) Establish criteria by which a board of alcohol, drug 86479
addiction, and mental health services reviews and evaluates the 86480
quality, effectiveness, and efficiency of services provided 86481
through its community mental health plan. The criteria shall 86482
include requirements ensuring appropriate service utilization. The 86483

department shall assess a board's evaluation of services and the 86484
compliance of each board with this section, Chapter 340. or 86485
section 5119.62 of the Revised Code, and other state or federal 86486
law and regulations. The department, in cooperation with the 86487
board, periodically shall review and evaluate the quality, 86488
effectiveness, and efficiency of services provided through each 86489
board. The department shall collect information that is necessary 86490
to perform these functions. 86491

(H) Develop and operate a community mental health information 86492
system or systems. 86493

Boards of alcohol, drug abuse, and mental health services 86494
shall submit information requested by the department in the form 86495
and manner prescribed by the department. Information collected by 86496
the department shall include, but not be limited to, all of the 86497
following: 86498

(1) Information regarding units of services provided in whole 86499
or in part under contract with a board, including diagnosis and 86500
special needs, demographic information, the number of units of 86501
service provided, past treatment, financial status, and service 86502
dates in accordance with rules adopted by the department in 86503
accordance with Chapter 119. of the Revised Code; 86504

(2) Financial information other than price or price-related 86505
data regarding expenditures of boards and community mental health 86506
agencies, including units of service provided, budgeted and actual 86507
expenses by type, and sources of funds. 86508

Boards shall submit the information specified in division 86509
(H)(1) of this section no less frequently than annually for each 86510
client, and each time the client's case is opened or closed. The 86511
department shall not collect any personal information ~~for the~~ 86512
~~purpose of identifying by name any person who receives a service~~ 86513
~~through a board of alcohol, drug addiction, and mental health~~ 86514

~~services, from the boards except as required or permitted by state 86515~~
~~or federal law to validate appropriate reimbursement. For the 86516~~
~~purposes of division (H)(1) of this section, the department shall 86517~~
~~use an identification system that is consistent with applicable 86518~~
~~nationally recognized standards for purposes related to payment, 86519~~
~~health care operations, program and service evaluation, reporting 86520~~
~~activities, research, system administration, and oversight. 86521~~

(I) Review each board's community mental health plan 86522
submitted pursuant to section 340.03 of the Revised Code and 86523
approve or disapprove it in whole or in part. Periodically, in 86524
consultation with representatives of boards and after considering 86525
the recommendations of the medical director, the director shall 86526
issue criteria for determining when a plan is complete, criteria 86527
for plan approval or disapproval, and provisions for conditional 86528
approval. The factors that the director considers may include, but 86529
are not limited to, the following: 86530

(1) The mental health needs of all persons residing within 86531
the board's service district, especially severely mentally 86532
disabled children, adolescents, and adults; 86533

(2) The demonstrated quality, effectiveness, efficiency, and 86534
cultural relevance of the services provided in each service 86535
district, the extent to which any services are duplicative of 86536
other available services, and whether the services meet the needs 86537
identified above; 86538

(3) The adequacy of the board's accounting for the 86539
expenditure of funds. 86540

If the director disapproves all or part of any plan, the 86541
director shall provide the board an opportunity to present its 86542
position. The director shall inform the board of the reasons for 86543
the disapproval and of the criteria that must be met before the 86544
plan may be approved. The director shall give the board a 86545

reasonable time within which to meet the criteria, and shall offer 86546
technical assistance to the board to help it meet the criteria. 86547

If the approval of a plan remains in dispute thirty days 86548
prior to the conclusion of the fiscal year in which the board's 86549
current plan is scheduled to expire, the board or the director may 86550
request that the dispute be submitted to a mutually agreed upon 86551
third-party mediator with the cost to be shared by the board and 86552
the department. The mediator shall issue to the board and the 86553
department recommendations for resolution of the dispute. Prior to 86554
the conclusion of the fiscal year in which the current plan is 86555
scheduled to expire, the director, taking into consideration the 86556
recommendations of the mediator, shall make a final determination 86557
and approve or disapprove the plan, in whole or in part. 86558

Sec. 5119.621. (A)(1) When the director of mental health 86559
provides state or federal funds under section 5119.62 of the 86560
Revised Code to a board of alcohol, drug addiction, and mental 86561
health services for local management of mental health services, 86562
the director shall establish a limit on the amount or portion of 86563
the funds that may be used for administrative purposes and specify 86564
the permissible uses of the funds for administrative purposes. 86565
86566

(2) In establishing the limit on the amount or portion of the 86567
funds that may be used for administrative purposes, the director 86568
shall take into account both of the following: 86569

(a) The board's community mental health plan approved under 86570
division (I) of section 5119.61 of the Revised Code; 86571

(b) The board's total budget for mental health services. 86572

(3) In specifying the permissible uses of the funds for 86573
administrative purposes, the director shall establish general 86574
categories that describe the function for which the funds may be 86575

<u>used. The categories may include any of the following:</u>	86576
<u>(a) Continuous quality improvement;</u>	86577
<u>(b) Utilization review;</u>	86578
<u>(c) Resource development;</u>	86579
<u>(d) Fiscal administration;</u>	86580
<u>(e) General administration;</u>	86581
<u>(f) Other functions required under Chapter 340. of the</u> <u>Revised Code.</u>	86582 86583
<u>(4) A board shall account for its use of the funds for</u> <u>administrative purposes by submitting an annual report to the</u> <u>director. The report shall include details about the board's use</u> <u>of the funds according to the general categories of permissible</u> <u>uses established by the director.</u>	86584 86585 86586 86587 86588
<u>(B) By submitting a written application to the director, a</u> <u>board may seek a variance or waiver regarding the amount or</u> <u>portion established under division (A)(1) of this section as the</u> <u>maximum that may be used for administrative purposes. The director</u> <u>has sole discretion in granting or denying the variance or waiver.</u> <u>The director's determination is final.</u>	86589 86590 86591 86592 86593 86594
<u>(C) The director may deny state or federal funds to a board</u> <u>that exceeds the limit established under division (A)(1) of this</u> <u>section.</u>	86595 86596 86597
<u>Sec. 5119.622. (A) Notwithstanding the provisions of section</u> <u>5119.62 of the Revised Code referring to the allocation of funds</u> <u>appropriated from the general revenue fund for local management of</u> <u>mental health services to separate boards of alcohol, drug</u> <u>addiction, and mental health services, the director of mental</u> <u>health may allocate the funds to groups of two or more boards, but</u> <u>only if the boards included in a proposed group of boards agree to</u>	86598 86599 86600 86601 86602 86603 86604

the group allocation in lieu of separate allocations. 86605

86606

(B) If funds for local management of mental health services 86607
are allocated to groups of boards pursuant to division (A) of this 86608
section, the director shall require the boards included in each 86609
group to timely submit to the director a joint plan for the 86610
provision of mental health services and use of the funds. 86611

(C) The director shall, at the request of a single board or 86612
group of two or more boards, consider a proposal for mental health 86613
services to be funded on a regional or statewide basis. 86614

(D)(1) Notwithstanding the provisions of section 5119.621 of 86615
the Revised Code referring to the director's authority to 86616
establish for separate boards a limit on the amount or portion of 86617
state or federal funds provided under section 5119.62 of the 86618
Revised Code that may be used for administrative purposes, the 86619
director may specify a maximum amount or portion of such funds 86620
that may be used by the group of boards for administrative 86621
purposes if the conditions in division (A) of this section are 86622
satisfied. 86623

(2) To accommodate the establishment of a maximum amount or 86624
portion of state or federal funds that may be used by a group of 86625
boards for administrative purposes pursuant to division (D)(1) of 86626
this section, the director shall make all necessary adjustments in 86627
the procedures specified under section 5119.621 of the Revised 86628
Code. 86629

(E) In addition to the adjustments made by the director under 86630
this section, all references in the Revised Code to the provision 86631
of state or federal funds to separate boards or to the use of 86632
state or federal funds by separate boards for administrative 86633
purposes constitute references to groups of boards as the director 86634
considers necessary to accommodate the provision of state or 86635

federal funds to groups of boards under this section. 86636

Sec. 5120.032. (A) No later than January 1, 1998, the 86637
department of rehabilitation and correction ~~shall~~ may develop and 86638
implement intensive program prisons for male and female prisoners 86639
other than prisoners described in division (B)(2) of this section. 86640
The intensive program prisons, if developed and implemented, shall 86641
include institutions at which imprisonment of the type described 86642
in division (B)(2)(a) of section 5120.031 of the Revised Code is 86643
provided and prisons that focus on educational achievement, 86644
vocational training, alcohol and other drug abuse treatment, 86645
community service and conservation work, and other intensive 86646
regimens or combinations of intensive regimens. 86647

(B)(1)(a) Except as provided in division (B)(2) of this 86648
section, if one or more intensive program prisons are established 86649
under this section, if an offender is sentenced to a term of 86650
imprisonment under the custody of the department, if the 86651
sentencing court either recommends the prisoner for placement in 86652
~~the~~ an intensive program prison under this section or makes no 86653
recommendation on placement of the prisoner, and if the department 86654
determines that the prisoner is eligible for placement in an 86655
intensive program prison under this section, the department may 86656
place the prisoner in an intensive program prison established 86657
pursuant to division (A) of this section. If the sentencing court 86658
disapproves placement of the prisoner in an intensive program 86659
prison, the department shall not place the prisoner in any 86660
intensive program prison. 86661

If the sentencing court recommends a prisoner for placement 86662
in an intensive program prison and if the department subsequently 86663
places the prisoner in the recommended prison, the department 86664
shall notify the court of the prisoner's placement in the 86665
recommended intensive program prison and shall include with the 86666

notice a brief description of the placement. 86667

If the sentencing court recommends placement of a prisoner in 86668
an intensive program prison and the department for any reason does 86669
not subsequently place the prisoner in the recommended prison, the 86670
department shall send a notice to the court indicating why the 86671
prisoner was not placed in the recommended prison. 86672

If the sentencing court does not make a recommendation on the 86673
placement of a prisoner in an intensive program prison and if the 86674
department determines that the prisoner is eligible for placement 86675
in a prison of that nature, the department shall screen the 86676
prisoner and determine if the prisoner is suited for the prison. 86677
If the prisoner is suited for ~~the~~ an intensive program prison, at 86678
least three weeks prior to placing the prisoner in the prison, the 86679
department shall notify the sentencing court of the proposed 86680
placement of the prisoner in the intensive program prison and 86681
shall include with the notice a brief description of the 86682
placement. The court shall have ten days from receipt of the 86683
notice to disapprove the placement. If the sentencing court 86684
disapproves the placement, the department shall not proceed with 86685
it. If the sentencing court does not timely disapprove of the 86686
placement, the department may proceed with plans for it. 86687

If the department determines that a prisoner is not eligible 86688
for placement in an intensive program prison, the department shall 86689
not place the prisoner in any intensive program prison. 86690

(b) The department may reduce the stated prison term of a 86691
prisoner upon the prisoner's successful completion of a ninety-day 86692
period in an intensive program prison. A prisoner whose term has 86693
been so reduced shall be required to serve an intermediate, 86694
transitional type of detention followed by a release under 86695
post-release control sanctions or, in the alternative, shall be 86696
placed under post-release control sanctions, as described in 86697
division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In 86698

either case, the placement under post-release control sanctions 86699
shall be under terms set by the parole board in accordance with 86700
section 2967.28 of the Revised Code and shall be subject to the 86701
provisions of that section and section 2929.141 of the Revised 86702
Code with respect to a violation of any post-release control 86703
sanction. 86704

(2) A prisoner who is in any of the following categories is 86705
not eligible to participate in an intensive program prison 86706
established pursuant to division (A) of this section: 86707

(a) The prisoner is serving a prison term for aggravated 86708
murder, murder, or a felony of the first or second degree or a 86709
comparable offense under the law in effect prior to July 1, 1996, 86710
or the prisoner previously has been imprisoned for aggravated 86711
murder, murder, or a felony of the first or second degree or a 86712
comparable offense under the law in effect prior to July 1, 1996. 86713

(b) The prisoner is serving a mandatory prison term, as 86714
defined in section 2929.01 of the Revised Code. 86715

(c) The prisoner is serving a prison term for a felony of the 86716
third, fourth, or fifth degree that either is a sex offense, an 86717
offense betraying public trust, or an offense in which the 86718
prisoner caused or attempted to cause actual physical harm to a 86719
person, the prisoner is serving a prison term for a comparable 86720
offense under the law in effect prior to July 1, 1996, or the 86721
prisoner previously has been imprisoned for an offense of that 86722
type or a comparable offense under the law in effect prior to July 86723
1, 1996. 86724

(d) The prisoner is serving a mandatory prison term in prison 86725
for a third or fourth degree felony OVI offense, as defined in 86726
section 2929.01 of the Revised Code, that was imposed pursuant to 86727
division (G)(2) of section 2929.13 of the Revised Code. 86728

(C) Upon the implementation of intensive program prisons 86729

pursuant to division (A) of this section, the department at all 86730
times shall maintain intensive program prisons sufficient in 86731
number to reduce the prison terms of at least three hundred fifty 86732
prisoners who are eligible for reduction of their stated prison 86733
terms as a result of their completion of a regimen in an intensive 86734
program prison under this section. 86735

Sec. 5120.033. (A) As used in this section, "third degree 86736
felony OVI offense" and "fourth degree felony OVI offense" have 86737
the same meanings as in section 2929.01 of the Revised Code. 86738

(B) Within eighteen months after October 17, 1996, the 86739
department of rehabilitation and correction ~~shall~~ may develop and 86740
implement intensive program prisons for male and female prisoners 86741
who are sentenced pursuant to division (G)(2) of section 2929.13 86742
of the Revised Code to a mandatory prison term for a third or 86743
fourth degree felony OVI offense. The If one or more intensive 86744
program prisons are established under this section, the department 86745
~~shall~~ may contract pursuant to section 9.06 of the Revised Code 86746
for the private operation and management of the initial intensive 86747
program prison established under this section and may contract 86748
pursuant to that section for the private operation and management 86749
of any other intensive program prison established under this 86750
section. The intensive program prisons, if established under this 86751
section, shall include prisons that focus on educational 86752
achievement, vocational training, alcohol and other drug abuse 86753
treatment, community service and conservation work, and other 86754
intensive regimens or combinations of intensive regimens. 86755

(C) Except as provided in division (D) of this section, the 86756
department may place a prisoner who is sentenced to a mandatory 86757
prison term for a third or fourth degree felony OVI offense in an 86758
intensive program prison established pursuant to division (B) of 86759
this section if the sentencing judge, upon notification by the 86760

department of its intent to place the prisoner in an intensive 86761
program prison, does not notify the department that the judge 86762
disapproves the placement. If the stated prison term imposed on a 86763
prisoner who is so placed is longer than the mandatory prison term 86764
that is required to be imposed on the prisoner, the department may 86765
reduce the stated prison term upon the prisoner's successful 86766
completion of the prisoner's mandatory prison term in an intensive 86767
program prison. A prisoner whose term has been so reduced shall be 86768
required to serve an intermediate, transitional type of detention 86769
followed by a release under post-release control sanctions or, in 86770
the alternative, shall be placed under post-release control 86771
sanctions, as described in division (B)(2)(b)(ii) of section 86772
5120.031 of the Revised Code. In either case, the placement under 86773
post-release control sanctions shall be under terms set by the 86774
parole board in accordance with section 2967.28 of the Revised 86775
Code and shall be subject to the provisions of that section and 86776
section 2929.141 of the Revised Code with respect to a violation 86777
of any post-release control sanction. ~~Upon the establishment of~~ 86778
~~the initial~~ If one or more intensive program prison prisons are 86779
established pursuant to division (B) of this section ~~that is and~~ 86780
if as described in that division the initial intensive program 86781
prison is to be privately operated and managed by a contractor 86782
pursuant to a contract the department entered into under section 86783
9.06 of the Revised Code, upon the establishment of that initial 86784
intensive program prison the department shall comply with 86785
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 86786
in placing prisoners in intensive program prisons under this 86787
section. 86788

(D) A prisoner who is sentenced to a mandatory prison term 86789
for a third or fourth degree felony OVI offense is not eligible to 86790
participate in an intensive program prison established under 86791
division (B) of this section if any of the following applies 86792
regarding the prisoner: 86793

(1) In addition to the mandatory prison term for the third or 86794
fourth degree felony OVI offense, the prisoner also is serving a 86795
prison term of a type described in division (B)(2)(a), (b), or (c) 86796
of section 5120.032 of the Revised Code. 86797

(2) The prisoner previously has been imprisoned for an 86798
offense of a type described in division (B)(2)(a) or (c) of 86799
section 5120.032 of the Revised Code or a comparable offense under 86800
the law in effect prior to July 1, 1996. 86801

(E) Intensive program prisons established under division (B) 86802
of this section are not subject to section 5120.032 of the Revised 86803
Code. 86804

Sec. 5120.09. Under the supervision and control of the 86805
director of rehabilitation and correction, the division of 86806
business administration shall do all of the following: 86807

(A) Submit the budgets for the several divisions of the 86808
department of rehabilitation and correction, as prepared by the 86809
respective chiefs of those divisions, to the director. The 86810
director, with the assistance of the chief of the division of 86811
business administration, shall compile a departmental budget that 86812
contains all proposals submitted by the chiefs of the divisions 86813
and shall forward the departmental budget to the governor with 86814
comments and recommendations that the director considers 86815
necessary. 86816

(B) Maintain accounts and records and compile statistics that 86817
the director prescribes; 86818

(C) Under the control of the director, coordinate and make 86819
the necessary purchases and requisitions for the department and 86820
its divisions, except ~~as provided under~~ when goods and services 86821
are provided to the department as described in section 5119.16 of 86822
the Revised Code; 86823

(D) Administer within this state federal criminal justice acts that the governor requires the department to administer. In order to improve the criminal justice system of this state, the division of business administration shall apply for, allocate, disburse, and account for grants that are made available pursuant to those federal criminal justice acts and grants that are made available from other federal government sources, state government sources, or private sources. As used in this division, "criminal justice system" and "federal criminal justice acts" have the same meanings as in section 5502.61 of the Revised Code.

(E) Audit the activities of governmental entities, persons as defined in section 1.59 of the Revised Code, and other types of nongovernmental entities that are financed in whole or in part by funds that the department allocates or disburses and that are derived from grants described in division (D) of this section;

(F) Enter into contracts, including contracts with federal, state, or local governmental entities, persons as defined in section 1.59 of the Revised Code, foundations, and other types of nongovernmental entities, that are necessary for the department to carry out its duties and that neither the director nor another section of the Revised Code authorizes another division of the department to enter;

(G) Exercise other powers and perform other duties that the director may assign to the division of business administration.

Sec. 5120.135. (A) As used in this section, "laboratory services" includes the performance of medical laboratory analysis; professional laboratory and pathologist consultation; the procurement, storage, and distribution of laboratory supplies; and the performance of phlebotomy services.

(B) The department of rehabilitation and correction ~~shall~~ may provide laboratory services to all of the following:

(1) The departments of mental health, mental retardation and 86855
developmental disabilities, youth services, and rehabilitation and 86856
correction. ~~The department of rehabilitation and correction may~~ 86857
~~also provide laboratory services to other;~~ 86858

(2) Other state, county, or municipal agencies and to private 86859
persons that request laboratory services if the department of 86860
rehabilitation and correction determines that the provision of 86861
laboratory services is in the public interest and considers it 86862
advisable to provide such services. ~~The department of~~ 86863
~~rehabilitation and correction may also provide laboratory services~~ 86864
~~to agencies;~~ 86865

(3) Agencies operated by the United States government and to 86866
public and private entities funded in whole or in part by the 86867
state if the director of rehabilitation and correction designates 86868
them as eligible to receive ~~such~~ laboratory services. 86869

(c) The department of rehabilitation and correction shall 86870
provide laboratory services from a laboratory that complies with 86871
the standards for certification set by the United States 86872
department of health and human services under the "Clinical 86873
Laboratory Improvement Amendments of 1988," 102 Stat. 293, 42 86874
U.S.C.A. 263a. In addition, the laboratory shall maintain 86875
accreditation or certification with an appropriate accrediting or 86876
certifying organization as considered necessary by the recipients 86877
of its laboratory services and as authorized by the director of 86878
rehabilitation and correction. 86879

~~(C)~~(D) The cost of administering this section shall be 86880
determined by the department of rehabilitation and correction and 86881
shall be paid by entities that receive laboratory services to the 86882
department for deposit in the state treasury to the credit of the 86883
laboratory services fund, which is hereby created. The fund shall 86884
be used to pay the costs the department incurs in administering 86885
this section. 86886

~~(D) If the department of rehabilitation and correction does not provide laboratory services under this section in a satisfactory manner to the department of mental retardation and developmental disabilities, youth services, or mental health, the director of mental retardation and developmental disabilities, youth services, or mental health shall attempt to resolve the matter of the unsatisfactory provision of services with the director of rehabilitation and correction. If, after this attempt, the provision of laboratory services continues to be unsatisfactory, the director of mental retardation and developmental disabilities, youth services, or mental health shall notify the director of rehabilitation and correction regarding the continued unsatisfactory provision of laboratory services. If, within thirty days after the director receives this notice, the department of rehabilitation and correction does not provide the specified laboratory services in a satisfactory manner, the director of mental retardation and developmental disabilities, youth services, or mental health shall notify the director of rehabilitation and correction of the notifying director's intent to cease obtaining laboratory services from the department of rehabilitation and correction. Following the end of a cancellation period of sixty days that begins on the date of the notice, the department that sent the notice may obtain laboratory services from a provider other than the department of rehabilitation and correction, if the department that sent the notice certifies to the department of administrative services that the requirements of this division have been met.~~

(E) Whenever a state agency fails to make a payment for laboratory services provided to it by the department of rehabilitation and correction under this section within thirty-one days after the date the payment was due, the office of budget and management may transfer moneys from that state agency to the department of rehabilitation and correction for deposit to the

credit of the laboratory services fund. The amount transferred 86920
shall not exceed the amount of the overdue payments. Prior to 86921
making a transfer under this division, the office shall apply any 86922
credits the state agency has accumulated in payment for laboratory 86923
services provided under this section. 86924

Sec. 5122.31. (A) All certificates, applications, records, 86925
and reports made for the purpose of this chapter and sections 86926
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 86927
Code, other than court journal entries or court docket entries, 86928
and directly or indirectly identifying a patient or former patient 86929
or person whose hospitalization has been sought under this 86930
chapter, shall be kept confidential and shall not be disclosed by 86931
any person except: 86932

(1) If the person identified, or the person's legal guardian, 86933
if any, or if the person is a minor, the person's parent or legal 86934
guardian, consents, and if the disclosure is in the best interests 86935
of the person, as may be determined by the court for judicial 86936
records and by the chief clinical officer for medical records; 86937

(2) When disclosure is provided for in this chapter or 86938
section 5123.60 of the Revised Code; 86939

(3) That hospitals, boards of alcohol, drug addiction, and 86940
mental health services, and community mental health agencies may 86941
release necessary medical information to insurers and other 86942
third-party payers, including government entities responsible for 86943
processing and authorizing payment, to obtain payment for goods 86944
and services furnished to the patient; 86945

(4) Pursuant to a court order signed by a judge; 86946

(5) That a patient shall be granted access to the patient's 86947
own psychiatric and medical records, unless access specifically is 86948
restricted in a patient's treatment plan for clear treatment 86949

reasons; 86950

(6) That hospitals and other institutions and facilities 86951
within the department of mental health may exchange psychiatric 86952
records and other pertinent information with other hospitals, 86953
institutions, and facilities of the department, and with community 86954
mental health agencies and boards of alcohol, drug addiction, and 86955
mental health services with which the department has a current 86956
agreement for patient care or services. Records and information 86957
that may be released pursuant to this division shall be limited to 86958
medication history, physical health status and history, financial 86959
status, summary of course of treatment in the hospital, summary of 86960
treatment needs, and a discharge summary, if any. 86961

(7) That hospitals within the department, other institutions 86962
and facilities within the department, and community mental health 86963
agencies may exchange psychiatric records and other pertinent 86964
information with other providers of treatment and health services 86965
if the purpose of the exchange is to facilitate continuity of care 86966
for a patient; 86967

(8) That a patient's family member who is involved in the 86968
provision, planning, and monitoring of services to the patient may 86969
receive medication information, a summary of the patient's 86970
diagnosis and prognosis, and a list of the services and personnel 86971
available to assist the patient and the patient's family, if the 86972
patient's treating physician determines that the disclosure would 86973
be in the best interests of the patient. No such disclosure shall 86974
be made unless the patient is notified first and receives the 86975
information and does not object to the disclosure. 86976

~~(8)~~(9) That community mental health agencies may exchange 86977
psychiatric records and certain other information with the board 86978
of alcohol, drug addiction, and mental health services and other 86979
agencies in order to provide services to a person involuntarily 86980
committed to a board. Release of records under this division shall 86981

be limited to medication history, physical health status and 86982
history, financial status, summary of course of treatment, summary 86983
of treatment needs, and discharge summary, if any. 86984

~~(9)~~ (10) That information may be disclosed to the executor or 86985
the administrator of an estate of a deceased patient when the 86986
information is necessary to administer the estate; 86987

~~(10)~~ (11) That records in the possession of the Ohio 86988
historical society may be released to the closest living relative 86989
of a deceased patient upon request of that relative; 86990

~~(11)~~ (12) That information may be disclosed to staff members 86991
of the appropriate board or to staff members designated by the 86992
director of mental health for the purpose of evaluating the 86993
quality, effectiveness, and efficiency of services and determining 86994
if the services meet minimum standards. Information obtained 86995
during such evaluations shall not be retained with the name of any 86996
patient. 86997

~~(12)~~ (13) That records pertaining to the patient's diagnosis, 86998
course of treatment, treatment needs, and prognosis shall be 86999
disclosed and released to the appropriate prosecuting attorney if 87000
the patient was committed pursuant to section 2945.38, 2945.39, 87001
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 87002
attorney designated by the board for proceedings pursuant to 87003
involuntary commitment under this chapter. 87004

~~(13)~~ (14) That the department of mental health may exchange 87005
psychiatric hospitalization records, other mental health treatment 87006
records, and other pertinent information with the department of 87007
rehabilitation and correction to ensure continuity of care for 87008
inmates who are receiving mental health services in an institution 87009
of the department of rehabilitation and correction. The department 87010
shall not disclose those records unless the inmate is notified, 87011
receives the information, and does not object to the disclosure. 87012

The release of records under this division is limited to records 87013
regarding an inmate's medication history, physical health status 87014
and history, summary of course of treatment, summary of treatment 87015
needs, and a discharge summary, if any. 87016

~~(14)~~(15) That a community mental health agency that ceases to 87017
operate may transfer to either a community mental health agency 87018
that assumes its caseload or to the board of alcohol, drug 87019
addiction, and mental health services of the service district in 87020
which the patient resided at the time services were most recently 87021
provided any treatment records that have not been transferred 87022
elsewhere at the patient's request. 87023

(B) Before records are disclosed pursuant to divisions 87024
(A)(3), (6), (7), and ~~(8)~~(9) of this section, the custodian of the 87025
records shall attempt to obtain the patient's consent for the 87026
disclosure. No person shall reveal the contents of a medical 87027
record of a patient except as authorized by law. 87028

(C) The managing officer of a hospital who releases necessary 87029
medical information under division (A)(3) of this section to allow 87030
an insurance carrier or other third party payor to comply with 87031
section 5121.43 of the Revised Code shall neither be subject to 87032
criminal nor civil liability. 87033

Sec. 5123.049. The director of mental retardation and 87034
developmental disabilities shall adopt rules in accordance with 87035
Chapter 119. of the Revised Code governing the authorization and 87036
payment of home and community-based services and medicaid case 87037
management services. The rules shall provide for private providers 87038
of the services to receive one hundred per cent of the medicaid 87039
allowable payment amount and for government providers of the 87040
services to receive the federal share of the medicaid allowable 87041
payment, less the amount withheld as a fee under section 5123.0412 87042
of the Revised Code ~~and any amount that may be required by rules~~ 87043

~~adopted under section 5123.0413 of the Revised Code to be~~ 87044
~~deposited into the state MR/DD risk fund.~~ The rules shall 87045
establish the process by which county boards of mental retardation 87046
and developmental disabilities shall certify and provide the 87047
nonfederal share of medicaid expenditures that the county board is 87048
required by sections 5126.059 and 5126.0510 of the Revised Code to 87049
pay. The process shall require a county board to certify that the 87050
county board has funding available at one time for two months 87051
costs for those expenditures. The process may permit a county 87052
board to certify that the county board has funding available at 87053
one time for more than two months costs for those expenditures. 87054

Sec. 5123.0412. (A) The department of mental retardation and 87055
developmental disabilities shall charge each county board of 87056
mental retardation and developmental disabilities an annual fee 87057
equal to one and one-half per cent of the total value of all 87058
medicaid paid claims for home and community-based services 87059
provided during the year to an individual eligible for services 87060
from the county board. No county board shall pass the cost of a 87061
fee charged to the county board under this section on to another 87062
provider of these services. 87063

(B) The fees collected under this section shall be deposited 87064
into the ODMR/DD administration and oversight fund and the ODJFS 87065
administration and oversight fund, both of which are hereby 87066
created in the state treasury. The portion of the fees to be 87067
deposited into the ODMR/DD administration and oversight fund and 87068
the portion of the fees to be deposited into the ODJFS 87069
administration and oversight fund shall be the portion specified 87070
in an interagency agreement entered into under division (C) of 87071
this section. The department of mental retardation and 87072
developmental disabilities shall use the money in the ODMR/DD 87073
administration and oversight fund and the department of job and 87074
family services shall use the money in the ODJFS administration 87075

and oversight fund for both of the following purposes: 87076

(1) The Medicaid administrative costs, including 87077
administrative and oversight costs of medicaid case management 87078
services and home and community-based services. The administrative 87079
and oversight costs of medicaid case management services and home 87080
and community-based services shall include costs for staff, 87081
systems, and other resources the departments need and dedicate 87082
solely to the following duties associated with the services: 87083
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(a) Eligibility determinations; 87085

(b) Training; 87086

(c) Fiscal management; 87087

(d) Claims processing; 87088

(e) Quality assurance oversight; 87089

(f) Other duties the departments identify. 87090

(2) Providing technical support to county boards' local 87091
administrative authority under section 5126.055 of the Revised 87092
Code for the services. 87093

(C) The departments of mental retardation and developmental 87094
disabilities and job and family services shall enter into an 87095
interagency agreement to do both of the following: 87096

(1) Specify which portion of the fees collected under this 87097
section is to be deposited into the ODMR/DD administration and 87098
oversight fund and which portion is to be deposited into the ODJFS 87099
administration and oversight fund; 87100

(2) Provide for the departments to coordinate the staff whose 87101
costs are paid for with money in the ODMR/DD administration and 87102
oversight fund and the ODJFS administration and oversight fund. 87103

(D) The departments shall submit an annual report to the 87104

director of budget and management certifying how the departments 87105
spent the money in the ODMR/DD administration and oversight fund 87106
and the ODJFS administration and oversight fund for the purposes 87107
specified in division (B) of this section. 87108

Sec. 5123.0413. ~~(A) The department of mental retardation and 87109
developmental disabilities, in consultation with the department of 87110
job and family services, office of budget and management, and 87111
county boards of mental retardation and developmental 87112
disabilities, shall adopt rules in accordance with Chapter 119. of 87113
the Revised Code ~~no later than January 1, 2002, establishing a 87114
method of paying for extraordinary costs, including extraordinary 87115
costs for services to individuals with mental retardation or other 87116
developmental disability, and ensure the availability of adequate 87117
funds to establish both of the following in the event a county 87118
property tax levy for services for individuals with mental 87119
retardation or other developmental disability fails. The rules may 87120
provide for using and managing either or both of the following:~~ 87121~~

~~(1) A state MR/DD risk fund, which is hereby created in the 87122
state treasury;~~ 87123

~~(2) A state insurance against MR/DD risk fund, which is 87124
hereby created in the state treasury.~~ 87125

~~(B) Beginning January 1, 2002, the department of job and 87126
family services may not request approval from the United States 87127
secretary of health and human services to increase the number of 87128
slots for home and community-based services until the rules 87129
required by division (A) of this section are in effect;~~ 87130

(A) A method of paying for home and community-based services; 87131

(B) A method of reducing the number of individuals a county 87132
board would otherwise be required by section 5126.0512 of the 87133
Revised Code to ensure are enrolled in a medicaid waiver component 87134

under which home and community-based services are provided. 87135

Sec. 5126.044. (A) As used in this section, ~~"eligible:~~ 87136

(1) "Eligible person" has the same meaning as in section 87137
5126.03 of the Revised Code. 87138

(2) "Treatment" means the provision, coordination, or 87139
management of services provided to an eligible person. 87140

(3) "Payment" means activities undertaken by a service 87141
provider or governmental entity to obtain or provide reimbursement 87142
for services to an eligible person. 87143

(B) Except as provided in division ~~(D)~~(C) of this section, no 87144
person shall disclose the identity of an individual who requests 87145
programs or services under this chapter or release a record or 87146
report regarding an eligible person that is maintained by a county 87147
board of mental retardation and developmental disabilities or an 87148
entity under contract with a county board unless one of the 87149
following circumstances exists: 87150

(1) The individual, eligible person, or the individual's 87151
guardian, or, if the individual is a minor, the individual's 87152
parent or guardian, makes a written request to the county board or 87153
entity for or approves in writing disclosure of the individual's 87154
identity or release of the record or report regarding the eligible 87155
person. 87156

(2) Disclosure of the identity of an individual is needed for 87157
approval of a direct services contract under section 5126.032 or 87158
5126.033 of the Revised Code. The county board shall release only 87159
the individual's name and the general nature of the services to be 87160
provided. 87161

(3) Disclosure of the identity of the individual is needed to 87162
ascertain that the county board's waiting lists for programs or 87163
services are being maintained in accordance with section 5126.042 87164

of the Revised Code and the rules adopted under that section. The 87165
county board shall release only the individual's name, the general 87166
nature of the programs or services to be provided the individual, 87167
the individual's rank on each waiting list that includes the 87168
individual, and any circumstances under which the individual was 87169
given priority when placed on a waiting list. 87170

(4) Disclosure of the identity of an individual who is an 87171
eligible person is needed for treatment of or payment for services 87172
provided to the individual. 87173

~~(C) A board or entity that discloses an individual's identity 87174~~
~~or releases a record or report regarding an eligible person shall 87175~~
~~maintain a record of when and to whom the disclosure or release 87176~~
~~was made. 87177~~

~~(D)~~(1) At the request of an eligible person or the person's 87178
guardian or, if the eligible person is a minor, the person's 87179
parent or guardian, a county board or entity under contract with a 87180
county board shall provide the person who made the request access 87181
to records and reports regarding the eligible person. On written 87182
request, the county board or entity shall provide copies of the 87183
records and reports to the eligible person, guardian, or parent. 87184
The county board or entity may charge a reasonable fee to cover 87185
the costs of copying. The county board or entity may waive the fee 87186
in cases of hardship. 87187

(2) A county board shall provide access to any waiting list 87188
or record or report regarding an eligible person maintained by the 87189
board to any state agency responsible for monitoring and reviewing 87190
programs and services provided or arranged by the county board, 87191
any state agency involved in the coordination of services for an 87192
eligible person, and any agency under contract with the department 87193
of mental retardation and developmental disabilities for the 87194
provision of protective service pursuant to section 5123.56 of the 87195
Revised Code. 87196

(3) When an eligible person who requests programs or services 87197
under this chapter dies, the county board or entity under contract 87198
with the county board, shall, on written request, provide to both 87199
of the following persons any reports and records in the board or 87200
entity's possession concerning the eligible person: 87201

(a) If the report or records are necessary to administer the 87202
estate of the person who is the subject of the reports or records, 87203
to the executor or administrator of the person's estate; 87204

(b) To the guardian of the person who is the subject of the 87205
reports or records or, if the individual had no guardian at the 87206
time of death, to a person in the first applicable of the 87207
following categories: 87208

(i) The person's spouse; 87209

(ii) The person's children; 87210

(iii) The person's parents; 87211

(iv) The person's brothers or sisters; 87212

(v) The person's uncles or aunts; 87213

(vi) The person's closest relative by blood or adoption; 87214

(vii) The person's closest relative by marriage. 87215

The county board or entity shall provide the reports and 87216
records as required by division ~~(D)~~(C)(3) of this section not 87217
later than thirty days after receipt of the request. 87218

~~(E)~~(D) A county board shall notify an eligible person, the 87219
person's guardian, or, if the eligible person is a minor, the 87220
person's parent or guardian, prior to destroying any record or 87221
report regarding the eligible person. 87222

Sec. 5126.05. (A) Subject to the rules established by the 87223
director of mental retardation and developmental disabilities 87224
pursuant to Chapter 119. of the Revised Code for programs and 87225

services offered pursuant to this chapter, and subject to the 87226
rules established by the state board of education pursuant to 87227
Chapter 119. of the Revised Code for programs and services offered 87228
pursuant to Chapter 3323. of the Revised Code, the county board of 87229
mental retardation and developmental disabilities shall: 87230

(1) Administer and operate facilities, programs, and services 87231
as provided by this chapter and Chapter 3323. of the Revised Code 87232
and establish policies for their administration and operation; 87233

(2) Coordinate, monitor, and evaluate existing services and 87234
facilities available to individuals with mental retardation and 87235
developmental disabilities; 87236

(3) Provide early childhood services, supportive home 87237
services, and adult services, according to the plan and priorities 87238
developed under section 5126.04 of the Revised Code; 87239

(4) Provide or contract for special education services 87240
pursuant to Chapters 3306., 3317., and 3323. of the Revised Code 87241
and ensure that related services, as defined in section 3323.01 of 87242
the Revised Code, are available according to the plan and 87243
priorities developed under section 5126.04 of the Revised Code; 87244

(5) Adopt a budget, authorize expenditures for the purposes 87245
specified in this chapter and do so in accordance with section 87246
319.16 of the Revised Code, approve attendance of board members 87247
and employees at professional meetings and approve expenditures 87248
for attendance, and exercise such powers and duties as are 87249
prescribed by the director; 87250

(6) Submit annual reports of its work and expenditures, 87251
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 87252
the director, the superintendent of public instruction, and the 87253
board of county commissioners at the close of the fiscal year and 87254
at such other times as may reasonably be requested; 87255

(7) Authorize all positions of employment, establish 87256

compensation, including but not limited to salary schedules and 87257
fringe benefits for all board employees, approve contracts of 87258
employment for management employees that are for a term of more 87259
than one year, employ legal counsel under section 309.10 of the 87260
Revised Code, and contract for employee benefits; 87261

(8) Provide service and support administration in accordance 87262
with section 5126.15 of the Revised Code; 87263

(9) Certify respite care homes pursuant to rules adopted 87264
under section 5123.171 of the Revised Code by the director of 87265
mental retardation and developmental disabilities. 87266

(B) To the extent that rules adopted under this section apply 87267
to the identification and placement of children with disabilities 87268
under Chapter 3323. of the Revised Code, they shall be consistent 87269
with the standards and procedures established under sections 87270
3323.03 to 3323.05 of the Revised Code. 87271

(C) Any county board may enter into contracts with other such 87272
boards and with public or private, nonprofit, or profit-making 87273
agencies or organizations of the same or another county, to 87274
provide the facilities, programs, and services authorized or 87275
required, upon such terms as may be agreeable, and in accordance 87276
with this chapter and Chapter 3323. of the Revised Code and rules 87277
adopted thereunder and in accordance with sections 307.86 and 87278
5126.071 of the Revised Code. 87279

(D) A county board may combine transportation for children 87280
and adults enrolled in programs and services offered under section 87281
5126.12 with transportation for children enrolled in classes 87282
funded under section 3317.20 or units approved under section 87283
3317.05 of the Revised Code. 87284

(E) A county board may purchase all necessary insurance 87285
policies, may purchase equipment and supplies through the 87286
department of administrative services or from other sources, and 87287

may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements. 87288
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(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest. 87290
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(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of mental retardation and developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose. 87304
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Sec. 5126.054. (A) Each county board of mental retardation and developmental disabilities shall, by resolution, develop a three-calendar year plan that includes the following three components: 87309
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(1) An assessment component that includes all of the following: 87313
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(a) The number of individuals with mental retardation or other developmental disability residing in the county who need the level of care provided by an intermediate care facility for the mentally retarded, may seek home and community-based services, are 87315
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87318

given priority for the services pursuant to division (D) of 87319
section 5126.042 of the Revised Code; the service needs of those 87320
individuals; and the projected annualized cost for services; 87321

(b) The source of funds available to the county board to pay 87322
the nonfederal share of medicaid expenditures that the county 87323
board is required by sections 5126.059 and 5126.0510 of the 87324
Revised Code to pay; 87325

(c) Any other applicable information or conditions that the 87326
department of mental retardation and developmental disabilities 87327
requires as a condition of approving the component under section 87328
5123.046 of the Revised Code. 87329

(2) (A preliminary implementation component that specifies 87330
the number of individuals to be provided, during the first year 87331
that the plan is in effect, home and community-based services 87332
pursuant to the priority given to them under divisions (D)(1) and 87333
(2) of section 5126.042 of the Revised Code and the types of home 87334
and community-based services the individuals are to receive; 87335

(3) A component that provides for the implementation of 87336
medicaid case management services and home and community-based 87337
services for individuals who begin to receive the services on or 87338
after the date the plan is approved under section 5123.046 of the 87339
Revised Code. A county board shall include all of the following in 87340
the component: 87341

(a) If the department of mental retardation and developmental 87342
disabilities or department of job and family services requires, an 87343
agreement to pay the nonfederal share of medicaid expenditures 87344
that the county board is required by sections 5126.059 and 87345
5126.0510 of the Revised Code to pay; 87346

(b) How the services are to be phased in over the period the 87347
plan covers, including how the county board will serve individuals 87348
on a waiting list established under division (C) of section 87349

5126.042 who are given priority status under division (D)(1) of 87350
that section; 87351

(c) Any agreement or commitment regarding the county board's 87352
funding of home and community-based services that the county board 87353
has with the department at the time the county board develops the 87354
component; 87355

(d) Assurances adequate to the department that the county 87356
board will comply with all of the following requirements: 87357

(i) To provide the types of home and community-based services 87358
specified in the preliminary implementation component required by 87359
division (A)(2) of this section to at least the number of 87360
individuals specified in that component; 87361

(ii) To use any additional funds the county board receives 87362
for the services to improve the county board's resource 87363
capabilities for supporting such services available in the county 87364
at the time the component is developed and to expand the services 87365
to accommodate the unmet need for those services in the county; 87366

(iii) To employ or contract with a business manager ~~who is~~ 87367
~~either a new employee who has earned at least a bachelor's degree~~ 87368
~~in business administration or a current employee who has the~~ 87369
~~equivalent experience of a bachelor's degree in business~~ 87370
~~administration or enter into an agreement with another county~~ 87371
~~board of mental retardation and developmental disabilities that~~ 87372
~~employs or contracts with a business manager to have the business~~ 87373
~~manager serve both county boards. If the county board will employ~~ 87374
~~a new employee, the county board shall include in the component a~~ 87375
~~timeline for employing the employee. No superintendent of a county~~ 87376
~~board may serve as the county board's business manager.~~ 87377

(iv) To employ or contract with a medicaid services manager 87378
~~who is either a new employee who has earned at least a bachelor's~~ 87379
~~degree or a current employee who has the equivalent experience of~~ 87380

~~a bachelor's degree or enter into an agreement with another county
board of mental retardation and developmental disabilities that
employs or contracts with a medicaid services manager to have the
medicaid services manager serve both county boards. If the county
board will employ a new employee, the county board shall include
in the component a timeline for employing the employee. Two or
three county boards that have a combined total enrollment in
county board services not exceeding one thousand individuals as
determined pursuant to certifications made under division (B) of
section 5126.12 of the Revised Code may satisfy this requirement
by sharing the services of a medicaid services manager or using
the services of a medicaid services manager employed by or under
contract with a regional council that the county boards establish
under section 5126.13 of the Revised Code. No superintendent of a
county board may serve as the county board's medicaid services
manager.~~

(e) Programmatic and financial accountability measures and
projected outcomes expected from the implementation of the plan;

(f) Any other applicable information or conditions that the
department requires as a condition of approving the component
under section 5123.046 of the Revised Code.

(B) A county board whose plan developed under division (A) of
this section is approved by the department under section 5123.046
of the Revised Code shall update and renew the plan in accordance
with a schedule the department shall develop.

Sec. 5126.055. (A) Except as provided in section 5126.056 of
the Revised Code, a county board of mental retardation and
developmental disabilities has medicaid local administrative
authority to, and shall, do all of the following for an individual
with mental retardation or other developmental disability who
resides in the county that the county board serves and seeks or

receives home and community-based services: 87412

(1) Perform assessments and evaluations of the individual. As 87413
part of the assessment and evaluation process, the county board 87414
shall do all of the following: 87415

(a) Make a recommendation to the department of mental 87416
retardation and developmental disabilities on whether the 87417
department should approve or deny the individual's application for 87418
the services, including on the basis of whether the individual 87419
needs the level of care an intermediate care facility for the 87420
mentally retarded provides; 87421

(b) If the individual's application is denied because of the 87422
county board's recommendation and the individual requests a 87423
hearing under section 5101.35 of the Revised Code, present, with 87424
the department of mental retardation and developmental 87425
disabilities or department of job and family services, whichever 87426
denies the application, the reasons for the recommendation and 87427
denial at the hearing; 87428

(c) If the individual's application is approved, recommend to 87429
the departments of mental retardation and developmental 87430
disabilities and job and family services the services that should 87431
be included in the individual's individualized service plan and, 87432
if either department approves, reduces, denies, or terminates a 87433
service included in the individual's individualized service plan 87434
under section 5111.871 of the Revised Code because of the county 87435
board's recommendation, present, with the department that made the 87436
approval, reduction, denial, or termination, the reasons for the 87437
recommendation and approval, reduction, denial, or termination at 87438
a hearing under section 5101.35 of the Revised Code. 87439

(2) In accordance with the rules adopted under section 87440
5126.046 of the Revised Code, perform the county board's duties 87441
under that section regarding assisting the individual's right to 87442

choose a qualified and willing provider of the services and, at a hearing under section 5101.35 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers;

(3) If the county board is certified under section 5123.161 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of mental retardation and developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individualized service plan that includes coordination of services, recommend that the departments of mental retardation and developmental disabilities and job and family services approve the plan, and implement the plan unless either department disapproves it. The individualized service plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the duties under division (B)(9) of section 5126.15 of the Revised

Code that concern the individual. 87474

(B) A county board shall perform its medicaid local 87475
administrative authority under this section in accordance with all 87476
of the following: 87477

(1) The county board's plan that the department of mental 87478
retardation and developmental disabilities approves under section 87479
5123.046 of the Revised Code; 87480

(2) All applicable federal and state laws; 87481

(3) All applicable policies of the departments of mental 87482
retardation and developmental disabilities and job and family 87483
services and the United States department of health and human 87484
services; 87485

(4) The department of job and family services' supervision 87486
under its authority under section 5111.01 of the Revised Code to 87487
act as the single state medicaid agency; 87488

(5) The department of mental retardation and developmental 87489
disabilities' oversight. 87490

(C) The departments of mental retardation and developmental 87491
disabilities and job and family services shall communicate with 87492
and provide training to county boards regarding medicaid local 87493
administrative authority granted by this section. The 87494
communication and training shall include issues regarding audit 87495
protocols and other standards established by the United States 87496
department of health and human services that the departments 87497
determine appropriate for communication and training. County 87498
boards shall participate in the training. The departments shall 87499
assess the county board's compliance against uniform standards 87500
that the departments shall establish. 87501

(D) A county board may not delegate its medicaid local 87502
administrative authority granted under this section but may 87503

contract with a person or government entity, including a council 87504
of governments, for assistance with its medicaid local 87505
administrative authority. A county board that enters into such a 87506
contract shall notify the director of mental retardation and 87507
developmental disabilities. The notice shall include the tasks and 87508
responsibilities that the contract gives to the person or 87509
government entity. The person or government entity shall comply in 87510
full with all requirements to which the county board is subject 87511
regarding the person or government entity's tasks and 87512
responsibilities under the contract. The county board remains 87513
ultimately responsible for the tasks and responsibilities. 87514

(E) A county board that has medicaid local administrative 87515
authority under this section shall, through the departments of 87516
mental retardation and developmental disabilities and job and 87517
family services, reply to, and cooperate in arranging compliance 87518
with, a program or fiscal audit or program violation exception 87519
that a state or federal audit or review discovers. The department 87520
of job and family services shall timely notify the department of 87521
mental retardation and developmental disabilities and the county 87522
board of any adverse findings. After receiving the notice, the 87523
county board, in conjunction with the department of mental 87524
retardation and developmental disabilities, shall cooperate fully 87525
with the department of job and family services and timely prepare 87526
and send to the department a written plan of correction or 87527
response to the adverse findings. The county board is liable for 87528
any adverse findings that result from an action it takes or fails 87529
to take in its implementation of medicaid local administrative 87530
authority. 87531

(F) If the department of mental retardation and developmental 87532
disabilities or department of job and family services determines 87533
that a county board's implementation of its medicaid local 87534
administrative authority under this section is deficient, the 87535

department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with mental retardation or other developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.0512. (A) As used in this section, "medicaid waiver component" means a medicaid waiver component as defined in section 5111.85 of the Revised Code under which home and community-based services are provided.

(B) Effective July 1, 2007, and except as provided in rules adopted under section 5123.0413 of the Revised Code, each county board of mental retardation and developmental disabilities shall ensure, for each medicaid waiver component, that the number of individuals eligible under section 5126.041 of the Revised Code for services from the county board who are enrolled in a medicaid waiver component is no less than the sum of the following:

(1) The number of individuals eligible for services from the county board who are enrolled in the medicaid waiver component on June 30, 2007;

(2) The number of medicaid waiver component slots the county board requested before July 1, 2007, that were assigned to the county board before that date but in which no individual was enrolled before that date.

(C) An individual enrolled in a medicaid waiver component

after March 1, 2007, due to an emergency reserve capacity waiver 87566
assignment shall not be counted in determining the number of 87567
individuals a county board must ensure under division (B) of this 87568
section are enrolled in a medicaid waiver component. 87569

(D) An individual who is enrolled in a medicaid waiver 87570
component to comply with the terms of the consent order filed 87571
March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in 87572
the United States district court for the southern district of 87573
Ohio, eastern division, shall be excluded in determining whether a 87574
county board has complied with division (B) of this section. 87575

(E) A county board shall make as many requests for 87576
individuals to be enrolled in a medicaid waiver component as 87577
necessary for the county board to comply with division (B) of this 87578
section. 87579

Sec. 5126.19. (A) The director of mental retardation and 87580
developmental disabilities may grant temporary funding from the 87581
community mental retardation and developmental disabilities trust 87582
fund based on allocations to county boards of mental retardation 87583
and developmental disabilities. The director may distribute all or 87584
part of the funding directly to a county board, the persons who 87585
provide the services for which the funding is granted, or persons 87586
with mental retardation or developmental disabilities who are to 87587
receive those services. 87588

(B) Funding granted under division (A) of this section shall 87589
be granted according to the availability of moneys in the fund and 87590
priorities established by the director. Funding may be granted for 87591
any of the following purposes: 87592

(1) Behavioral or short-term interventions for persons with 87593
mental retardation or developmental disabilities that assist them 87594
in remaining in the community by preventing institutionalization; 87595

(2) Emergency respite care services, as defined in section 5126.11 of the Revised Code;	87596 87597
(3) Family support services provided under section 5126.11 of the Revised Code;	87598 87599
(4) Supported living, as defined in section 5126.01 of the Revised Code;	87600 87601
(5) Staff training for county board employees, employees of providers of residential services as defined in section 5126.01 of the Revised Code, and other personnel under contract with a county board, to provide the staff with necessary training in serving mentally retarded or developmentally disabled persons in the community;	87602 87603 87604 87605 87606 87607
(6) Short-term provision of early childhood services provided under section 5126.05, adult services provided under sections 5126.05 and 5126.051, and service and support administration provided under section 5126.15 of the Revised Code, when local moneys are insufficient to meet the need for such services due to the successive failure within a two-year period of three or more proposed levies for the services;	87608 87609 87610 87611 87612 87613 87614
(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization.	87615 87616 87617
(C) If the trust fund contains more than ten million dollars on the first day of July the director shall use one million dollars for payments under section 5126.18 of the Revised Code, two million dollars for subsidies to county boards for supported living, and one million dollars for subsidies to county boards for early childhood services and adult services provided under section 5126.05 of the Revised Code. Distributions of funds under this division shall be made prior to August 31 of the state fiscal year in which the funds are available. The funds shall be allocated to	87618 87619 87620 87621 87622 87623 87624 87625 87626

a county board in an amount equal to the same percentage of the 87627
total amount allocated to the county board the immediately 87628
preceding state fiscal year. 87629

~~(D) In addition to making grants under division (A) of this 87630
section, the director may use money available in the trust fund 87631
for the same purposes that rules adopted under section 5123.0413 87632
of the Revised Code provide for money in the state MR/DD risk fund 87633
and the state insurance against MR/DD risk fund, both created 87634
under that section, to be used. 87635~~

Sec. 5126.24. (A) As used in this section: 87636

(1) "License" means an educator license issued by the state 87637
board of education under section 3319.22 of the Revised Code or a 87638
certificate issued by the department of mental retardation and 87639
developmental disabilities. 87640

(2) "Teacher" means a person employed by a county board of 87641
mental retardation and developmental disabilities in a position 87642
that requires a license. 87643

(3) "Nonteaching employee" means a person employed by a 87644
county board of mental retardation and developmental disabilities 87645
in a position that does not require a license. 87646

(4) "Years of service" includes all service described in 87647
division (A) of section 3317.13 of the Revised Code. 87648

(B) Subject to rules established by the director of mental 87649
retardation and developmental disabilities pursuant to Chapter 87650
119. of the Revised Code, each county board of mental retardation 87651
and developmental disabilities shall annually adopt separate 87652
salary schedules for teachers and nonteaching employees. 87653

(C) The teachers' salary schedule shall provide for 87654
increments based on training and years of service. The board may 87655
establish its own service requirements provided no teacher 87656

receives less than the salary the teacher would be paid under 87657
section 3317.13 of the Revised Code if the teacher were employed 87658
by a school district board of education and provided full credit 87659
for a minimum of five years of actual teaching and military 87660
experience as defined in division (A) of such section is given to 87661
each teacher. 87662

Each teacher who has completed training that would qualify 87663
the teacher for a higher salary bracket pursuant to this section 87664
shall file by the fifteenth day of September with the fiscal 87665
officer of the board, satisfactory evidence of the completion of 87666
such additional training. The fiscal officer shall then 87667
immediately place the teacher, pursuant to this section, in the 87668
proper salary bracket in accordance with training and years of 87669
service. No teacher shall be paid less than the salary to which 87670
the teacher would be entitled under section 3317.13 of the Revised 87671
Code if the teacher were employed by a school district board of 87672
education. 87673

The superintendent of each county board, on or before the 87674
fifteenth day of October of each year, shall certify to the state 87675
board of education the name of each teacher employed, on an annual 87676
salary, in each special education program operated pursuant to 87677
section 3323.09 of the Revised Code during the first full school 87678
week of October. The superintendent further shall certify, for 87679
each teacher, the number of years of training completed at a 87680
recognized college, the degrees earned from a college recognized 87681
by the state board, the type of license held, the number of months 87682
employed by the board, the annual salary, and other information 87683
that the state board may request. 87684

(D) The nonteaching employees' salary schedule established by 87685
the board shall be based on training, experience, and 87686
qualifications with initial salaries no less than salaries in 87687
effect on July 1, 1985. Each board shall prepare and may amend 87688

from time to time, specifications descriptive of duties, 87689
responsibilities, requirements, and desirable qualifications of 87690
the classifications of employees required to perform the duties 87691
specified in the salary schedule. All nonteaching employees shall 87692
be notified of the position classification to which they are 87693
assigned and the salary for the classification. The compensation 87694
of all nonteaching employees working for a particular board shall 87695
be uniform for like positions except as compensation would be 87696
affected by salary increments based upon length of service. 87697

On the fifteenth day of October of each year the nonteaching 87698
employees' salary schedule and list of job classifications and 87699
salaries in effect on that date shall be filed by each board with 87700
the superintendent of public instruction. If such salary schedule 87701
and classification plan is not filed, the superintendent of public 87702
instruction shall order the board to file such schedule and list 87703
forthwith. If this condition is not corrected within ten days 87704
after receipt of the order from the superintendent, no money shall 87705
be distributed to the district under Chapter 3306. or 3317. of the 87706
Revised Code until the superintendent has satisfactory evidence of 87707
the board's full compliance with such order. 87708

Sec. 5139.43. (A) The department of youth services shall 87709
operate a felony delinquent care and custody program that shall be 87710
operated in accordance with the formula developed pursuant to 87711
section 5139.41 of the Revised Code, subject to the conditions 87712
specified in this section. 87713

(B)(1) Each juvenile court shall use the moneys disbursed to 87714
it by the department of youth services pursuant to division (B) of 87715
section 5139.41 of the Revised Code in accordance with the 87716
applicable provisions of division (B)(2) of this section and shall 87717
transmit the moneys to the county treasurer for deposit in 87718
accordance with this division. The county treasurer shall create 87719

in the county treasury a fund that shall be known as the felony 87720
delinquent care and custody fund and shall deposit in that fund 87721
the moneys disbursed to the juvenile court pursuant to division 87722
(B) of section 5139.41 of the Revised Code. The county treasurer 87723
also shall deposit into that fund the state subsidy funds granted 87724
to the county pursuant to section 5139.34 of the Revised Code. The 87725
moneys disbursed to the juvenile court pursuant to division (B) of 87726
section 5139.41 of the Revised Code and deposited pursuant to this 87727
division in the felony delinquent care and custody fund shall not 87728
be commingled with any other county funds except state subsidy 87729
funds granted to the county pursuant to section 5139.34 of the 87730
Revised Code; shall not be used for any capital construction 87731
projects; upon an order of the juvenile court and subject to 87732
appropriation by the board of county commissioners, shall be 87733
disbursed to the juvenile court for use in accordance with the 87734
applicable provisions of division (B)(2) of this section; shall 87735
not revert to the county general fund at the end of any fiscal 87736
year; and shall carry over in the felony delinquent care and 87737
custody fund from the end of any fiscal year to the next fiscal 87738
year. ~~At~~The maximum balance carry-over at the end of each 87739
respective fiscal year, ~~beginning June 30, 2008, the balance in~~ 87740
the felony delinquent care and custody fund in any county ~~shall~~ 87741
~~not exceed the total moneys from funds~~ allocated to the county 87742
pursuant to sections 5139.34 and 5139.41 of the Revised Code 87743
~~during in~~ the previous fiscal year shall not exceed an amount to 87744
be calculated as provided in the formula set forth in this 87745
division, unless that county has applied for and been granted an 87746
exemption by the director of youth services. Beginning June 30, 87747
2008, the maximum balance carry-over at the end of each respective 87748
fiscal year shall be determined by the following formula: for 87749
fiscal year 2008, the maximum balance carry-over shall be one 87750
hundred per cent of the allocation for fiscal year 2007, to be 87751
applied in determining the fiscal year 2009 allocation; for fiscal 87752

year 2009, it shall be fifty per cent of the allocation for fiscal 87753
year 2008, to be applied in determining the fiscal year 2010 87754
allocation; for fiscal year 2010, it shall be twenty-five per cent 87755
of the allocation for fiscal year 2009, to be applied in 87756
determining the fiscal year 2011 allocation; and for each fiscal 87757
year subsequent to fiscal year 2010, it shall be twenty-five per 87758
cent of the allocation for the immediately preceding fiscal year, 87759
to be applied in determining the allocation for the next immediate 87760
fiscal year. The department shall withhold from future payments to 87761
a county an amount equal to any moneys in the felony delinquent 87762
care and custody fund of the county that exceed the total ~~moneys~~ 87763
~~allocated pursuant to those sections to the county during the~~ 87764
~~preceding fiscal year~~ maximum balance carry-over that applies for 87765
that county for the fiscal year in which the payments are being 87766
made and shall reallocate the withheld amount. The department 87767
shall adopt rules for the withholding and reallocation of moneys 87768
disbursed under sections 5139.34 and 5139.41 of the Revised Code 87769
and for the criteria and process for a county to obtain an 87770
exemption from the withholding requirement. The moneys disbursed 87771
to the juvenile court pursuant to division (B) of section 5139.41 87772
of the Revised Code and deposited pursuant to this division in the 87773
felony delinquent care and custody fund shall be in addition to, 87774
and shall not be used to reduce, any usual annual increase in 87775
county funding that the juvenile court is eligible to receive or 87776
the current level of county funding of the juvenile court and of 87777
any programs or services for delinquent children, unruly children, 87778
or juvenile traffic offenders. 87779

(2)(a) A county and the juvenile court that serves the county 87780
shall use the moneys in its felony delinquent care and custody 87781
fund in accordance with rules that the department of youth 87782
services adopts pursuant to division (D) of section 5139.04 of the 87783
Revised Code and as follows: 87784

(i) The moneys in the fund that represent state subsidy funds 87785
granted to the county pursuant to section 5139.34 of the Revised 87786
Code shall be used to aid in the support of prevention, early 87787
intervention, diversion, treatment, and rehabilitation programs 87788
that are provided for alleged or adjudicated unruly children or 87789
delinquent children or for children who are at risk of becoming 87790
unruly children or delinquent children. The county shall not use 87791
for capital improvements more than fifteen per cent of the moneys 87792
in the fund that represent the applicable annual grant of those 87793
state subsidy funds. 87794

(ii) The moneys in the fund that were disbursed to the 87795
juvenile court pursuant to division (B) of section 5139.41 of the 87796
Revised Code and deposited pursuant to division (B)(1) of this 87797
section in the fund shall be used to provide programs and services 87798
for the training, treatment, or rehabilitation of felony 87799
delinquents that are alternatives to their commitment to the 87800
department, including, but not limited to, community residential 87801
programs, day treatment centers, services within the home, and 87802
electronic monitoring, and shall be used in connection with 87803
training, treatment, rehabilitation, early intervention, or other 87804
programs or services for any delinquent child, unruly child, or 87805
juvenile traffic offender who is under the jurisdiction of the 87806
juvenile court. 87807

The fund also may be used for prevention, early intervention, 87808
diversion, treatment, and rehabilitation programs that are 87809
provided for alleged or adjudicated unruly children, delinquent 87810
children, or juvenile traffic offenders or for children who are at 87811
risk of becoming unruly children, delinquent children, or juvenile 87812
traffic offenders. Consistent with division (B)(1) of this 87813
section, a county and the juvenile court of a county shall not use 87814
any of those moneys for capital construction projects. 87815

(iii) Moneys in the fund shall not be used to support 87816

programs or services that do not comply with federal juvenile 87817
justice and delinquency prevention core requirements or to support 87818
programs or services that research has shown to be ineffective. 87819

(iv) The county and the juvenile court that serves the county 87820
may use moneys in the fund to provide out-of-home placement of 87821
children only in detention centers, community rehabilitation 87822
centers, or community corrections facilities approved by the 87823
department pursuant to standards adopted by the department, 87824
licensed by an authorized state agency, or accredited by the 87825
American correctional association or another national organization 87826
recognized by the department. 87827

(b) Each juvenile court shall comply with division (B)(3)(d) 87828
of this section as implemented by the department. If a juvenile 87829
court fails to comply with division (B)(3)(d) of this section, the 87830
department shall not be required to make any disbursements in 87831
accordance with division (C) or (D) of section 5139.41 or division 87832
(C)(2) of section 5139.34 of the Revised Code. 87833

(3) In accordance with rules adopted by the department 87834
pursuant to division (D) of section 5139.04 of the Revised Code, 87835
each juvenile court and the county served by that juvenile court 87836
shall do all of the following that apply: 87837

(a) The juvenile court shall prepare an annual grant 87838
agreement and application for funding that satisfies the 87839
requirements of this section and section 5139.34 of the Revised 87840
Code and that pertains to the use, upon an order of the juvenile 87841
court and subject to appropriation by the board of county 87842
commissioners, of the moneys in its felony delinquent care and 87843
custody fund for specified programs, care, and services as 87844
described in division (B)(2)(a) of this section, shall submit that 87845
agreement and application to the county family and children first 87846
council, the regional family and children first council, or the 87847
local intersystem services to children cluster as described in 87848

sections 121.37 and 121.38 of the Revised Code, whichever is 87849
applicable, and shall file that agreement and application with the 87850
department for its approval. The annual grant agreement and 87851
application for funding shall include a method of ensuring equal 87852
access for minority youth to the programs, care, and services 87853
specified in it. 87854

The department may approve an annual grant agreement and 87855
application for funding only if the juvenile court involved has 87856
complied with the preparation, submission, and filing requirements 87857
described in division (B)(3)(a) of this section. If the juvenile 87858
court complies with those requirements and the department approves 87859
that agreement and application, the juvenile court and the county 87860
served by the juvenile court may expend the state subsidy funds 87861
granted to the county pursuant to section 5139.34 of the Revised 87862
Code only in accordance with division (B)(2)(a) of this section, 87863
the rules pertaining to state subsidy funds that the department 87864
adopts pursuant to division (D) of section 5139.04 of the Revised 87865
Code, and the approved agreement and application. 87866

(b) By the thirty-first day of August of each year, the 87867
juvenile court shall file with the department a report that 87868
contains all of the statistical and other information for each 87869
month of the prior state fiscal year. If the juvenile court fails 87870
to file the report required by division (B)(3)(b) of this section 87871
by the thirty-first day of August of any year, the department 87872
shall not disburse any payment of state subsidy funds to which the 87873
county otherwise is entitled pursuant to section 5139.34 of the 87874
Revised Code and shall not disburse pursuant to division (B) of 87875
section 5139.41 of the Revised Code the applicable allocation 87876
until the juvenile court fully complies with division (B)(3)(b) of 87877
this section. 87878

(c) If the department requires the juvenile court to prepare 87879
monthly statistical reports and to submit the reports on forms 87880

provided by the department, the juvenile court shall file those 87881
reports with the department on the forms so provided. If the 87882
juvenile court fails to prepare and submit those monthly 87883
statistical reports within the department's timelines, the 87884
department shall not disburse any payment of state subsidy funds 87885
to which the county otherwise is entitled pursuant to section 87886
5139.34 of the Revised Code and shall not disburse pursuant to 87887
division (B) of section 5139.41 of the Revised Code the applicable 87888
allocation until the juvenile court fully complies with division 87889
(B)(3)(c) of this section. If the juvenile court fails to prepare 87890
and submit those monthly statistical reports within one hundred 87891
eighty days of the date the department establishes for their 87892
submission, the department shall not disburse any payment of state 87893
subsidy funds to which the county otherwise is entitled pursuant 87894
to section 5139.34 of the Revised Code and shall not disburse 87895
pursuant to division (B) of section 5139.41 of the Revised Code 87896
the applicable allocation, and the state subsidy funds and the 87897
remainder of the applicable allocation shall revert to the 87898
department. If a juvenile court states in a monthly statistical 87899
report that the juvenile court adjudicated within a state fiscal 87900
year five hundred or more children to be delinquent children for 87901
committing acts that would be felonies if committed by adults and 87902
if the department determines that the data in the report may be 87903
inaccurate, the juvenile court shall have an independent auditor 87904
or other qualified entity certify the accuracy of the data on a 87905
date determined by the department. 87906

(d) If the department requires the juvenile court and the 87907
county to participate in a fiscal monitoring program or another 87908
monitoring program that is conducted by the department to ensure 87909
compliance by the juvenile court and the county with division (B) 87910
of this section, the juvenile court and the county shall 87911
participate in the program and fully comply with any guidelines 87912
for the performance of audits adopted by the department pursuant 87913

to that program and all requests made by the department pursuant 87914
to that program for information necessary to reconcile fiscal 87915
accounting. If an audit that is performed pursuant to a fiscal 87916
monitoring program or another monitoring program described in this 87917
division determines that the juvenile court or the county used 87918
moneys in the county's felony delinquent care and custody fund for 87919
expenses that are not authorized under division (B) of this 87920
section, within forty-five days after the department notifies the 87921
county of the unauthorized expenditures, the county either shall 87922
repay the amount of the unauthorized expenditures from the county 87923
general revenue fund to the state's general revenue fund or shall 87924
file a written appeal with the department. If an appeal is timely 87925
filed, the director of the department shall render a decision on 87926
the appeal and shall notify the appellant county or its juvenile 87927
court of that decision within forty-five days after the date that 87928
the appeal is filed. If the director denies an appeal, the 87929
county's fiscal agent shall repay the amount of the unauthorized 87930
expenditures from the county general revenue fund to the state's 87931
general revenue fund within thirty days after receiving the 87932
director's notification of the appeal decision. 87933

(C) The determination of which county a reduction of the care 87934
and custody allocation will be charged against for a particular 87935
youth shall be made as outlined below for all youths who do not 87936
qualify as public safety beds. The determination of which county a 87937
reduction of the care and custody allocation will be charged 87938
against shall be made as follows until each youth is released: 87939

(1) In the event of a commitment, the reduction shall be 87941
charged against the committing county. 87942

(2) In the event of a recommitment, the reduction shall be 87943
charged against the original committing county until the 87944
expiration of the minimum period of institutionalization under the 87945

original order of commitment or until the date on which the youth 87946
is admitted to the department of youth services pursuant to the 87947
order of recommitment, whichever is later. Reductions of the 87948
allocation shall be charged against the county that recommitted 87949
the youth after the minimum expiration date of the original 87950
commitment. 87951

(3) In the event of a revocation of a release on parole, the 87952
reduction shall be charged against the county that revokes the 87953
youth's parole. 87954

(D) A juvenile court is not precluded by its allocation 87955
amount for the care and custody of felony delinquents from 87956
committing a felony delinquent to the department of youth services 87957
for care and custody in an institution or a community corrections 87958
facility when the juvenile court determines that the commitment is 87959
appropriate. 87960

Sec. 5155.38. As used in this section, "long-term care bed" 87961
has the same meaning as in section 3702.51 of the Revised Code. 87962

The operator of each county home and each county nursing home 87963
shall, not later than November 1, 2009, certify to the director of 87964
health the number of long-term care beds that were in operation in 87965
the home on July 1, 1993. The certification shall be accompanied 87966
by any documentation requested by the director. 87967

Sec. 5501.04. The following divisions are hereby established 87968
in the department of transportation: 87969

(A) The division of business services; 87970

(B) The division of engineering policy; 87971

(C) The division of finance; 87972

(D) The division of human resources; 87973

(E) The division of information technology; 87974

(F) The division of multi-modal planning and programs; 87975

(G) The division of project management; 87976

(H) The division of equal opportunity. 87977

The director of transportation shall distribute the duties, 87978
powers, and functions of the department among the divisions of the 87979
department. 87980

Each division shall be headed by a deputy director, whose 87981
title shall be designated by the director, and shall include those 87982
other officers and employees as may be necessary to carry out the 87983
work of the division. The director shall appoint the deputy 87984
director of each division, who shall be in the unclassified civil 87985
service of the state and shall serve at the pleasure of the 87986
director. The director shall supervise the work of each division 87987
and shall be responsible for the determination of general policies 87988
in the performance of the duties, powers, and functions of the 87989
department and of each division. The director shall have complete 87990
executive charge of the department, shall be responsible for the 87991
organization, direction, and supervision of the work of the 87992
department and the performance of the duties, powers, and 87993
functions assigned to each division, and may establish necessary 87994
administrative units therein. The deputy director of each 87995
division, with the approval of the director and subject to Chapter 87996
124. of the Revised Code, shall appoint the necessary employees of 87997
the division and may remove such employees for cause. 87998

The division of equal opportunity shall ensure that minority 87999
groups and all groups protected by state and federal civil rights 88000
laws are afforded equal opportunity to be recruited, trained, and 88001
work in the employment of or on projects of the department of 88002
transportation, and to participate in contracts awarded by the 88003
department. The director of transportation each year shall report 88004
to the governor and the general assembly on the division's 88005

activities and accomplishments. 88006

Sec. 5502.01. (A) The department of public safety shall 88007
administer and enforce the laws relating to the registration, 88008
licensing, sale, and operation of motor vehicles and the laws 88009
pertaining to the licensing of drivers of motor vehicles. 88010

The department shall compile, analyze, and publish statistics 88011
relative to motor vehicle accidents and the causes of them, 88012
prepare and conduct educational programs for the purpose of 88013
promoting safety in the operation of motor vehicles on the 88014
highways, and conduct research and studies for the purpose of 88015
promoting safety on the highways of this state. 88016

(B) The department shall administer the laws and rules 88017
relative to trauma and emergency medical services specified in 88018
Chapter 4765. of the Revised Code. 88019

(C) The department shall administer and enforce the laws 88020
contained in Chapters 4301. and 4303. of the Revised Code and 88021
enforce the rules and orders of the liquor control commission 88022
pertaining to retail liquor permit holders. 88023

(D) The department shall administer the laws governing the 88024
state emergency management agency and shall enforce all additional 88025
duties and responsibilities as prescribed in the Revised Code 88026
related to emergency management services. 88027

(E) The department shall conduct investigations pursuant to 88028
Chapter 5101. of the Revised Code in support of the duty of the 88029
department of job and family services to administer ~~food stamp~~ 88030
~~programs~~ the supplemental nutrition assistance program throughout 88031
this state. The department of public safety shall conduct 88032
investigations necessary to protect the state's property rights 88033
and interests in the ~~food stamp~~ supplemental nutrition assistance 88034
program. 88035

(F) The department of public safety shall enforce compliance with orders and rules of the public utilities commission and applicable laws in accordance with Chapters 4919., 4921., and 4923. of the Revised Code regarding commercial motor vehicle transportation safety, economic, and hazardous materials requirements.

(G) Notwithstanding Chapter 4117. of the Revised Code, the department of public safety may establish requirements for its enforcement personnel, including its enforcement agents described in section 5502.14 of the Revised Code, that include standards of conduct, work rules and procedures, and criteria for eligibility as law enforcement personnel.

(H) The department shall administer, maintain, and operate the Ohio criminal justice network. The Ohio criminal justice network shall be a computer network that supports state and local criminal justice activities. The network shall be an electronic repository for various data, which may include arrest warrants, notices of persons wanted by law enforcement agencies, criminal records, prison inmate records, stolen vehicle records, vehicle operator's licenses, and vehicle registrations and titles.

(I) The department shall coordinate all homeland security activities of all state agencies and shall be a liaison between state agencies and local entities for those activities and related purposes.

(J) Beginning July 1, 2004, the department shall administer and enforce the laws relative to private investigators and security service providers specified in Chapter 4749. of the Revised Code.

(K) The department shall administer criminal justice services in accordance with sections 5502.61 to 5502.66 of the Revised Code.

Sec. 5502.14. (A) As used in this section, "felony" has the 88067
same meaning as in section 109.511 of the Revised Code. 88068

(B)(1) Any person who is employed by the department of public 88069
safety and designated by the director of public safety to enforce 88070
Title XLIII of the Revised Code, the rules adopted under it, and 88071
the laws and rules regulating the use of ~~food stamps~~ supplemental 88072
nutrition assistance program benefits shall be known as an 88073
enforcement agent. The employment by the department of public 88074
safety and the designation by the director of public safety of a 88075
person as an enforcement agent shall be subject to division (D) of 88076
this section. An enforcement agent has the authority vested in 88077
peace officers pursuant to section 2935.03 of the Revised Code to 88078
keep the peace, to enforce all applicable laws and rules on any 88079
retail liquor permit premises, or on any other premises of public 88080
or private property, where a violation of Title XLIII of the 88081
Revised Code or any rule adopted under it is occurring, and to 88082
enforce all laws and rules governing the use of ~~food stamp coupons~~ 88083
supplemental nutrition assistance program benefits, women, 88084
infants, and children's coupons, electronically transferred 88085
benefits, or any other access device that is used alone or in 88086
conjunction with another access device to obtain payments, 88087
allotments, benefits, money, goods, or other things of value, or 88088
that can be used to initiate a transfer of funds, pursuant to the 88089
~~food stamp~~ supplemental nutrition assistance program established 88090
under the "Food Stamp and Nutrition Act of ~~1977,~~ ~~91 Stat. 958,~~ 88091
~~2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ or any supplemental 88092
food program administered by any department of this state pursuant 88093
to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 88094
1786. Enforcement agents, in enforcing compliance with the laws 88095
and rules described in this division, may keep the peace and make 88096
arrests for violations of those laws and rules. 88097

(2) In addition to the authority conferred by division (B)(1) 88098

of this section, an enforcement agent also may execute search 88099
warrants and seize and take into custody any contraband, as 88100
defined in section 2901.01 of the Revised Code, or any property 88101
that is otherwise necessary for evidentiary purposes related to 88102
any violations of the laws or rules described in division (B)(1) 88103
of this section. An enforcement agent may enter public or private 88104
premises where activity alleged to violate the laws or rules 88105
described in division (B)(1) of this section is occurring. 88106

(3) Enforcement agents who are on, immediately adjacent to, 88107
or across from retail liquor permit premises and who are 88108
performing investigative duties relating to that premises, 88109
enforcement agents who are on premises that are not liquor permit 88110
premises but on which a violation of Title XLIII of the Revised 88111
Code or any rule adopted under it allegedly is occurring, and 88112
enforcement agents who view a suspected violation of Title XLIII 88113
of the Revised Code, of a rule adopted under it, or of another law 88114
or rule described in division (B)(1) of this section have the 88115
authority to enforce the laws and rules described in division 88116
(B)(1) of this section, authority to enforce any section in Title 88117
XXIX of the Revised Code or any other section of the Revised Code 88118
listed in section 5502.13 of the Revised Code if they witness a 88119
violation of the section under any of the circumstances described 88120
in this division, and authority to make arrests for violations of 88121
the laws and rules described in division (B)(1) of this section 88122
and violations of any of those sections. 88123

(4) The jurisdiction of an enforcement agent under division 88124
(B) of this section shall be concurrent with that of the peace 88125
officers of the county, township, or municipal corporation in 88126
which the violation occurs. 88127

(C) Enforcement agents of the department of public safety who 88128
are engaged in the enforcement of the laws and rules described in 88129
division (B)(1) of this section may carry concealed weapons when 88130

conducting undercover investigations pursuant to their authority 88131
as law enforcement officers and while acting within the scope of 88132
their authority pursuant to this chapter. 88133

(D)(1) The department of public safety shall not employ, and 88134
the director of public safety shall not designate, a person as an 88135
enforcement agent on a permanent basis, on a temporary basis, for 88136
a probationary term, or on other than a permanent basis if the 88137
person previously has been convicted of or has pleaded guilty to a 88138
felony. 88139

(2)(a) The department of public safety shall terminate the 88140
employment of a person who is designated as an enforcement agent 88141
and who does either of the following: 88142

(i) Pleads guilty to a felony; 88143

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 88144
plea agreement as provided in division (D) of section 2929.43 of 88145
the Revised Code in which the enforcement agent agrees to 88146
surrender the certificate awarded to that agent under section 88147
109.77 of the Revised Code. 88148

(b) The department shall suspend the employment of a person 88149
who is designated as an enforcement agent if the person is 88150
convicted, after trial, of a felony. If the enforcement agent 88151
files an appeal from that conviction and the conviction is upheld 88152
by the highest court to which the appeal is taken or if no timely 88153
appeal is filed, the department shall terminate the employment of 88154
that agent. If the enforcement agent files an appeal that results 88155
in that agent's acquittal of the felony or conviction of a 88156
misdemeanor, or in the dismissal of the felony charge against the 88157
agent, the department shall reinstate the agent. An enforcement 88158
agent who is reinstated under division (D)(2)(b) of this section 88159
shall not receive any back pay unless the conviction of that agent 88160
of the felony was reversed on appeal, or the felony charge was 88161

dismissed, because the court found insufficient evidence to 88162
convict the agent of the felony. 88163

(3) Division (D) of this section does not apply regarding an 88164
offense that was committed prior to January 1, 1997. 88165

(4) The suspension or termination of the employment of a 88166
person designated as an enforcement agent under division (D)(2) of 88167
this section shall be in accordance with Chapter 119. of the 88168
Revised Code. 88169

Sec. 5502.15. Any funding provided or made available by the 88170
United States or by any agency designated and authorized by the 88171
United States government for the purposes of enforcing compliance 88172
with ~~food stamp~~ supplemental nutrition assistance program laws 88173
shall be expended by the department of public safety for those 88174
purposes. 88175

Sec. 5505.06. (A) The members of the state highway patrol 88176
retirement board shall be the trustees of the funds created by 88177
section 5505.03 of the Revised Code. The board shall have full 88178
power to invest the funds. The board and other fiduciaries shall 88179
discharge their duties with respect to the funds solely in the 88180
interest of the participants and beneficiaries; for the exclusive 88181
purpose of providing benefits to participants and their 88182
beneficiaries and defraying reasonable expenses of administering 88183
the system; with care, skill, prudence, and diligence under the 88184
circumstances then prevailing that a prudent person acting in a 88185
like capacity and familiar with these matters would use in the 88186
conduct of an enterprise of a like character and with like aims; 88187
and by diversifying the investments of the system so as to 88188
minimize the risk of large losses, unless under the circumstances 88189
it is clearly prudent not to do so. 88190

To facilitate investment of the funds, the board may 88191

establish a partnership, trust, limited liability company, 88192
corporation, including a corporation exempt from taxation under 88193
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 88194
amended, or any other legal entity authorized to transact business 88195
in this state. 88196

(B) In exercising its fiduciary responsibility with respect 88197
to the investment of the funds, it shall be the intent of the 88198
board to give consideration to investments that enhance the 88199
general welfare of the state and its citizens where the 88200
investments offer quality, return, and safety comparable to other 88201
investments currently available to the board. In fulfilling this 88202
intent, equal consideration shall be given to investments 88203
otherwise qualifying under this section that involve minority 88204
owned and controlled firms and firms owned and controlled by 88205
women, either alone or in joint venture with other firms. 88206

The board shall adopt, in regular meeting, policies, 88207
objectives, or criteria for the operation of the investment 88208
program that include asset allocation targets and ranges, risk 88209
factors, asset class benchmarks, time horizons, total return 88210
objectives, and performance evaluation guidelines. In adopting 88211
policies and criteria for the selection of agents and investment 88212
managers with whom the board may contract for the administration 88213
of the funds, the board shall comply with sections 5505.062 and 88214
5505.064 of the Revised Code and ~~shall may~~ also ~~give equal~~ 88215
~~consideration to~~ set aside approximately fifteen per cent of the 88216
contracts for minority owned and controlled firms, firms owned and 88217
controlled by women, and joint ventures involving minority owned 88218
and controlled firms and firms owned and controlled by women that 88219
otherwise meet the policies and criteria established by the board. 88220
Amendments and additions to the policies and criteria shall be 88221
adopted in regular meeting. The board shall publish its policies, 88222
objectives, and criteria under this provision no less often than 88223

annually and shall make copies available to interested parties. 88224

88225

When reporting on the performance of investments, the board 88226
shall comply with the performance presentation standards 88227
established by the association for investment management and 88228
research. 88229

(C) All evidences of title of the investments purchased by 88230
the board shall be delivered to the treasurer of state, who is 88231
hereby designated as the custodian thereof, or to the treasurer of 88232
state's authorized agent. Evidences of title of the investments 88233
may be deposited by the treasurer of state for safekeeping with an 88234
authorized agent, selected by the treasurer of state, who is a 88235
qualified trustee under section 135.18 of the Revised Code. The 88236
treasurer of state shall collect the principal, interest, 88237
dividends, and distributions that become due and payable and, when 88238
collected, shall credit them to the custodial funds. 88239

The treasurer of state shall pay for the investments 88240
purchased by the board on receipt of written or electronic 88241
instructions from the board or the board's designated agent 88242
authorizing the purchase and pending receipt of the evidence of 88243
title of the investment by the treasurer of state or the treasurer 88244
of state's authorized agent. The board may sell investments held 88245
by the board, and the treasurer of state or the treasurer of 88246
state's authorized agent shall accept payment from the purchaser 88247
and deliver evidence of title of the investment to the purchaser 88248
on receipt of written or electronic instructions from the board or 88249
the board's designated agent authorizing the sale, and pending 88250
receipt of the moneys for the investments. The amount received 88251
shall be placed in the custodial funds. The board and the 88252
treasurer of state may enter into agreements to establish 88253
procedures for the purchase and sale of investments under this 88254
division and the custody of the investments. 88255

(D) All of the board's business shall be transacted, all its funds shall be invested, all warrants for money drawn and payments shall be made, and all of its cash, securities, and other property shall be held, in the name of the board or its nominee, provided that nominees are authorized by board resolution for the purpose of facilitating the ownership and transfer of investments.

(E) No purchase or sale of any investment shall be made under this section except as authorized by the board.

(F) Any statement of financial position distributed by the board shall include the fair value, as of the statement date, of all investments held by the board under this section.

Sec. 5505.0611. (A) As used in this section:

(1) "Minority business enterprise" has the meaning as defined in section 122.71 of the Revised Code.

(2) "Ohio-qualified investment manager" means an investment manager who has been designated as such by the state highway patrol retirement board under division (A) of section 5505.0610 of the Revised Code.

(3) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

(B) The state highway patrol retirement board shall submit annually to the governor, to the general assembly (under section 101.68 of the Revised Code), and to the Ohio retirement study council a report containing the following information:

(1) The name of each Ohio-qualified investment manager that is a minority business enterprise or a women's business enterprise with which the board contracts;

(2) The amount of assets managed by Ohio-qualified investment

managers that are minority business enterprises or women's 88286
business enterprises, expressed as a percentage of assets managed 88287
by Ohio-qualified investment managers with which the board has 88288
contracted; 88289

(3) Efforts by the board to increase utilization of 88290
Ohio-qualified investment managers that are minority business 88291
enterprises or women's business enterprises. 88292

Sec. 5701.11. The effective date to which this section refers 88293
is the effective date of this section as amended by ~~Sub. H.B. 458~~ 88294
1 of the ~~127th~~ 128th general assembly. 88295

(A)(1) Except as provided under division (A)(2) or (B) of 88296
this section, any reference in Title LVII of the Revised Code to 88297
the Internal Revenue Code, to the Internal Revenue Code "as 88298
amended," to other laws of the United States, or to other laws of 88299
the United States, "as amended," means the Internal Revenue Code 88300
or other laws of the United States as they exist on the effective 88301
date. 88302

(2) This section does not apply to any reference in Title 88303
LVII of the Revised Code to the Internal Revenue Code as of a date 88304
certain specifying the day, month, and year, or to other laws of 88305
the United States as of a date certain specifying the day, month, 88306
and year. 88307

(B)(1) For purposes of applying section 5733.04, 5745.01, or 88308
5747.01 of the Revised Code to a taxpayer's taxable year ending 88309
after December ~~21, 2007~~ 30, 2008, and before the effective date, a 88310
taxpayer may irrevocably elect to incorporate the provisions of 88311
the Internal Revenue Code or other laws of the United States that 88312
are in effect for federal income tax purposes for that taxable 88313
year if those provisions differ from the provisions that, under 88314
division (A) of this section, would otherwise apply. The filing by 88315
the taxpayer for that taxable year of a report or return that 88316

incorporates the provisions of the Internal Revenue Code or other 88317
laws of the United States applicable for federal income tax 88318
purposes for that taxable year, and that does not include any 88319
adjustments to reverse the effects of any differences between 88320
those provisions and the provisions that would otherwise apply, 88321
constitutes the making of an irrevocable election under this 88322
division for that taxable year. 88323

(2) Elections under prior versions of division (B)(1) of this 88324
section remain in effect for the taxable years to which they 88325
apply. 88326

Sec. 5703.05. All powers, duties, and functions of the 88327
department of taxation are vested in and shall be performed by the 88328
tax commissioner, which powers, duties, and functions shall 88329
include, but shall not be limited to, the following: 88330

(A) Prescribing all blank forms which the department is 88331
authorized to prescribe, and to provide such forms and distribute 88332
the same as required by law and the rules of the department. The 88333
tax commissioner shall include a mail-in registration form 88334
prescribed in section 3503.14 of the Revised Code within the 88335
return and instructions for the tax levied in odd-numbered years 88336
under section 5747.02 of the Revised Code, beginning with the tax 88337
levied for 1995. The secretary of state shall bear all costs for 88338
the inclusion of the mail-in registration form. That form shall be 88339
addressed for return to the office of the secretary of state. 88340

(B) Exercising the authority provided by law, including 88341
orders from bankruptcy courts, relative to remitting or refunding 88342
taxes or assessments, including penalties and interest thereon, 88343
illegally or erroneously assessed or collected, or for any other 88344
reason overpaid, and in addition, the commissioner may on written 88345
application of any person, firm, or corporation claiming to have 88346
overpaid to the treasurer of state at any time within five years 88347

prior to the making of such application any tax payable under any 88348
law which the department of taxation is required to administer 88349
which does not contain any provision for refund, or on the 88350
commissioner's own motion investigate the facts and make in 88351
triplicate a written statement of the commissioner's findings, 88352
and, if the commissioner finds that there has been an overpayment, 88353
issue in triplicate a certificate of abatement payable to the 88354
taxpayer, the taxpayer's assigns, or legal representative which 88355
shows the amount of the overpayment and the kind of tax overpaid. 88356
One copy of such statement shall be entered on the journal of the 88357
commissioner, one shall be certified to the attorney general, and 88358
one certified copy shall be delivered to the taxpayer. All copies 88359
of the certificate of abatement shall be transmitted to the 88360
attorney general, and if the attorney general finds it to be 88361
correct the attorney general shall so certify on each copy, and 88362
deliver one copy to the taxpayer, one copy to the commissioner, 88363
and the third copy to the treasurer of state. Except as provided 88364
in sections 5725.08 and 5725.16 of the Revised Code the taxpayer's 88365
copy of any certificates of abatement may be tendered by the payee 88366
or transferee thereof to the treasurer of state as payment, to the 88367
extent of the amount thereof, of any tax payable to the treasurer 88368
of state. 88369

(C) Exercising the authority provided by law relative to 88370
consenting to the compromise and settlement of tax claims; 88371

(D) Exercising the authority provided by law relative to the 88372
use of alternative tax bases by taxpayers in the making of 88373
personal property tax returns; 88374

(E) Exercising the authority provided by law relative to 88375
authorizing the prepayment of taxes on retail sales of tangible 88376
personal property or on the storage, use, or consumption of 88377
personal property, and waiving the collection of such taxes from 88378
the consumers; 88379

(F) Exercising the authority provided by law to revoke 88380
licenses; 88381

(G) Maintaining a continuous study of the practical operation 88382
of all taxation and revenue laws of the state, the manner in which 88383
and extent to which such laws provide revenues for the support of 88384
the state and its political subdivisions, the probable effect upon 88385
such revenue of possible changes in existing laws, and the 88386
possible enactment of measures providing for other forms of 88387
taxation. For this purpose the commissioner may establish and 88388
maintain a division of research and statistics, ~~and may appoint~~ 88389
~~necessary employees who shall be in the unclassified civil~~ 88390
~~service; the.~~ The results of such study shall be available to the 88391
members of the general assembly and the public. 88392

(H) Making all tax assessments, valuations, findings, 88393
determinations, computations, and orders the department of 88394
taxation is by law authorized and required to make and, pursuant 88395
to time limitations provided by law, on the commissioner's own 88396
motion, reviewing, redetermining, or correcting any tax 88397
assessments, valuations, findings, determinations, computations, 88398
or orders the commissioner has made, but the commissioner shall 88399
not review, redetermine, or correct any tax assessment, valuation, 88400
finding, determination, computation, or order which the 88401
commissioner has made as to which an appeal or application for 88402
rehearing, review, redetermination, or correction has been filed 88403
with the board of tax appeals, unless such appeal or application 88404
is withdrawn by the appellant or applicant or dismissed; 88405

(I) Appointing not more than five deputy tax commissioners, 88406
who, under such regulations as the rules of the department of 88407
taxation prescribe, may act for the commissioner in the 88408
performance of such duties as the commissioner prescribes in the 88409
administration of the laws which the commissioner is authorized 88410
and required to administer, and who shall serve in the 88411

unclassified civil service at the pleasure of the commissioner, 88412
but if a person who holds a position in the classified service is 88413
appointed, it shall not affect the civil service status of such 88414
person. The commissioner may designate not more than two of the 88415
deputy commissioners to act as commissioner in case of the 88416
absence, disability, or recusal of the commissioner or vacancy in 88417
the office of commissioner. The commissioner may adopt rules 88418
relating to the order of precedence of such designated deputy 88419
commissioners and to their assumption and administration of the 88420
office of commissioner. 88421

(J) Appointing and prescribing the duties of all other 88422
employees of the department of taxation necessary in the 88423
performance of the work of the department which the tax 88424
commissioner is by law authorized and required to perform, and 88425
creating such divisions or sections of employees as, in the 88426
commissioner's judgment, is proper; 88427

(K) Organizing the work of the department, which the 88428
commissioner is by law authorized and required to perform, so 88429
that, in the commissioner's judgment, an efficient and economical 88430
administration of the laws will result; 88431

(L) Maintaining a journal, which is open to public 88432
inspection, in which the tax commissioner shall keep a record of 88433
all final determinations of the commissioner; 88434

(M) Adopting and promulgating, in the manner provided by 88435
section 5703.14 of the Revised Code, all rules of the department, 88436
including rules for the administration of sections 3517.16, 88437
3517.17, and 5747.081 of the Revised Code; 88438

(N) Destroying any or all returns or assessment certificates 88439
in the manner authorized by law; 88440

(O) Adopting rules, in accordance with division (B) of 88441
section 325.31 of the Revised Code, governing the expenditure of 88442

moneys from the real estate assessment fund under that division. 88443

Sec. 5703.37. Whenever (A)(1) Except as provided in division 88444
(B) of this section, whenever service of a notice or order is 88445
required in the manner provided in this section, a ~~certified~~ copy 88446
of the ~~order or~~ notice or order shall be served upon the person 88447
affected thereby either by personal service or by certified mail- 88448
~~Within the time specified in an order of the department of~~ 88449
~~taxation, every person upon whom it is served, if required by the~~ 88450
~~order, shall notify the department, by personal service, certified~~ 88451
~~mail, or a delivery service authorized under section 5703.056 of~~ 88452
~~the Revised Code, whether the terms of the order are accepted and~~ 88453
~~will be obeyed that notifies the tax commissioner of the date of~~ 88454
delivery. 88455

(2) With the permission of the person affected by the notice 88456
or order, the commissioner may enter into a written agreement to 88457
deliver a notice or order by alternative means as provided in this 88458
section, including, but not limited to, delivery by secure 88459
electronic mail. Delivery by such means satisfies the requirements 88460
for delivery under this section. 88461

(B)(1)(a) If certified mail is returned because of an 88462
undeliverable address, the commissioner shall first utilize 88463
reasonable means to ascertain a new last known address, including 88464
the use of a change of address service offered by the United 88465
States postal service. An assessment is deemed final for the 88466
purposes of section 131.02 of the Revised Code sixty days after 88467
the notice or order sent by certified mail is first returned to 88468
the commissioner. If, after using reasonable means, the 88469
commissioner is unable to ascertain a new last known address, the 88470
commissioner shall certify the notice or order, if applicable, to 88471
the attorney general for collection under section 131.02 of the 88472
Revised Code. 88473

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served. 88474
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(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address, the tax commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement: 88483
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"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date." 88488
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Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served. 88493
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If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section. 88498
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(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of 88503
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proving by a preponderance of the evidence that the address to 88505
which the notice or order was sent was not an address with which 88506
the person was associated at the time the commissioner originally 88507
mailed the notice or order by certified mail. For the purposes of 88508
this section, a person is associated with an address if the person 88509
was residing or receiving legal documents at the address, or if a 88510
business was conducted at the address either by the person or the 88511
person's agent, or by any other person affiliated with the 88512
business, if the person owned or controlled at least twenty per 88513
cent of the business' ownership interests having voting rights. 88514

(2) If the person elects to protest an assessment certified 88515
to the attorney general for collection, the person must do so 88516
within sixty days after the attorney general's initial contact 88517
with the person. The attorney general must either enter into a 88518
compromise with the person under sections 131.02 and 5703.06 of 88519
the Revised Code, or send to the tax commissioner the person's 88520
petition for reassessment for action under the procedures 88521
prescribed by this title for petitions for reassessment. 88522

(D) Nothing in this section prohibits the tax commissioner or 88523
the commissioner's designee from delivering a notice or order by 88524
personal service. 88525

(E) Collection actions taken pursuant to section 131.02 of 88526
the Revised Code upon any assessment being challenged under 88527
division (B)(1)(b) of this section shall be stayed upon the 88528
pendency of an appeal under this section, but such a claim remains 88529
certified for subsequent collection by the attorney general for 88530
the purposes of this section and section 131.02 of the Revised 88531
Code. 88532

(F) As used in this section: 88533

(1) "Last known address" means the address the department has 88534
at the time the document is originally sent by certified mail, or 88535

any address the department can ascertain using reasonable means 88536
such as the use of a change of address service offered by the 88537
United States postal service. 88538

(2) "Undeliverable address" means an address to which the 88539
United States postal service is not able to deliver a notice or 88540
order, except when the reason for nondelivery is because the 88541
addressee fails to acknowledge or accept the notice or order. 88542

Sec. 5703.80. There is hereby created in the state treasury 88543
the property tax administration fund. All money to the credit of 88544
the fund shall be used to defray the costs incurred by the 88545
department of taxation in administering the taxation of property 88546
and the equalization of real property valuation. 88547

Each fiscal year between the first and fifteenth days of 88548
July, the tax commissioner shall compute the following amounts for 88549
the property in each taxing district in each county, and certify 88550
to the director of budget and management the sum of those amounts 88551
for all taxing districts in all counties: 88552

(A) For fiscal year ~~2006~~ 2010, ~~thirty-three~~ forty-two 88553
hundredths of one per cent of the total amount by which taxes 88554
charged against real property on the general tax list of real and 88555
public utility property were reduced under section 319.302 of the 88556
Revised Code for the preceding tax year; 88557

(B) For fiscal year ~~2007~~ 2011 and thereafter, ~~thirty-five~~ 88558
forty-eight hundredths of one per cent of the total amount by 88559
which taxes charged against real property on the general tax list 88560
of real and public utility property were reduced under section 88561
319.302 of the Revised Code for the preceding tax year; 88562

(C) For fiscal year ~~2006~~ 2010, ~~one-half~~ eight-tenths of one 88563
per cent of the total amount of taxes charged and payable against 88564
public utility personal property on the general tax list of real 88565

and public utility property for the preceding tax year and of the 88566
total amount of taxes charged and payable against tangible 88567
personal property on the general tax list of personal property of 88568
the preceding tax year and for which returns were filed with the 88569
tax commissioner under section 5711.13 of the Revised Code; 88570

(D) For fiscal year ~~2007~~ 2011 and thereafter, ~~fifty-six~~ 88571
~~hundredths~~ nine hundred fifty-one thousandths of one per cent of 88572
the total amount of taxes charged and payable against public 88573
utility personal property on the general tax list of real and 88574
public utility property for the preceding tax year and of the 88575
total amount of taxes charged and payable against tangible 88576
personal property on the general tax list of personal property of 88577
the preceding tax year and for which returns were filed with the 88578
tax commissioner under section 5711.13 of the Revised Code; 88579

~~(E) For fiscal year 2008, six tenths of one per cent of the 88580
total amount of taxes charged and payable against public utility 88581
personal property on the general tax list of real and public 88582
utility property for the preceding tax year and of the total 88583
amount of taxes charged and payable against tangible personal 88584
property on the general tax list of personal property of the 88585
preceding tax year and for which returns were filed with the tax 88586
commissioner under section 5711.13 of the Revised Code;~~ 88587

~~(F) For fiscal year 2009 and thereafter, seven hundred 88588
twenty five one thousandths of one per cent of the total amount of 88589
taxes charged and payable against public utility personal property 88590
on the general tax list of real and public utility property for 88591
the preceding tax year and of the total amount of taxes charged 88592
and payable against tangible personal property on the general tax 88593
list of personal property of the preceding tax year and for which 88594
returns were filed with the tax commissioner under section 5711.13 88595
of the Revised Code.~~ 88596

After receiving the tax commissioner's certification, the 88597

director of budget and management shall transfer from the general 88598
revenue fund to the property tax administration fund one-fourth of 88599
the amount certified on or before each of the following days: the 88600
first days of August, November, February, and May. 88601

On or before the thirtieth day of June of the fiscal year, 88602
the tax commissioner shall certify to the director of budget and 88603
management the sum of the amounts by which the amounts computed 88604
for a taxing district under this section exceeded the 88605
distributions to the taxing district under division (F) of section 88606
321.24 of the Revised Code, and the director shall transfer that 88607
sum from the property tax administration fund to the general 88608
revenue fund. 88609

Sec. 5705.214. Not more than three elections during any 88610
calendar year shall include the questions by a school district of 88611
tax levies proposed under any one or any combination of the 88612
following sections: sections 5705.194, 5705.199, 5705.21, 88613
5705.212, 5705.213, 5705.217, ~~and~~ 5705.218, and 5705.219 of the 88614
Revised Code. 88615

Sec. 5705.219. (A) As used in this section: 88616

(1) "Eligible school district" means a city, local, or 88617
exempted village school district in which the taxes charged and 88618
payable for current expenses on residential/agricultural real 88619
property in the tax year preceding the year in which the levy 88620
authorized by this section will be submitted for elector approval 88621
or rejection are greater than two per cent of the taxable value of 88622
the residential/agricultural real property. 88623

(2) "Residential/agricultural real property" and 88624
"nonresidential/agricultural real property" means the property 88625
classified as such under section 5713.041 of the Revised Code. 88626

(3) "Effective tax rate" and "taxes charged and payable" have 88627

the same meanings as in division (B) of section 319.301 of the 88628
Revised Code. 88629

(B) On or after January 1, 2010, but before January 1, 2015, 88630
the board of education of an eligible school district, by a vote 88631
of two-thirds of all its members, may adopt a resolution proposing 88632
to convert existing levies imposed for the purpose of current 88633
expenses into a levy raising a specified amount of tax money by 88634
repealing all or a portion of one or more of those existing levies 88635
and imposing a levy in excess of the ten-mill limitation that will 88636
raise a specified amount of money for current expenses of the 88637
district. 88638

The board of education shall certify a copy of the resolution 88639
to the tax commissioner not later than ninety days before the 88640
election upon which the repeal and levy authorized by this section 88641
will be proposed to the electors. Within ten days after receiving 88642
the copy of the resolution, the tax commissioner shall determine 88643
each of the following and certify the determinations to the board 88644
of education: 88645

(1) The dollar amount to be raised by the proposed levy, 88646
which shall be the product of: 88647

(a) The difference between the aggregate effective tax rate 88648
for residential/agricultural real property for the tax year 88649
preceding the year in which the repeal and levy will be proposed 88650
to the electors and twenty mills per dollar of taxable value; 88651

(b) The total taxable value of all property on the tax list 88652
of real and public utility property for the tax year preceding the 88653
year in which the repeal and levy will be proposed to the 88654
electors. 88655

(2) The estimated tax rate of the proposed levy. 88656

(3) The existing levies and any portion of an existing levy 88657
to be repealed upon approval of the question. Levies shall be 88658

repealed in reverse chronological order from most recently imposed 88659
to least recently imposed until the sum of the effective tax rates 88660
repealed for residential/agricultural real property is equal to 88661
the difference calculated in division (B)(1)(a) of this section. 88662

(4) The sum of the following: 88663

(a) The total taxable value of nonresidential/agricultural 88664
real property for the tax year preceding the year in which the 88665
repeal and levy will be proposed to the electors multiplied by the 88666
difference between (i) the aggregate effective tax rate for 88667
nonresidential/agricultural real property for the existing levies 88668
and any portion of an existing levy to be repealed and (ii) the 88669
amount determined under division (B)(1)(a) of this section, but 88670
not less than zero; 88671

(b) The total taxable value of public utility tangible 88672
personal property for the tax year preceding the year in which the 88673
repeal and levy will be proposed to the electors multiplied by the 88674
difference between (i) the aggregate voted tax rate for the 88675
existing levies and any portion of an existing levy to be repealed 88676
and (ii) the amount determined under division (B)(1)(a) of this 88677
section, but not less than zero. 88678

(C) Upon receipt of the certification from the tax 88679
commissioner under division (B) of this section, a majority of the 88680
members of the board of education may adopt a resolution proposing 88681
the repeal of all or a portion of the existing levies identified 88682
in the certification and the imposition of a levy in excess of the 88683
ten-mill limitation that will raise annually the amount certified 88684
by the commissioner. If the board determines that the tax should 88685
be for an amount less than that certified by the commissioner, the 88686
board, before January 1, 2015, may request that the commissioner 88687
redetermine the amounts and existing levies to be repealed under 88688
divisions (B)(2), (3), and (4) of this section on the basis of the 88689
lesser amount the levy is to raise as specified by the board. 88690

Within ten days after receiving a timely request specifying the lesser amount to be raised by the levy, the commissioner shall redetermine those amounts and existing levies and recertify them to the board as otherwise provided in division (B) of this section. The redetermined and recertified amounts shall be the amounts certified by the commissioner for the purposes of this section and section 5705.2110 of the Revised Code. Only one such request may be made by the board of education of an eligible school district.

The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election.

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code. No publication of the resolution is necessary other than that provided for in the notice of election. Section 5705.196 of the Revised Code shall govern the matters concerning the election. The submission of a question to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(D) The form of the ballot to be used at the election provided for in this section shall be as follows:

"Shall the existing levy of . . . (insert the voted millage rate of the levy to be repealed), currently being charged against residential and agricultural property by the . . . (insert the name of school district) at a rate of . . . (insert the

residential/agricultural real property effective tax rate of the 88723
levy being repealed) for the purpose of . . . (insert the purpose 88724
of the existing levy) be repealed, and shall a levy be imposed by 88725
the . . . (insert the name of school district) in excess of the 88726
ten-mill limitation for the necessary requirements of the school 88727
district in the sum of . . . (insert the annual amount the levy is 88728
to produce), estimated by the tax commissioner to require . . . 88729
(insert the number of mills) mills for each one dollar of 88730
valuation, which amounts to . . . (insert the rate expressed in 88731
dollars and cents) for each one hundred dollars of valuation for 88732
the initial year of the tax, for a period of . . . (insert the 88733
number of years the levy is to be imposed, or that it will be 88734
levied for a continuing period of time), commencing in . . . 88735
(insert the first year the tax is to be levied), first due in 88736
calendar year . . . (insert the first calendar year in which the 88737
tax shall be due)? 88738

	<u>FOR THE REPEAL AND TAX</u>
	<u>AGAINST THE REPEAL AND TAX</u> "

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If the question submitted is a proposal to repeal all or a 88743
portion of more than one existing levy, the form of the ballot 88744
shall be modified by substituting the statement "shall the 88745
existing levy of" with "shall existing levies of" and inserting 88746
the aggregate voted and aggregate effective tax rates to be 88747
repealed. 88748

(E) If a majority of the electors voting on the question 88749
submitted in an election vote in favor of the repeal and levy, the 88750
result shall be certified immediately after the canvass by the 88751
board of elections to the board of education. The board of 88752
education may make the levy necessary to raise the amount 88753
specified in the resolution for the purpose stated in the 88754

resolution and shall certify it to the county auditor, who shall 88755
extend it on the current year tax lists for collection. After the 88756
first year, the levy shall be included in the annual tax budget 88757
that is certified to the county budget commission. 88758

(F) A levy imposed under this section for a continuing period 88759
of time may be decreased or repealed pursuant to section 5705.261 88760
of the Revised Code. If a levy imposed under this section is 88761
decreased, the amount calculated under division (B)(4) of this 88762
section and paid under section 5705.2110 of the Revised Code shall 88763
be decreased by the same proportion as the levy is decreased. If 88764
the levy is repealed, no further payments shall be made to the 88765
district under that section. 88766

(G) At any time, the board of education, by a vote of 88767
two-thirds of all of its members, may adopt a resolution to renew 88768
a tax levied under this section. The resolution shall provide for 88769
levying the tax and specifically all of the following: 88770

(1) That the tax shall be called, and designated on the 88771
ballot as, a renewal levy; 88772

(2) The amount of the renewal tax, which shall be no more 88773
than the amount of tax previously collected; 88774

(3) The number of years, not to exceed ten, that the renewal 88775
tax will be levied, or that it will be levied for a continuing 88776
period of time; 88777

(4) That the purpose of the renewal tax is for current 88778
expenses. 88779

(H) The form of the ballot to be used at the election on the 88780
question of renewing a levy under this section shall be as 88781
follows: 88782

"Shall a tax levy renewing an existing levy of . . . (insert 88783
the annual dollar amount the levy is to produce each year), 88784

estimated to require . . . (insert the number of mills) mills for 88785
each one dollar of valuation be imposed by the . . . (insert the 88786
name of school district) for the purpose of current expenses for a 88787
period of . . . (insert the number of years the levy is to be 88788
imposed, or that it will be levied for a continuing period of 88789
time), commencing in . . . (insert the first year the tax is to be 88790
levied), first due in calendar year . . . (insert the first 88791
calendar year in which the tax shall be due)? 88792

	<u>FOR THE RENEWAL OF THE TAX</u>	
	<u>LEVY</u>	
	<u>AGAINST THE RENEWAL OF THE</u>	<u>"</u>
	<u>TAX LEVY</u>	<u>"</u>

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If the levy submitted is to be for less than the amount of 88797
money previously collected, the form of the ballot shall be 88798
modified to add "and reducing" after "renewing" and to add before 88799
"estimated to require" the statement "be approved at a tax rate 88800
necessary to produce . . . (insert the lower annual dollar amount 88801
the levy is to produce each year)." 88802

Sec. 5705.2110. (A) For purposes of this section: 88803

(1) "Carryover property" has the same meaning as in section 88804
319.301 of the Revised Code. 88805

(2) "Residential/agricultural real property" has the same 88806
meaning as in section 5705.219 of the Revised Code. 88807

(B) For each city, local, or exempted village school district 88808
in which the tax authorized by section 5705.219 of the Revised 88809
Code has been approved by electors in the preceding year, the tax 88810
commissioner, not later than the twenty-eighth day of February, 88811
shall certify to the department of education the amount determined 88812

in division (B)(4) of section 5705.219 of the Revised Code. Not 88813
later than the twenty-eighth day of February of each year 88814
thereafter for twelve years, the commissioner shall certify an 88815
amount equal to the difference between the amount certified in the 88816
preceding year under this division and the product of ten mills 88817
per dollar multiplied by the excess, if any, of the value of 88818
carryover property for residential/agricultural real property for 88819
the preceding tax year over the value of carryover property for 88820
residential/agricultural real property in the second preceding tax 88821
year. If the amount to be certified in any year is zero, in the 88822
commissioner's certification the commissioner shall state that no 88823
further certifications shall be forthcoming. 88824

(C) Not later than the last day of April and of October 88825
beginning in the first year in which a certification under 88826
division (B) of this section is received, the department of 88827
education shall pay to the school district for which the 88828
certification is made one-half of the amount most recently 88829
certified by the tax commissioner. 88830

Sec. 5705.29. This section does not apply to a subdivision or 88831
taxing unit for which the county budget commission has waived the 88832
requirement to adopt a tax budget pursuant to section 5705.281 of 88833
the Revised Code. The tax budget shall present the following 88834
information in such detail as is prescribed by the auditor of 88835
state: 88836

(A)(1) A statement of the necessary current operating 88837
expenses for the ensuing fiscal year for each department and 88838
division of the subdivision, classified as to personal services 88839
and other expenses, and the fund from which such expenditures are 88840
to be made. Except in the case of a school district, this estimate 88841
may include a contingent expense not designated for any particular 88842
purpose, and not to exceed three per cent of the total amount of 88843

appropriations for current expenses. In the case of a school 88844
district, this estimate may include a contingent expense not 88845
designated for any particular purpose and not to exceed thirteen 88846
per cent of the total amount of appropriations for current 88847
expenses. 88848

(2) A statement of the expenditures for the ensuing fiscal 88849
year necessary for permanent improvements, exclusive of any 88850
expense to be paid from bond issues, classified as to the 88851
improvements contemplated by the subdivision and the fund from 88852
which such expenditures are to be made; 88853

(3) The amounts required for the payment of final judgments; 88854

(4) A statement of expenditures for the ensuing fiscal year 88855
necessary for any purpose for which a special levy is authorized, 88856
and the fund from which such expenditures are to be made; 88857

(5) Comparative statements, so far as possible, in parallel 88858
columns of corresponding items of expenditures for the current 88859
fiscal year and the two preceding fiscal years. 88860

(B)(1) An estimate of receipts from other sources than the 88861
general property tax during the ensuing fiscal year, which shall 88862
include an estimate of unencumbered balances at the end of the 88863
current fiscal year, and the funds to which such estimated 88864
receipts are credited; 88865

(2) The amount each fund requires from the general property 88866
tax, which shall be the difference between the contemplated 88867
expenditure from the fund and the estimated receipts, as provided 88868
in this section. The section of the Revised Code under which the 88869
tax is authorized shall be set forth. 88870

(3) Comparative statements, so far as possible, in parallel 88871
columns of taxes and other revenues for the current fiscal year 88872
and the two preceding fiscal years. 88873

(C)(1) The amount required for debt charges; 88874

(2) The estimated receipts from sources other than the tax 88875
levy for payment of such debt charges, including the proceeds of 88876
refunding bonds to be issued to refund bonds maturing in the next 88877
succeeding fiscal year; 88878

(3) The net amount for which a tax levy shall be made, 88879
classified as to bonds authorized and issued prior to January 1, 88880
1922, and those authorized and issued subsequent to such date, and 88881
as to what portion of the levy will be within and what in excess 88882
of the ten-mill limitation. 88883

(D) An estimate of amounts from taxes authorized to be levied 88884
in excess of the ten-mill limitation on the tax rate, and the fund 88885
to which such amounts will be credited, together with the sections 88886
of the Revised Code under which each such tax is exempted from all 88887
limitations on the tax rate. 88888

(E)(1) A board of education may include in its budget for the 88889
fiscal year in which a levy proposed under section 5705.194, 88890
5705.199, 5705.21, ~~or~~ 5705.213, or 5705.219, or the original levy 88891
under section 5705.212 of the Revised Code is first extended on 88892
the tax list and duplicate an estimate of expenditures to be known 88893
as a voluntary contingency reserve balance, which shall not be 88894
greater than twenty-five per cent of the total amount of the levy 88895
estimated to be available for appropriation in such year. 88896

(2) A board of education may include in its budget for the 88897
fiscal year following the year in which a levy proposed under 88898
section 5705.194, 5705.199, 5705.21, ~~or~~ 5705.213, or 5705.219, or 88899
the original levy under section 5705.212 of the Revised Code is 88900
first extended on the tax list and duplicate an estimate of 88901
expenditures to be known as a voluntary contingency reserve 88902
balance, which shall not be greater than twenty per cent of the 88903
amount of the levy estimated to be available for appropriation in 88904

such year. 88905

(3) Except as provided in division (E)(4) of this section, 88906
the full amount of any reserve balance the board includes in its 88907
budget shall be retained by the county auditor and county 88908
treasurer out of the first semiannual settlement of taxes until 88909
the beginning of the next succeeding fiscal year, and thereupon, 88910
with the depository interest apportioned thereto, it shall be 88911
turned over to the board of education, to be used for the purposes 88912
of such fiscal year. 88913

(4) A board of education, by a two-thirds vote of all members 88914
of the board, may appropriate any amount withheld as a voluntary 88915
contingency reserve balance during the fiscal year for any lawful 88916
purpose, provided that prior to such appropriation the board of 88917
education has authorized the expenditure of all amounts 88918
appropriated for contingencies under section 5705.40 of the 88919
Revised Code. Upon request by the board of education, the county 88920
auditor shall draw a warrant on the district's account in the 88921
county treasury payable to the district in the amount requested. 88922

(F)(1) A board of education may include a spending reserve in 88923
its budget for fiscal years ending on or before June 30, 2002. The 88924
spending reserve shall consist of an estimate of expenditures not 88925
to exceed the district's spending reserve balance. A district's 88926
spending reserve balance is the amount by which the designated 88927
percentage of the district's estimated personal property taxes to 88928
be settled during the calendar year in which the fiscal year ends 88929
exceeds the estimated amount of personal property taxes to be so 88930
settled and received by the district during that fiscal year. 88931
Moneys from a spending reserve shall be appropriated in accordance 88932
with section 133.301 of the Revised Code. 88933

(2) For the purposes of computing a school district's 88934
spending reserve balance for a fiscal year, the designated 88935
percentage shall be as follows: 88936

Fiscal year ending in:	Designated percentage	
		88937
1998	50%	88938
1999	40%	88939
2000	30%	88940
2001	20%	88941
2002	10%	88942

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of section 5747.51 of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

Sec. 5705.341. Any person required to pay taxes on real, public utility, or tangible personal property in any taxing district or other political subdivision of this state may appeal to the board of tax appeals from the action of the county budget commission of any county which relates to the fixing of uniform rates of taxation and the rate necessary to be levied by each taxing authority within its subdivision or taxing unit and which action has been certified by the county budget commission to the taxing authority of any political subdivision or other taxing district within the county.

Such appeal shall be in writing and shall set forth the tax

rate complained of and the reason that such a tax rate is not 88969
necessary to produce the revenue needed by the taxing district or 88970
political subdivision for the ensuing fiscal year as those needs 88971
are set out in the tax budget of said taxing unit or, if adoption 88972
of a tax budget was waived under section 5705.281 of the Revised 88973
Code, as set out in such other information the district or 88974
subdivision was required to provide under that section, or that 88975
the action of the budget commission appealed from does not 88976
otherwise comply with sections 5705.01 to 5705.47 of the Revised 88977
Code. The notice of appeal shall be filed with the board of tax 88978
appeals, and a true copy thereof shall be filed with the tax 88979
commissioner, the county auditor, and with the fiscal officer of 88980
each taxing district or political subdivision authorized to levy 88981
the tax complained of, and such notice of appeal and copies 88982
thereof must be filed within thirty days after the budget 88983
commission has certified its action as provided by section 5705.34 88984
of the Revised Code. Such notice of appeal and the copies thereof 88985
may be filed either in person or by certified mail. If filed by 88986
certified mail, the date of the United States postmark placed on 88987
the sender's receipt by the postal employee to whom the notice of 88988
appeal is presented shall be treated as the date of filing. 88989

Prior to filing the appeal provided by this section, the 88990
appellant shall deposit with the county auditor of the county or, 88991
in the event the appeal concerns joint taxing districts in two or 88992
more counties, with the county auditor of the county with the 88993
greatest valuation of taxable property the sum of five hundred 88994
dollars to cover the costs of the proceeding. The county auditor 88995
shall forthwith issue a pay-in order and pay such money into the 88996
county treasury to the credit of the general fund. The appellant 88997
shall produce the receipt of the county treasurer for such deposit 88998
and shall file such receipt with the notice of appeal. 88999

The board of tax appeals shall forthwith consider the matter 89000

presented on appeal from the action of the county budget 89001
commission and may modify any action of the commission with 89002
reference to the fixing of tax rates, to the end that no tax rate 89003
shall be levied above that necessary to produce the revenue needed 89004
by the taxing district or political subdivision for the ensuing 89005
fiscal year and to the end that the action of the budget 89006
commission appealed from shall otherwise be in conformity with 89007
sections 5705.01 to 5705.47 of the Revised Code. The findings of 89008
the board of tax appeals shall be substituted for the findings of 89009
the budget commission and shall be ~~certified~~ sent to the county 89010
auditor and the taxing authority of the taxing district or 89011
political subdivision affected as the action of such budget 89012
commission under sections 5705.01 to 5705.47 of the Revised Code 89013
and to the tax commissioner. 89014

The board of tax appeals shall promptly prepare a cost bill 89015
listing the expenses incurred by the board in conducting any 89016
hearing on the appeal and certify the cost bill to the county 89017
auditor of the county receiving the deposit for costs, who shall 89018
forthwith draw a warrant on the general fund of the county in 89019
favor of the person or persons named in the bill of costs 89020
certified by the board of tax appeals. 89021

In the event the appellant prevails, the board of tax appeals 89022
promptly shall direct the county auditor to refund the deposit to 89023
the appellant and the costs shall be taxed to the taxing district 89024
or political subdivision involved in the appeal. The county 89025
auditor shall withhold from any funds then or thereafter in the 89026
auditor's possession belonging to the taxing district or political 89027
subdivision named in the order of the board of tax appeals and 89028
shall reimburse the general fund of the county. 89029

If the appellant fails, the costs shall be deducted from the 89030
deposit provided for in this section and any balance which remains 89031
shall be refunded promptly to the appellant by warrant of the 89032

county auditor drawn on the general fund of the county. 89033

Nothing in this section or any section of the Revised Code 89034
shall permit or require the levying of any rate of taxation, 89035
whether within the ten-mill limitation or whether the levy has 89036
been approved by the electors of the taxing district, the 89037
political subdivision, or the charter of a municipal corporation 89038
in excess of such ten-mill limitation, unless such rate of 89039
taxation for the ensuing fiscal year is clearly required by a 89040
budget of the taxing district or political subdivision properly 89041
and lawfully adopted under this chapter, or by other information 89042
that must be provided under section 5705.281 of the Revised Code 89043
if a tax budget was waived. 89044

In the event more than one appeal is filed involving the same 89045
taxing district or political subdivision, all such appeals may be 89046
consolidated by the board of tax appeals and heard at the same 89047
time. 89048

Nothing herein contained shall be construed to bar or 89049
prohibit the tax commissioner from initiating an investigation or 89050
hearing on the commissioner's own motion. 89051

The tax commissioner shall adopt and issue such orders, 89052
rules, and instructions, not inconsistent with law, as the 89053
commissioner deems necessary, as to the exercise of the powers and 89054
the discharge of the duties of any particular county budget 89055
commission, county auditor, or other officer which relate to the 89056
budget, the assessment of property, or the levy and collection of 89057
taxes. The commissioner shall cause the orders and instructions 89058
issued by the commissioner to be obeyed. 89059

Sec. 5705.37. The taxing authority of any subdivision, or the 89060
board of trustees of any public library, nonprofit corporation, or 89061
library association maintaining a free public library that has 89062
adopted and certified rules under section 5705.28 of the Revised 89063

Code, that is dissatisfied with any action of the county budget 89064
commission may, through its fiscal officer, appeal to the board of 89065
tax appeals within thirty days after the receipt by the 89066
subdivision of the official certificate or notice of the 89067
commission's action. In like manner, but through its clerk, any 89068
park district may appeal to the board of tax appeals. An appeal 89069
under this section shall be taken by the filing of a notice of 89070
appeal, either in person or by certified mail, express mail, or 89071
authorized delivery service as provided in section 5703.056 of the 89072
Revised Code, with the board and with the commission. If notice of 89073
appeal is filed by certified mail, express mail, or authorized 89074
delivery service, date of the United States postmark placed on the 89075
sender's receipt by the postal service or the date of receipt 89076
recorded by the authorized delivery service shall be treated as 89077
the date of filing. Upon receipt of the notice of appeal, the 89078
commission, by certified mail, shall notify all persons who were 89079
parties to the proceeding before the commission of the filing of 89080
the notice of appeal and shall file proof of notice with the board 89081
of tax appeals. The secretary of the commission shall forthwith 89082
certify to the board a transcript of the full and accurate record 89083
of all proceedings before the commission, together with all 89084
evidence presented in the proceedings or considered by the 89085
commission, pertaining to the action from which the appeal is 89086
taken. The secretary of the commission also shall certify to the 89087
board any additional information that the board may request. 89088

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The board of tax appeals, in a de novo proceeding, shall 89090
forthwith consider the matter presented to the commission, and may 89091
modify any action of the commission with reference to the budget, 89092
the estimate of revenues and balances, the allocation of the 89093
public library fund, or the fixing of tax rates. The finding of 89094
the board of tax appeals shall be substituted for the findings of 89095
the commission, and shall be ~~certified~~ sent to the tax 89096

commissioner, the county auditor, and the taxing authority of the 89097
subdivision affected, or to the board of public library trustees 89098
affected, as the action of the commission under sections 5705.01 89099
to 5705.47 of the Revised Code. 89100

This section does not give the board of tax appeals any 89101
authority to place any tax levy authorized by law within the 89102
ten-mill limitation outside of that limitation, or to reduce any 89103
levy below any minimum fixed by law. 89104

Sec. 5705.392. A board of county commissioners may adopt as a 89105
part of its annual appropriation ~~measure~~ resolution a spending 89106
plan, or in the case of an amended appropriation ~~measure~~ 89107
resolution, an amended spending plan, setting forth a quarterly 89108
schedule of expenses and expenditures of ~~all~~ any appropriations 89109
for the fiscal year from ~~the~~ any county ~~general~~ fund. The spending 89110
plan or amended spending plan shall be classified to set forth 89111
separately a quarterly schedule of expenses and expenditures for 89112
~~each~~ any office, department, and division, and, within each, the 89113
amount appropriated for personal services. Each office, 89114
department, and division for which a spending plan or amended 89115
spending plan is adopted shall be limited in its expenses and 89116
expenditures of moneys appropriated from the ~~general~~ applicable 89117
fund during any quarter by the schedule established in the 89118
spending plan or amended spending plan. The schedule established 89119
in the spending plan or amended spending plan shall serve as a 89120
limitation during a quarter on ~~the making of~~ entering into 89121
contracts and giving ~~of~~ orders involving the expenditure of money 89122
during that quarter for purposes of division (D) of section 89123
5705.41 of the Revised Code. 89124

Not less than thirty days before the adoption of the 89125
appropriation or amended appropriation resolution, the board of 89126
county commissioners shall deliver to each office, department, or 89127

division for which it intends to provide a spending plan or 89128
amended spending plan written notice of its intention. The notice 89129
shall be delivered by regular first class mail or by personal 89130
service and shall include a copy of the proposed spending plan or 89131
amended spending plan. The office, department, or division may 89132
meet with the board at any regular session of the board to comment 89133
on the notice, express concerns, or ask questions about the 89134
proposed spending plan or amended spending plan. 89135

Sec. 5711.33. (A)(1) When a county treasurer receives a 89136
certificate from a county auditor pursuant to division (A) of 89137
section 5711.32 of the Revised Code charging the treasurer with 89138
the collection of an amount of taxes due as the result of a 89139
deficiency assessment, the treasurer shall immediately prepare and 89140
mail a tax bill to the taxpayer owing such tax. The tax bill shall 89141
contain the name of the taxpayer; the taxable value, tax rate, and 89142
taxes charged for each year being assessed; the total amount of 89143
taxes due; the final date payment may be made without additional 89144
penalty; and any other information the treasurer considers 89145
pertinent or necessary. Taxes due and payable as a result of a 89146
deficiency assessment, less any amount specifically excepted from 89147
collection under division (B) of section 5711.32 of the Revised 89148
Code, shall be paid with interest thereon as prescribed by section 89149
5719.041 of the Revised Code on or before the sixtieth day 89150
following the date of issuance of the certificate by the county 89151
auditor. The balance of taxes found due and payable after a final 89152
determination by the tax commissioner or a final judgment of the 89153
board of tax appeals or any court to which such final judgment may 89154
be appealed shall be paid with interest thereon as prescribed by 89155
section 5719.041 of the Revised Code on or before the sixtieth day 89156
following the date of certification by the auditor to the 89157
treasurer pursuant to division (C) of section 5711.32 of the 89158
Revised Code of such final determination or judgment. Such final 89159

dates for payment shall be determined and exhibited on the tax bill by the treasurer. 89160
89161

(2) If, on or before the sixtieth day following the date of a certification of a deficiency assessment under division (A) of section 5711.32 of the Revised Code or of a certification of a final determination or judgment under division (C) of section 5711.32 of the Revised Code, the taxpayer pays the full amount of taxes and interest due at the time of the receipt of certification with respect to that assessment, determination, or judgment, no interest shall accrue or be charged with respect to that assessment, determination, or judgment for the period that begins on the first day of the month in which the certification is made and that ends on the last day of the month preceding the month in which such sixtieth day occurs. 89162
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(B) When the taxes charged, as mentioned in division (A) of this section, are not paid within the time prescribed by such division, a penalty of ten per cent of the amount due and unpaid and interest for the period described in division (A)(2) of this section shall accrue at the time the treasurer closes the treasurer's office for business on the last day so prescribed, but if the taxes are paid within ten days subsequent to the last day prescribed, the treasurer shall waive the collection of and the auditor shall remit one-half of the penalty. The treasurer shall not thereafter accept less than the full amount of taxes and penalty except as otherwise authorized by law. Such penalty shall be distributed in the same manner and at the same time as the tax upon which it has accrued. The whole amount collected shall be included in the next succeeding settlement of appropriate taxes. 89174
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(C) When the taxes charged, as mentioned in division (A) of this section, remain unpaid after the final date for payment prescribed by such division, such charges shall be deemed to be delinquent taxes. The county auditor shall cause such charges, 89188
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including the penalty that has accrued pursuant to this section, 89192
to be added to the delinquent tax duplicate in accordance with 89193
section 5719.04 of the Revised Code. 89194

(D) The county auditor, upon consultation with the county 89195
treasurer, shall remit a penalty imposed under division (B) of 89196
this section or division ~~(C)~~(D) of section 5719.03 of the Revised 89197
Code for the late payment of taxes when: 89198

(1) The taxpayer could not make timely payment of the tax 89199
because of the negligence or error of the county auditor or county 89200
treasurer in the performance of a statutory duty relating to the 89201
levy or collection of such tax. 89202

(2) In cases other than those described in division (D)(1) of 89203
this section, the taxpayer failed to receive a tax bill or a 89204
correct tax bill, and the taxpayer made a good faith effort to 89205
obtain such bill within thirty days after the last day for payment 89206
of the tax. 89207

(3) The tax was not timely paid because of the death or 89208
serious injury of the taxpayer, or the taxpayer's confinement in a 89209
hospital within sixty days preceding the last day for payment of 89210
the tax if, in any case, the tax was subsequently paid within 89211
sixty days after the last day for payment of such tax. 89212

(4) The taxpayer demonstrates that the full payment was 89213
properly deposited in the mail in sufficient time for the envelope 89214
to be postmarked by the United States postal service on or before 89215
the last day for payment of such tax. A private meter postmark on 89216
an envelope is not a valid postmark for purposes of establishing 89217
the date of payment of such tax. 89218

(5) In cases other than those described in divisions (D)(1) 89219
to (4) of this section, the taxpayer's failure to make timely 89220
payment of the tax is due to reasonable cause and not willful 89221
neglect. 89222

(E) The taxpayer, upon application within sixty days after 89223
the mailing of the county auditor's decision, may request the tax 89224
commissioner to review the denial of the remission of a penalty by 89225
the county auditor. The application may be filed in person or by 89226
certified mail. If the application is filed by certified mail, the 89227
date of the United States postmark placed on the sender's receipt 89228
by the postal service shall be treated as the date of filing. The 89229
commissioner shall consider the application, determine whether the 89230
penalty should be remitted, and certify the determination to the 89231
taxpayer and to the county treasurer and county auditor, who shall 89232
correct the tax list and duplicate accordingly. The commissioner 89233
may issue orders and instructions for the uniform implementation 89234
of this section by all county auditors and county treasurers, and 89235
such orders and instructions shall be followed by such officers. 89236

Sec. 5715.02. The county treasurer, county auditor, and ~~the~~ 89237
~~president of a member of~~ the board of county commissioners 89238
selected by the board of county commissioners shall constitute the 89239
county board of revision, or they may provide for one or more 89240
hearing boards when they deem the creation of such to be necessary 89241
to the expeditious hearing of valuation complaints. Each such 89242
official may ~~7~~ appoint one qualified employee from ~~his~~ the 89243
official's office to serve in ~~his~~ the official's place and stead 89244
on each such board for the purpose of hearing complaints as to the 89245
value of real property only, each such hearing board has the same 89246
authority to hear and decide complaints and sign the journal as 89247
the board of revision, and shall proceed in the manner provided 89248
for the board of revision by sections 5715.08 to 5715.20~~7~~ 89249
~~inclusive~~, of the Revised Code. Any decision by a hearing board 89250
shall be the decision of the board of revision. 89251

A majority of a county board of revision or hearing board 89252
shall constitute a quorum to hear and determine any complaint, and 89253
any vacancy shall not impair the right of the remaining members of 89254

such board, whether elected officials or appointees, to exercise 89255
all the powers thereof so long as a majority remains. 89256

Each member of a county board of revision or hearing board 89257
may administer oaths. 89258

Sec. 5715.251. The county auditor may appeal to the board of 89259
tax appeals any determination of change in the abstract of real 89260
property of a taxing district in ~~his~~ the auditor's county that is 89261
made by the tax commissioner under section 5715.24 of the Revised 89262
Code. The appeal shall be taken within thirty days after receipt 89263
of the statement by the county auditor of the commissioner's 89264
determination by the filing by the county auditor of a notice of 89265
appeal with the board and the commissioner. Such notice of appeal 89266
shall set forth the determination of the commissioner appealed 89267
from and the errors therein complained of. Proof of the filing of 89268
such notice with the commissioner shall be filed with the board. 89269
The board shall have exclusive jurisdiction of the appeal. 89270

In all such appeals the commissioner shall be made appellee. 89271
Unless waived, notice of the appeal shall be served upon the 89272
commissioner by certified mail. The prosecuting attorney shall 89273
represent the county auditor in such an appeal. 89274

The commissioner, upon written demand filed by the county 89275
auditor, shall within thirty days after the filing of such demand 89276
file with the board a certified transcript of the record of the 89277
commissioner's proceedings pertaining to the determination 89278
complained of and the evidence ~~he~~ the commissioner considered in 89279
making such determination. 89280

If upon hearing and consideration of such record and evidence 89281
the board decides that the determination appealed from is 89282
reasonable and lawful, it shall affirm the same, but if the board 89283
decides that such determination is unreasonable or unlawful, the 89284
board shall reverse and vacate the determination or modify it and 89285

enter final order in accordance with such modification. 89286

The secretary of the board shall ~~certify~~ send the order of 89287
the board to the county auditor and to the commissioner, and they 89288
shall take such action in connection therewith as is required to 89289
give effect to the order of the board. 89290

Sec. 5715.26. (A)(1) Upon receiving the statement required by 89291
section 5715.25 of the Revised Code, the county auditor shall 89292
forthwith add to or deduct from each tract, lot, or parcel of real 89293
property or class of real property the required percentage or 89294
amount of the valuation thereof, adding or deducting any sum less 89295
than five dollars so that the value of any separate tract, lot, or 89296
parcel of real property shall be ten dollars or some multiple 89297
thereof. 89298

(2) ~~When he has made~~ After making the additions or deductions 89299
required by this section, the auditor shall transmit to the tax 89300
commissioner the appropriate adjusted abstract of the real 89301
property of each taxing district in ~~his~~ the auditor's county in 89302
which an adjustment was required. 89303

(3) If the commissioner increases or decreases the aggregate 89304
value of the real property or any class thereof in any county or 89305
taxing district thereof and does not receive within ninety days 89306
thereafter an adjusted abstract conforming to its statement for 89307
such county or taxing district therein, ~~he~~ the commissioner shall 89308
withhold from such county or taxing district therein fifty per 89309
cent of its share in the distribution of state revenues to local 89310
governments pursuant to sections 5747.50 to 5747.55 of the Revised 89311
Code and shall direct the department of education to withhold 89312
therefrom fifty per cent of state revenues to school districts 89313
pursuant to ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. 89314
The commissioner shall withhold the distribution of such funds 89315
until such county auditor has complied with this division, and the 89316

department shall withhold the distribution of such funds until the 89317
commissioner has notified the department that such county auditor 89318
has complied with this division. 89319

(B)(1) If the commissioner's determination is appealed under 89320
section 5715.251 of the Revised Code, the county auditor, 89321
treasurer, and all other officers shall forthwith proceed with the 89322
levy and collection of the current year's taxes in the manner 89323
prescribed by law. The taxes shall be determined and collected as 89324
if the commissioner had determined under section 5715.24 of the 89325
Revised Code that the real property and the various classes 89326
thereof in the county as shown in the auditor's abstract were 89327
assessed for taxation and the true and agricultural use values 89328
were recorded on the agricultural land tax list as required by 89329
law. 89330

(2) If as a result of the appeal to the board it is finally 89331
determined either that all real property and the various classes 89332
thereof have not been assessed as required by law or that the 89333
values set forth in the agricultural land tax list do not 89334
correctly reflect the true and agricultural use values of the 89335
lands contained therein, the county auditor shall forthwith add to 89336
or deduct from each tract, lot, or parcel of real property or 89337
class of real property the required percentage or amount of the 89338
valuation in accordance with the order of the board or judgment of 89339
the court to which the board's order was appealed, and the taxes 89340
on each tract, lot, or parcel and the percentages required by 89341
section 319.301 of the Revised Code shall be recomputed using the 89342
valuation as finally determined. The order or judgment making the 89343
final determination shall prescribe the time and manner for 89344
collecting, crediting, or refunding the resultant increases or 89345
decreases in taxes. 89346

Sec. 5717.03. (A) A decision of the board of tax appeals on 89347

an appeal filed with it pursuant to section 5717.01, 5717.011, or 89348
5717.02 of the Revised Code shall be entered of record on the 89349
journal together with the date when the order is filed with the 89350
secretary for journalization. 89351

(B) In case of an appeal from a decision of a county board of 89352
revision, the board of tax appeals shall determine the taxable 89353
value of the property whose valuation or assessment by the county 89354
board of revision is complained of, or in the event the complaint 89355
and appeal is against a discriminatory valuation, shall determine 89356
a valuation which shall correct such discrimination, and shall 89357
determine the liability of the property for taxation, if that 89358
question is in issue, and the board of tax ~~appeals's~~ appeals' 89359
decision and the date when it was filed with the secretary for 89360
journalization shall be ~~certified~~ sent by the board ~~by certified~~ 89361
~~mail~~ to all persons who were parties to the appeal before the 89362
board, to the person in whose name the property is listed, or 89363
sought to be listed, if such person is not a party to the appeal, 89364
to the county auditor of the county in which the property involved 89365
in the appeal is located, and to the tax commissioner. 89366

In correcting a discriminatory valuation, the board of tax 89367
appeals shall increase or decrease the value of the property whose 89368
valuation or assessment by the county board of revision is 89369
complained of by a per cent or amount which will cause such 89370
property to be listed and valued for taxation by an equal and 89371
uniform rule. 89372

(C) In the case of an appeal from a review, redetermination, 89373
or correction of a tax assessment, valuation, determination, 89374
finding, computation, or order of the tax commissioner, the order 89375
of the board of tax appeals and the date of the entry thereof upon 89376
its journal shall be ~~certified~~ sent by the board ~~by certified mail~~ 89377
to all persons who were parties to the appeal before the board, 89378
the person in whose name the property is listed or sought to be 89379

listed, if the decision determines the valuation or liability of 89380
property for taxation and if such person is not a party to the 89381
appeal, the taxpayer or other person to whom notice of the tax 89382
assessment, valuation, determination, finding, computation, or 89383
order, or correction or redetermination thereof, by the tax 89384
commissioner was by law required to be given, the director of 89385
budget and management, if the revenues affected by such decision 89386
would accrue primarily to the state treasury, and the county 89387
auditors of the counties to the undivided general tax funds of 89388
which the revenues affected by such decision would primarily 89389
accrue. 89390

(D) In the case of an appeal from a municipal board of appeal 89391
created under section 718.11 of the Revised Code, the order of the 89392
board of tax appeals and the date of the entry thereof upon the 89393
board's journal shall be ~~certified~~ sent by the board ~~by certified~~ 89394
~~mail~~ to all persons who were parties to the appeal before the 89395
board. 89396

(E) In the case of all other appeals or applications filed 89397
with and determined by the board, the board's order and the date 89398
when the order was filed by the secretary for journalization shall 89399
be ~~certified~~ sent by the board ~~by certified mail~~ to the person who 89400
is a party to such appeal or application, to such persons as the 89401
law requires, and to such other persons as the board deems proper. 89402

(F) The orders of the board may affirm, reverse, vacate, 89403
modify, or remand the tax assessments, valuations, determinations, 89404
findings, computations, or orders complained of in the appeals 89405
determined by the board, and the board's decision shall become 89406
final and conclusive for the current year unless reversed, 89407
vacated, or modified as provided in section 5717.04 of the Revised 89408
Code. When an order of the board becomes final the tax 89409
commissioner and all officers to whom such decision has been 89410
~~certified~~ sent shall make the changes in their tax lists or other 89411

records which the decision requires. 89412

(G) If the board finds that issues not raised on the appeal 89413
are important to a determination of a controversy, the board may 89414
remand the cause for an administrative determination and the 89415
issuance of a new tax assessment, valuation, determination, 89416
finding, computation, or order, unless the parties stipulate to 89417
the determination of such other issues without remand. An order 89418
remanding the cause is a final order. If the order relates to any 89419
issue other than a municipal income tax matter appealed under 89420
sections 718.11 and 5717.011 of the Revised Code, the order may be 89421
appealed to the court of appeals in Franklin county. If the order 89422
relates to a municipal income tax matter appealed under sections 89423
718.11 and 5717.011 of the Revised Code, the order may be appealed 89424
to the court of appeals for the county in which the municipal 89425
corporation in which the dispute arose is primarily situated. 89426

Sec. 5717.04. The proceeding to obtain a reversal, vacation, 89427
or modification of a decision of the board of tax appeals shall be 89428
by appeal to the supreme court or the court of appeals for the 89429
county in which the property taxed is situate or in which the 89430
taxpayer resides. If the taxpayer is a corporation, then the 89431
proceeding to obtain such reversal, vacation, or modification 89432
shall be by appeal to the supreme court or to the court of appeals 89433
for the county in which the property taxed is situate, or the 89434
county of residence of the agent for service of process, tax 89435
notices, or demands, or the county in which the corporation has 89436
its principal place of business. In all other instances, the 89437
proceeding to obtain such reversal, vacation, or modification 89438
shall be by appeal to the court of appeals for Franklin county. 89439

Appeals from decisions of the board determining appeals from 89440
decisions of county boards of revision may be instituted by any of 89441
the persons who were parties to the appeal before the board of tax 89442

appeals, by the person in whose name the property involved in the appeal is listed or sought to be listed, if such person was not a party to the appeal before the board of tax appeals, or by the county auditor of the county in which the property involved in the appeal is located.

Appeals from decisions of the board of tax appeals determining appeals from final determinations by the tax commissioner of any preliminary, amended, or final tax assessments, reassessments, valuations, determinations, findings, computations, or orders made by the commissioner may be instituted by any of the persons who were parties to the appeal or application before the board, by the person in whose name the property is listed or sought to be listed, if the decision appealed from determines the valuation or liability of property for taxation and if any such person was not a party to the appeal or application before the board, by the taxpayer or any other person to whom the decision of the board appealed from was by law required to be ~~certified~~ sent, by the director of budget and management, if the revenue affected by the decision of the board appealed from would accrue primarily to the state treasury, by the county auditor of the county to the undivided general tax funds of which the revenues affected by the decision of the board appealed from would primarily accrue, or by the tax commissioner.

Appeals from decisions of the board upon all other appeals or applications filed with and determined by the board may be instituted by any of the persons who were parties to such appeal or application before the board, by any persons to whom the decision of the board appealed from was by law required to be ~~certified~~ sent, or by any other person to whom the board ~~certified~~ sent the decision appealed from, as authorized by section 5717.03 of the Revised Code.

Such appeals shall be taken within thirty days after the date

of the entry of the decision of the board on the journal of its 89475
proceedings, as provided by such section, by the filing by 89476
appellant of a notice of appeal with the court to which the appeal 89477
is taken and the board. If a timely notice of appeal is filed by a 89478
party, any other party may file a notice of appeal within ten days 89479
of the date on which the first notice of appeal was filed or 89480
within the time otherwise prescribed in this section, whichever is 89481
later. A notice of appeal shall set forth the decision of the 89482
board appealed from and the errors therein complained of. Proof of 89483
the filing of such notice with the board shall be filed with the 89484
court to which the appeal is being taken. The court in which 89485
notice of appeal is first filed shall have exclusive jurisdiction 89486
of the appeal. 89487

In all such appeals the tax commissioner or all persons to 89488
whom the decision of the board appealed from is required by such 89489
section to be ~~certified~~ sent, other than the appellant, shall be 89490
made appellees. Unless waived, notice of the appeal shall be 89491
served upon all appellees by certified mail. The prosecuting 89492
attorney shall represent the county auditor in any such appeal in 89493
which the auditor is a party. 89494

The board, upon written demand filed by an appellant, shall 89495
within thirty days after the filing of such demand file with the 89496
court to which the appeal is being taken a certified transcript of 89497
the record of the proceedings of the board pertaining to the 89498
decision complained of and the evidence considered by the board in 89499
making such decision. 89500

If upon hearing and consideration of such record and evidence 89501
the court decides that the decision of the board appealed from is 89502
reasonable and lawful it shall affirm the same, but if the court 89503
decides that such decision of the board is unreasonable or 89504
unlawful, the court shall reverse and vacate the decision or 89505
modify it and enter final judgment in accordance with such 89506

modification. 89507

The clerk of the court shall certify the judgment of the 89508
court to the board, which shall certify such judgment to such 89509
public officials or take such other action in connection therewith 89510
as is required to give effect to the decision. The "taxpayer" 89511
includes any person required to return any property for taxation. 89512

Any party to the appeal shall have the right to appeal from 89513
the judgment of the court of appeals on questions of law, as in 89514
other cases. 89515

Sec. 5725.18. (A) An annual franchise tax on the privilege of 89516
being an insurance company is hereby levied on each domestic 89517
insurance company. In the month of May, annually, the treasurer of 89518
state shall charge for collection from each domestic insurance 89519
company a franchise tax in the amount computed in accordance with 89520
the following, as applicable: 89521

(1) With respect to a domestic insurance company that is a 89522
health insuring corporation, one per cent of all premium rate 89523
payments received, exclusive of payments received under the 89524
medicare program established under Title XVIII of the "Social 89525
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 89526
~~or pursuant to the medical assistance program established under~~ 89527
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 89528
report for the preceding calendar year; 89529

(2) With respect to a domestic insurance company that is not 89530
a health insuring corporation, one and four-tenths per cent of the 89531
gross amount of premiums received from policies covering risks 89532
within this state, exclusive of premiums received under the 89533
medicare program established under Title XVIII of the "Social 89534
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 89535
~~or pursuant to the medical assistance program established under~~ 89536
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 89537

statement for the preceding calendar year, and, if the company 89538
operates a health insuring corporation as a line of business, one 89539
per cent of all premium rate payments received from that line of 89540
business, exclusive of payments received under the medicare 89541
program established under Title XVIII of the "Social Security 89542
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or~~ 89543
~~pursuant to the medical assistance program established under~~ 89544
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 89545
statement for the preceding calendar year. 89546

(B) The gross amount of premium rate payments or premiums 89547
used to compute the applicable tax in accordance with division (A) 89548
of this section is subject to the deductions prescribed by section 89549
5729.03 of the Revised Code for foreign insurance companies. The 89550
objects of such tax are those declared in section 5725.24 of the 89551
Revised Code, to which only such tax shall be applied. 89552

(C) In no case shall such tax be less than two hundred fifty 89553
dollars. 89554

Sec. 5725.33. (A) Except as otherwise provided in this 89555
section, terms used in this section have the same meaning as 89556
section 45D of the Internal Revenue Code. 89557

As used in this section: 89558

(1) "Adjusted purchase price" means the amount paid for 89559
qualified equity investments multiplied by the qualified 89560
low-income community investments held by the issuer in this state 89561
as a percentage of the total amount of qualified low-income 89562
community investments held by the issuer in all states on the 89563
credit allowance date during the applicable tax year, subject to 89564
divisions (B)(1) and (2) of this section. 89565

(2) "Applicable percentage" means zero per cent for each of 89566
the first two credit allowance dates, seven per cent for the third 89567

credit allowance date, and eight per cent for the four following 89568
credit allowance dates. 89569

(3) "Credit allowance date" means the date, on or after 89570
January 1, 2010, a qualified equity investment is made and each of 89571
the six anniversary dates thereafter. For qualified equity 89572
investments made after the effective date of this section but 89573
before January 1, 2010, the initial credit allowance date is 89574
January 1, 2010, and each of the six anniversary dates thereafter 89575
is on the first day of January of each year. 89576

(4) "Long-term debt security" means any debt instrument 89577
issued by a qualified community development entity, at par value 89578
or a premium, with an original maturity date at least seven years 89579
after the date of its issuance. The debt instrument shall not 89580
provide for acceleration of repayment, amortization, or prepayment 89581
features prior to its original maturity date, or for distribution, 89582
payment, or interest features related to profitability of the 89583
qualified community development entity or the performance of the 89584
qualified community development entity's investment portfolio, 89585
except for provisions permitting the instrument's holder to 89586
accelerate payments on the instrument if the issuer defaults on 89587
covenants designed to ensure compliance with this section or 89588
section 45D of the Internal Revenue Code. 89589

(5) "Qualified active low-income community business" excludes 89590
any business that derives or projects to derive fifteen per cent 89591
or more of annual revenue from the rental or sale of real 89592
property. 89593

(6) "Qualified community development entity" includes only 89594
entities that have entered into an allocation agreement with the 89595
community development financial institutions fund of the United 89596
States department of the treasury with respect to credits 89597
authorized by section 45D of the Internal Revenue Code and whose 89598
service area includes this state. 89599

(7) "Qualified equity investment" is limited to an equity investment in, or long-term debt security issued by, a qualified community development entity that: 89600
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(a) Is acquired after the effective date of the enactment of this section at its original issuance solely in exchange for cash; 89603
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(b) Has at least eighty-five per cent of its cash purchase price used by the issuer to make qualified low-income community investments; and 89606
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(c) Is designated by the issuer as a qualified equity investment. 89609
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"Qualified equity investment" includes any equity investment that would, but for division (A)(7)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder. 89611
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(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section: 89616
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(1) For the purpose of calculating the amount of qualified low-income community investments held by an issuer, an investment shall be considered held by an issuer even if the investment has been sold or repaid, provided that the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within twelve months of the receipt of such capital, unless the investment is 89623
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sold or repaid after the sixth anniversary of the issuance of the 89631
qualified equity investment. If the qualified low-income community 89632
investment is sold or repaid after the sixth anniversary of the 89633
issuance of the qualified equity investment, the qualified 89634
low-income community investment shall be considered held by the 89635
issuer through the seventh anniversary of the qualified equity 89636
investment's issuance. 89637

(2) The qualified low-income community investment held in 89638
this state shall equal the sum of the qualified low-income 89639
community investments in each qualified active low-income 89640
community business, not to exceed one million dollars, in which 89641
the qualified community development entity invests, including such 89642
investments in any such businesses related directly or indirectly 89643
to that qualified active low-income community business through 89644
majority ownership or control. 89645

The credit shall be claimed in the order prescribed by 89646
section 5725.98 of the Revised Code. If the amount of the credit 89647
exceeds the amount of tax otherwise due after deducting all other 89648
credits in that order, the excess may be carried forward and 89649
applied to the tax due for not more than four ensuing years. 89650

By claiming a tax credit under this section, an insurance 89651
company waives its rights under section 5725.222 of the Revised 89652
Code with respect to the time limitation for the assessment of 89653
taxes as it relates to credits claimed that later become subject 89654
to recapture under division (E) of this section. 89655

(C) The amount of qualified equity investments on the basis 89656
of which credits may be claimed under this section and sections 89657
5729.16 and 5733.58 of the Revised Code shall not exceed the 89658
amount, estimated by the director of development, that would cause 89659
the total amount of credits allowed each fiscal year to exceed ten 89660
million dollars, computed without regard to the potential for 89661
taxpayers to carry tax credits forward to later years. 89662

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(D) The issuer of a qualified equity investment shall certify to the director of development the anticipated dollar amount of qualified low-income community investments to be made during the first twelve-month period following the initial credit allowance date. On the second credit allowance date, the director shall increase or decrease the credits allowed for such investments as necessary to account for differences between the actual dollar amount of such investments and the anticipated amount certified by the issuer.

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(E) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the issuer of a qualified equity investment for which a credit was claimed under this section redeems or repays principal of the investment before the seventh anniversary of its issuance, all or a portion of the credit received on account of that investment shall be paid by the insurance company that received the credit to the superintendent of insurance. The amount to be recovered shall be determined by the director of development pursuant to rules adopted under division (F) of this section. The director shall certify any amount due under this division to the superintendent of insurance, and the superintendent shall notify the treasurer of state of the amount due. Upon notification, the treasurer shall invoice the insurance company for the amount due. The amount due is payable not later than thirty days after the date the treasurer invoices the insurance company. The amount due shall be considered to be tax due under section 5725.18 of the Revised Code, and may be collected by assessment without regard to the time limitations imposed under section 5725.222 of the Revised Code for the assessment of taxes by the superintendent. All amounts collected

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under this division shall be credited as revenue from the tax levied under section 5725.18 of the Revised Code. 89695
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(F) The director of development, pursuant to Chapter 119. of the Revised Code, shall adopt rules for the administration of this section and sections 5729.16 and 5733.58 of the Revised Code. The rules shall provide for determining the recovery of credits under division (E) of this section, division (E) of section 5729.16, and section 5733.58 of the Revised Code, including prorating the amount of the credit to be recovered on any reasonable basis, and the manner in which credits may be allocated among claimants. The manner of allocating credits among claimants shall provide that credits shall be granted in the order in which claimants certify their anticipated qualified equity investments under division (D) of this section, division (D) of section 5729.16, and section 5733.58 of the Revised Code. 89697
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Sec. 5725.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 89710
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(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code. 89715
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(2) The credit for eligible employee training costs under section 5725.31 of the Revised Code. 89717
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(3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code; 89719
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(4) The job retention credit under section 122.171 of the Revised Code; 89721
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(5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the 89723
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Revised Code. 89725

~~(4)~~(6) The refundable credit for Ohio job creation under 89726
section 5725.32 of the Revised Code. 89727

~~(5)~~(7) The refundable credit under section ~~5729.08~~ 5725.19 of 89728
the Revised Code for losses on loans made under the Ohio venture 89729
capital program under sections 150.01 to 150.10 of the Revised 89730
Code. 89731

(B) For any credit except the credits enumerated in divisions 89732
(A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for 89733
a taxable year shall not exceed the tax due after allowing for any 89734
other credit that precedes it in the order required under this 89735
section. Any excess amount of a particular credit may be carried 89736
forward if authorized under the section creating that credit. 89737
Nothing in this chapter shall be construed to allow a taxpayer to 89738
claim, directly or indirectly, a credit more than once for a 89739
taxable year. 89740

Sec. 5727.84. (A) As used in this section and sections 89741
5727.85, 5727.86, and 5727.87 of the Revised Code: 89742

(1) "School district" means a city, local, or exempted 89743
village school district. 89744

(2) "Joint vocational school district" means a joint 89745
vocational school district created under section 3311.16 of the 89746
Revised Code, and includes a cooperative education school district 89747
created under section 3311.52 or 3311.521 of the Revised Code and 89748
a county school financing district created under section 3311.50 89749
of the Revised Code. 89750

(3) "Local taxing unit" means a subdivision or taxing unit, 89751
as defined in section 5705.01 of the Revised Code, a park district 89752
created under Chapter 1545. of the Revised Code, or a township 89753
park district established under section 511.23 of the Revised 89754

Code, but excludes school districts and joint vocational school districts. 89755
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(4) "State education aid," for a school district, means the following: 89757
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(a) For fiscal years prior to fiscal year 2010, the sum of 89759
state aid amounts computed for the district under divisions (A), 89760
(C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions 89761
(B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) 89762
of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 89763
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and 89764
the adjustments required by: division (C) of section 3310.08; 89765
division (C)(2) of section 3310.41; division (C) of section 89766
3314.08, as that section existed for that fiscal year; division 89767
(D)(2) of section 3314.091; division (D) of former section 89768
3314.13; divisions (E), (K), (L), (M), and (N) of section 89769
3317.023; division (C) of section 3317.20; and sections 3313.979 89770
and 3313.981 of the Revised Code. However, when calculating state 89771
education aid for a school district for fiscal years 2008 and 89772
2009, include the amount computed for the district under Section 89773
269.20.80 of H.B. 119 of the 127th general assembly, as 89774
subsequently amended, instead of division (D) of section 3317.022 89775
of the Revised Code; and include amounts calculated under Section 89776
269.30.80 of ~~this act~~ H.B. 119 of the 127th General Assembly, as 89777
subsequently amended; ~~and account for adjustments under division~~ 89778
~~(C)(2) of section 3310.41 of the Revised Code.~~ 89779

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(b) For fiscal year 2010 and for each fiscal year thereafter, 89781
the sum of the amounts computed for the district under sections 89782
3306.052, 3306.12, 3306.13, and 3306.19; division (G) of section 89783
3317.024; sections 3317.05, 3317.052, and 3317.053 of the Revised 89784
Code; and the adjustments required by division (C)(2) of section 89785
3310.41; division (D)(2) of section 3314.091; divisions (E), (K), 89786

(L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and section 3313.979 of the Revised Code. 89787
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(5) "State education aid," for a joint vocational school district, means the following: 89789
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(a) For fiscal years prior to fiscal year 2010, the sum of 89791
the state aid amounts computed for the district under division (N) 89792
of section 3317.024 and section 3317.16 of the Revised Code. 89793
However, when calculating state education aid for a joint 89794
vocational school district for fiscal years 2008 and 2009, include 89795
the amount computed for the district under Section 269.30.90 of 89796
H.B. 119 of the 127th general assembly, as subsequently amended. 89797
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(b) For fiscal years 2010 and 2011, the amount computed for the district in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS". 89799
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(6) "State education aid offset" means the amount determined 89802
for each school district or joint vocational school district under 89803
division (A)(1) of section 5727.85 of the Revised Code. 89804

(7) "Recognized valuation" has the same meaning as in section 89805
3317.02 of the Revised Code. 89806

(8) "Electric company tax value loss" means the amount 89807
determined under division (D) of this section. 89808

(9) "Natural gas company tax value loss" means the amount 89809
determined under division (E) of this section. 89810

(10) "Tax value loss" means the sum of the electric company 89811
tax value loss and the natural gas company tax value loss. 89812

(11) "Fixed-rate levy" means any tax levied on property other 89813
than a fixed-sum levy. 89814

(12) "Fixed-rate levy loss" means the amount determined under 89815
division (G) of this section. 89816

(13) "Fixed-sum levy" means a tax levied on property at 89817
whatever rate is required to produce a specified amount of tax 89818
money or levied in excess of the ten-mill limitation to pay debt 89819
charges, and includes school district emergency levies imposed 89820
pursuant to section 5705.194 of the Revised Code. 89821

(14) "Fixed-sum levy loss" means the amount determined under 89822
division (H) of this section. 89823

(15) "Consumer price index" means the consumer price index 89824
(all items, all urban consumers) prepared by the bureau of labor 89825
statistics of the United States department of labor. 89826

(B) The kilowatt-hour tax receipts fund is hereby created in 89827
the state treasury and shall consist of money arising from the tax 89828
imposed by section 5727.81 of the Revised Code. All money in the 89829
kilowatt-hour tax receipts fund shall be credited as follows: 89830

(1) Sixty-three per cent shall be credited to the general 89831
revenue fund. 89832

(2) Twenty-five and four-tenths per cent shall be credited to 89833
the school district property tax replacement fund, which is hereby 89834
created in the state treasury for the purpose of making the 89835
payments described in section 5727.85 of the Revised Code. 89836

(3) Eleven and six-tenths per cent shall be credited to the 89837
local government property tax replacement fund, which is hereby 89838
created in the state treasury for the purpose of making the 89839
payments described in section 5727.86 of the Revised Code. 89840

(C) The natural gas tax receipts fund is hereby created in 89841
the state treasury and shall consist of money arising from the tax 89842
imposed by section 5727.811 of the Revised Code. All money in the 89843
fund shall be credited as follows: 89844

(1) Sixty-eight and seven-tenths per cent shall be credited 89845
to the school district property tax replacement fund for the 89846

purpose of making the payments described in section 5727.85 of the Revised Code. 89847
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(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code. 89849
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(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section: 89853
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(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 89857
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(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 89860
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(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 89865
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(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section. 89870
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(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments; 89873
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(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

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

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

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001.

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

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2005 on a preliminary assessment, or an amended preliminary assessment if

issued prior to March 1, 2006, and as apportioned to the taxing district for tax year 2005; 89909
89910

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2006 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2007, and as apportioned to the taxing district for tax year 2006. 89911
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(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section: 89916
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(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section. 89920
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89922

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999; 89923
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(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 89929
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(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section. 89934
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89936

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary 89937
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assessment if issued prior to March 1, 2001, and as apportioned in 89940
the taxing district for those respective years; 89941

(b) The three-year average assessed value from current gas 89942
under division (E)(2)(a) of this section for tax years 1997, 1998, 89943
and 1999, as reflected in the preliminary assessment, using an 89944
assessment rate of twenty-five per cent. 89945

(F) The tax commissioner may request that natural gas 89946
companies, electric companies, and rural electric companies file a 89947
report to help determine the tax value loss under divisions (D) 89948
and (E) of this section. The report shall be filed within thirty 89949
days of the commissioner's request. A company that fails to file 89950
the report or does not timely file the report is subject to the 89951
penalty in section 5727.60 of the Revised Code. 89952

(G) Not later than January 1, 2002, the tax commissioner 89953
shall determine for each school district, joint vocational school 89954
district, and local taxing unit its fixed-rate levy loss, which is 89955
the sum of its electric company tax value loss multiplied by the 89956
tax rate in effect in tax year 1998 for fixed-rate levies and its 89957
natural gas company tax value loss multiplied by the tax rate in 89958
effect in tax year 1999 for fixed-rate levies. 89959

(H) Not later than January 1, 2002, the tax commissioner 89960
shall determine for each school district, joint vocational school 89961
district, and local taxing unit its fixed-sum levy loss, which is 89962
the amount obtained by subtracting the amount described in 89963
division (H)(2) of this section from the amount described in 89964
division (H)(1) of this section: 89965

(1) The sum of the electric company tax value loss multiplied 89966
by the tax rate in effect in tax year 1998, and the natural gas 89967
company tax value loss multiplied by the tax rate in effect in tax 89968
year 1999, for fixed-sum levies for all taxing districts within 89969
each school district, joint vocational school district, and local 89970

taxing unit. For the years 2002 through 2006, this computation shall include school district emergency levies that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, and all other fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss and continue to be charged in the tax year preceding the distribution year. For the years 2007 through 2016 in the case of school district emergency levies, and for all years after 2006 in the case of all other fixed-sum levies, this computation shall exclude all fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss, but are no longer in effect in the tax year preceding the distribution year. For the purposes of this section, an emergency levy that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, continues to exist in a year beginning on or after January 1, 2007, but before January 1, 2017, if, in that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 1998 or 1999, respectively, less the amount of the payment certified under this division for 2002.

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

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86

of the Revised Code, and the one-fourth of one mill that is 90003
subtracted under division (H)(2) of this section shall be 90004
apportioned among all contributing fixed-sum levies in the 90005
proportion of each levy to the sum of all fixed-sum levies within 90006
each school district, joint vocational school district, or local 90007
taxing unit. 90008

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 90009
section, in computing the tax value loss, fixed-rate levy loss, 90010
and fixed-sum levy loss, the tax commissioner shall use the 90011
greater of the 1998 tax rate or the 1999 tax rate in the case of 90012
levy losses associated with the electric company tax value loss, 90013
but the 1999 tax rate shall not include for this purpose any tax 90014
levy approved by the voters after June 30, 1999, and the tax 90015
commissioner shall use the greater of the 1999 or the 2000 tax 90016
rate in the case of levy losses associated with the natural gas 90017
company tax value loss. 90018

(J) Not later than January 1, 2002, the tax commissioner 90019
shall certify to the department of education the tax value loss 90020
determined under divisions (D) and (E) of this section for each 90021
taxing district, the fixed-rate levy loss calculated under 90022
division (G) of this section, and the fixed-sum levy loss 90023
calculated under division (H) of this section. The calculations 90024
under divisions (G) and (H) of this section shall separately 90025
display the levy loss for each levy eligible for reimbursement. 90026

(K) Not later than September 1, 2001, the tax commissioner 90027
shall certify the amount of the fixed-sum levy loss to the county 90028
auditor of each county in which a school district with a fixed-sum 90029
levy loss has territory. 90030

Sec. 5728.12. Any non-resident of this state who accepts the 90031
privilege extended by the laws of this state to non-residents of 90032
operating a commercial car or commercial tractor, which is subject 90033

to the tax levied in section 5728.06 of the Revised Code, or of 90034
having the same operated within this state, and any resident of 90035
this state who operates a commercial car or commercial tractor, 90036
which is subject to the tax levied in section 5728.06 of the 90037
Revised Code, or has the same operated within this state and 90038
subsequently becomes a non-resident or conceals ~~his~~ the person's 90039
whereabouts, makes the secretary of state of the state of Ohio ~~his~~ 90040
the person's agent for the service of process or notice in any 90041
assessment, action or proceeding instituted in this state against 90042
such person out of the failure to pay the taxes imposed ~~upon him~~ 90043
by the provisions of section 5728.06 of the Revised Code. 90044

Such process or notice shall be served, ~~by the officer to~~ 90045
~~whom the same is directed or by the tax commissioner, or by the~~ 90046
~~sheriff of Franklin county, who may be deputized for such purpose~~ 90047
~~by the officer to whom the service is directed, upon the secretary~~ 90048
~~of state by leaving at the office of the secretary of state, at~~ 90049
~~least fifteen days before the return day of such process or~~ 90050
~~notice, a true and attested copy thereof, and by sending to the~~ 90051
~~defendant by registered or certified mail, postage prepaid, a like~~ 90052
~~and true attested copy, with an endorsement thereon of the service~~ 90053
~~upon said secretary of state, addressed to such defendant at his~~ 90054
~~last known address. The registered or certified mail return~~ 90055
~~receipt of such defendant shall be attached to and made a part of~~ 90056
~~the return of such service of process as provided under section~~ 90057
~~5703.37 of the Revised Code.~~ 90058

Sec. 5729.03. (A) If the superintendent of insurance finds 90059
the annual statement required by section 5729.02 of the Revised 90060
Code to be correct, the superintendent shall compute the following 90061
amount, as applicable, of the balance of such gross amount, after 90062
deducting such return premiums and considerations received for 90063
reinsurance, and charge such amount to such company as a tax upon 90064
the business done by it in this state for the period covered by 90065

such annual statement: 90066

(1) If the company is a health insuring corporation, one per 90067
cent of the balance of premium rate payments received, exclusive 90068
of payments received under the medicare program established under 90069
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 90070
U.S.C.A. 301, as amended, ~~or pursuant to the medical assistance~~ 90071
~~program established under Chapter 5111. of the Revised Code,~~ as 90072
reflected in its annual report; 90073

(2) If the company is not a health insuring corporation, one 90074
and four-tenths per cent of the balance of premiums received, 90075
exclusive of premiums received under the medicare program 90076
established under Title XVIII of the "Social Security Act," 49 90077
Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or pursuant to the~~ 90078
~~medical assistance program established under Chapter 5111. of the~~ 90079
~~Revised Code,~~ as reflected in its annual statement, and, if the 90080
company operates a health insuring corporation as a line of 90081
business, one per cent of the balance of premium rate payments 90082
received from that line of business, exclusive of payments 90083
received under the medicare program established under Title XVIII 90084
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 90085
301, as amended, ~~or pursuant to the medical assistance program~~ 90086
~~established under Chapter 5111. of the Revised Code,~~ as reflected 90087
in its annual statement. 90088

(B) Any insurance policies that were not issued in violation 90089
of Title XXXIX of the Revised Code and that were issued prior to 90090
April 15, 1967, by a life insurance company organized and operated 90091
without profit to any private shareholder or individual, 90092
exclusively for the purpose of aiding educational or scientific 90093
institutions organized and operated without profit to any private 90094
shareholder or individual, are not subject to the tax imposed by 90095
this section. All taxes collected pursuant to this section shall 90096
be credited to the general revenue fund. 90097

(C) In no case shall the tax imposed under this section be 90098
less than two hundred fifty dollars. 90099

Sec. 5729.16. (A) Terms used in this section have the same 90100
meaning as in section 5725.33 of the Revised Code. 90101

(B) There is hereby allowed a nonrefundable credit against 90102
the tax imposed by section 5729.03 of the Revised Code for a 90103
foreign insurance company holding a qualified equity investment on 90104
the credit allowance date occurring in the calendar year for which 90105
the tax is due. The credit shall be computed in the same manner 90106
prescribed for the computation of credits allowed under section 90107
5725.33 of the Revised Code. 90108

The credit shall be claimed in the order prescribed by 90109
section 5729.98 of the Revised Code. If the amount of the credit 90110
exceeds the amount of tax otherwise due after deducting all other 90111
credits in that order, the excess may be carried forward and 90112
applied to the tax due for not more than four ensuing years. 90113

By claiming a tax credit under this section, an insurance 90114
company waives its rights under section 5729.102 of the Revised 90115
Code with respect to the time limitation for the assessment of 90116
taxes as it relates to credits claimed that later become subject 90117
to recapture under division (E) of this section. 90118

(C) The total amount of qualified equity investments on the 90119
basis of which credits may be claimed under this section, section 90120
5725.33, and section 5733.58 of the Revised Code is subject to the 90121
limitation of division (C) of section 5725.33 of the Revised Code. 90122
90123

(D) The issuer of a qualified equity investment shall certify 90124
to the director of development the anticipated dollar amount of 90125
qualified low-income community investments to be made during the 90126
first twelve-month period following the initial credit allowance 90127

date. On the second credit allowance date, the director shall 90128
increase or decrease the credits allowed for such investments as 90129
necessary to account for differences between the actual dollar 90130
amount of such investments and the anticipated amount certified by 90131
the issuer. 90132

(E) If any amount of the federal tax credit allowed for a 90133
qualified equity investment for which a credit was received under 90134
this section is recaptured under section 45D of the Internal 90135
Revenue Code, or if the issuer of a qualified equity investment 90136
for which a credit was claimed under this section redeems or 90137
repays principal of the investment before the seventh anniversary 90138
of its issuance, all or a portion of the credit received on 90139
account of that investment shall be paid by the insurance company 90140
that received the credit to the superintendent of insurance. The 90141
amount to be recovered shall be determined by the director of 90142
development pursuant to rules adopted under section 5725.33 of the 90143
Revised Code. The director shall certify any amount due under this 90144
division to the superintendent of insurance, and the 90145
superintendent shall notify the treasurer of state of the amount 90146
due. Upon notification, the treasurer shall invoice the insurance 90147
company for the amount due. The amount due is payable not later 90148
than thirty days after the date the treasurer invoices the 90149
insurance company. The amount due shall be considered to be tax 90150
due under section 5729.03 of the Revised Code, and may be 90151
collected by assessment without regard to the time limitations 90152
imposed under section 5729.102 of the Revised Code for the 90153
assessment of taxes by the superintendent. All amounts collected 90154
under this division shall be credited as revenue from the tax 90155
levied under section 5729.03 of the Revised Code. 90156

Sec. 5729.98. (A) To provide a uniform procedure for 90157
calculating the amount of tax due under this chapter, a taxpayer 90158
shall claim any credits and offsets against tax liability to which 90159

it is entitled in the following order: 90160

(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code. 90161
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(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code. 90163
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(3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code; 90165
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(4) The job retention credit under section 122.171 of the Revised Code. 90167
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(5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code. 90169
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~~(4)~~(6) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code. 90172
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~~(5)~~(7) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 90174
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(B) For any credit except the credits enumerated in divisions (A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. 90178
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Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 90184
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Sec. 5733.01. (A) The tax provided by this chapter for domestic corporations shall be the amount charged against each corporation organized for profit under the laws of this state and 90187
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each nonprofit corporation organized pursuant to Chapter 1729. of 90190
the Revised Code, except as provided in sections 5733.09 and 90191
5733.10 of the Revised Code, for the privilege of exercising its 90192
franchise during the calendar year in which that amount is 90193
payable, and the tax provided by this chapter for foreign 90194
corporations shall be the amount charged against each corporation 90195
organized for profit and each nonprofit corporation organized or 90196
operating in the same or similar manner as nonprofit corporations 90197
organized under Chapter 1729. of the Revised Code, under the laws 90198
of any state or country other than this state, except as provided 90199
in sections 5733.09 and 5733.10 of the Revised Code, for the 90200
privilege of doing business in this state, owning or using a part 90201
or all of its capital or property in this state, holding a 90202
certificate of compliance with the laws of this state authorizing 90203
it to do business in this state, or otherwise having nexus in or 90204
with this state under the Constitution of the United States, 90205
during the calendar year in which that amount is payable. 90206

(B) A corporation is subject to the tax imposed by section 90207
5733.06 of the Revised Code for each calendar year that it is so 90208
organized, doing business, owning or using a part or all of its 90209
capital or property, holding a certificate of compliance, or 90210
otherwise having nexus in or with this state under the 90211
Constitution of the United States, on the first day of January of 90212
that calendar year. 90213

(C) Any corporation subject to this chapter that is not 90214
subject to the federal income tax shall file its returns and 90215
compute its tax liability as required by this chapter in the same 90216
manner as if that corporation were subject to the federal income 90217
tax. 90218

(D) For purposes of this chapter, a federally chartered 90219
financial institution shall be deemed to be organized under the 90220
laws of the state within which its principal office is located. 90221

(E) For purposes of this chapter, any person, as defined in section 5701.01 of the Revised Code, shall be treated as a corporation if the person is classified for federal income tax purposes as an association taxable as a corporation, and an equity interest in the person shall be treated as capital stock of the person.

(F) For the purposes of this chapter, "disregarded entity" has the same meaning as in division (D) of section 5745.01 of the Revised Code.

(1) A person's interest in a disregarded entity, whether held directly or indirectly, shall be treated as the person's ownership of the assets and liabilities of the disregarded entity, and the income, including gain or loss, shall be included in the person's net income under this chapter.

(2) Any sale, exchange, or other disposition of the person's interest in the disregarded entity, whether held directly or indirectly, shall be treated as a sale, exchange, or other disposition of the person's share of the disregarded entity's underlying assets or liabilities, and the gain or loss from such sale, exchange, or disposition shall be included in the person's net income under this chapter.

(3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors.

(G) The tax a corporation is required to pay under this chapter shall be as follows:

(1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(b) A corporation satisfying the description in division 90253
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 90254
Code that is not a financial institution, insurance company, or 90255
dealer in intangibles is subject to the taxes imposed under this 90256
chapter as a corporation and not subject to tax as a financial 90257
institution, and shall pay the greater of the minimum payment 90258
required under division (E) of section 5733.06 of the Revised Code 90259
or the difference between all the taxes charged under this 90260
chapter, without regard to division (G)(2) of this section, less 90261
any credits allowable against such tax. 90262

(2) For all corporations other than those persons described 90263
in division (G)(1)(a) or (b) of this section, the amount under 90264
division (G)(2)(a) of this section applicable to the tax year 90265
specified less the amount under division (G)(2)(b) of this 90266
section: 90267

(a)(i) For tax year 2005, the greater of the minimum payment 90268
required under division (E) of section 5733.06 of the Revised Code 90269
or the difference between all taxes charged the corporation under 90270
this chapter and any credits allowable against such tax; 90271

(ii) For tax year 2006, the greater of the minimum payment 90272
required under division (E) of section 5733.06 of the Revised Code 90273
or four-fifths of the difference between all taxes charged the 90274
corporation under this chapter and any credits allowable against 90275
such tax, except the qualifying pass-through entity tax credit 90276
described in division (A)~~(29)~~(30) and the refundable credits 90277
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 90278
of the Revised Code; 90279

(iii) For tax year 2007, the greater of the minimum payment 90280
required under division (E) of section 5733.06 of the Revised Code 90281
or three-fifths of the difference between all taxes charged the 90282
corporation under this chapter and any credits allowable against 90283
such tax, except the qualifying pass-through entity tax credit 90284

described in division (A)~~(29)~~(30) and the refundable credits 90285
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 90286
of the Revised Code; 90287

(iv) For tax year 2008, the greater of the minimum payment 90288
required under division (E) of section 5733.06 of the Revised Code 90289
or two-fifths of the difference between all taxes charged the 90290
corporation under this chapter and any credits allowable against 90291
such tax, except the qualifying pass-through entity tax credit 90292
described in division (A)~~(29)~~(30) and the refundable credits 90293
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 90294
of the Revised Code; 90295

(v) For tax year 2009, the greater of the minimum payment 90296
required under division (E) of section 5733.06 of the Revised Code 90297
or one-fifth of the difference between all taxes charged the 90298
corporation under this chapter and any credits allowable against 90299
such tax, except the qualifying pass-through entity tax credit 90300
described in division (A)~~(29)~~(30) and the refundable credits 90301
described in divisions (A)~~(30)~~, (31), (32), ~~and~~ (33), ~~and~~ (34) of 90302
section 5733.98 of the Revised Code; 90303

(vi) For tax year 2010 and each tax year thereafter, no tax. 90304

(b) A corporation shall subtract from the amount calculated 90305
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 90306
any qualifying pass-through entity tax credit described in 90307
division (A)~~(29)~~(30) and any refundable credits described in 90308
divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the 90309
Revised Code to which the corporation is entitled. Any unused 90310
qualifying pass-through entity tax credit is not refundable. 90311

(c) For the purposes of computing the amount of a credit that 90312
may be carried forward to a subsequent tax year under division 90313
(G)(2) of this section, a credit is utilized against the tax for a 90314
tax year to the extent the credit applies against the tax for that 90315

tax year, even if the difference is then multiplied by the 90316
applicable fraction under division (G)(2)(a) of this section. 90317

(3) Nothing in division (G) of this section eliminates or 90318
reduces the tax imposed by section 5733.41 of the Revised Code on 90319
a qualifying pass-through entity. 90320

Sec. 5733.04. As used in this chapter: 90321

(A) "Issued and outstanding shares of stock" applies to 90322
nonprofit corporations, as provided in section 5733.01 of the 90323
Revised Code, and includes, but is not limited to, membership 90324
certificates and other instruments evidencing ownership of an 90325
interest in such nonprofit corporations, and with respect to a 90326
financial institution that does not have capital stock, "issued 90327
and outstanding shares of stock" includes, but is not limited to, 90328
ownership interests of depositors in the capital employed in such 90329
an institution. 90330

(B) "Taxpayer" means a corporation subject to the tax imposed 90331
by section 5733.06 of the Revised Code. 90332

(C) "Resident" means a corporation organized under the laws 90333
of this state. 90334

(D) "Commercial domicile" means the principal place from 90335
which the trade or business of the taxpayer is directed or 90336
managed. 90337

(E) "Taxable year" means the period prescribed by division 90338
(A) of section 5733.031 of the Revised Code upon the net income of 90339
which the value of the taxpayer's issued and outstanding shares of 90340
stock is determined under division (B) of section 5733.05 of the 90341
Revised Code or the period prescribed by division (A) of section 90342
5733.031 of the Revised Code that immediately precedes the date as 90343
of which the total value of the corporation is determined under 90344
division (A) or (C) of section 5733.05 of the Revised Code. 90345

(F) "Tax year" means the calendar year in and for which the tax imposed by section 5733.06 of the Revised Code is required to be paid.

(G) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(H) "Federal income tax" means the income tax imposed by the Internal Revenue Code.

(I) Except as provided in section 5733.058 of the Revised Code, "net income" means the taxpayer's taxable income before operating loss deduction and special deductions, as required to be reported for the taxpayer's taxable year under the Internal Revenue Code, subject to the following adjustments:

(1)(a) Deduct any net operating loss incurred in any taxable years ending in 1971 or thereafter, but exclusive of any net operating loss incurred in taxable years ending prior to January 1, 1971. This deduction shall not be allowed in any tax year commencing before December 31, 1973, but shall be carried over and allowed in tax years commencing after December 31, 1973, until fully utilized in the next succeeding taxable year or years in which the taxpayer has net income, but in no case for more than the designated carryover period as described in division (I)(1)(b) of this section. The amount of such net operating loss, as determined under the allocation and apportionment provisions of section 5733.051 and division (B) of section 5733.05 of the Revised Code for the year in which the net operating loss occurs, shall be deducted from net income, as determined under the allocation and apportionment provisions of section 5733.051 and division (B) of section 5733.05 of the Revised Code, to the extent necessary to reduce net income to zero with the remaining unused portion of the deduction, if any, carried forward to the remaining years of the designated carryover period as described in division (I)(1)(b) of this section, or until fully utilized, whichever

occurs first. 90378

(b) For losses incurred in taxable years ending on or before 90379
December 31, 1981, the designated carryover period shall be the 90380
five consecutive taxable years after the taxable year in which the 90381
net operating loss occurred. For losses incurred in taxable years 90382
ending on or after January 1, 1982, and beginning before August 6, 90383
1997, the designated carryover period shall be the fifteen 90384
consecutive taxable years after the taxable year in which the net 90385
operating loss occurs. For losses incurred in taxable years 90386
beginning on or after August 6, 1997, the designated carryover 90387
period shall be the twenty consecutive taxable years after the 90388
taxable year in which the net operating loss occurs. 90389

(c) The tax commissioner may require a taxpayer to furnish 90390
any information necessary to support a claim for deduction under 90391
division (I)(1)(a) of this section and no deduction shall be 90392
allowed unless the information is furnished. 90393

(2) Deduct any amount included in net income by application 90394
of section 78 or 951 of the Internal Revenue Code, amounts 90395
received for royalties, technical or other services derived from 90396
sources outside the United States, and dividends received from a 90397
subsidiary, associate, or affiliated corporation that neither 90398
transacts any substantial portion of its business nor regularly 90399
maintains any substantial portion of its assets within the United 90400
States. For purposes of determining net foreign source income 90401
deductible under division (I)(2) of this section, the amount of 90402
gross income from all such sources other than dividend income and 90403
income derived by application of section 78 or 951 of the Internal 90404
Revenue Code shall be reduced by: 90405

(a) The amount of any reimbursed expenses for personal 90406
services performed by employees of the taxpayer for the 90407
subsidiary, associate, or affiliated corporation; 90408

(b) Ten per cent of the amount of royalty income and 90409
technical assistance fees; 90410

(c) Fifteen per cent of the amount of all other income. 90411

The amounts described in divisions (I)(2)(a) to (c) of this 90412
section are deemed to be the expenses attributable to the 90413
production of deductible foreign source income unless the taxpayer 90414
shows, by clear and convincing evidence, less actual expenses, or 90415
the tax commissioner shows, by clear and convincing evidence, more 90416
actual expenses. 90417

(3) Add any loss or deduct any gain resulting from the sale, 90418
exchange, or other disposition of a capital asset, or an asset 90419
described in section 1231 of the Internal Revenue Code, to the 90420
extent that such loss or gain occurred prior to the first taxable 90421
year on which the tax provided for in section 5733.06 of the 90422
Revised Code is computed on the corporation's net income. For 90423
purposes of division (I)(3) of this section, the amount of the 90424
prior loss or gain shall be measured by the difference between the 90425
original cost or other basis of the asset and the fair market 90426
value as of the beginning of the first taxable year on which the 90427
tax provided for in section 5733.06 of the Revised Code is 90428
computed on the corporation's net income. At the option of the 90429
taxpayer, the amount of the prior loss or gain may be a percentage 90430
of the gain or loss, which percentage shall be determined by 90431
multiplying the gain or loss by a fraction, the numerator of which 90432
is the number of months from the acquisition of the asset to the 90433
beginning of the first taxable year on which the fee provided in 90434
section 5733.06 of the Revised Code is computed on the 90435
corporation's net income, and the denominator of which is the 90436
number of months from the acquisition of the asset to the sale, 90437
exchange, or other disposition of the asset. The adjustments 90438
described in this division do not apply to any gain or loss where 90439
the gain or loss is recognized by a qualifying taxpayer, as 90440

defined in section 5733.0510 of the Revised Code, with respect to 90441
a qualifying taxable event, as defined in that section. 90442

(4) Deduct the dividend received deduction provided by 90443
section 243 of the Internal Revenue Code. 90444

(5) Deduct any interest or interest equivalent on public 90445
obligations and purchase obligations to the extent included in 90446
federal taxable income. As used in divisions (I)(5) and (6) of 90447
this section, "public obligations," "purchase obligations," and 90448
"interest or interest equivalent" have the same meanings as in 90449
section 5709.76 of the Revised Code. 90450

(6) Add any loss or deduct any gain resulting from the sale, 90451
exchange, or other disposition of public obligations to the extent 90452
included in federal taxable income. 90453

(7) To the extent not otherwise allowed, deduct any dividends 90454
or distributions received by a taxpayer from a public utility, 90455
excluding an electric company and a combined company, and, for tax 90456
years 2005 and thereafter, a telephone company, if the taxpayer 90457
owns at least eighty per cent of the issued and outstanding common 90458
stock of the public utility. As used in division (I)(7) of this 90459
section, "public utility" means a public utility as defined in 90460
Chapter 5727. of the Revised Code, whether or not the public 90461
utility is doing business in the state. 90462

(8) To the extent not otherwise allowed, deduct any dividends 90463
received by a taxpayer from an insurance company, if the taxpayer 90464
owns at least eighty per cent of the issued and outstanding common 90465
stock of the insurance company. As used in division (I)(8) of this 90466
section, "insurance company" means an insurance company that is 90467
taxable under Chapter 5725. or 5729. of the Revised Code. 90468

(9) Deduct expenditures for modifying existing buildings or 90469
structures to meet American national standards institute standard 90470
A-117.1-1961 (R-1971), as amended; provided, that no deduction 90471

shall be allowed to the extent that such deduction is not 90472
permitted under federal law or under rules of the tax 90473
commissioner. Those deductions as are allowed may be taken over a 90474
period of five years. The tax commissioner shall adopt rules under 90475
Chapter 119. of the Revised Code establishing reasonable 90476
limitations on the extent that expenditures for modifying existing 90477
buildings or structures are attributable to the purpose of making 90478
the buildings or structures accessible to and usable by physically 90479
handicapped persons. 90480

(10) Deduct the amount of wages and salaries, if any, not 90481
otherwise allowable as a deduction but that would have been 90482
allowable as a deduction in computing federal taxable income 90483
before operating loss deduction and special deductions for the 90484
taxable year, had the targeted jobs credit allowed and determined 90485
under sections 38, 51, and 52 of the Internal Revenue Code not 90486
been in effect. 90487

(11) Deduct net interest income on obligations of the United 90488
States and its territories and possessions or of any authority, 90489
commission, or instrumentality of the United States to the extent 90490
the laws of the United States prohibit inclusion of the net 90491
interest for purposes of determining the value of the taxpayer's 90492
issued and outstanding shares of stock under division (B) of 90493
section 5733.05 of the Revised Code. As used in division (I)(11) 90494
of this section, "net interest" means interest net of any expenses 90495
taken on the federal income tax return that would not have been 90496
allowed under section 265 of the Internal Revenue Code if the 90497
interest were exempt from federal income tax. 90498

(12)(a) Except as set forth in division (I)(12)(d) of this 90499
section, to the extent not included in computing the taxpayer's 90500
federal taxable income before operating loss deduction and special 90501
deductions, add gains and deduct losses from direct or indirect 90502
sales, exchanges, or other dispositions, made by a related entity 90503

who is not a taxpayer, of the taxpayer's indirect, beneficial, or 90504
constructive investment in the stock or debt of another entity, 90505
unless the gain or loss has been included in computing the federal 90506
taxable income before operating loss deduction and special 90507
deductions of another taxpayer with a more closely related 90508
investment in the stock or debt of the other entity. The amount of 90509
gain added or loss deducted shall not exceed the product obtained 90510
by multiplying such gain or loss by the taxpayer's proportionate 90511
share, directly, indirectly, beneficially, or constructively, of 90512
the outstanding stock of the related entity immediately prior to 90513
the direct or indirect sale, exchange, or other disposition. 90514

(b) Except as set forth in division (I)(12)(e) of this 90515
section, to the extent not included in computing the taxpayer's 90516
federal taxable income before operating loss deduction and special 90517
deductions, add gains and deduct losses from direct or indirect 90518
sales, exchanges, or other dispositions made by a related entity 90519
who is not a taxpayer, of intangible property other than stock, 90520
securities, and debt, if such property was owned, or used in whole 90521
or in part, at any time prior to or at the time of the sale, 90522
exchange, or disposition by either the taxpayer or by a related 90523
entity that was a taxpayer at any time during the related entity's 90524
ownership or use of such property, unless the gain or loss has 90525
been included in computing the federal taxable income before 90526
operating loss deduction and special deductions of another 90527
taxpayer with a more closely related ownership or use of such 90528
intangible property. The amount of gain added or loss deducted 90529
shall not exceed the product obtained by multiplying such gain or 90530
loss by the taxpayer's proportionate share, directly, indirectly, 90531
beneficially, or constructively, of the outstanding stock of the 90532
related entity immediately prior to the direct or indirect sale, 90533
exchange, or other disposition. 90534

(c) As used in division (I)(12) of this section, "related 90535

entity" means those entities described in divisions (I)(12)(c)(i) 90536
to (iii) of this section: 90537

(i) An individual stockholder, or a member of the 90538
stockholder's family enumerated in section 318 of the Internal 90539
Revenue Code, if the stockholder and the members of the 90540
stockholder's family own, directly, indirectly, beneficially, or 90541
constructively, in the aggregate, at least fifty per cent of the 90542
value of the taxpayer's outstanding stock; 90543

(ii) A stockholder, or a stockholder's partnership, estate, 90544
trust, or corporation, if the stockholder and the stockholder's 90545
partnerships, estates, trusts, and corporations own directly, 90546
indirectly, beneficially, or constructively, in the aggregate, at 90547
least fifty per cent of the value of the taxpayer's outstanding 90548
stock; 90549

(iii) A corporation, or a party related to the corporation in 90550
a manner that would require an attribution of stock from the 90551
corporation to the party or from the party to the corporation 90552
under division (I)(12)(c)(iv) of this section, if the taxpayer 90553
owns, directly, indirectly, beneficially, or constructively, at 90554
least fifty per cent of the value of the corporation's outstanding 90555
stock. 90556

(iv) The attribution rules of section 318 of the Internal 90557
Revenue Code apply for purposes of determining whether the 90558
ownership requirements in divisions (I)(12)(c)(i) to (iii) of this 90559
section have been met. 90560

(d) For purposes of the adjustments required by division 90561
(I)(12)(a) of this section, the term "investment in the stock or 90562
debt of another entity" means only those investments where the 90563
taxpayer and the taxpayer's related entities directly, indirectly, 90564
beneficially, or constructively own, in the aggregate, at any time 90565
during the twenty-four month period commencing one year prior to 90566

the direct or indirect sale, exchange, or other disposition of 90567
such investment at least fifty per cent or more of the value of 90568
either the outstanding stock or such debt of such other entity. 90569

(e) For purposes of the adjustments required by division 90570
(I)(12)(b) of this section, the term "related entity" excludes all 90571
of the following: 90572

(i) Foreign corporations as defined in section 7701 of the 90573
Internal Revenue Code; 90574

(ii) Foreign partnerships as defined in section 7701 of the 90575
Internal Revenue Code; 90576

(iii) Corporations, partnerships, estates, and trusts created 90577
or organized in or under the laws of the Commonwealth of Puerto 90578
Rico or any possession of the United States; 90579

(iv) Foreign estates and foreign trusts as defined in section 90580
7701 of the Internal Revenue Code. 90581

The exclusions described in divisions (I)(12)(e)(i) to (iv) 90582
of this section do not apply if the corporation, partnership, 90583
estate, or trust is described in any one of divisions (C)(1) to 90584
(5) of section 5733.042 of the Revised Code. 90585

(f) Nothing in division (I)(12) of this section shall require 90586
or permit a taxpayer to add any gains or deduct any losses 90587
described in divisions (I)(12)(f)(i) and (ii) of this section: 90588

(i) Gains or losses recognized for federal income tax 90589
purposes by an individual, estate, or trust without regard to the 90590
attribution rules described in division (I)(12)(c) of this 90591
section; 90592

(ii) A related entity's gains or losses described in division 90593
(I)(12)(b) of this section if the taxpayer's ownership of or use 90594
of such intangible property was limited to a period not exceeding 90595
nine months and was attributable to a transaction or a series of 90596

transactions executed in accordance with the election or elections 90597
made by the taxpayer or a related entity pursuant to section 338 90598
of the Internal Revenue Code. 90599

(13) Any adjustment required by section 5733.042 of the 90600
Revised Code. 90601

(14) Add any amount claimed as a credit under section 90602
5733.0611 of the Revised Code to the extent that such amount 90603
satisfies either of the following: 90604

(a) It was deducted or excluded from the computation of the 90605
corporation's taxable income before operating loss deduction and 90606
special deductions as required to be reported for the 90607
corporation's taxable year under the Internal Revenue Code; 90608

(b) It resulted in a reduction of the corporation's taxable 90609
income before operating loss deduction and special deductions as 90610
required to be reported for any of the corporation's taxable years 90611
under the Internal Revenue Code. 90612

(15) Deduct the amount contributed by the taxpayer to an 90613
individual development account program established by a county 90614
department of job and family services pursuant to sections 329.11 90615
to 329.14 of the Revised Code for the purpose of matching funds 90616
deposited by program participants. On request of the tax 90617
commissioner, the taxpayer shall provide any information that, in 90618
the tax commissioner's opinion, is necessary to establish the 90619
amount deducted under division (I)(15) of this section. 90620

(16) Any adjustment required by section 5733.0510 or 90621
5733.0511 of the Revised Code. 90622

(17)(a)(i) Add five-sixths of the amount of depreciation 90623
expense allowed under subsection (k) of section 168 of the 90624
Internal Revenue Code, including a person's proportionate or 90625
distributive share of the amount of depreciation expense allowed 90626
by that subsection to any pass-through entity in which the person 90627

has direct or indirect ownership. 90628

(ii) Add five-sixths of the amount of qualifying section 179 90629
depreciation expense, including a person's proportionate or 90630
distributive share of the amount of qualifying section 179 90631
depreciation expense allowed to any pass-through entity in which 90632
the person has a direct or indirect ownership. For the purposes of 90633
this division, "qualifying section 179 depreciation expense" means 90634
the difference between (I) the amount of depreciation expense 90635
directly or indirectly allowed to the taxpayer under section 179 90636
of the Internal Revenue Code, and (II) the amount of depreciation 90637
expense directly or indirectly allowed to the taxpayer under 90638
section 179 of the Internal Revenue Code as that section existed 90639
on December 31, 2002. 90640

The tax commissioner, under procedures established by the 90641
commissioner, may waive the add-backs related to a pass-through 90642
entity if the person owns, directly or indirectly, less than five 90643
per cent of the pass-through entity. 90644

(b) Nothing in division (I)(17) of this section shall be 90645
construed to adjust or modify the adjusted basis of any asset. 90646

(c) To the extent the add-back is attributable to property 90647
generating income or loss allocable under section 5733.051 of the 90648
Revised Code, the add-back shall be allocated to the same location 90649
as the income or loss generated by that property. Otherwise, the 90650
add-back shall be apportioned, subject to division (B)(2)(d) of 90651
section 5733.05 of the Revised Code. 90652

(18)(a) If a person is required to make the add-back under 90653
division (I)(17)(a) of this section for a tax year, the person 90654
shall deduct one-fifth of the amount added back for each of the 90655
succeeding five tax years. 90656

(b) If the amount deducted under division (I)(18)(a) of this 90657
section is attributable to an add-back allocated under division 90658

(I)(17)(c) of this section, the amount deducted shall be allocated 90659
to the same location. Otherwise, the amount shall be apportioned 90660
using the apportionment factors for the taxable year in which the 90661
deduction is taken, subject to division (B)(2)(d) of section 90662
5733.05 of the Revised Code. 90663

(J) Except as otherwise expressly provided or clearly 90664
appearing from the context, any term used in this chapter has the 90665
same meaning as when used in a comparable context in the laws of 90666
the United States relating to federal income taxes. Any reference 90667
in this chapter to the Internal Revenue Code includes other laws 90668
of the United States relating to federal income taxes. 90669

(K) "Financial institution" has the meaning given by section 90670
5725.01 of the Revised Code but does not include a production 90671
credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091. 90672

(L)(1) A "qualifying holding company" is any corporation 90673
satisfying all of the following requirements: 90674

(a) Subject to divisions (L)(2) and (3) of this section, the 90675
net book value of the corporation's intangible assets is greater 90676
than or equal to ninety per cent of the net book value of all of 90677
its assets and at least fifty per cent of the net book value of 90678
all of its assets represents direct or indirect investments in the 90679
equity of, loans and advances to, and accounts receivable due from 90680
related members; 90681

(b) At least ninety per cent of the corporation's gross 90682
income for the taxable year is attributable to the following: 90683

(i) The maintenance, management, ownership, acquisition, use, 90684
and disposition of its intangible property, its aircraft the use 90685
of which is not subject to regulation under 14 C.F.R. part 121 or 90686
part 135, and any real property described in division (L)(2)(c) of 90687
this section; 90688

(ii) The collection and distribution of income from such 90689

property. 90690

(c) The corporation is not a financial institution on the 90691
last day of the taxable year ending prior to the first day of the 90692
tax year; 90693

(d) The corporation's related members make a good faith and 90694
reasonable effort to make timely and fully the adjustments 90695
required by division ~~(C)(2)~~(D) of section 5733.05 of the Revised 90696
Code and to pay timely and fully all uncontested taxes, interest, 90697
penalties, and other fees and charges imposed under this chapter; 90698

(e) Subject to division (L)(4) of this section, the 90699
corporation elects to be treated as a qualifying holding company 90700
for the tax year. 90701

A corporation otherwise satisfying divisions (L)(1)(a) to (e) 90702
of this section that does not elect to be a qualifying holding 90703
company is not a qualifying holding company for the purposes of 90704
this chapter. 90705

(2)(a)(i) For purposes of making the ninety per cent 90706
computation under division (L)(1)(a) of this section, the net book 90707
value of the corporation's assets shall not include the net book 90708
value of aircraft or real property described in division 90709
(L)(1)(b)(i) of this section. 90710

(ii) For purposes of making the fifty per cent computation 90711
under division (L)(1)(a) of this section, the net book value of 90712
assets shall include the net book value of aircraft or real 90713
property described in division (L)(1)(b)(i) of this section. 90714

(b)(i) As used in division (L) of this section, "intangible 90715
asset" includes, but is not limited to, the corporation's direct 90716
interest in each pass-through entity only if at all times during 90717
the corporation's taxable year ending prior to the first day of 90718
the tax year the corporation's and the corporation's related 90719
members' combined direct and indirect interests in the capital or 90720

profits of such pass-through entity do not exceed fifty per cent. 90721
If the corporation's interest in the pass-through entity is an 90722
intangible asset for that taxable year, then the distributive 90723
share of any income from the pass-through entity shall be income 90724
from an intangible asset for that taxable year. 90725

(ii) If a corporation's and the corporation's related 90726
members' combined direct and indirect interests in the capital or 90727
profits of a pass-through entity exceed fifty per cent at any time 90728
during the corporation's taxable year ending prior to the first 90729
day of the tax year, "intangible asset" does not include the 90730
corporation's direct interest in the pass-through entity, and the 90731
corporation shall include in its assets its proportionate share of 90732
the assets of any such pass-through entity and shall include in 90733
its gross income its distributive share of the gross income of 90734
such pass-through entity in the same form as was earned by the 90735
pass-through entity. 90736

(iii) A pass-through entity's direct or indirect 90737
proportionate share of any other pass-through entity's assets 90738
shall be included for the purpose of computing the corporation's 90739
proportionate share of the pass-through entity's assets under 90740
division (L)(2)(b)(ii) of this section, and such pass-through 90741
entity's distributive share of any other pass-through entity's 90742
gross income shall be included for purposes of computing the 90743
corporation's distributive share of the pass-through entity's 90744
gross income under division (L)(2)(b)(ii) of this section. 90745

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 90746
(2)(a)(i), and (2)(a)(ii) of this section, real property is 90747
described in division (L)(2)(c) of this section only if all of the 90748
following conditions are present at all times during the taxable 90749
year ending prior to the first day of the tax year: 90750

(i) The real property serves as the headquarters of the 90751
corporation's trade or business, or is the place from which the 90752

corporation's trade or business is principally managed or 90753
directed; 90754

(ii) Not more than ten per cent of the value of the real 90755
property and not more than ten per cent of the square footage of 90756
the building or buildings that are part of the real property is 90757
used, made available, or occupied for the purpose of providing, 90758
acquiring, transferring, selling, or disposing of tangible 90759
property or services in the normal course of business to persons 90760
other than related members, the corporation's employees and their 90761
families, and such related members' employees and their families. 90762

(d) As used in division (L) of this section, "related member" 90763
has the same meaning as in division (A)(6) of section 5733.042 of 90764
the Revised Code without regard to division (B) of that section. 90765

(3) The percentages described in division (L)(1)(a) of this 90766
section shall be equal to the quarterly average of those 90767
percentages as calculated during the corporation's taxable year 90768
ending prior to the first day of the tax year. 90769

(4) With respect to the election described in division 90770
(L)(1)(e) of this section: 90771

(a) The election need not accompany a timely filed report; 90772

(b) The election need not accompany the report; rather, the 90773
election may accompany a subsequently filed but timely application 90774
for refund and timely amended report, or a subsequently filed but 90775
timely petition for reassessment; 90776

(c) The election is not irrevocable; 90777

(d) The election applies only to the tax year specified by 90778
the corporation; 90779

(e) The corporation's related members comply with division 90780
(L)(1)(d) of this section. 90781

Nothing in division (L)(4) of this section shall be construed 90782

to extend any statute of limitations set forth in this chapter. 90783

(M) "Qualifying controlled group" means two or more 90784
corporations that satisfy the ownership and control requirements 90785
of division (A) of section 5733.052 of the Revised Code. 90786

(N) "Limited liability company" means any limited liability 90787
company formed under Chapter 1705. of the Revised Code or under 90788
the laws of any other state. 90789

(O) "Pass-through entity" means a corporation that has made 90790
an election under subchapter S of Chapter 1 of Subtitle A of the 90791
Internal Revenue Code for its taxable year under that code, or a 90792
partnership, limited liability company, or any other person, other 90793
than an individual, trust, or estate, if the partnership, limited 90794
liability company, or other person is not classified for federal 90795
income tax purposes as an association taxed as a corporation. 90796

(P) "Electric company," "combined company," and "telephone 90797
company" have the same meanings as in section 5727.01 of the 90798
Revised Code. 90799

(Q) "Business income" means income arising from transactions, 90800
activities, and sources in the regular course of a trade or 90801
business and includes income from real property, tangible personal 90802
property, and intangible personal property if the acquisition, 90803
rental, management, and disposition of the property constitute 90804
integral parts of the regular course of a trade or business 90805
operation. "Business income" includes income, including gain or 90806
loss, from a partial or complete liquidation of a business, 90807
including, but not limited to, gain or loss from the sale or other 90808
disposition of goodwill. 90809

(R) "Nonbusiness income" means all income other than business 90810
income. 90811

Sec. 5733.58. (A) Terms used in this section have the same 90812

meaning as in section 5725.33 of the Revised Code. 90813

(B) There is hereby allowed a nonrefundable credit against 90814
the tax imposed by section 5733.06 of the Revised Code for a 90815
financial institution holding a qualified equity investment on the 90816
credit allowance date occurring in the calendar year immediately 90817
preceding the tax year for which the tax is due. The credit shall 90818
be computed in the same manner prescribed for the computation of 90819
credits allowed under section 5725.33 of the Revised Code. 90820

The credit shall be claimed in the order prescribed by 90821
section 5733.98 of the Revised Code. If the amount of the credit 90822
exceeds the amount of tax otherwise due after deducting all other 90823
credits in that order, the excess may be carried forward and 90824
applied to the tax due for not more than four ensuing tax years. 90825

(C) The total amount of qualified equity investments on the 90826
basis of which credits may be claimed under this section and 90827
sections 5725.33 and 5729.16 of the Revised Code is subject to the 90828
limitation of division (C) of section 5725.33 of the Revised Code. 90829

(D) The issuer of a qualified equity investment shall certify 90830
to the director of development the anticipated dollar amount of 90831
qualified low-income community investments to be made during the 90832
first twelve-month period following the initial credit allowance 90833
date. On the second credit allowance date, the director shall 90834
increase or decrease the credits allowed for such investments as 90835
necessary to account for differences between the actual dollar 90836
amount of such investments and the anticipated amount certified by 90837
the issuer. 90838

(E) If any amount of the federal tax credit allowed for a 90839
qualified equity investment for which a credit was received under 90840
this section is recaptured under section 45D of the Internal 90841
Revenue Code, or if the issuer of a qualified equity investment 90842
for which a credit was claimed under this section redeems or 90843

repays principal of the investment before the seventh anniversary 90844
of its issuance, all or a portion of the credit received on 90845
account of that investment shall be paid by the financial 90846
institution that received the credit to the tax commissioner. The 90847
amount to be recovered shall be determined by the director of 90848
development pursuant to rules adopted under section 5725.33 of the 90849
Revised Code. The director shall certify any amount due under this 90850
division to the tax commissioner, and the commissioner shall 90851
notify the financial institution of the amount due. The amount due 90852
is payable not later than thirty days after the day the 90853
commissioner issues the notice. The amount due shall be considered 90854
to be tax due under section 5733.06 of the Revised Code, and may 90855
be collected by assessment as prescribed by section 5733.11 of the 90856
Revised Code. All amounts collected under this division shall be 90857
credited as revenue from the tax levied under section 5733.06 of 90858
the Revised Code. 90859

Sec. 5733.59. (A) Any term used in this section has the same 90860
meaning as in section 122.85 of the Revised Code. 90861

(B) There is allowed a credit against the tax imposed by 90862
section 5733.06 of the Revised Code for any corporation that is 90863
the certificate owner of a tax credit certificate issued under 90864
section 122.85 of the Revised Code. The credit shall be claimed 90865
for the taxable year in which the certificate is issued by the 90866
director of development. The credit amount equals the amount 90867
stated in the certificate. The credit shall be claimed in the 90868
order required under section 5733.98 of the Revised Code. If the 90869
credit amount exceeds the tax otherwise due under section 5733.06 90870
of the Revised Code after deducting all other credits in that 90871
order, the excess shall be refunded. 90872

(C) If, pursuant to division (G) of section 5733.01 of the 90873
Revised Code, the corporation is not required to pay tax under 90874

this chapter, the corporation may file an annual report under 90875
section 5733.02 of the Revised Code and claim the credit 90876
authorized by this section. Nothing in this section allows a 90877
corporation to claim more than one credit per tax credit-eligible 90878
production. 90879

Sec. 5733.98. (A) To provide a uniform procedure for 90880
calculating the amount of tax imposed by section 5733.06 of the 90881
Revised Code that is due under this chapter, a taxpayer shall 90882
claim any credits to which it is entitled in the following order, 90883
except as otherwise provided in section 5733.058 of the Revised 90884
Code: 90885

(1) For tax year 2005, the credit for taxes paid by a 90886
qualifying pass-through entity allowed under section 5733.0611 of 90887
the Revised Code; 90888

(2) The credit allowed for financial institutions under 90889
section 5733.45 of the Revised Code; 90890

(3) The credit for qualifying affiliated groups under section 90891
5733.068 of the Revised Code; 90892

(4) The subsidiary corporation credit under section 5733.067 90893
of the Revised Code; 90894

(5) The savings and loan assessment credit under section 90895
5733.063 of the Revised Code; 90896

(6) The credit for recycling and litter prevention donations 90897
under section 5733.064 of the Revised Code; 90898

(7) The credit for employers that enter into agreements with 90899
child day-care centers under section 5733.36 of the Revised Code; 90900

(8) The credit for employers that reimburse employee child 90901
care expenses under section 5733.38 of the Revised Code; 90902

(9) The credit for maintaining railroad active grade crossing 90903

warning devices under section 5733.43 of the Revised Code;	90904
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	90905 90906
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	90907 90908
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	90909 90910
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	90911 90912
(14) The job training credit under section 5733.42 of the Revised Code;	90913 90914
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	90915 90916
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	90917 90918
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	90919 90920
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	90921 90922
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	90923 90924
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	90925 90926
(21) The export sales credit under section 5733.069 of the Revised Code;	90927 90928
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	90929 90930
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	90931 90932

(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	90933 90934
<u>(25) The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;</u>	90935 90936
<u>(26)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	90937 90938
(26) <u>(27)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	90939 90940
(27) <u>(28)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	90941 90942 90943
(28) <u>(29)</u> The research and development credit under section 5733.352 of the Revised Code;	90944 90945
(29) <u>(30)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	90946 90947 90948
(30) <u>(31)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	90949 90950
(31) <u>(32)</u> The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	90951 90952
(32) <u>(33)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	90953 90954
(33) <u>(34)</u> The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	90955 90956 90957
(34) <u>(35)</u> For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	90958 90959 90960
<u>(36) The refundable motion picture production credit under</u>	90961

section 5733.59 of the Revised Code. 90962

(B) For any credit except the credits enumerated in divisions 90963
(A) ~~(30)~~ (31) to ~~(34)~~ (36) of this section, the amount of the credit 90964
for a tax year shall not exceed the tax due after allowing for any 90965
other credit that precedes it in the order required under this 90966
section. Any excess amount of a particular credit may be carried 90967
forward if authorized under the section creating that credit. 90968
90969

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 90970
which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 90971
the Revised Code has been paid, for the purpose of operating a 90972
transit bus shall be reimbursed in the amount of ~~the~~ such tax paid 90973
on motor fuel used by public transportation systems providing 90974
transit or paratransit service on a regular and continuing basis 90975
within the state; 90976

(2) A city, exempted village, joint vocational, or local 90977
school district or educational service center that purchases any 90978
motor fuel for school district or service center operations, on 90979
which any tax imposed by section 5735.29 of the Revised Code that 90980
became effective on or after July 1, 2003, has been paid, may, if 90981
an application is filed under this section, be reimbursed in the 90982
amount of all but two cents per gallon of the total tax imposed by 90983
such section and paid on motor fuel. 90984

(3) A county board of mental retardation and developmental 90985
disabilities that, on or after July 1, 2005, purchases any motor 90986
fuel for county board operations, on which any tax imposed by 90987
section 5735.29 of the Revised Code has been paid may, if an 90988
application is filed under this section, be reimbursed in the 90989
amount of all but two cents per gallon of the total tax imposed by 90990
such section and paid on motor fuel purchased on or after July 1, 90991
2005. 90992

(B) Such person, school district, educational service center, 90993
or county board shall file with the tax commissioner an 90994
application for refund within one year from the date of purchase, 90995
stating the quantity of fuel used for operating transit buses used 90996
by local transit systems in furnishing scheduled common carrier, 90997
public passenger land transportation service along regular routes 90998
primarily in one or more municipal corporations or for operating 90999
vehicles used for school district, service center, or county board 91000
operations. However, no claim shall be made for the tax on fewer 91001
than one hundred gallons of motor fuel. A school district, 91002
educational service center, or county board shall not apply for a 91003
refund for any tax paid on motor fuel that is sold by the 91004
district, service center, or county board. The application shall 91005
be accompanied by the statement described in section 5735.15 of 91006
the Revised Code showing the purchase, together with evidence of 91007
payment thereof. 91008

(C) After consideration of the application and statement, the 91009
commissioner shall determine the amount of refund to which the 91010
applicant is entitled. If the amount is not less than that 91011
claimed, the commissioner shall certify the amount to the director 91012
of budget and management and treasurer of state for payment from 91013
the tax refund fund created by section 5703.052 of the Revised 91014
Code. If the amount is less than that claimed, the commissioner 91015
shall proceed in accordance with section 5703.70 of the Revised 91016
Code. 91017

The commissioner may require that the application be 91018
supported by the affidavit of the claimant. No refund shall be 91019
authorized or ordered for any single claim for the tax on fewer 91020
than one hundred gallons of motor fuel. No refund shall be 91021
authorized or ordered on motor fuel that is sold by a school 91022
district, educational service center, or county board. 91023

(D) The refund authorized by this section or section 5703.70 91024

of the Revised Code shall be reduced by the cents per gallon 91025
amount of any qualified fuel credit received under section 91026
5735.145 of the Revised Code, as determined by the commissioner, 91027
for each gallon of qualified fuel included in the total gallonage 91028
of motor fuel upon which the refund is computed. 91029

(E) The right to receive any refund under this section or 91030
section 5703.70 of the Revised Code is not assignable. The payment 91031
of this refund shall not be made to any person or entity other 91032
than the person or entity originally entitled thereto who used the 91033
motor fuel upon which the claim for refund is based, except that 91034
the refund when allowed and certified, as provided in this 91035
section, may be paid to the executor, the administrator, the 91036
receiver, the trustee in bankruptcy, or the assignee in insolvency 91037
proceedings of the person. 91038

Sec. 5739.01. As used in this chapter: 91039

(A) "Person" includes individuals, receivers, assignees, 91040
trustees in bankruptcy, estates, firms, partnerships, 91041
associations, joint-stock companies, joint ventures, clubs, 91042
societies, corporations, the state and its political subdivisions, 91043
and combinations of individuals of any form. 91044

(B) "Sale" and "selling" include all of the following 91045
transactions for a consideration in any manner, whether absolutely 91046
or conditionally, whether for a price or rental, in money or by 91047
exchange, and by any means whatsoever: 91048

(1) All transactions by which title or possession, or both, 91049
of tangible personal property, is or is to be transferred, or a 91050
license to use or consume tangible personal property is or is to 91051
be granted; 91052

(2) All transactions by which lodging by a hotel is or is to 91053
be furnished to transient guests; 91054

(3) All transactions by which: 91055

(a) An item of tangible personal property is or is to be 91056
repaired, except property, the purchase of which would not be 91057
subject to the tax imposed by section 5739.02 of the Revised Code; 91058

(b) An item of tangible personal property is or is to be 91059
installed, except property, the purchase of which would not be 91060
subject to the tax imposed by section 5739.02 of the Revised Code 91061
or property that is or is to be incorporated into and will become 91062
a part of a production, transmission, transportation, or 91063
distribution system for the delivery of a public utility service; 91064

(c) The service of washing, cleaning, waxing, polishing, or 91065
painting a motor vehicle is or is to be furnished; 91066

(d) Until August 1, 2003, industrial laundry cleaning 91067
services are or are to be provided and, on and after August 1, 91068
2003, laundry and dry cleaning services are or are to be provided; 91069

(e) Automatic data processing, computer services, or 91070
electronic information services are or are to be provided for use 91071
in business when the true object of the transaction is the receipt 91072
by the consumer of automatic data processing, computer services, 91073
or electronic information services rather than the receipt of 91074
personal or professional services to which automatic data 91075
processing, computer services, or electronic information services 91076
are incidental or supplemental. Notwithstanding any other 91077
provision of this chapter, such transactions that occur between 91078
members of an affiliated group are not sales. An "affiliated 91079
group" means two or more persons related in such a way that one 91080
person owns or controls the business operation of another member 91081
of the group. In the case of corporations with stock, one 91082
corporation owns or controls another if it owns more than fifty 91083
per cent of the other corporation's common stock with voting 91084
rights. 91085

(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;	91086 91087 91088 91089
(g) Landscaping and lawn care service is or is to be provided;	91090 91091
(h) Private investigation and security service is or is to be provided;	91092 91093
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	91094 91095
(j) Building maintenance and janitorial service is or is to be provided;	91096 91097
(k) Employment service is or is to be provided;	91098
(l) Employment placement service is or is to be provided;	91099
(m) Exterminating service is or is to be provided;	91100
(n) Physical fitness facility service is or is to be provided;	91101 91102
(o) Recreation and sports club service is or is to be provided;	91103 91104
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	91105 91106
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	91107 91108 91109 91110 91111 91112 91113 91114

(r) On and after August 1, 2003, the transportation of 91115
persons by motor vehicle or aircraft is or is to be provided, when 91116
the transportation is entirely within this state, except for 91117
transportation provided by an ambulance service, by a transit bus, 91118
as defined in section 5735.01 of the Revised Code, and 91119
transportation provided by a citizen of the United States holding 91120
a certificate of public convenience and necessity issued under 49 91121
U.S.C. 41102; 91122

(s) On and after August 1, 2003, motor vehicle towing service 91123
is or is to be provided. As used in this division, "motor vehicle 91124
towing service" means the towing or conveyance of a wrecked, 91125
disabled, or illegally parked motor vehicle. 91126

(t) On and after August 1, 2003, snow removal service is or 91127
is to be provided. As used in this division, "snow removal 91128
service" means the removal of snow by any mechanized means, but 91129
does not include the providing of such service by a person that 91130
has less than five thousand dollars in sales of such service 91131
during the calendar year. 91132

(u) Electronic publishing service is or is to be provided to 91133
a consumer for use in business, except that such transactions 91134
occurring between members of an affiliated group, as defined in 91135
division (B)(3)(e) of this section, are not sales. 91136

(4) All transactions by which printed, imprinted, 91137
overprinted, lithographic, multilithic, blueprinted, photostatic, 91138
or other productions or reproductions of written or graphic matter 91139
are or are to be furnished or transferred; 91140

(5) The production or fabrication of tangible personal 91141
property for a consideration for consumers who furnish either 91142
directly or indirectly the materials used in the production of 91143
fabrication work; and include the furnishing, preparing, or 91144
serving for a consideration of any tangible personal property 91145

consumed on the premises of the person furnishing, preparing, or 91146
serving such tangible personal property. Except as provided in 91147
section 5739.03 of the Revised Code, a construction contract 91148
pursuant to which tangible personal property is or is to be 91149
incorporated into a structure or improvement on and becoming a 91150
part of real property is not a sale of such tangible personal 91151
property. The construction contractor is the consumer of such 91152
tangible personal property, provided that the sale and 91153
installation of carpeting, the sale and installation of 91154
agricultural land tile, the sale and erection or installation of 91155
portable grain bins, or the provision of landscaping and lawn care 91156
service and the transfer of property as part of such service is 91157
never a construction contract. 91158

As used in division (B)(5) of this section: 91159

(a) "Agricultural land tile" means fired clay or concrete 91160
tile, or flexible or rigid perforated plastic pipe or tubing, 91161
incorporated or to be incorporated into a subsurface drainage 91162
system appurtenant to land used or to be used directly in 91163
production by farming, agriculture, horticulture, or floriculture. 91164
The term does not include such materials when they are or are to 91165
be incorporated into a drainage system appurtenant to a building 91166
or structure even if the building or structure is used or to be 91167
used in such production. 91168

(b) "Portable grain bin" means a structure that is used or to 91169
be used by a person engaged in farming or agriculture to shelter 91170
the person's grain and that is designed to be disassembled without 91171
significant damage to its component parts. 91172

(6) All transactions in which all of the shares of stock of a 91173
closely held corporation are transferred, if the corporation is 91174
not engaging in business and its entire assets consist of boats, 91175
planes, motor vehicles, or other tangible personal property 91176
operated primarily for the use and enjoyment of the shareholders; 91177

(7) All transactions in which a warranty, maintenance or 91178
service contract, or similar agreement by which the vendor of the 91179
warranty, contract, or agreement agrees to repair or maintain the 91180
tangible personal property of the consumer is or is to be 91181
provided; 91182

(8) The transfer of copyrighted motion picture films used 91183
solely for advertising purposes, except that the transfer of such 91184
films for exhibition purposes is not a sale; 91185

(9) On and after August 1, 2003, all transactions by which 91186
tangible personal property is or is to be stored, except such 91187
property that the consumer of the storage holds for sale in the 91188
regular course of business; 91189

(10) All transactions in which "guaranteed auto protection" 91190
is provided whereby a person promises to pay to the consumer the 91191
difference between the amount the consumer receives from motor 91192
vehicle insurance and the amount the consumer owes to a person 91193
holding title to or a lien on the consumer's motor vehicle in the 91194
event the consumer's motor vehicle suffers a total loss under the 91195
terms of the motor vehicle insurance policy or is stolen and not 91196
recovered, if the protection and its price are included in the 91197
purchase or lease agreement; 91198

(11)(a) Except as provided in division (B)(11)(b) of this 91199
section, on and after September 1, 2009, all transactions by which 91200
health care services are paid for, reimbursed, provided, 91201
delivered, arranged for, or otherwise made available by a medicaid 91202
health insuring corporation pursuant to the corporation's contract 91203
with the state. 91204

(b) If the centers for medicare and medicaid services of the 91205
United States department of health and human services determines 91206
that the taxation of transactions described in division (B)(11)(a) 91207
of this section constitutes an impermissible health care-related 91208

tax under section 1903(w) of the "Social Security Act," 49 Stat. 91209
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 91210
adopted thereunder, the director of job and family services shall 91211
notify the tax commissioner of that determination. Beginning with 91212
the first day of the month following that notification, the 91213
transactions described in division (B)(11)(a) of this section are 91214
not sales for the purposes of this chapter or Chapter 5741. of the 91215
Revised Code. The tax commissioner shall order that the collection 91216
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 91217
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 91218
shall cease for transactions occurring on or after that date. 91219

Except as provided in this section, "sale" and "selling" do 91220
not include transfers of interest in leased property where the 91221
original lessee and the terms of the original lease agreement 91222
remain unchanged, or professional, insurance, or personal service 91223
transactions that involve the transfer of tangible personal 91224
property as an inconsequential element, for which no separate 91225
charges are made. 91226

(C) "Vendor" means the person providing the service or by 91227
whom the transfer effected or license given by a sale is or is to 91228
be made or given and, for sales described in division (B)(3)(i) of 91229
this section, the telecommunications service vendor that provides 91230
the nine hundred telephone service; if two or more persons are 91231
engaged in business at the same place of business under a single 91232
trade name in which all collections on account of sales by each 91233
are made, such persons shall constitute a single vendor. 91234

Physicians, dentists, hospitals, and veterinarians who are 91235
engaged in selling tangible personal property as received from 91236
others, such as eyeglasses, mouthwashes, dentifrices, or similar 91237
articles, are vendors. Veterinarians who are engaged in 91238
transferring to others for a consideration drugs, the dispensing 91239
of which does not require an order of a licensed veterinarian or 91240

physician under federal law, are vendors. 91241

(D)(1) "Consumer" means the person for whom the service is 91242
provided, to whom the transfer effected or license given by a sale 91243
is or is to be made or given, to whom the service described in 91244
division (B)(3)(f) or (i) of this section is charged, or to whom 91245
the admission is granted. 91246

(2) Physicians, dentists, hospitals, and blood banks operated 91247
by nonprofit institutions and persons licensed to practice 91248
veterinary medicine, surgery, and dentistry are consumers of all 91249
tangible personal property and services purchased by them in 91250
connection with the practice of medicine, dentistry, the rendition 91251
of hospital or blood bank service, or the practice of veterinary 91252
medicine, surgery, and dentistry. In addition to being consumers 91253
of drugs administered by them or by their assistants according to 91254
their direction, veterinarians also are consumers of drugs that 91255
under federal law may be dispensed only by or upon the order of a 91256
licensed veterinarian or physician, when transferred by them to 91257
others for a consideration to provide treatment to animals as 91258
directed by the veterinarian. 91259

(3) A person who performs a facility management, or similar 91260
service contract for a contractee is a consumer of all tangible 91261
personal property and services purchased for use in connection 91262
with the performance of such contract, regardless of whether title 91263
to any such property vests in the contractee. The purchase of such 91264
property and services is not subject to the exception for resale 91265
under division (E)(1) of this section. 91266

(4)(a) In the case of a person who purchases printed matter 91267
for the purpose of distributing it or having it distributed to the 91268
public or to a designated segment of the public, free of charge, 91269
that person is the consumer of that printed matter, and the 91270
purchase of that printed matter for that purpose is a sale. 91271

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

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

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

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

(7) In the case of a transaction for health care services under division (B)(11) of this section, a medicaid health insuring corporation is the consumer of such services. The purchase of such services by a medicaid health insuring corporation is not subject to the exception for resale under division (E)(1) of this section or to the exemptions provided under divisions (B)(12), (18), (19), and (22) of section 5739.02 of the Revised Code.

(E) "Retail sale" and "sales at retail" include all sales, 91304
except those in which the purpose of the consumer is to resell the 91305
thing transferred or benefit of the service provided, by a person 91306
engaging in business, in the form in which the same is, or is to 91307
be, received by the person. 91308

(F) "Business" includes any activity engaged in by any person 91309
with the object of gain, benefit, or advantage, either direct or 91310
indirect. "Business" does not include the activity of a person in 91311
managing and investing the person's own funds. 91312

(G) "Engaging in business" means commencing, conducting, or 91313
continuing in business, and liquidating a business when the 91314
liquidator thereof holds itself out to the public as conducting 91315
such business. Making a casual sale is not engaging in business. 91316

(H)(1)(a) "Price," except as provided in divisions (H)(2) 91317
~~and~~, (3), and (4) of this section, means the total amount of 91318
consideration, including cash, credit, property, and services, for 91319
which tangible personal property or services are sold, leased, or 91320
rented, valued in money, whether received in money or otherwise, 91321
without any deduction for any of the following: 91322

(i) The vendor's cost of the property sold; 91323

(ii) The cost of materials used, labor or service costs, 91324
interest, losses, all costs of transportation to the vendor, all 91325
taxes imposed on the vendor, including the tax imposed under 91326
Chapter 5751. of the Revised Code, and any other expense of the 91327
vendor; 91328

(iii) Charges by the vendor for any services necessary to 91329
complete the sale; 91330

(iv) On and after August 1, 2003, delivery charges. As used 91331
in this division, "delivery charges" means charges by the vendor 91332
for preparation and delivery to a location designated by the 91333
consumer of tangible personal property or a service, including 91334

transportation, shipping, postage, handling, crating, and packing. 91335

(v) Installation charges; 91336

(vi) Credit for any trade-in. 91337

(b) "Price" includes consideration received by the vendor 91338
from a third party, if the vendor actually receives the 91339
consideration from a party other than the consumer, and the 91340
consideration is directly related to a price reduction or discount 91341
on the sale; the vendor has an obligation to pass the price 91342
reduction or discount through to the consumer; the amount of the 91343
consideration attributable to the sale is fixed and determinable 91344
by the vendor at the time of the sale of the item to the consumer; 91345
and one of the following criteria is met: 91346

(i) The consumer presents a coupon, certificate, or other 91347
document to the vendor to claim a price reduction or discount 91348
where the coupon, certificate, or document is authorized, 91349
distributed, or granted by a third party with the understanding 91350
that the third party will reimburse any vendor to whom the coupon, 91351
certificate, or document is presented; 91352

(ii) The consumer identifies the consumer's self to the 91353
seller as a member of a group or organization entitled to a price 91354
reduction or discount. A preferred customer card that is available 91355
to any patron does not constitute membership in such a group or 91356
organization. 91357

(iii) The price reduction or discount is identified as a 91358
third party price reduction or discount on the invoice received by 91359
the consumer, or on a coupon, certificate, or other document 91360
presented by the consumer. 91361

(c) "Price" does not include any of the following: 91362

(i) Discounts, including cash, term, or coupons that are not 91363
reimbursed by a third party that are allowed by a vendor and taken 91364

by a consumer on a sale; 91365

(ii) Interest, financing, and carrying charges from credit 91366
extended on the sale of tangible personal property or services, if 91367
the amount is separately stated on the invoice, bill of sale, or 91368
similar document given to the purchaser; 91369

(iii) Any taxes legally imposed directly on the consumer that 91370
are separately stated on the invoice, bill of sale, or similar 91371
document given to the consumer. For the purpose of this division, 91372
the tax imposed under Chapter 5751. of the Revised Code is not a 91373
tax directly on the consumer, even if the tax or a portion thereof 91374
is separately stated. 91375

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 91376
section, any discount allowed by an automobile manufacturer to its 91377
employee, or to the employee of a supplier, on the purchase of a 91378
new motor vehicle from a new motor vehicle dealer in this state. 91379

(2) In the case of a sale of any new motor vehicle by a new 91380
motor vehicle dealer, as defined in section 4517.01 of the Revised 91381
Code, in which another motor vehicle is accepted by the dealer as 91382
part of the consideration received, "price" has the same meaning 91383
as in division (H)(1) of this section, reduced by the credit 91384
afforded the consumer by the dealer for the motor vehicle received 91385
in trade. 91386

(3) In the case of a sale of any watercraft or outboard motor 91387
by a watercraft dealer licensed in accordance with section 91388
1547.543 of the Revised Code, in which another watercraft, 91389
watercraft and trailer, or outboard motor is accepted by the 91390
dealer as part of the consideration received, "price" has the same 91391
meaning as in division (H)(1) of this section, reduced by the 91392
credit afforded the consumer by the dealer for the watercraft, 91393
watercraft and trailer, or outboard motor received in trade. As 91394
used in this division, "watercraft" includes an outdrive unit 91395

attached to the watercraft. 91396

(4) In the case of transactions for health care services 91397
under division (B)(11) of this section, "price" means the amount 91398
of managed care premiums received each month by a medicaid health 91399
insuring corporation. 91400

(I) "Receipts" means the total amount of the prices of the 91401
sales of vendors, provided that cash discounts allowed and taken 91402
on sales at the time they are consummated are not included, minus 91403
any amount deducted as a bad debt pursuant to section 5739.121 of 91404
the Revised Code. "Receipts" does not include the sale price of 91405
property returned or services rejected by consumers when the full 91406
sale price and tax are refunded either in cash or by credit. 91407

(J) "Place of business" means any location at which a person 91408
engages in business. 91409

(K) "Premises" includes any real property or portion thereof 91410
upon which any person engages in selling tangible personal 91411
property at retail or making retail sales and also includes any 91412
real property or portion thereof designated for, or devoted to, 91413
use in conjunction with the business engaged in by such person. 91414

(L) "Casual sale" means a sale of an item of tangible 91415
personal property that was obtained by the person making the sale, 91416
through purchase or otherwise, for the person's own use and was 91417
previously subject to any state's taxing jurisdiction on its sale 91418
or use, and includes such items acquired for the seller's use that 91419
are sold by an auctioneer employed directly by the person for such 91420
purpose, provided the location of such sales is not the 91421
auctioneer's permanent place of business. As used in this 91422
division, "permanent place of business" includes any location 91423
where such auctioneer has conducted more than two auctions during 91424
the year. 91425

(M) "Hotel" means every establishment kept, used, maintained, 91426

advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in division (G) of section 5739.09 of the Revised Code.

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

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed, regardless of whether the vendor is a delivery vendor.

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In

this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

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

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

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

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

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

States census bureau. 91490

(V) "Legislative authority" means, with respect to a regional 91491
transit authority, the board of trustees thereof, and with respect 91492
to a county that is a transit authority, the board of county 91493
commissioners. 91494

(W) "Territory of the transit authority" means all of the 91495
area included within the territorial boundaries of a transit 91496
authority as they from time to time exist. Such territorial 91497
boundaries must at all times include all the area of a single 91498
county or all the area of the most populous county that is a part 91499
of such transit authority. County population shall be measured by 91500
the most recent census taken by the United States census bureau. 91501

(X) "Providing a service" means providing or furnishing 91502
anything described in division (B)(3) of this section for 91503
consideration. 91504

(Y)(1)(a) "Automatic data processing" means processing of 91505
others' data, including keypunching or similar data entry services 91506
together with verification thereof, or providing access to 91507
computer equipment for the purpose of processing data. 91508

(b) "Computer services" means providing services consisting 91509
of specifying computer hardware configurations and evaluating 91510
technical processing characteristics, computer programming, and 91511
training of computer programmers and operators, provided in 91512
conjunction with and to support the sale, lease, or operation of 91513
taxable computer equipment or systems. 91514

(c) "Electronic information services" means providing access 91515
to computer equipment by means of telecommunications equipment for 91516
the purpose of either of the following: 91517

(i) Examining or acquiring data stored in or accessible to 91518
the computer equipment; 91519

(ii) Placing data into the computer equipment to be retrieved 91520
by designated recipients with access to the computer equipment. 91521

For transactions occurring on or after the effective date of 91522
the amendment of this section by H.B. 157 of the 127th general 91523
assembly, December 21, 2007, "electronic information services" 91524
does not include electronic publishing as defined in division 91525
(LLL) of this section. 91526

(d) "Automatic data processing, computer services, or 91527
electronic information services" shall not include personal or 91528
professional services. 91529

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 91530
section, "personal and professional services" means all services 91531
other than automatic data processing, computer services, or 91532
electronic information services, including but not limited to: 91533

(a) Accounting and legal services such as advice on tax 91534
matters, asset management, budgetary matters, quality control, 91535
information security, and auditing and any other situation where 91536
the service provider receives data or information and studies, 91537
alters, analyzes, interprets, or adjusts such material; 91538

(b) Analyzing business policies and procedures; 91539

(c) Identifying management information needs; 91540

(d) Feasibility studies, including economic and technical 91541
analysis of existing or potential computer hardware or software 91542
needs and alternatives; 91543

(e) Designing policies, procedures, and custom software for 91544
collecting business information, and determining how data should 91545
be summarized, sequenced, formatted, processed, controlled, and 91546
reported so that it will be meaningful to management; 91547

(f) Developing policies and procedures that document how 91548
business events and transactions are to be authorized, executed, 91549

and controlled;	91550
(g) Testing of business procedures;	91551
(h) Training personnel in business procedure applications;	91552
(i) Providing credit information to users of such information	91553
by a consumer reporting agency, as defined in the "Fair Credit	91554
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	91555
as hereafter amended, including but not limited to gathering,	91556
organizing, analyzing, recording, and furnishing such information	91557
by any oral, written, graphic, or electronic medium;	91558
(j) Providing debt collection services by any oral, written,	91559
graphic, or electronic means.	91560
The services listed in divisions (Y)(2)(a) to (j) of this	91561
section are not automatic data processing or computer services.	91562
(Z) "Highway transportation for hire" means the	91563
transportation of personal property belonging to others for	91564
consideration by any of the following:	91565
(1) The holder of a permit or certificate issued by this	91566
state or the United States authorizing the holder to engage in	91567
transportation of personal property belonging to others for	91568
consideration over or on highways, roadways, streets, or any	91569
similar public thoroughfare;	91570
(2) A person who engages in the transportation of personal	91571
property belonging to others for consideration over or on	91572
highways, roadways, streets, or any similar public thoroughfare	91573
but who could not have engaged in such transportation on December	91574
11, 1985, unless the person was the holder of a permit or	91575
certificate of the types described in division (Z)(1) of this	91576
section;	91577
(3) A person who leases a motor vehicle to and operates it	91578
for a person described by division (Z)(1) or (2) of this section.	91579

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service

providers, as defined in 47 C.F.R. 20.3; 91611

(h) Ancillary service; 91612

(i) Digital products delivered electronically, including 91613
software, music, video, reading materials, or ring tones. 91614

(2) "Ancillary service" means a service that is associated 91615
with or incidental to the provision of telecommunications service, 91616
including conference bridging service, detailed telecommunications 91617
billing service, directory assistance, vertical service, and voice 91618
mail service. As used in this division: 91619

(a) "Conference bridging service" means an ancillary service 91620
that links two or more participants of an audio or video 91621
conference call, including providing a telephone number. 91622
"Conference bridging service" does not include telecommunications 91623
services used to reach the conference bridge. 91624

(b) "Detailed telecommunications billing service" means an 91625
ancillary service of separately stating information pertaining to 91626
individual calls on a customer's billing statement. 91627

(c) "Directory assistance" means an ancillary service of 91628
providing telephone number or address information. 91629

(d) "Vertical service" means an ancillary service that is 91630
offered in connection with one or more telecommunications 91631
services, which offers advanced calling features that allow 91632
customers to identify callers and manage multiple calls and call 91633
connections, including conference bridging service. 91634

(e) "Voice mail service" means an ancillary service that 91635
enables the customer to store, send, or receive recorded messages. 91636
"Voice mail service" does not include any vertical services that 91637
the customer may be required to have in order to utilize the voice 91638
mail service. 91639

(3) "900 service" means an inbound toll telecommunications 91640

service purchased by a subscriber that allows the subscriber's 91641
customers to call in to the subscriber's prerecorded announcement 91642
or live service, and which is typically marketed under the name 91643
"900" service and any subsequent numbers designated by the federal 91644
communications commission. "900 service" does not include the 91645
charge for collection services provided by the seller of the 91646
telecommunications service to the subscriber, or services or 91647
products sold by the subscriber to the subscriber's customer. 91648

(4) "Prepaid calling service" means the right to access 91649
exclusively telecommunications services, which must be paid for in 91650
advance and which enables the origination of calls using an access 91651
number or authorization code, whether manually or electronically 91652
dialed, and that is sold in predetermined units of dollars of 91653
which the number declines with use in a known amount. 91654

(5) "Prepaid wireless calling service" means a 91655
telecommunications service that provides the right to utilize 91656
mobile telecommunications service as well as other 91657
non-telecommunications services, including the download of digital 91658
products delivered electronically, and content and ancillary 91659
services, that must be paid for in advance and that is sold in 91660
predetermined units of dollars of which the number declines with 91661
use in a known amount. 91662

(6) "Value-added non-voice data service" means a 91663
telecommunications service in which computer processing 91664
applications are used to act on the form, content, code, or 91665
protocol of the information or data primarily for a purpose other 91666
than transmission, conveyance, or routing. 91667

(7) "Coin-operated telephone service" means a 91668
telecommunications service paid for by inserting money into a 91669
telephone accepting direct deposits of money to operate. 91670

(8) "Customer" has the same meaning as in section 5739.034 of 91671

the Revised Code. 91672

(BB) "Laundry and dry cleaning services" means removing soil 91673
or dirt from towels, linens, articles of clothing, or other fabric 91674
items that belong to others and supplying towels, linens, articles 91675
of clothing, or other fabric items. "Laundry and dry cleaning 91676
services" does not include the provision of self-service 91677
facilities for use by consumers to remove soil or dirt from 91678
towels, linens, articles of clothing, or other fabric items. 91679

(CC) "Magazines distributed as controlled circulation 91680
publications" means magazines containing at least twenty-four 91681
pages, at least twenty-five per cent editorial content, issued at 91682
regular intervals four or more times a year, and circulated 91683
without charge to the recipient, provided that such magazines are 91684
not owned or controlled by individuals or business concerns which 91685
conduct such publications as an auxiliary to, and essentially for 91686
the advancement of the main business or calling of, those who own 91687
or control them. 91688

(DD) "Landscaping and lawn care service" means the services 91689
of planting, seeding, sodding, removing, cutting, trimming, 91690
pruning, mulching, aerating, applying chemicals, watering, 91691
fertilizing, and providing similar services to establish, promote, 91692
or control the growth of trees, shrubs, flowers, grass, ground 91693
cover, and other flora, or otherwise maintaining a lawn or 91694
landscape grown or maintained by the owner for ornamentation or 91695
other nonagricultural purpose. However, "landscaping and lawn care 91696
service" does not include the providing of such services by a 91697
person who has less than five thousand dollars in sales of such 91698
services during the calendar year. 91699

(EE) "Private investigation and security service" means the 91700
performance of any activity for which the provider of such service 91701
is required to be licensed pursuant to Chapter 4749. of the 91702
Revised Code, or would be required to be so licensed in performing 91703

such services in this state, and also includes the services of 91704
conducting polygraph examinations and of monitoring or overseeing 91705
the activities on or in, or the condition of, the consumer's home, 91706
business, or other facility by means of electronic or similar 91707
monitoring devices. "Private investigation and security service" 91708
does not include special duty services provided by off-duty police 91709
officers, deputy sheriffs, and other peace officers regularly 91710
employed by the state or a political subdivision. 91711

(FF) "Information services" means providing conversation, 91712
giving consultation or advice, playing or making a voice or other 91713
recording, making or keeping a record of the number of callers, 91714
and any other service provided to a consumer by means of a nine 91715
hundred telephone call, except when the nine hundred telephone 91716
call is the means by which the consumer makes a contribution to a 91717
recognized charity. 91718

(GG) "Research and development" means designing, creating, or 91719
formulating new or enhanced products, equipment, or manufacturing 91720
processes, and also means conducting scientific or technological 91721
inquiry and experimentation in the physical sciences with the goal 91722
of increasing scientific knowledge which may reveal the bases for 91723
new or enhanced products, equipment, or manufacturing processes. 91724

(HH) "Qualified research and development equipment" means 91725
capitalized tangible personal property, and leased personal 91726
property that would be capitalized if purchased, used by a person 91727
primarily to perform research and development. Tangible personal 91728
property primarily used in testing, as defined in division (A)(4) 91729
of section 5739.011 of the Revised Code, or used for recording or 91730
storing test results, is not qualified research and development 91731
equipment unless such property is primarily used by the consumer 91732
in testing the product, equipment, or manufacturing process being 91733
created, designed, or formulated by the consumer in the research 91734
and development activity or in recording or storing such test 91735

results. 91736

(II) "Building maintenance and janitorial service" means 91737
cleaning the interior or exterior of a building and any tangible 91738
personal property located therein or thereon, including any 91739
services incidental to such cleaning for which no separate charge 91740
is made. However, "building maintenance and janitorial service" 91741
does not include the providing of such service by a person who has 91742
less than five thousand dollars in sales of such service during 91743
the calendar year. 91744

(JJ) "Employment service" means providing or supplying 91745
personnel, on a temporary or long-term basis, to perform work or 91746
labor under the supervision or control of another, when the 91747
personnel so provided or supplied receive their wages, salary, or 91748
other compensation from the provider or supplier of the employment 91749
service or from a third party that provided or supplied the 91750
personnel to the provider or supplier. "Employment service" does 91751
not include: 91752

(1) Acting as a contractor or subcontractor, where the 91753
personnel performing the work are not under the direct control of 91754
the purchaser. 91755

(2) Medical and health care services. 91756

(3) Supplying personnel to a purchaser pursuant to a contract 91757
of at least one year between the service provider and the 91758
purchaser that specifies that each employee covered under the 91759
contract is assigned to the purchaser on a permanent basis. 91760

(4) Transactions between members of an affiliated group, as 91761
defined in division (B)(3)(e) of this section. 91762

(5) Transactions where the personnel so provided or supplied 91763
by a provider or supplier to a purchaser of an employment service 91764
are then provided or supplied by that purchaser to a third party 91765
as an employment service, except "employment service" does include 91766

the transaction between that purchaser and the third party. 91767

(KK) "Employment placement service" means locating or finding 91768
employment for a person or finding or locating an employee to fill 91769
an available position. 91770

(LL) "Exterminating service" means eradicating or attempting 91771
to eradicate vermin infestations from a building or structure, or 91772
the area surrounding a building or structure, and includes 91773
activities to inspect, detect, or prevent vermin infestation of a 91774
building or structure. 91775

(MM) "Physical fitness facility service" means all 91776
transactions by which a membership is granted, maintained, or 91777
renewed, including initiation fees, membership dues, renewal fees, 91778
monthly minimum fees, and other similar fees and dues, by a 91779
physical fitness facility such as an athletic club, health spa, or 91780
gymnasium, which entitles the member to use the facility for 91781
physical exercise. 91782

(NN) "Recreation and sports club service" means all 91783
transactions by which a membership is granted, maintained, or 91784
renewed, including initiation fees, membership dues, renewal fees, 91785
monthly minimum fees, and other similar fees and dues, by a 91786
recreation and sports club, which entitles the member to use the 91787
facilities of the organization. "Recreation and sports club" means 91788
an organization that has ownership of, or controls or leases on a 91789
continuing, long-term basis, the facilities used by its members 91790
and includes an aviation club, gun or shooting club, yacht club, 91791
card club, swimming club, tennis club, golf club, country club, 91792
riding club, amateur sports club, or similar organization. 91793

(OO) "Livestock" means farm animals commonly raised for food 91794
or food production, and includes but is not limited to cattle, 91795
sheep, goats, swine, and poultry. "Livestock" does not include 91796
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 91797

animals for use in laboratories or for exhibition, or other 91798
animals not commonly raised for food or food production. 91799

(PP) "Livestock structure" means a building or structure used 91800
exclusively for the housing, raising, feeding, or sheltering of 91801
livestock, and includes feed storage or handling structures and 91802
structures for livestock waste handling. 91803

(QQ) "Horticulture" means the growing, cultivation, and 91804
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 91805
and nursery stock. As used in this division, "nursery stock" has 91806
the same meaning as in section 927.51 of the Revised Code. 91807

(RR) "Horticulture structure" means a building or structure 91808
used exclusively for the commercial growing, raising, or 91809
overwintering of horticultural products, and includes the area 91810
used for stocking, storing, and packing horticultural products 91811
when done in conjunction with the production of those products. 91812

(SS) "Newspaper" means an unbound publication bearing a title 91813
or name that is regularly published, at least as frequently as 91814
biweekly, and distributed from a fixed place of business to the 91815
public in a specific geographic area, and that contains a 91816
substantial amount of news matter of international, national, or 91817
local events of interest to the general public. 91818

(TT) "Professional racing team" means a person that employs 91819
at least twenty full-time employees for the purpose of conducting 91820
a motor vehicle racing business for profit. The person must 91821
conduct the business with the purpose of racing one or more motor 91822
racing vehicles in at least ten competitive professional racing 91823
events each year that comprise all or part of a motor racing 91824
series sanctioned by one or more motor racing sanctioning 91825
organizations. A "motor racing vehicle" means a vehicle for which 91826
the chassis, engine, and parts are designed exclusively for motor 91827
racing, and does not include a stock or production model vehicle 91828

that may be modified for use in racing. For the purposes of this 91829
division: 91830

(1) A "competitive professional racing event" is a motor 91831
vehicle racing event sanctioned by one or more motor racing 91832
sanctioning organizations, at which aggregate cash prizes in 91833
excess of eight hundred thousand dollars are awarded to the 91834
competitors. 91835

(2) "Full-time employee" means an individual who is employed 91836
for consideration for thirty-five or more hours a week, or who 91837
renders any other standard of service generally accepted by custom 91838
or specified by contract as full-time employment. 91839

(UU)(1) "Lease" or "rental" means any transfer of the 91840
possession or control of tangible personal property for a fixed or 91841
indefinite term, for consideration. "Lease" or "rental" includes 91842
future options to purchase or extend, and agreements described in 91843
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 91844
the amount of consideration may be increased or decreased by 91845
reference to the amount realized upon the sale or disposition of 91846
the property. "Lease" or "rental" does not include: 91847

(a) A transfer of possession or control of tangible personal 91848
property under a security agreement or a deferred payment plan 91849
that requires the transfer of title upon completion of the 91850
required payments; 91851

(b) A transfer of possession or control of tangible personal 91852
property under an agreement that requires the transfer of title 91853
upon completion of required payments and payment of an option 91854
price that does not exceed the greater of one hundred dollars or 91855
one per cent of the total required payments; 91856

(c) Providing tangible personal property along with an 91857
operator for a fixed or indefinite period of time, if the operator 91858
is necessary for the property to perform as designed. For purposes 91859

of this division, the operator must do more than maintain, 91860
inspect, or set-up the tangible personal property. 91861

(2) "Lease" and "rental," as defined in division (UU) of this 91862
section, shall not apply to leases or rentals that exist before 91863
June 26, 2003. 91864

(3) "Lease" and "rental" have the same meaning as in division 91865
(UU)(1) of this section regardless of whether a transaction is 91866
characterized as a lease or rental under generally accepted 91867
accounting principles, the Internal Revenue Code, Title XIII of 91868
the Revised Code, or other federal, state, or local laws. 91869

(VV) "Mobile telecommunications service" has the same meaning 91870
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 91871
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 91872
on and after August 1, 2003, includes related fees and ancillary 91873
services, including universal service fees, detailed billing 91874
service, directory assistance, service initiation, voice mail 91875
service, and vertical services, such as caller ID and three-way 91876
calling. 91877

(WW) "Certified service provider" has the same meaning as in 91878
section 5740.01 of the Revised Code. 91879

(XX) "Satellite broadcasting service" means the distribution 91880
or broadcasting of programming or services by satellite directly 91881
to the subscriber's receiving equipment without the use of ground 91882
receiving or distribution equipment, except the subscriber's 91883
receiving equipment or equipment used in the uplink process to the 91884
satellite, and includes all service and rental charges, premium 91885
channels or other special services, installation and repair 91886
service charges, and any other charges having any connection with 91887
the provision of the satellite broadcasting service. 91888

(YY) "Tangible personal property" means personal property 91889
that can be seen, weighed, measured, felt, or touched, or that is 91890

in any other manner perceptible to the senses. For purposes of 91891
this chapter and Chapter 5741. of the Revised Code, "tangible 91892
personal property" includes motor vehicles, electricity, water, 91893
gas, steam, and prewritten computer software. 91894

(ZZ) "Direct mail" means printed material delivered or 91895
distributed by United States mail or other delivery service to a 91896
mass audience or to addressees on a mailing list provided by the 91897
consumer or at the direction of the consumer when the cost of the 91898
items are not billed directly to the recipients. "Direct mail" 91899
includes tangible personal property supplied directly or 91900
indirectly by the consumer to the direct mail vendor for inclusion 91901
in the package containing the printed material. "Direct mail" does 91902
not include multiple items of printed material delivered to a 91903
single address. 91904

(AAA) "Computer" means an electronic device that accepts 91905
information in digital or similar form and manipulates it for a 91906
result based on a sequence of instructions. 91907

(BBB) "Computer software" means a set of coded instructions 91908
designed to cause a computer or automatic data processing 91909
equipment to perform a task. 91910

(CCC) "Delivered electronically" means delivery of computer 91911
software from the seller to the purchaser by means other than 91912
tangible storage media. 91913

(DDD) "Prewritten computer software" means computer software, 91914
including prewritten upgrades, that is not designed and developed 91915
by the author or other creator to the specifications of a specific 91916
purchaser. The combining of two or more prewritten computer 91917
software programs or prewritten portions thereof does not cause 91918
the combination to be other than prewritten computer software. 91919
"Prewritten computer software" includes software designed and 91920
developed by the author or other creator to the specifications of 91921

a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

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

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

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

(i) A vitamin;	91953
(ii) A mineral;	91954
(iii) An herb or other botanical;	91955
(iv) An amino acid;	91956
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	91957 91958
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.	91959 91960 91961
(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	91962 91963 91964 91965 91966
(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.	91967 91968
(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.	91969 91970 91971 91972 91973 91974 91975 91976 91977
(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.	91978 91979 91980 91981
(HHH) "Durable medical equipment" means equipment, including	91982

repair and replacement parts for such equipment, that can 91983
withstand repeated use, is primarily and customarily used to serve 91984
a medical purpose, generally is not useful to a person in the 91985
absence of illness or injury, and is not worn in or on the body. 91986
"Durable medical equipment" does not include mobility enhancing 91987
equipment. 91988

(III) "Mobility enhancing equipment" means equipment, 91989
including repair and replacement parts for such equipment, that is 91990
primarily and customarily used to provide or increase the ability 91991
to move from one place to another and is appropriate for use 91992
either in a home or a motor vehicle, that is not generally used by 91993
persons with normal mobility, and that does not include any motor 91994
vehicle or equipment on a motor vehicle normally provided by a 91995
motor vehicle manufacturer. "Mobility enhancing equipment" does 91996
not include durable medical equipment. 91997

(JJJ) "Prosthetic device" means a replacement, corrective, or 91998
supportive device, including repair and replacement parts for the 91999
device, worn on or in the human body to artificially replace a 92000
missing portion of the body, prevent or correct physical deformity 92001
or malfunction, or support a weak or deformed portion of the body. 92002
As used in this division, "prosthetic device" does not include 92003
corrective eyeglasses, contact lenses, or dental prosthesis. 92004

(KKK)(1) "Fractional aircraft ownership program" means a 92005
program in which persons within an affiliated group sell and 92006
manage fractional ownership program aircraft, provided that at 92007
least one hundred airworthy aircraft are operated in the program 92008
and the program meets all of the following criteria: 92009

(a) Management services are provided by at least one program 92010
manager within an affiliated group on behalf of the fractional 92011
owners. 92012

(b) Each program aircraft is owned or possessed by at least 92013

one fractional owner. 92014

(c) Each fractional owner owns or possesses at least a 92015
one-sixteenth interest in at least one fixed-wing program 92016
aircraft. 92017

(d) A dry-lease aircraft interchange arrangement is in effect 92018
among all of the fractional owners. 92019

(e) Multi-year program agreements are in effect regarding the 92020
fractional ownership, management services, and dry-lease aircraft 92021
interchange arrangement aspects of the program. 92022

(2) As used in division (KKK)(1) of this section: 92023

(a) "Affiliated group" has the same meaning as in division 92024
(B)(3)(e) of this section. 92025

(b) "Fractional owner" means a person that owns or possesses 92026
at least a one-sixteenth interest in a program aircraft and has 92027
entered into the agreements described in division (KKK)(1)(e) of 92028
this section. 92029

(c) "Fractional ownership program aircraft" or "program 92030
aircraft" means a turbojet aircraft that is owned or possessed by 92031
a fractional owner and that has been included in a dry-lease 92032
aircraft interchange arrangement and agreement under divisions 92033
(KKK)(1)(d) and (e) of this section, or an aircraft a program 92034
manager owns or possesses primarily for use in a fractional 92035
aircraft ownership program. 92036

(d) "Management services" means administrative and aviation 92037
support services furnished under a fractional aircraft ownership 92038
program in accordance with a management services agreement under 92039
division (KKK)(1)(e) of this section, and offered by the program 92040
manager to the fractional owners, including, at a minimum, the 92041
establishment and implementation of safety guidelines; the 92042
coordination of the scheduling of the program aircraft and crews; 92043

program aircraft maintenance; program aircraft insurance; crew 92044
training for crews employed, furnished, or contracted by the 92045
program manager or the fractional owner; the satisfaction of 92046
record-keeping requirements; and the development and use of an 92047
operations manual and a maintenance manual for the fractional 92048
aircraft ownership program. 92049

(e) "Program manager" means the person that offers management 92050
services to fractional owners pursuant to a management services 92051
agreement under division (KKK)(1)(e) of this section. 92052

(LLL) "Electronic publishing" means providing access to one 92053
or more of the following primarily for business customers, 92054
including the federal government or a state government or a 92055
political subdivision thereof, to conduct research: news; 92056
business, financial, legal, consumer, or credit materials; 92057
editorials, columns, reader commentary, or features; photos or 92058
images; archival or research material; legal notices, identity 92059
verification, or public records; scientific, educational, 92060
instructional, technical, professional, trade, or other literary 92061
materials; or other similar information which has been gathered 92062
and made available by the provider to the consumer in an 92063
electronic format. Providing electronic publishing includes the 92064
functions necessary for the acquisition, formatting, editing, 92065
storage, and dissemination of data or information that is the 92066
subject of a sale. 92067

(MMM) "Medicaid health insuring corporation" means a health 92068
insuring corporation that holds a certificate of authority under 92069
Chapter 1751. of the Revised Code and is under contract with the 92070
department of job and family services pursuant to section 5111.17 92071
of the Revised Code. 92072

(NNN) "Managed care premium" means any premium, capitation, 92073
or other payment a medicaid health insuring corporation receives 92074
for providing or arranging for the provision of health care 92075

services to its members or enrollees residing in this state. 92076

Sec. 5739.02. For the purpose of providing revenue with which 92077
to meet the needs of the state, for the use of the general revenue 92078
fund of the state, for the purpose of securing a thorough and 92079
efficient system of common schools throughout the state, for the 92080
purpose of affording revenues, in addition to those from general 92081
property taxes, permitted under constitutional limitations, and 92082
from other sources, for the support of local governmental 92083
functions, and for the purpose of reimbursing the state for the 92084
expense of administering this chapter, an excise tax is hereby 92085
levied on each retail sale made in this state. 92086

(A)(1) The tax shall be collected as provided in section 92087
5739.025 of the Revised Code. The rate of the tax shall be five 92088
and one-half per cent. The tax applies and is collectible when the 92089
sale is made, regardless of the time when the price is paid or 92090
delivered. 92091

(2) In the case of the lease or rental, with a fixed term of 92092
more than thirty days or an indefinite term with a minimum period 92093
of more than thirty days, of any motor vehicles designed by the 92094
manufacturer to carry a load of not more than one ton, watercraft, 92095
outboard motor, or aircraft, or of any tangible personal property, 92096
other than motor vehicles designed by the manufacturer to carry a 92097
load of more than one ton, to be used by the lessee or renter 92098
primarily for business purposes, the tax shall be collected by the 92099
vendor at the time the lease or rental is consummated and shall be 92100
calculated by the vendor on the basis of the total amount to be 92101
paid by the lessee or renter under the lease agreement. If the 92102
total amount of the consideration for the lease or rental includes 92103
amounts that are not calculated at the time the lease or rental is 92104
executed, the tax shall be calculated and collected by the vendor 92105
at the time such amounts are billed to the lessee or renter. In 92106

the case of an open-end lease or rental, the tax shall be 92107
calculated by the vendor on the basis of the total amount to be 92108
paid during the initial fixed term of the lease or rental, and for 92109
each subsequent renewal period as it comes due. As used in this 92110
division, "motor vehicle" has the same meaning as in section 92111
4501.01 of the Revised Code, and "watercraft" includes an outdrive 92112
unit attached to the watercraft. 92113

A lease with a renewal clause and a termination penalty or 92114
similar provision that applies if the renewal clause is not 92115
exercised is presumed to be a sham transaction. In such a case, 92116
the tax shall be calculated and paid on the basis of the entire 92117
length of the lease period, including any renewal periods, until 92118
the termination penalty or similar provision no longer applies. 92119
The taxpayer shall bear the burden, by a preponderance of the 92120
evidence, that the transaction or series of transactions is not a 92121
sham transaction. 92122

(3) Except as provided in division (A)(2) of this section, in 92123
the case of a sale, the price of which consists in whole or in 92124
part of the lease or rental of tangible personal property, the tax 92125
shall be measured by the installments of that lease or rental. 92126

(4) In the case of a sale of a physical fitness facility 92127
service or recreation and sports club service, the price of which 92128
consists in whole or in part of a membership for the receipt of 92129
the benefit of the service, the tax applicable to the sale shall 92130
be measured by the installments thereof. 92131

(B) The tax does not apply to the following: 92132

(1) Sales to the state or any of its political subdivisions, 92133
or to any other state or its political subdivisions if the laws of 92134
that state exempt from taxation sales made to this state and its 92135
political subdivisions; 92136

(2) Sales of food for human consumption off the premises 92137

where sold; 92138

(3) Sales of food sold to students only in a cafeteria, 92139
dormitory, fraternity, or sorority maintained in a private, 92140
public, or parochial school, college, or university; 92141

(4) Sales of newspapers and of magazine subscriptions and 92142
sales or transfers of magazines distributed as controlled 92143
circulation publications; 92144

(5) The furnishing, preparing, or serving of meals without 92145
charge by an employer to an employee provided the employer records 92146
the meals as part compensation for services performed or work 92147
done; 92148

(6) Sales of motor fuel upon receipt, use, distribution, or 92149
sale of which in this state a tax is imposed by the law of this 92150
state, but this exemption shall not apply to the sale of motor 92151
fuel on which a refund of the tax is allowable under division (A) 92152
of section 5735.14 of the Revised Code; and the tax commissioner 92153
may deduct the amount of tax levied by this section applicable to 92154
the price of motor fuel when granting a refund of motor fuel tax 92155
pursuant to division (A) of section 5735.14 of the Revised Code 92156
and shall cause the amount deducted to be paid into the general 92157
revenue fund of this state; 92158

(7) Sales of natural gas by a natural gas company, of water 92159
by a water-works company, or of steam by a heating company, if in 92160
each case the thing sold is delivered to consumers through pipes 92161
or conduits, and all sales of communications services by a 92162
telegraph company, all terms as defined in section 5727.01 of the 92163
Revised Code, and sales of electricity delivered through wires; 92164

(8) Casual sales by a person, or auctioneer employed directly 92165
by the person to conduct such sales, except as to such sales of 92166
motor vehicles, watercraft or outboard motors required to be 92167
titled under section 1548.06 of the Revised Code, watercraft 92168

documented with the United States coast guard, snowmobiles, and 92169
all-purpose vehicles as defined in section 4519.01 of the Revised 92170
Code; 92171

(9)(a) Sales of services or tangible personal property, other 92172
than motor vehicles, mobile homes, and manufactured homes, by 92173
churches, organizations exempt from taxation under section 92174
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 92175
organizations operated exclusively for charitable purposes as 92176
defined in division (B)(12) of this section, provided that the 92177
number of days on which such tangible personal property or 92178
services, other than items never subject to the tax, are sold does 92179
not exceed six in any calendar year, except as otherwise provided 92180
in division (B)(9)(b) of this section. If the number of days on 92181
which such sales are made exceeds six in any calendar year, the 92182
church or organization shall be considered to be engaged in 92183
business and all subsequent sales by it shall be subject to the 92184
tax. In counting the number of days, all sales by groups within a 92185
church or within an organization shall be considered to be sales 92186
of that church or organization. 92187

(b) The limitation on the number of days on which tax-exempt 92188
sales may be made by a church or organization under division 92189
(B)(9)(a) of this section does not apply to sales made by student 92190
clubs and other groups of students of a primary or secondary 92191
school, or a parent-teacher association, booster group, or similar 92192
organization that raises money to support or fund curricular or 92193
extracurricular activities of a primary or secondary school. 92194

(c) Divisions (B)(9)(a) and (b) of this section do not apply 92195
to sales by a noncommercial educational radio or television 92196
broadcasting station. 92197

(10) Sales not within the taxing power of this state under 92198
the Constitution of the United States; 92199

(11) Except for transactions that are sales under division 92200
(B)(3)(r) of section 5739.01 of the Revised Code, the 92201
transportation of persons or property, unless the transportation 92202
is by a private investigation and security service; 92203

(12) Sales of tangible personal property or services to 92204
churches, to organizations exempt from taxation under section 92205
501(c)(3) of the Internal Revenue Code of 1986, and to any other 92206
nonprofit organizations operated exclusively for charitable 92207
purposes in this state, no part of the net income of which inures 92208
to the benefit of any private shareholder or individual, and no 92209
substantial part of the activities of which consists of carrying 92210
on propaganda or otherwise attempting to influence legislation; 92211
sales to offices administering one or more homes for the aged or 92212
one or more hospital facilities exempt under section 140.08 of the 92213
Revised Code; and sales to organizations described in division (D) 92214
of section 5709.12 of the Revised Code. 92215

"Charitable purposes" means the relief of poverty; the 92216
improvement of health through the alleviation of illness, disease, 92217
or injury; the operation of an organization exclusively for the 92218
provision of professional, laundry, printing, and purchasing 92219
services to hospitals or charitable institutions; the operation of 92220
a home for the aged, as defined in section 5701.13 of the Revised 92221
Code; the operation of a radio or television broadcasting station 92222
that is licensed by the federal communications commission as a 92223
noncommercial educational radio or television station; the 92224
operation of a nonprofit animal adoption service or a county 92225
humane society; the promotion of education by an institution of 92226
learning that maintains a faculty of qualified instructors, 92227
teaches regular continuous courses of study, and confers a 92228
recognized diploma upon completion of a specific curriculum; the 92229
operation of a parent-teacher association, booster group, or 92230
similar organization primarily engaged in the promotion and 92231

support of the curricular or extracurricular activities of a 92232
primary or secondary school; the operation of a community or area 92233
center in which presentations in music, dramatics, the arts, and 92234
related fields are made in order to foster public interest and 92235
education therein; the production of performances in music, 92236
dramatics, and the arts; or the promotion of education by an 92237
organization engaged in carrying on research in, or the 92238
dissemination of, scientific and technological knowledge and 92239
information primarily for the public. 92240

Nothing in this division shall be deemed to exempt sales to 92241
any organization for use in the operation or carrying on of a 92242
trade or business, or sales to a home for the aged for use in the 92243
operation of independent living facilities as defined in division 92244
(A) of section 5709.12 of the Revised Code. 92245

(13) Building and construction materials and services sold to 92246
construction contractors for incorporation into a structure or 92247
improvement to real property under a construction contract with 92248
this state or a political subdivision of this state, or with the 92249
United States government or any of its agencies; building and 92250
construction materials and services sold to construction 92251
contractors for incorporation into a structure or improvement to 92252
real property that are accepted for ownership by this state or any 92253
of its political subdivisions, or by the United States government 92254
or any of its agencies at the time of completion of the structures 92255
or improvements; building and construction materials sold to 92256
construction contractors for incorporation into a horticulture 92257
structure or livestock structure for a person engaged in the 92258
business of horticulture or producing livestock; building 92259
materials and services sold to a construction contractor for 92260
incorporation into a house of public worship or religious 92261
education, or a building used exclusively for charitable purposes 92262
under a construction contract with an organization whose purpose 92263

is as described in division (B)(12) of this section; building 92264
materials and services sold to a construction contractor for 92265
incorporation into a building under a construction contract with 92266
an organization exempt from taxation under section 501(c)(3) of 92267
the Internal Revenue Code of 1986 when the building is to be used 92268
exclusively for the organization's exempt purposes; building and 92269
construction materials sold for incorporation into the original 92270
construction of a sports facility under section 307.696 of the 92271
Revised Code; and building and construction materials and services 92272
sold to a construction contractor for incorporation into real 92273
property outside this state if such materials and services, when 92274
sold to a construction contractor in the state in which the real 92275
property is located for incorporation into real property in that 92276
state, would be exempt from a tax on sales levied by that state; 92277

(14) Sales of ships or vessels or rail rolling stock used or 92278
to be used principally in interstate or foreign commerce, and 92279
repairs, alterations, fuel, and lubricants for such ships or 92280
vessels or rail rolling stock; 92281

(15) Sales to persons primarily engaged in any of the 92282
activities mentioned in division (B)(42)(a) or (g) of this 92283
section, to persons engaged in making retail sales, or to persons 92284
who purchase for sale from a manufacturer tangible personal 92285
property that was produced by the manufacturer in accordance with 92286
specific designs provided by the purchaser, of packages, including 92287
material, labels, and parts for packages, and of machinery, 92288
equipment, and material for use primarily in packaging tangible 92289
personal property produced for sale, including any machinery, 92290
equipment, and supplies used to make labels or packages, to 92291
prepare packages or products for labeling, or to label packages or 92292
products, by or on the order of the person doing the packaging, or 92293
sold at retail. "Packages" includes bags, baskets, cartons, 92294
crates, boxes, cans, bottles, bindings, wrappings, and other 92295

similar devices and containers, but does not include motor 92296
vehicles or bulk tanks, trailers, or similar devices attached to 92297
motor vehicles. "Packaging" means placing in a package. Division 92298
(B)(15) of this section does not apply to persons engaged in 92299
highway transportation for hire. 92300

(16) Sales of food to persons using ~~food stamp~~ supplemental 92301
nutrition assistance program benefits to purchase the food. As 92302
used in this division, "food" has the same meaning as in the "~~Food~~ 92303
~~Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended,~~ and 92304
federal regulations adopted pursuant to ~~that act~~ the Food and 92305
Nutrition Act of 2008. 92306

(17) Sales to persons engaged in farming, agriculture, 92307
horticulture, or floriculture, of tangible personal property for 92308
use or consumption directly in the production by farming, 92309
agriculture, horticulture, or floriculture of other tangible 92310
personal property for use or consumption directly in the 92311
production of tangible personal property for sale by farming, 92312
agriculture, horticulture, or floriculture; or material and parts 92313
for incorporation into any such tangible personal property for use 92314
or consumption in production; and of tangible personal property 92315
for such use or consumption in the conditioning or holding of 92316
products produced by and for such use, consumption, or sale by 92317
persons engaged in farming, agriculture, horticulture, or 92318
floriculture, except where such property is incorporated into real 92319
property; 92320

(18) Sales of drugs for a human being that may be dispensed 92321
only pursuant to a prescription; insulin as recognized in the 92322
official United States pharmacopoeia; urine and blood testing 92323
materials when used by diabetics or persons with hypoglycemia to 92324
test for glucose or acetone; hypodermic syringes and needles when 92325
used by diabetics for insulin injections; epoetin alfa when 92326
purchased for use in the treatment of persons with medical 92327

disease; hospital beds when purchased by hospitals, nursing homes, 92328
or other medical facilities; and medical oxygen and medical 92329
oxygen-dispensing equipment when purchased by hospitals, nursing 92330
homes, or other medical facilities; 92331

(19) Sales of prosthetic devices, durable medical equipment 92332
for home use, or mobility enhancing equipment, when made pursuant 92333
to a prescription and when such devices or equipment are for use 92334
by a human being. 92335

(20) Sales of emergency and fire protection vehicles and 92336
equipment to nonprofit organizations for use solely in providing 92337
fire protection and emergency services, including trauma care and 92338
emergency medical services, for political subdivisions of the 92339
state; 92340

(21) Sales of tangible personal property manufactured in this 92341
state, if sold by the manufacturer in this state to a retailer for 92342
use in the retail business of the retailer outside of this state 92343
and if possession is taken from the manufacturer by the purchaser 92344
within this state for the sole purpose of immediately removing the 92345
same from this state in a vehicle owned by the purchaser; 92346

(22) Sales of services provided by the state or any of its 92347
political subdivisions, agencies, instrumentalities, institutions, 92348
or authorities, or by governmental entities of the state or any of 92349
its political subdivisions, agencies, instrumentalities, 92350
institutions, or authorities; 92351

(23) Sales of motor vehicles to nonresidents of this state 92352
under the circumstances described in division (B) of section 92353
5739.029 of the Revised Code; 92354

(24) Sales to persons engaged in the preparation of eggs for 92355
sale of tangible personal property used or consumed directly in 92356
such preparation, including such tangible personal property used 92357
for cleaning, sanitizing, preserving, grading, sorting, and 92358

classifying by size; packages, including material and parts for 92359
packages, and machinery, equipment, and material for use in 92360
packaging eggs for sale; and handling and transportation equipment 92361
and parts therefor, except motor vehicles licensed to operate on 92362
public highways, used in intraplant or interplant transfers or 92363
shipment of eggs in the process of preparation for sale, when the 92364
plant or plants within or between which such transfers or 92365
shipments occur are operated by the same person. "Packages" 92366
includes containers, cases, baskets, flats, fillers, filler flats, 92367
cartons, closure materials, labels, and labeling materials, and 92368
"packaging" means placing therein. 92369

(25)(a) Sales of water to a consumer for residential use, 92370
except the sale of bottled water, distilled water, mineral water, 92371
carbonated water, or ice; 92372

(b) Sales of water by a nonprofit corporation engaged 92373
exclusively in the treatment, distribution, and sale of water to 92374
consumers, if such water is delivered to consumers through pipes 92375
or tubing. 92376

(26) Fees charged for inspection or reinspection of motor 92377
vehicles under section 3704.14 of the Revised Code; 92378

(27) Sales to persons licensed to conduct a food service 92379
operation pursuant to section 3717.43 of the Revised Code, of 92380
tangible personal property primarily used directly for the 92381
following: 92382

(a) To prepare food for human consumption for sale; 92383

(b) To preserve food that has been or will be prepared for 92384
human consumption for sale by the food service operator, not 92385
including tangible personal property used to display food for 92386
selection by the consumer; 92387

(c) To clean tangible personal property used to prepare or 92388
serve food for human consumption for sale. 92389

(28) Sales of animals by nonprofit animal adoption services	92390
or county humane societies;	92391
(29) Sales of services to a corporation described in division	92392
(A) of section 5709.72 of the Revised Code, and sales of tangible	92393
personal property that qualifies for exemption from taxation under	92394
section 5709.72 of the Revised Code;	92395
(30) Sales and installation of agricultural land tile, as	92396
defined in division (B)(5)(a) of section 5739.01 of the Revised	92397
Code;	92398
(31) Sales and erection or installation of portable grain	92399
bins, as defined in division (B)(5)(b) of section 5739.01 of the	92400
Revised Code;	92401
(32) The sale, lease, repair, and maintenance of, parts for,	92402
or items attached to or incorporated in, motor vehicles that are	92403
primarily used for transporting tangible personal property	92404
belonging to others by a person engaged in highway transportation	92405
for hire, except for packages and packaging used for the	92406
transportation of tangible personal property;	92407
(33) Sales to the state headquarters of any veterans'	92408
organization in this state that is either incorporated and issued	92409
a charter by the congress of the United States or is recognized by	92410
the United States veterans administration, for use by the	92411
headquarters;	92412
(34) Sales to a telecommunications service vendor, mobile	92413
telecommunications service vendor, or satellite broadcasting	92414
service vendor of tangible personal property and services used	92415
directly and primarily in transmitting, receiving, switching, or	92416
recording any interactive, one- or two-way electromagnetic	92417
communications, including voice, image, data, and information,	92418
through the use of any medium, including, but not limited to,	92419
poles, wires, cables, switching equipment, computers, and record	92420

storage devices and media, and component parts for the tangible 92421
personal property. The exemption provided in this division shall 92422
be in lieu of all other exemptions under division (B)(42)(a) of 92423
this section to which the vendor may otherwise be entitled, based 92424
upon the use of the thing purchased in providing the 92425
telecommunications, mobile telecommunications, or satellite 92426
broadcasting service. 92427

(35)(a) Sales where the purpose of the consumer is to use or 92428
consume the things transferred in making retail sales and 92429
consisting of newspaper inserts, catalogues, coupons, flyers, gift 92430
certificates, or other advertising material that prices and 92431
describes tangible personal property offered for retail sale. 92432

(b) Sales to direct marketing vendors of preliminary 92433
materials such as photographs, artwork, and typesetting that will 92434
be used in printing advertising material; of printed matter that 92435
offers free merchandise or chances to win sweepstake prizes and 92436
that is mailed to potential customers with advertising material 92437
described in division (B)(35)(a) of this section; and of equipment 92438
such as telephones, computers, facsimile machines, and similar 92439
tangible personal property primarily used to accept orders for 92440
direct marketing retail sales. 92441

(c) Sales of automatic food vending machines that preserve 92442
food with a shelf life of forty-five days or less by refrigeration 92443
and dispense it to the consumer. 92444

For purposes of division (B)(35) of this section, "direct 92445
marketing" means the method of selling where consumers order 92446
tangible personal property by United States mail, delivery 92447
service, or telecommunication and the vendor delivers or ships the 92448
tangible personal property sold to the consumer from a warehouse, 92449
catalogue distribution center, or similar fulfillment facility by 92450
means of the United States mail, delivery service, or common 92451
carrier. 92452

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	92453 92454 92455
(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	92456 92457 92458 92459 92460
(38) Sales to a professional racing team of any of the following:	92461 92462
(a) Motor racing vehicles;	92463
(b) Repair services for motor racing vehicles;	92464
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	92465 92466 92467 92468 92469 92470 92471 92472
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	92473 92474 92475
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity;	92476 92477 92478 92479 92480 92481 92482 92483

and tangible personal property and services used in the repair and 92484
maintenance of the production, transmission, or distribution 92485
system, including only those motor vehicles as are specially 92486
designed and equipped for such use. The exemption provided in this 92487
division shall be in lieu of all other exemptions in division 92488
(B)(42)(a) of this section to which a provider of electricity may 92489
otherwise be entitled based on the use of the tangible personal 92490
property or service purchased in generating, transmitting, or 92491
distributing electricity. 92492

(41) Sales to a person providing services under division 92493
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 92494
personal property and services used directly and primarily in 92495
providing taxable services under that section. 92496

(42) Sales where the purpose of the purchaser is to do any of 92497
the following: 92498

(a) To incorporate the thing transferred as a material or a 92499
part into tangible personal property to be produced for sale by 92500
manufacturing, assembling, processing, or refining; or to use or 92501
consume the thing transferred directly in producing tangible 92502
personal property for sale by mining, including, without 92503
limitation, the extraction from the earth of all substances that 92504
are classed geologically as minerals, production of crude oil and 92505
natural gas, farming, agriculture, horticulture, or floriculture, 92506
or directly in the rendition of a public utility service, except 92507
that the sales tax levied by this section shall be collected upon 92508
all meals, drinks, and food for human consumption sold when 92509
transporting persons. Persons engaged in rendering farming, 92510
agricultural, horticultural, or floricultural services, and 92511
services in the exploration for, and production of, crude oil and 92512
natural gas, for others are deemed engaged directly in farming, 92513
agriculture, horticulture, and floriculture, or exploration for, 92514
and production of, crude oil and natural gas. This paragraph does 92515

not exempt from "retail sale" or "sales at retail" the sale of 92516
tangible personal property that is to be incorporated into a 92517
structure or improvement to real property. 92518

(b) To hold the thing transferred as security for the 92519
performance of an obligation of the vendor; 92520

(c) To resell, hold, use, or consume the thing transferred as 92521
evidence of a contract of insurance; 92522

(d) To use or consume the thing directly in commercial 92523
fishing; 92524

(e) To incorporate the thing transferred as a material or a 92525
part into, or to use or consume the thing transferred directly in 92526
the production of, magazines distributed as controlled circulation 92527
publications; 92528

(f) To use or consume the thing transferred in the production 92529
and preparation in suitable condition for market and sale of 92530
printed, imprinted, overprinted, lithographic, multilithic, 92531
blueprinted, photostatic, or other productions or reproductions of 92532
written or graphic matter; 92533

(g) To use the thing transferred, as described in section 92534
5739.011 of the Revised Code, primarily in a manufacturing 92535
operation to produce tangible personal property for sale; 92536

(h) To use the benefit of a warranty, maintenance or service 92537
contract, or similar agreement, as described in division (B)(7) of 92538
section 5739.01 of the Revised Code, to repair or maintain 92539
tangible personal property, if all of the property that is the 92540
subject of the warranty, contract, or agreement would not be 92541
subject to the tax imposed by this section; 92542

(i) To use the thing transferred as qualified research and 92543
development equipment; 92544

(j) To use or consume the thing transferred primarily in 92545

storing, transporting, mailing, or otherwise handling purchased 92546
sales inventory in a warehouse, distribution center, or similar 92547
facility when the inventory is primarily distributed outside this 92548
state to retail stores of the person who owns or controls the 92549
warehouse, distribution center, or similar facility, to retail 92550
stores of an affiliated group of which that person is a member, or 92551
by means of direct marketing. This division does not apply to 92552
motor vehicles registered for operation on the public highways. As 92553
used in this division, "affiliated group" has the same meaning as 92554
in division (B)(3)(e) of section 5739.01 of the Revised Code and 92555
"direct marketing" has the same meaning as in division (B)(35) of 92556
this section. 92557

(k) To use or consume the thing transferred to fulfill a 92558
contractual obligation incurred by a warrantor pursuant to a 92559
warranty provided as a part of the price of the tangible personal 92560
property sold or by a vendor of a warranty, maintenance or service 92561
contract, or similar agreement the provision of which is defined 92562
as a sale under division (B)(7) of section 5739.01 of the Revised 92563
Code; 92564

(l) To use or consume the thing transferred in the production 92565
of a newspaper for distribution to the public; 92566

(m) To use tangible personal property to perform a service 92567
listed in division (B)(3) of section 5739.01 of the Revised Code, 92568
if the property is or is to be permanently transferred to the 92569
consumer of the service as an integral part of the performance of 92570
the service; 92571

(n) To use or consume the thing transferred in acquiring, 92572
formatting, editing, storing, and disseminating data or 92573
information by electronic publishing. 92574

As used in division (B)(42) of this section, "thing" includes 92575
all transactions included in divisions (B)(3)(a), (b), and (e) of 92576

section 5739.01 of the Revised Code. 92577

(43) Sales conducted through a coin operated device that 92578
activates vacuum equipment or equipment that dispenses water, 92579
whether or not in combination with soap or other cleaning agents 92580
or wax, to the consumer for the consumer's use on the premises in 92581
washing, cleaning, or waxing a motor vehicle, provided no other 92582
personal property or personal service is provided as part of the 92583
transaction. 92584

(44) Sales of replacement and modification parts for engines, 92585
airframes, instruments, and interiors in, and paint for, aircraft 92586
used primarily in a fractional aircraft ownership program, and 92587
sales of services for the repair, modification, and maintenance of 92588
such aircraft, and machinery, equipment, and supplies primarily 92589
used to provide those services. 92590

(45) Sales of telecommunications service that is used 92591
directly and primarily to perform the functions of a call center. 92592
As used in this division, "call center" means any physical 92593
location where telephone calls are placed or received in high 92594
volume for the purpose of making sales, marketing, customer 92595
service, technical support, or other specialized business 92596
activity, and that employs at least fifty individuals that engage 92597
in call center activities on a full-time basis, or sufficient 92598
individuals to fill fifty full-time equivalent positions. 92599

(46) Sales by a telecommunications service vendor of 900 92600
service to a subscriber. This division does not apply to 92601
information services, as defined in division (FF) of section 92602
5739.01 of the Revised Code. 92603

(47) Sales of value-added non-voice data service. This 92604
division does not apply to any similar service that is not 92605
otherwise a telecommunications service. 92606

(48)(a) Sales of machinery, equipment, and software to a 92607

qualified direct selling entity for use in a warehouse or 92608
distribution center primarily for storing, transporting, or 92609
otherwise handling inventory that is held for sale to independent 92610
salespersons who operate as direct sellers and that is held 92611
primarily for distribution outside this state; 92612

(b) As used in division (B)(48)(a) of this section: 92613

(i) "Direct seller" means a person selling consumer products 92614
to individuals for personal or household use and not from a fixed 92615
retail location, including selling such product at in-home product 92616
demonstrations, parties, and other one-on-one selling. 92617

(ii) "Qualified direct selling entity" means an entity 92618
selling to direct sellers at the time the entity enters into a tax 92619
credit agreement with the tax credit authority pursuant to section 92620
122.17 of the Revised Code, provided that the agreement was 92621
entered into on or after January 1, 2007. Neither contingencies 92622
relevant to the granting of, nor later developments with respect 92623
to, the tax credit shall impair the status of the qualified direct 92624
selling entity under division (B)(48) of this section after 92625
execution of the tax credit agreement by the tax credit authority. 92626

(c) Division (B)(48) of this section is limited to machinery, 92627
equipment, and software first stored, used, or consumed in this 92628
state within the period commencing June 24, 2008, and ending on 92629
the date that is five years after that date. 92630

(49) Sales of materials, parts, equipment, or engines used in 92631
the repair or maintenance of aircraft or avionics systems of such 92632
aircraft, and sales of repair, remodeling, replacement, or 92633
maintenance services in this state performed on aircraft or on an 92634
aircraft's avionics, engine, or component materials or parts. As 92635
used in division (B)(49) of this section, "aircraft" means 92636
aircraft of more than six thousand pounds maximum certified 92637
takeoff weight or used exclusively in general aviation. 92638

(50) Sales of full flight simulators that are used for pilot 92639
or flight-crew training, sales of repair or replacement parts or 92640
components, and sales of repair or maintenance services for such 92641
full flight simulators. "Full flight simulator" means a replica of 92642
a specific type, or make, model, and series of aircraft cockpit. 92643
It includes the assemblage of equipment and computer programs 92644
necessary to represent aircraft operations in ground and flight 92645
conditions, a visual system providing an out-of-the-cockpit view, 92646
and a system that provides cues at least equivalent to those of a 92647
three-degree-of-freedom motion system, and has the full range of 92648
capabilities of the systems installed in the device as described 92649
in appendices A and B of part 60 of chapter 1 of title 14 of the 92650
Code of Federal Regulations. 92651

92652

(C) For the purpose of the proper administration of this 92653
chapter, and to prevent the evasion of the tax, it is presumed 92654
that all sales made in this state are subject to the tax until the 92655
contrary is established. 92656

(D) The levy of this tax on retail sales of recreation and 92657
sports club service shall not prevent a municipal corporation from 92658
levying any tax on recreation and sports club dues or on any 92659
income generated by recreation and sports club dues. 92660

(E) The tax collected by the vendor from the consumer under 92661
this chapter is not part of the price, but is a tax collection for 92662
the benefit of the state, and of counties levying an additional 92663
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 92664
Code and of transit authorities levying an additional sales tax 92665
pursuant to section 5739.023 of the Revised Code. Except for the 92666
discount authorized under section 5739.12 of the Revised Code and 92667
the effects of any rounding pursuant to section 5703.055 of the 92668
Revised Code, no person other than the state or such a county or 92669
transit authority shall derive any benefit from the collection or 92670

payment of the tax levied by this section or section 5739.021, 92671
5739.023, or 5739.026 of the Revised Code. 92672

Sec. 5739.03. (A) Except as provided in section 5739.05 or 92673
section 5739.051 of the Revised Code, the tax imposed by or 92674
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 92675
the Revised Code shall be paid by the consumer to the vendor, and 92676
each vendor shall collect from the consumer, as a trustee for the 92677
state of Ohio, the full and exact amount of the tax payable on 92678
each taxable sale, in the manner and at the times provided as 92679
follows: 92680

(1) If the price is, at or prior to the provision of the 92681
service or the delivery of possession of the thing sold to the 92682
consumer, paid in currency passed from hand to hand by the 92683
consumer or the consumer's agent to the vendor or the vendor's 92684
agent, the vendor or the vendor's agent shall collect the tax with 92685
and at the same time as the price; 92686

(2) If the price is otherwise paid or to be paid, the vendor 92687
or the vendor's agent shall, at or prior to the provision of the 92688
service or the delivery of possession of the thing sold to the 92689
consumer, charge the tax imposed by or pursuant to section 92690
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 92691
the account of the consumer, which amount shall be collected by 92692
the vendor from the consumer in addition to the price. Such sale 92693
shall be reported on and the amount of the tax applicable thereto 92694
shall be remitted with the return for the period in which the sale 92695
is made, and the amount of the tax shall become a legal charge in 92696
favor of the vendor and against the consumer. 92697

(B)(1)(a) If any sale is claimed to be exempt under division 92698
(E) of section 5739.01 of the Revised Code or under section 92699
5739.02 of the Revised Code, with the exception of divisions 92700
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 92701

consumer must provide to the vendor, and the vendor must obtain 92702
from the consumer, a certificate specifying the reason that the 92703
sale is not legally subject to the tax. The certificate shall be 92704
in such form, and shall be provided either in a hard copy form or 92705
electronic form, as the tax commissioner prescribes. 92706

(b) A vendor that obtains a fully completed exemption 92707
certificate from a consumer is relieved of liability for 92708
collecting and remitting tax on any sale covered by that 92709
certificate. If it is determined the exemption was improperly 92710
claimed, the consumer shall be liable for any tax due on that sale 92711
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 92712
5741. of the Revised Code. Relief under this division from 92713
liability does not apply to any of the following: 92714

(i) A vendor that fraudulently fails to collect tax; 92715

(ii) A vendor that solicits consumers to participate in the 92716
unlawful claim of an exemption; 92717

(iii) A vendor that accepts an exemption certificate from a 92718
consumer that claims an exemption based on who purchases or who 92719
sells property or a service, when the subject of the transaction 92720
sought to be covered by the exemption certificate is actually 92721
received by the consumer at a location operated by the vendor in 92722
this state, and this state has posted to its web site an exemption 92723
certificate form that clearly and affirmatively indicates that the 92724
claimed exemption is not available in this state; 92725

(iv) A vendor that accepts an exemption certificate from a 92726
consumer who claims a multiple points of use exemption under 92727
division (D) of section 5739.033 of the Revised Code, if the item 92728
purchased is tangible personal property, other than prewritten 92729
computer software. 92730

(2) The vendor shall maintain records, including exemption 92731
certificates, of all sales on which a consumer has claimed an 92732

exemption, and provide them to the tax commissioner on request. 92733

(3) The tax commissioner may establish an identification 92734
system whereby the commissioner issues an identification number to 92735
a consumer that is exempt from payment of the tax. The consumer 92736
must present the number to the vendor, if any sale is claimed to 92737
be exempt as provided in this section. 92738

(4) If no certificate is provided or obtained within ninety 92739
days after the date on which such sale is consummated, it shall be 92740
presumed that the tax applies. Failure to have so provided or 92741
obtained a certificate shall not preclude a vendor, within one 92742
hundred twenty days after the tax commissioner gives written 92743
notice of intent to levy an assessment, from either establishing 92744
that the sale is not subject to the tax, or obtaining, in good 92745
faith, a fully completed exemption certificate. 92746

(5) Certificates need not be obtained nor provided where the 92747
identity of the consumer is such that the transaction is never 92748
subject to the tax imposed or where the item of tangible personal 92749
property sold or the service provided is never subject to the tax 92750
imposed, regardless of use, or when the sale is in interstate 92751
commerce. 92752

(6) If a transaction is claimed to be exempt under division 92753
(B)(13) of section 5739.02 of the Revised Code, the contractor 92754
shall obtain certification of the claimed exemption from the 92755
contractee. This certification shall be in addition to an 92756
exemption certificate provided by the contractor to the vendor. A 92757
contractee that provides a certification under this division shall 92758
be deemed to be the consumer of all items purchased by the 92759
contractor under the claim of exemption, if it is subsequently 92760
determined that the exemption is not properly claimed. The 92761
certification shall be in such form as the tax commissioner 92762
prescribes. 92763

(C) As used in this division, "contractee" means a person who 92764
seeks to enter or enters into a contract or agreement with a 92765
contractor or vendor for the construction of real property or for 92766
the sale and installation onto real property of tangible personal 92767
property. 92768

Any contractor or vendor may request from any contractee a 92769
certification of what portion of the property to be transferred 92770
under such contract or agreement is to be incorporated into the 92771
realty and what portion will retain its status as tangible 92772
personal property after installation is completed. The contractor 92773
or vendor shall request the certification by certified mail 92774
delivered to the contractee, return receipt requested. Upon 92775
receipt of such request and prior to entering into the contract or 92776
agreement, the contractee shall provide to the contractor or 92777
vendor a certification sufficiently detailed to enable the 92778
contractor or vendor to ascertain the resulting classification of 92779
all materials purchased or fabricated by the contractor or vendor 92780
and transferred to the contractee. This requirement applies to a 92781
contractee regardless of whether the contractee holds a direct 92782
payment permit under section 5739.031 of the Revised Code or 92783
provides to the contractor or vendor an exemption certificate as 92784
provided under this section. 92785

For the purposes of the taxes levied by this chapter and 92786
Chapter 5741. of the Revised Code, the contractor or vendor may in 92787
good faith rely on the contractee's certification. Notwithstanding 92788
division (B) of section 5739.01 of the Revised Code, if the tax 92789
commissioner determines that certain property certified by the 92790
contractee as tangible personal property pursuant to this division 92791
is, in fact, real property, the contractee shall be considered to 92792
be the consumer of all materials so incorporated into that real 92793
property and shall be liable for the applicable tax, and the 92794
contractor or vendor shall be excused from any liability on those 92795

materials. 92796

If a contractee fails to provide such certification upon the 92797
request of the contractor or vendor, the contractor or vendor 92798
shall comply with the provisions of this chapter and Chapter 5741. 92799
of the Revised Code without the certification. If the tax 92800
commissioner determines that such compliance has been performed in 92801
good faith and that certain property treated as tangible personal 92802
property by the contractor or vendor is, in fact, real property, 92803
the contractee shall be considered to be the consumer of all 92804
materials so incorporated into that real property and shall be 92805
liable for the applicable tax, and the construction contractor or 92806
vendor shall be excused from any liability on those materials. 92807

This division does not apply to any contract or agreement 92808
where the tax commissioner determines as a fact that a 92809
certification under this division was made solely on the decision 92810
or advice of the contractor or vendor. 92811

(D) Notwithstanding division (B) of section 5739.01 of the 92812
Revised Code, whenever the total rate of tax imposed under this 92813
chapter is increased after the date after a construction contract 92814
is entered into, the contractee shall reimburse the construction 92815
contractor for any additional tax paid on tangible property 92816
consumed or services received pursuant to the contract. 92817

(E) A vendor who files a petition for reassessment contesting 92818
the assessment of tax on sales for which the vendor obtained no 92819
valid exemption certificates and for which the vendor failed to 92820
establish that the sales were properly not subject to the tax 92821
during the one-hundred-twenty-day period allowed under division 92822
(B) of this section, may present to the tax commissioner 92823
additional evidence to prove that the sales were properly subject 92824
to a claim of exception or exemption. The vendor shall file such 92825
evidence within ninety days of the receipt by the vendor of the 92826
notice of assessment, except that, upon application and for 92827

reasonable cause, the period for submitting such evidence shall be 92828
extended thirty days. 92829

The commissioner shall consider such additional evidence in 92830
reaching the final determination on the assessment and petition 92831
for reassessment. 92832

(F) Whenever a vendor refunds the price, minus any separately 92833
stated delivery charge, of an item of tangible personal property 92834
on which the tax imposed under this chapter has been paid, the 92835
vendor shall also refund the amount of tax paid, minus the amount 92836
of tax attributable to the delivery charge. 92837

Sec. 5739.033. (A) Except as provided in division (B) of this 92838
section, divisions (C) to (I) of this section apply to sales made 92839
on and after January 1, 2008. Any vendor previously required to 92840
comply with divisions (C) to (I) of this section and any vendor 92841
that irrevocably elects to comply with divisions (C) to (I) of 92842
this section for all of the vendor's sales and places of business 92843
in this state shall continue to source its sales under those 92844
divisions. 92845

The amount of tax due pursuant to sections 5739.02, 5739.021, 92846
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 92847
imposed pursuant to those sections at the sourcing location of the 92848
sale as determined under this section or, if applicable, under 92849
division (C) of section 5739.031 or section 5739.034 of the 92850
Revised Code, or at the situs of the sale as determined under 92851
section 5739.035 of the Revised Code. This section applies only to 92852
a vendor's or seller's obligation to collect and remit sales taxes 92853
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 92854
Revised Code or use taxes under section 5741.02, 5741.021, 92855
5741.022, or 5741.023 of the Revised Code. Division (A) of this 92856
section does not apply in determining the jurisdiction for which 92857
sellers are required to collect the use tax under section 5741.05 92858

of the Revised Code. This section does not affect the obligation 92859
of a consumer to remit use taxes on the storage, use, or other 92860
consumption of tangible personal property or on the benefit 92861
realized of any service provided, to the jurisdiction of that 92862
storage, use, or consumption, or benefit realized. 92863

(B)(1) As used in this division: 92864

(a) "Delivery sale" means the taxable sale of tangible 92865
personal property or a service that is received by a consumer, or 92866
a donee designated by the consumer, in a taxing jurisdiction that 92867
is not the taxing jurisdiction in which the vendor has a fixed 92868
place of business. 92869

(b) "Agreement" has the same meaning as in section 5740.01 of 92870
the Revised Code. 92871

(c) "Governing board" has the same meaning as in section 92872
5740.02 of the Revised Code. 92873

(2) If the tax commissioner does not make the certification 92874
under section 5740.10 of the Revised Code, a vendor that is not 92875
required by division (A) of this section to situs sales under 92876
divisions (C) to (I) of this section on the date of the 92877
commissioner's certification may continue after that date to situs 92878
its sales under section 5739.035 of the Revised Code unless it is 92879
required, under division (B)(5) of this section, to situs its 92880
sales under divisions (C) to (I) of this section. 92881

(3) Except as otherwise provided in divisions (B)(4) and (5) 92882
of this section, a vendor with total delivery sales within this 92883
state in prior calendar years, beginning with calendar year 2007, 92884
of less than five hundred thousand dollars may situs its sales 92885
under section 5739.035 of the Revised Code. 92886

(4) Once a vendor has total delivery sales in this state of 92887
five hundred thousand dollars or more for a prior calendar year, 92888
the vendor shall source its sales under divisions (C) to (I) of 92889

this section and shall continue to source its sales under those 92890
divisions regardless of the amount of the vendor's total delivery 92891
sales in future years. 92892

(5) A vendor permitted under division (B)(3) of this section 92893
to situs its sales under section 5739.035 of the Revised Code that 92894
fails to provide, absent a clerical error, the notices required 92895
under division (I)(1) of section 5739.035 of the Revised Code 92896
shall situs all subsequent sales as required under divisions (C) 92897
to (I) of this section. 92898

(C) Except for sales, other than leases, of titled motor 92899
vehicles, titled watercraft, or titled outboard motors as provided 92900
in section 5741.05 of the Revised Code, or as otherwise provided 92901
in this section and section 5739.034 of the Revised Code, all 92902
sales shall be sourced as follows: 92903

(1) If the consumer or a donee designated by the consumer 92904
receives tangible personal property or a service at a vendor's 92905
place of business, the sale shall be sourced to that place of 92906
business. 92907

(2) When the tangible personal property or service is not 92908
received at a vendor's place of business, the sale shall be 92909
sourced to the location known to the vendor where the consumer or 92910
the donee designated by the consumer receives the tangible 92911
personal property or service, including the location indicated by 92912
instructions for delivery to the consumer or the consumer's donee. 92913

(3) If divisions (C)(1) and (2) of this section do not apply, 92914
the sale shall be sourced to the location indicated by an address 92915
for the consumer that is available from the vendor's business 92916
records that are maintained in the ordinary course of the vendor's 92917
business, when use of that address does not constitute bad faith. 92918
92919

(4) If divisions (C)(1), (2), and (3) of this section do not 92920

apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a shipping company on behalf of a consumer.

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section. On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption

certificate claiming multiple points of use to a vendor may use 92953
any reasonable, consistent, and uniform method of apportioning the 92954
tax due on the digital good, computer software, or service that is 92955
supported by the consumer's business records as they existed at 92956
the time of the sale. The business consumer shall report and pay 92957
the appropriate tax to each jurisdiction where concurrent use 92958
occurs. The tax due shall be calculated as if the apportioned 92959
amount of the digital good, computer software, or service had been 92960
delivered to each jurisdiction to which the sale is apportioned 92961
under this division. 92962

(c) The exemption certificate claiming multiple points of use 92963
shall remain in effect for all future sales by the vendor to the 92964
business consumer until it is revoked in writing by the business 92965
consumer, except as to the business consumer's specific 92966
apportionment of a subsequent sale under division (D)(1)(b) of 92967
this section and the facts existing at the time of the sale. 92968

(2) When the vendor knows that a digital good, computer 92969
software, or service sold will be concurrently available for use 92970
by the business consumer in more than one jurisdiction, but the 92971
business consumer does not provide an exemption certificate 92972
claiming multiple points of use as required by division (D)(1) of 92973
this section, the vendor may work with the business consumer to 92974
produce the correct apportionment. Governed by the principles of 92975
division (D)(1)(b) of this section, the vendor and business 92976
consumer may use any reasonable, but consistent and uniform, 92977
method of apportionment that is supported by the vendor's and 92978
business consumer's books and records as they exist at the time 92979
the sale is reported for purposes of the taxes levied under this 92980
chapter. If the business consumer certifies to the accuracy of the 92981
apportionment and the vendor accepts the certification, the vendor 92982
shall collect and remit the tax accordingly. In the absence of bad 92983
faith, the vendor is relieved of any further obligation to collect 92984

tax on any transaction where the vendor has collected tax pursuant 92985
to the information certified by the business consumer. 92986

(3) When the vendor knows that the digital good, computer 92987
software, or service will be concurrently available for use in 92988
more than one jurisdiction, and the business consumer does not 92989
have a direct pay permit and does not provide to the vendor an 92990
exemption certificate claiming multiple points of use as required 92991
in division (D)(1) of this section, or certification pursuant to 92992
division (D)(2) of this section, the vendor shall collect and 92993
remit the tax based on division (C) of this section. 92994

(4) Nothing in this section shall limit a person's obligation 92995
for sales or use tax to any state in which a digital good, 92996
computer software, or service is concurrently available for use, 92997
nor limit a person's ability under local, state, or federal law, 92998
to claim a credit for sales or use taxes legally due and paid to 92999
other jurisdictions. 93000

(E) A person who holds a direct payment permit issued under 93001
section 5739.031 of the Revised Code is not required to deliver an 93002
exemption certificate claiming multiple points of use to a vendor. 93003
But such permit holder shall comply with division (D)(2) of this 93004
section in apportioning the tax due on a digital good, computer 93005
software, or a service for use in business that will be 93006
concurrently available for use in more than one taxing 93007
jurisdiction. 93008

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 93009
section, the consumer of direct mail that is not a holder of a 93010
direct payment permit shall provide to the vendor in conjunction 93011
with the sale either an exemption certificate claiming direct mail 93012
prescribed by the tax commissioner, or information to show the 93013
jurisdictions to which the direct mail is delivered to recipients. 93014

(2) Upon receipt of such exemption certificate, the vendor is 93015

relieved of all obligations to collect, pay, or remit the 93016
applicable tax and the consumer is obligated to pay that tax on a 93017
direct pay basis. An exemption certificate claiming direct mail 93018
shall remain in effect for all future sales of direct mail by the 93019
vendor to the consumer until it is revoked in writing. 93020

(3) Upon receipt of information from the consumer showing the 93021
jurisdictions to which the direct mail is delivered to recipients, 93022
the vendor shall collect the tax according to the delivery 93023
information provided by the consumer. In the absence of bad faith, 93024
the vendor is relieved of any further obligation to collect tax on 93025
any transaction where the vendor has collected tax pursuant to the 93026
delivery information provided by the consumer. 93027

(4) If the consumer of direct mail does not have a direct 93028
payment permit and does not provide the vendor with either an 93029
exemption certificate claiming direct mail or delivery information 93030
as required by division (F)(1) of this section, the vendor shall 93031
collect the tax according to division (C)(5) of this section. 93032
Nothing in division (F)(4) of this section shall limit a 93033
consumer's obligation to pay sales or use tax to any state to 93034
which the direct mail is delivered. 93035

(5) If a consumer of direct mail provides the vendor with 93036
documentation of direct payment authority, the consumer shall not 93037
be required to provide an exemption certificate claiming direct 93038
mail or delivery information to the vendor. 93039

(G) If the vendor provides lodging to transient guests as 93040
specified in division (B)(2) of section 5739.01 of the Revised 93041
Code, the sale shall be sourced to the location where the lodging 93042
is located. 93043

(H)(1) As used in this division and division (I) of this 93044
section, "transportation equipment" means any of the following: 93045

(a) Locomotives and railcars that are utilized for the 93046

carriage of persons or property in interstate commerce. 93047

(b) Trucks and truck-tractors with a gross vehicle weight 93048
rating of greater than ten thousand pounds, trailers, 93049
semi-trailers, or passenger buses that are registered through the 93050
international registration plan and are operated under authority 93051
of a carrier authorized and certificated by the United States 93052
department of transportation or another federal authority to 93053
engage in the carriage of persons or property in interstate 93054
commerce. 93055

(c) Aircraft that are operated by air carriers authorized and 93056
certificated by the United States department of transportation or 93057
another federal authority to engage in the carriage of persons or 93058
property in interstate or foreign commerce. 93059

(d) Containers designed for use on and component parts 93060
attached to or secured on the items set forth in division 93061
(H)(1)(a), (b), or (c) of this section. 93062

(2) A sale, lease, or rental of transportation equipment 93063
shall be sourced pursuant to division (C) of this section. 93064

(I)(1) A lease or rental of tangible personal property that 93065
does not require recurring periodic payments shall be sourced 93066
pursuant to division (C) of this section. 93067

(2) A lease or rental of tangible personal property that 93068
requires recurring periodic payments shall be sourced as follows: 93069

(a) In the case of a motor vehicle, other than a motor 93070
vehicle that is transportation equipment, or an aircraft, other 93071
than an aircraft that is transportation equipment, such lease or 93072
rental shall be sourced as follows: 93073

(i) An accelerated tax payment on a lease or rental taxed 93074
pursuant to division (A)(2) of section 5739.02 of the Revised Code 93075
shall be sourced to the primary property location at the time the 93076

lease or rental is consummated. Any subsequent taxable charges on 93077
the lease or rental shall be sourced to the primary property 93078
location for the period in which the charges are incurred. 93079

(ii) For a lease or rental taxed pursuant to division (A)(3) 93080
of section 5739.02 of the Revised Code, each lease or rental 93081
installment shall be sourced to the primary property location for 93082
the period covered by the installment. 93083

(b) In the case of a lease or rental of all other tangible 93084
personal property, other than transportation equipment, such lease 93085
or rental shall be sourced as follows: 93086

(i) An accelerated tax payment on a lease or rental that is 93087
taxed pursuant to division (A)(2) of section 5739.02 of the 93088
Revised Code shall be sourced pursuant to division (C) of this 93089
section at the time the lease or rental is consummated. Any 93090
subsequent taxable charges on the lease or rental shall be sourced 93091
to the primary property location for the period in which the 93092
charges are incurred. 93093

(ii) For a lease or rental that is taxed pursuant to division 93094
(A)(3) of section 5739.02 of the Revised Code, the initial lease 93095
or rental installment shall be sourced pursuant to division (C) of 93096
this section. Each subsequent installment shall be sourced to the 93097
primary property location for the period covered by the 93098
installment. 93099

(3) As used in division (I) of this section, "primary 93100
property location" means an address for tangible personal property 93101
provided by the lessee or renter that is available to the lessor 93102
or owner from its records maintained in the ordinary course of 93103
business, when use of that address does not constitute bad faith. 93104

(J) Sales described in division (B)(11) of section 5739.01 of 93105
the Revised Code shall be sourced to the location of the enrollee 93106
for whom a medicaid health insuring corporation receives managed 93107

care premiums. Such sales shall be sourced to the locations of the 93108
enrollees in the same proportion as the managed care premiums 93109
received by the medicaid health insuring corporation on behalf of 93110
enrollees located in a particular taxing jurisdiction in Ohio as 93111
compared to all managed care premiums received by the medicaid 93112
health insuring corporation. 93113

Sec. 5739.051. (A) The tax commissioner shall issue a direct 93114
payment permit to a medicaid health insuring corporation that 93115
authorizes the medicaid health insuring corporation to pay all 93116
taxes due on sales described in division (B)(11) of section 93117
5739.01 of the Revised Code directly to the state. Each medicaid 93118
health insuring corporation shall pay pursuant to such direct 93119
payment authority all sales tax levied on such sales by sections 93120
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and 93121
all use tax levied on such sales pursuant to sections 5741.02, 93122
5741.021, 5741.022, and 5741.023 of the Revised Code, unless 93123
division (B)(11)(b) of section 5739.01 of the Revised Code 93124
applies. 93125

(B) Each medicaid health insuring corporation shall, on or 93126
before the twenty-third day of each month, file a return for the 93127
preceding month on a form prescribed by the tax commissioner and 93128
shall pay the tax shown on the return to be due, unless division 93129
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 93130
return shall show the amount of tax due from the medicaid health 93131
care insuring corporation for the period covered by the return and 93132
other such information as the commissioner deems necessary. Upon 93133
written request, the commissioner may extend the time for filing 93134
the return and paying the tax. The commissioner may require each 93135
medicaid health insuring corporation to file returns and remit 93136
payment by electronic means as provided in section 5739.032 of the 93137
Revised Code. 93138

Sec. 5739.09. (A)(1) A board of county commissioners may, by 93139
resolution adopted by a majority of the members of the board, levy 93140
an excise tax not to exceed three per cent on transactions by 93141
which lodging by a hotel is or is to be furnished to transient 93142
guests. The board shall establish all regulations necessary to 93143
provide for the administration and allocation of the tax. The 93144
regulations may prescribe the time for payment of the tax, and may 93145
provide for the imposition of a penalty or interest, or both, for 93146
late payments, provided that the penalty does not exceed ten per 93147
cent of the amount of tax due, and the rate at which interest 93148
accrues does not exceed the rate per annum prescribed pursuant to 93149
section 5703.47 of the Revised Code. Except as provided in 93150
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 93151
regulations shall provide, after deducting the real and actual 93152
costs of administering the tax, for the return to each municipal 93153
corporation or township that does not levy an excise tax on the 93154
transactions, a uniform percentage of the tax collected in the 93155
municipal corporation or in the unincorporated portion of the 93156
township from each transaction, not to exceed thirty-three and 93157
one-third per cent. The remainder of the revenue arising from the 93158
tax shall be deposited in a separate fund and shall be spent 93159
solely to make contributions to the convention and visitors' 93160
bureau operating within the county, including a pledge and 93161
contribution of any portion of the remainder pursuant to an 93162
agreement authorized by section 307.695 of the Revised Code, 93163
provided that if the board of county commissioners of an eligible 93164
county as defined in section 307.695 of the Revised Code adopts a 93165
resolution amending a resolution levying a tax under this division 93166
to provide that the revenue from the tax shall be used by the 93167
board as described in division (H) of section 307.695 of the 93168
Revised Code, the remainder of the revenue shall be used as 93169
described in the resolution making that amendment. Except as 93170

provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 93171
this section, on and after May 10, 1994, a board of county 93172
commissioners may not levy an excise tax pursuant to this division 93173
in any municipal corporation or township located wholly or partly 93174
within the county that has in effect an ordinance or resolution 93175
levying an excise tax pursuant to division (B) of this section. 93176
The board of a county that has levied a tax under division (C) of 93177
this section may, by resolution adopted within ninety days after 93178
July 15, 1985, by a majority of the members of the board, amend 93179
the resolution levying a tax under this division to provide for a 93180
portion of that tax to be pledged and contributed in accordance 93181
with an agreement entered into under section 307.695 of the 93182
Revised Code. A tax, any revenue from which is pledged pursuant to 93183
such an agreement, shall remain in effect at the rate at which it 93184
is imposed for the duration of the period for which the revenue 93185
from the tax has been so pledged. 93186

The board of county commissioners of an eligible county as 93187
defined in section 307.695 of the Revised Code may, by resolution 93188
adopted by a majority of the members of the board, amend a 93189
resolution levying a tax under this division to provide that the 93190
revenue from the tax shall be used by the board as described in 93191
division (H) of section 307.695 of the Revised Code, in which case 93192
the tax shall remain in effect at the rate at which it was imposed 93193
for the duration of any agreement entered into by the board under 93194
section 307.695 of the Revised Code, the duration during which any 93195
securities issued by the board under that section are outstanding, 93196
or the duration of the period during which the board owns a 93197
project as defined in section 307.695 of the Revised Code, 93198
whichever duration is longest. 93199

(2) A board of county commissioners that levies an excise tax 93200
under division (A)(1) of this section on June 30, 1997, at a rate 93201
of three per cent, and that has pledged revenue from the tax to an 93202

agreement entered into under section 307.695 of the Revised Code 93203
or, in the case of the board of county commissioners of an 93204
eligible county as defined in section 307.695 of the Revised Code, 93205
has amended a resolution levying a tax under division (C) of this 93206
section to provide that proceeds from the tax shall be used by the 93207
board as described in division (H) of section 307.695 of the 93208
Revised Code, may, at any time by a resolution adopted by a 93209
majority of the members of the board, amend the resolution levying 93210
a tax under division (A)(1) of this section to provide for an 93211
increase in the rate of that tax up to seven per cent on each 93212
transaction; to provide that revenue from the increase in the rate 93213
shall be used as described in division (H) of section 307.695 of 93214
the Revised Code or be spent solely to make contributions to the 93215
convention and visitors' bureau operating within the county to be 93216
used specifically for promotion, advertising, and marketing of the 93217
region in which the county is located; and to provide that the 93218
rate in excess of the three per cent levied under division (A)(1) 93219
of this section shall remain in effect at the rate at which it is 93220
imposed for the duration of the period during which any agreement 93221
is in effect that was entered into under section 307.695 of the 93222
Revised Code by the board of county commissioners levying a tax 93223
under division (A)(1) of this section, the duration of the period 93224
during which any securities issued by the board under division (I) 93225
of section 307.695 of the Revised Code are outstanding, or the 93226
duration of the period during which the board owns a project as 93227
defined in section 307.695 of the Revised Code, whichever duration 93228
is longest. The amendment also shall provide that no portion of 93229
that revenue need be returned to townships or municipal 93230
corporations as would otherwise be required under division (A)(1) 93231
of this section. 93232

(3) A board of county commissioners that levies a tax under 93233
division (A)(1) of this section on March 18, 1999, at a rate of 93234
three per cent may, by resolution adopted not later than 93235

forty-five days after March 18, 1999, amend the resolution levying 93236
the tax to provide for all of the following: 93237

(a) That the rate of the tax shall be increased by not more 93238
than an additional four per cent on each transaction; 93239

(b) That all of the revenue from the increase in the rate 93240
shall be pledged and contributed to a convention facilities 93241
authority established by the board of county commissioners under 93242
Chapter 351. of the Revised Code on or before November 15, 1998, 93243
and used to pay costs of constructing, maintaining, operating, and 93244
promoting a facility in the county, including paying bonds, or 93245
notes issued in anticipation of bonds, as provided by that 93246
chapter; 93247

(c) That no portion of the revenue arising from the increase 93248
in rate need be returned to municipal corporations or townships as 93249
otherwise required under division (A)(1) of this section; 93250

(d) That the increase in rate shall not be subject to 93251
diminution by initiative or referendum or by law while any bonds, 93252
or notes in anticipation of bonds, issued by the authority under 93253
Chapter 351. of the Revised Code to which the revenue is pledged, 93254
remain outstanding in accordance with their terms, unless 93255
provision is made by law or by the board of county commissioners 93256
for an adequate substitute therefor that is satisfactory to the 93257
trustee if a trust agreement secures the bonds. 93258

Division (A)(3) of this section does not apply to the board 93259
of county commissioners of any county in which a convention center 93260
or facility exists or is being constructed on November 15, 1998, 93261
or of any county in which a convention facilities authority levies 93262
a tax pursuant to section 351.021 of the Revised Code on that 93263
date. 93264

As used in division (A)(3) of this section, "cost" and 93265
"facility" have the same meanings as in section 351.01 of the 93266

Revised Code, and "convention center" has the same meaning as in 93267
section 307.695 of the Revised Code. 93268

(4)(a) A board of county commissioners that levies a tax 93269
under division (A)(1) of this section on June 30, 2002, at a rate 93270
of three per cent may, by resolution adopted not later than 93271
September 30, 2002, amend the resolution levying the tax to 93272
provide for all of the following: 93273

(i) That the rate of the tax shall be increased by not more 93274
than an additional three and one-half per cent on each 93275
transaction; 93276

(ii) That all of the revenue from the increase in rate shall 93277
be pledged and contributed to a convention facilities authority 93278
established by the board of county commissioners under Chapter 93279
351. of the Revised Code on or before May 15, 2002, and be used to 93280
pay costs of constructing, expanding, maintaining, operating, or 93281
promoting a convention center in the county, including paying 93282
bonds, or notes issued in anticipation of bonds, as provided by 93283
that chapter; 93284

(iii) That no portion of the revenue arising from the 93285
increase in rate need be returned to municipal corporations or 93286
townships as otherwise required under division (A)(1) of this 93287
section; 93288

(iv) That the increase in rate shall not be subject to 93289
diminution by initiative or referendum or by law while any bonds, 93290
or notes in anticipation of bonds, issued by the authority under 93291
Chapter 351. of the Revised Code to which the revenue is pledged, 93292
remain outstanding in accordance with their terms, unless 93293
provision is made by law or by the board of county commissioners 93294
for an adequate substitute therefor that is satisfactory to the 93295
trustee if a trust agreement secures the bonds. 93296

(b) Any board of county commissioners that, pursuant to 93297

division (A)(4)(a) of this section, has amended a resolution 93298
levying the tax authorized by division (A)(1) of this section may 93299
further amend the resolution to provide that the revenue referred 93300
to in division (A)(4)(a)(ii) of this section shall be pledged and 93301
contributed both to a convention facilities authority to pay the 93302
costs of constructing, expanding, maintaining, or operating one or 93303
more convention centers in the county, including paying bonds, or 93304
notes issued in anticipation of bonds, as provided in Chapter 351. 93305
of the Revised Code, and to a convention and visitors' bureau to 93306
pay the costs of promoting one or more convention centers in the 93307
county. 93308

As used in division (A)(4) of this section, "cost" has the 93309
same meaning as in section 351.01 of the Revised Code, and 93310
"convention center" has the same meaning as in section 307.695 of 93311
the Revised Code. 93312

(5)(a) As used in division (A)(5) of this section: 93313

(i) "Port authority" means a port authority created under 93314
Chapter 4582. of the Revised Code. 93315

(ii) "Port authority military-use facility" means port 93316
authority facilities on which or adjacent to which is located an 93317
installation of the armed forces of the United States, a reserve 93318
component thereof, or the national guard and at least part of 93319
which is made available for use, for consideration, by the armed 93320
forces of the United States, a reserve component thereof, or the 93321
national guard. 93322

(b) For the purpose of contributing revenue to pay operating 93323
expenses of a port authority that operates a port authority 93324
military-use facility, the board of county commissioners of a 93325
county that created, participated in the creation of, or has 93326
joined such a port authority may do one or both of the following: 93327

(i) Amend a resolution previously adopted under division 93328

(A)(1) of this section to designate some or all of the revenue 93329
from the tax levied under the resolution to be used for that 93330
purpose, notwithstanding that division; 93331

(ii) Amend a resolution previously adopted under division 93332
(A)(1) of this section to increase the rate of the tax by not more 93333
than an additional two per cent and use the revenue from the 93334
increase exclusively for that purpose. 93335

(c) If a board of county commissioners amends a resolution to 93336
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 93337
of this section, the board also may amend the resolution to 93338
specify that the increase in rate of the tax does not apply to 93339
"hotels," as otherwise defined in section 5739.01 of the Revised 93340
Code, having fewer rooms used for the accommodation of guests than 93341
a number of rooms specified by the board. 93342

(6) A board of county commissioners of a county organized 93343
under a county charter adopted pursuant to Article X, Section 3, 93344
Ohio Constitution, and that levies an excise tax under division 93345
(A)(1) of this section at a rate of three per cent and levies an 93346
additional excise tax under division (E) of this section at a rate 93347
of one and one-half per cent may, by resolution adopted not later 93348
than January 1, 2008, by a majority of the members of the board, 93349
amend the resolution levying a tax under division (A)(1) of this 93350
section to provide for an increase in the rate of that tax by not 93351
more than an additional one per cent on transactions by which 93352
lodging by a hotel is or is to be furnished to transient guests. 93353
Notwithstanding divisions (A)(1) and (E) of this section, the 93354
resolution shall provide that all of the revenue from the increase 93355
in rate, after deducting the real and actual costs of 93356
administering the tax, shall be used to pay the costs of 93357
improving, expanding, equipping, financing, or operating a 93358
convention center by a convention and visitors' bureau in the 93359
county. The increase in rate shall remain in effect for the period 93360

specified in the resolution, not to exceed ten years. The increase 93361
in rate shall be subject to the regulations adopted under division 93362
(A)(1) of this section, except that the resolution may provide 93363
that no portion of the revenue from the increase in the rate shall 93364
be returned to townships or municipal corporations as would 93365
otherwise be required under that division. 93366

(7) Division (A)(7) of this section applies only to a county 93367
with a population greater than sixty-five thousand and less than 93368
seventy thousand according to the most recent federal decennial 93369
census and in which, on December 31, 2006, an excise tax is levied 93370
under division (A)(1) of this section at a rate not less than and 93371
not greater than three per cent, and in which the most recent 93372
increase in the rate of that tax was enacted or took effect in 93373
November 1984. 93374

The board of county commissioners of a county to which this 93375
division applies, by resolution adopted by a majority of the 93376
members of the board, may increase the rate of the tax by not more 93377
than one per cent on transactions by which lodging by a hotel is 93378
or is to be furnished to transient guests. The increase in rate 93379
shall be for the purpose of paying expenses deemed necessary by 93380
the convention and visitors' bureau operating in the county to 93381
promote travel and tourism. The increase in rate shall remain in 93382
effect for the period specified in the resolution, not to exceed 93383
twenty years, provided that the increase in rate may not continue 93384
beyond the time when the purpose for which the increase is levied 93385
ceases to exist. If revenue from the increase in rate is pledged 93386
to the payment of debt charges on securities, the increase in rate 93387
is not subject to diminution by initiative or referendum or by law 93388
for so long as the securities are outstanding, unless provision is 93389
made by law or by the board of county commissioners for an 93390
adequate substitute for that revenue that is satisfactory to the 93391
trustee if a trust agreement secures payment of the debt charges. 93392

The increase in rate shall be subject to the regulations adopted 93393
under division (A)(1) of this section, except that the resolution 93394
may provide that no portion of the revenue from the increase in 93395
the rate shall be returned to townships or municipal corporations 93396
as would otherwise be required under division (A)(1) of this 93397
section. A resolution adopted under division (A)(7) of this 93398
section is subject to referendum under sections 305.31 to 305.99 93399
of the Revised Code. 93400

(B)(1) The legislative authority of a municipal corporation 93401
or the board of trustees of a township that is not wholly or 93402
partly located in a county that has in effect a resolution levying 93403
an excise tax pursuant to division (A)(1) of this section may, by 93404
ordinance or resolution, levy an excise tax not to exceed three 93405
per cent on transactions by which lodging by a hotel is or is to 93406
be furnished to transient guests. The legislative authority of the 93407
municipal corporation or the board of trustees of the township 93408
shall deposit at least fifty per cent of the revenue from the tax 93409
levied pursuant to this division into a separate fund, which shall 93410
be spent solely to make contributions to convention and visitors' 93411
bureaus operating within the county in which the municipal 93412
corporation or township is wholly or partly located, and the 93413
balance of that revenue shall be deposited in the general fund. 93414
The municipal corporation or township shall establish all 93415
regulations necessary to provide for the administration and 93416
allocation of the tax. The regulations may prescribe the time for 93417
payment of the tax, and may provide for the imposition of a 93418
penalty or interest, or both, for late payments, provided that the 93419
penalty does not exceed ten per cent of the amount of tax due, and 93420
the rate at which interest accrues does not exceed the rate per 93421
annum prescribed pursuant to section 5703.47 of the Revised Code. 93422
The levy of a tax under this division is in addition to any tax 93423
imposed on the same transaction by a municipal corporation or a 93424
township as authorized by division (A) of section 5739.08 of the 93425

Revised Code. 93426

(2)(a) The legislative authority of the most populous 93427
municipal corporation located wholly or partly in a county in 93428
which the board of county commissioners has levied a tax under 93429
division (A)(4) of this section may amend, on or before September 93430
30, 2002, that municipal corporation's ordinance or resolution 93431
that levies an excise tax on transactions by which lodging by a 93432
hotel is or is to be furnished to transient guests, to provide for 93433
all of the following: 93434

(i) That the rate of the tax shall be increased by not more 93435
than an additional one per cent on each transaction; 93436

(ii) That all of the revenue from the increase in rate shall 93437
be pledged and contributed to a convention facilities authority 93438
established by the board of county commissioners under Chapter 93439
351. of the Revised Code on or before May 15, 2002, and be used to 93440
pay costs of constructing, expanding, maintaining, operating, or 93441
promoting a convention center in the county, including paying 93442
bonds, or notes issued in anticipation of bonds, as provided by 93443
that chapter; 93444

(iii) That the increase in rate shall not be subject to 93445
diminution by initiative or referendum or by law while any bonds, 93446
or notes in anticipation of bonds, issued by the authority under 93447
Chapter 351. of the Revised Code to which the revenue is pledged, 93448
remain outstanding in accordance with their terms, unless 93449
provision is made by law, by the board of county commissioners, or 93450
by the legislative authority, for an adequate substitute therefor 93451
that is satisfactory to the trustee if a trust agreement secures 93452
the bonds. 93453

(b) The legislative authority of a municipal corporation 93454
that, pursuant to division (B)(2)(a) of this section, has amended 93455
its ordinance or resolution to increase the rate of the tax 93456

authorized by division (B)(1) of this section may further amend 93457
the ordinance or resolution to provide that the revenue referred 93458
to in division (B)(2)(a)(ii) of this section shall be pledged and 93459
contributed both to a convention facilities authority to pay the 93460
costs of constructing, expanding, maintaining, or operating one or 93461
more convention centers in the county, including paying bonds, or 93462
notes issued in anticipation of bonds, as provided in Chapter 351. 93463
of the Revised Code, and to a convention and visitors' bureau to 93464
pay the costs of promoting one or more convention centers in the 93465
county. 93466

As used in division (B)(2) of this section, "cost" has the 93467
same meaning as in section 351.01 of the Revised Code, and 93468
"convention center" has the same meaning as in section 307.695 of 93469
the Revised Code. 93470

(C) For the purposes described in section 307.695 of the 93471
Revised Code and to cover the costs of administering the tax, a 93472
board of county commissioners of a county where a tax imposed 93473
under division (A)(1) of this section is in effect may, by 93474
resolution adopted within ninety days after July 15, 1985, by a 93475
majority of the members of the board, levy an additional excise 93476
tax not to exceed three per cent on transactions by which lodging 93477
by a hotel is or is to be furnished to transient guests. The tax 93478
authorized by this division shall be in addition to any tax that 93479
is levied pursuant to division (A) of this section, but it shall 93480
not apply to transactions subject to a tax levied by a municipal 93481
corporation or township pursuant to the authorization granted by 93482
division (A) of section 5739.08 of the Revised Code. The board 93483
shall establish all regulations necessary to provide for the 93484
administration and allocation of the tax. The regulations may 93485
prescribe the time for payment of the tax, and may provide for the 93486
imposition of a penalty or interest, or both, for late payments, 93487
provided that the penalty does not exceed ten per cent of the 93488

amount of tax due, and the rate at which interest accrues does not 93489
exceed the rate per annum prescribed pursuant to section 5703.47 93490
of the Revised Code. All revenues arising from the tax shall be 93491
expended in accordance with section 307.695 of the Revised Code. 93492
The board of county commissioners of an eligible county as defined 93493
in section 307.695 of the Revised Code may, by resolution adopted 93494
by a majority of the members of the board, amend the resolution 93495
levying a tax under this division to provide that the revenue from 93496
the tax shall be used by the board as described in division (H) of 93497
section 307.695 of the Revised Code. A tax imposed under this 93498
division shall remain in effect at the rate at which it is imposed 93499
for the duration of the period during which any agreement entered 93500
into by the board under section 307.695 of the Revised Code is in 93501
effect, the duration of the period during which any securities 93502
issued by the board under division (I) of section 307.695 of the 93503
Revised Code are outstanding, or the duration of the period during 93504
which the board owns a project as defined in section 307.695 of 93505
the Revised Code, whichever duration is longest. 93506

(D) For the purpose of providing contributions under division 93507
(B)(1) of section 307.671 of the Revised Code to enable the 93508
acquisition, construction, and equipping of a port authority 93509
educational and cultural facility in the county and, to the extent 93510
provided for in the cooperative agreement authorized by that 93511
section, for the purpose of paying debt service charges on bonds, 93512
or notes in anticipation of bonds, described in division (B)(1)(b) 93513
of that section, a board of county commissioners, by resolution 93514
adopted within ninety days after December 22, 1992, by a majority 93515
of the members of the board, may levy an additional excise tax not 93516
to exceed one and one-half per cent on transactions by which 93517
lodging by a hotel is or is to be furnished to transient guests. 93518
The excise tax authorized by this division shall be in addition to 93519
any tax that is levied pursuant to divisions (A), (B), and (C) of 93520
this section, to any excise tax levied pursuant to section 5739.08 93521

of the Revised Code, and to any excise tax levied pursuant to 93522
section 351.021 of the Revised Code. The board of county 93523
commissioners shall establish all regulations necessary to provide 93524
for the administration and allocation of the tax that are not 93525
inconsistent with this section or section 307.671 of the Revised 93526
Code. The regulations may prescribe the time for payment of the 93527
tax, and may provide for the imposition of a penalty or interest, 93528
or both, for late payments, provided that the penalty does not 93529
exceed ten per cent of the amount of tax due, and the rate at 93530
which interest accrues does not exceed the rate per annum 93531
prescribed pursuant to section 5703.47 of the Revised Code. All 93532
revenues arising from the tax shall be expended in accordance with 93533
section 307.671 of the Revised Code and division (D) of this 93534
section. The levy of a tax imposed under this division may not 93535
commence prior to the first day of the month next following the 93536
execution of the cooperative agreement authorized by section 93537
307.671 of the Revised Code by all parties to that agreement. The 93538
tax shall remain in effect at the rate at which it is imposed for 93539
the period of time described in division (C) of section 307.671 of 93540
the Revised Code for which the revenue from the tax has been 93541
pledged by the county to the corporation pursuant to that section, 93542
but, to any extent provided for in the cooperative agreement, for 93543
no lesser period than the period of time required for payment of 93544
the debt service charges on bonds, or notes in anticipation of 93545
bonds, described in division (B)(1)(b) of that section. 93546

(E) For the purpose of paying the costs of acquiring, 93547
constructing, equipping, and improving a municipal educational and 93548
cultural facility, including debt service charges on bonds 93549
provided for in division (B) of section 307.672 of the Revised 93550
Code, and for any additional purposes determined by the county in 93551
the resolution levying the tax or amendments to the resolution, 93552
including subsequent amendments providing for paying costs of 93553
acquiring, constructing, renovating, rehabilitating, equipping, 93554

and improving a port authority educational and cultural performing 93555
arts facility, as defined in section 307.674 of the Revised Code, 93556
and including debt service charges on bonds provided for in 93557
division (B) of section 307.674 of the Revised Code, the 93558
legislative authority of a county, by resolution adopted within 93559
ninety days after June 30, 1993, by a majority of the members of 93560
the legislative authority, may levy an additional excise tax not 93561
to exceed one and one-half per cent on transactions by which 93562
lodging by a hotel is or is to be furnished to transient guests. 93563
The excise tax authorized by this division shall be in addition to 93564
any tax that is levied pursuant to divisions (A), (B), (C), and 93565
(D) of this section, to any excise tax levied pursuant to section 93566
5739.08 of the Revised Code, and to any excise tax levied pursuant 93567
to section 351.021 of the Revised Code. The legislative authority 93568
of the county shall establish all regulations necessary to provide 93569
for the administration and allocation of the tax. The regulations 93570
may prescribe the time for payment of the tax, and may provide for 93571
the imposition of a penalty or interest, or both, for late 93572
payments, provided that the penalty does not exceed ten per cent 93573
of the amount of tax due, and the rate at which interest accrues 93574
does not exceed the rate per annum prescribed pursuant to section 93575
5703.47 of the Revised Code. All revenues arising from the tax 93576
shall be expended in accordance with section 307.672 of the 93577
Revised Code and this division. The levy of a tax imposed under 93578
this division shall not commence prior to the first day of the 93579
month next following the execution of the cooperative agreement 93580
authorized by section 307.672 of the Revised Code by all parties 93581
to that agreement. The tax shall remain in effect at the rate at 93582
which it is imposed for the period of time determined by the 93583
legislative authority of the county. That period of time shall not 93584
exceed fifteen years, except that the legislative authority of a 93585
county with a population of less than two hundred fifty thousand 93586
according to the most recent federal decennial census, by 93587

resolution adopted by a majority of its members before the 93588
original tax expires, may extend the duration of the tax for an 93589
additional period of time. The additional period of time by which 93590
a legislative authority extends a tax levied under this division 93591
shall not exceed fifteen years. 93592

(F) The legislative authority of a county that has levied a 93593
tax under division (E) of this section may, by resolution adopted 93594
within one hundred eighty days after January 4, 2001, by a 93595
majority of the members of the legislative authority, amend the 93596
resolution levying a tax under that division to provide for the 93597
use of the proceeds of that tax, to the extent that it is no 93598
longer needed for its original purpose as determined by the 93599
parties to a cooperative agreement amendment pursuant to division 93600
(D) of section 307.672 of the Revised Code, to pay costs of 93601
acquiring, constructing, renovating, rehabilitating, equipping, 93602
and improving a port authority educational and cultural performing 93603
arts facility, including debt service charges on bonds provided 93604
for in division (B) of section 307.674 of the Revised Code, and to 93605
pay all obligations under any guaranty agreements, reimbursement 93606
agreements, or other credit enhancement agreements described in 93607
division (C) of section 307.674 of the Revised Code. The 93608
resolution may also provide for the extension of the tax at the 93609
same rate for the longer of the period of time determined by the 93610
legislative authority of the county, but not to exceed an 93611
additional twenty-five years, or the period of time required to 93612
pay all debt service charges on bonds provided for in division (B) 93613
of section 307.672 of the Revised Code and on port authority 93614
revenue bonds provided for in division (B) of section 307.674 of 93615
the Revised Code. All revenues arising from the amendment and 93616
extension of the tax shall be expended in accordance with section 93617
307.674 of the Revised Code, this division, and division (E) of 93618
this section. 93619

(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or section 5739.08 of the Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes ~~establishments~~ the following:

(1) Establishments in which fewer than five rooms are used for the accommodation of guests. The

(2) Establishments at which rooms are used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry; and, in determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under the same ownership and the structures are not identified in advertisements of the accommodations as distinct establishments. For the purposes of division (G)(2) of this section, two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

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

(a) "Convention facilities authority" has the same meaning as

in section 351.01 of the Revised Code. 93651

(b) "Convention center" has the same meaning as in section 93652
307.695 of the Revised Code. 93653

(2) Notwithstanding any contrary provision of division (D) of 93654
this section, the legislative authority of a county with a 93655
population of one million or more according to the most recent 93656
federal decennial census that has levied a tax under division (D) 93657
of this section may, by resolution adopted by a majority of the 93658
members of the legislative authority, provide for the extension of 93659
such levy and may provide that the proceeds of that tax, to the 93660
extent that they are no longer needed for their original purpose 93661
as defined by a cooperative agreement entered into under section 93662
307.671 of the Revised Code, shall be deposited into the county 93663
general revenue fund. The resolution shall provide for the 93664
extension of the tax at a rate not to exceed the rate specified in 93665
division (D) of this section for a period of time determined by 93666
the legislative authority of the county, but not to exceed an 93667
additional forty years. 93668

(3) The legislative authority of a county with a population 93669
of one million or more that has levied a tax under division (A)(1) 93670
of this section may, by resolution adopted by a majority of the 93671
members of the legislative authority, increase the rate of the tax 93672
levied by such county under division (A)(1) of this section to a 93673
rate not to exceed five per cent on transactions by which lodging 93674
by a hotel is or is to be furnished to transient guests. 93675
Notwithstanding any contrary provision of division (A)(1) of this 93676
section, the resolution may provide that all collections resulting 93677
from the rate levied in excess of three per cent, after deducting 93678
the real and actual costs of administering the tax, shall be 93679
deposited in the county general fund. 93680

(4) The legislative authority of a county with a population 93681
of one million or more that has levied a tax under division (A)(1) 93682

of this section may, by resolution adopted on or before August 30, 93683
2004, by a majority of the members of the legislative authority, 93684
provide that all or a portion of the proceeds of the tax levied 93685
under division (A)(1) of this section, after deducting the real 93686
and actual costs of administering the tax and the amounts required 93687
to be returned to townships and municipal corporations with 93688
respect to the first three per cent levied under division (A)(1) 93689
of this section, shall be deposited in the county general fund, 93690
provided that such proceeds shall be used to satisfy any pledges 93691
made in connection with an agreement entered into under section 93692
307.695 of the Revised Code. 93693

(5) No amount collected from a tax levied, extended, or 93694
required to be deposited in the county general fund under division 93695
(H) of this section shall be contributed to a convention 93696
facilities authority, corporation, or other entity created after 93697
July 1, 2003, for the principal purpose of constructing, 93698
improving, expanding, equipping, financing, or operating a 93699
convention center unless the mayor of the municipal corporation in 93700
which the convention center is to be operated by that convention 93701
facilities authority, corporation, or other entity has consented 93702
to the creation of that convention facilities authority, 93703
corporation, or entity. Notwithstanding any contrary provision of 93704
section 351.04 of the Revised Code, if a tax is levied by a county 93705
under division (H) of this section, the board of county 93706
commissioners of that county may determine the manner of 93707
selection, the qualifications, the number, and terms of office of 93708
the members of the board of directors of any convention facilities 93709
authority, corporation, or other entity described in division 93710
(H)(5) of this section. 93711

(6)(a) No amount collected from a tax levied, extended, or 93712
required to be deposited in the county general fund under division 93713
(H) of this section may be used for any purpose other than paying 93714

the direct and indirect costs of constructing, improving, 93715
expanding, equipping, financing, or operating a convention center 93716
and for the real and actual costs of administering the tax, 93717
unless, prior to the adoption of the resolution of the legislative 93718
authority of the county authorizing the levy, extension, increase, 93719
or deposit, the county and the mayor of the most populous 93720
municipal corporation in that county have entered into an 93721
agreement as to the use of such amounts, provided that such 93722
agreement has been approved by a majority of the mayors of the 93723
other municipal corporations in that county. The agreement shall 93724
provide that the amounts to be used for purposes other than paying 93725
the convention center or administrative costs described in 93726
division (H)(6)(a) of this section be used only for the direct and 93727
indirect costs of capital improvements, including the financing of 93728
capital improvements. 93729

(b) If the county in which the tax is levied has an 93730
association of mayors and city managers, the approval of that 93731
association of an agreement described in division (H)(6)(a) of 93732
this section shall be considered to be the approval of the 93733
majority of the mayors of the other municipal corporations for 93734
purposes of that division. 93735

(7) Each year, the auditor of state shall conduct an audit of 93736
the uses of any amounts collected from taxes levied, extended, or 93737
deposited under division (H) of this section and shall prepare a 93738
report of the auditor of state's findings. The auditor of state 93739
shall submit the report to the legislative authority of the county 93740
that has levied, extended, or deposited the tax, the speaker of 93741
the house of representatives, the president of the senate, and the 93742
leaders of the minority parties of the house of representatives 93743
and the senate. 93744

(I)(1) As used in this division: 93745

(a) "Convention facilities authority" has the same meaning as 93746

in section 351.01 of the Revised Code. 93747

(b) "Convention center" has the same meaning as in section 93748
307.695 of the Revised Code. 93749

(2) Notwithstanding any contrary provision of division (D) of 93750
this section, the legislative authority of a county with a 93751
population of one million two hundred thousand or more according 93752
to the most recent federal decennial census or the most recent 93753
annual population estimate published or released by the United 93754
States census bureau at the time the resolution is adopted placing 93755
the levy on the ballot, that has levied a tax under division (D) 93756
of this section may, by resolution adopted by a majority of the 93757
members of the legislative authority, provide for the extension of 93758
such levy and may provide that the proceeds of that tax, to the 93759
extent that the proceeds are no longer needed for their original 93760
purpose as defined by a cooperative agreement entered into under 93761
section 307.671 of the Revised Code and after deducting the real 93762
and actual costs of administering the tax, shall be used for 93763
paying the direct and indirect costs of constructing, improving, 93764
expanding, equipping, financing, or operating a convention center. 93765
The resolution shall provide for the extension of the tax at a 93766
rate not to exceed the rate specified in division (D) of this 93767
section for a period of time determined by the legislative 93768
authority of the county, but not to exceed an additional forty 93769
years. 93770

(3) The legislative authority of a county with a population 93771
of one million two hundred thousand or more that has levied a tax 93772
under division (A)(1) of this section may, by resolution adopted 93773
by a majority of the members of the legislative authority, 93774
increase the rate of the tax levied by such county under division 93775
(A)(1) of this section to a rate not to exceed five per cent on 93776
transactions by which lodging by a hotel is or is to be furnished 93777
to transient guests. Notwithstanding any contrary provision of 93778

division (A)(1) of this section, the resolution shall provide that 93779
all collections resulting from the rate levied in excess of three 93780
per cent, after deducting the real and actual costs of 93781
administering the tax, shall be used for paying the direct and 93782
indirect costs of constructing, improving, expanding, equipping, 93783
financing, or operating a convention center. 93784

(4) The legislative authority of a county with a population 93785
of one million two hundred thousand or more that has levied a tax 93786
under division (A)(1) of this section may, by resolution adopted 93787
on or before July 1, 2008, by a majority of the members of the 93788
legislative authority, provide that all or a portion of the 93789
proceeds of the tax levied under division (A)(1) of this section, 93790
after deducting the real and actual costs of administering the tax 93791
and the amounts required to be returned to townships and municipal 93792
corporations with respect to the first three per cent levied under 93793
division (A)(1) of this section, shall be used to satisfy any 93794
pledges made in connection with an agreement entered into under 93795
section 307.695 of the Revised Code or shall otherwise be used for 93796
paying the direct and indirect costs of constructing, improving, 93797
expanding, equipping, financing, or operating a convention center. 93798

(5) Any amount collected from a tax levied or extended under 93799
division (I) of this section may be contributed to a convention 93800
facilities authority created before July 1, 2005, but no amount 93801
collected from a tax levied or extended under division (I) of this 93802
section may be contributed to a convention facilities authority, 93803
corporation, or other entity created after July 1, 2005, unless 93804
the mayor of the municipal corporation in which the convention 93805
center is to be operated by that convention facilities authority, 93806
corporation, or other entity has consented to the creation of that 93807
convention facilities authority, corporation, or entity. 93808

Sec. 5739.131. Any nonresident of this state who accepts the 93809

privilege extended by the laws of this state to nonresidents of 93810
engaging in the business of selling in this state, as defined in 93811
section 5741.01 of the Revised Code, and any resident of this 93812
state who is required by sections 5739.17 and 5739.31 of the 93813
Revised Code to have a vendor's license and subsequently becomes a 93814
nonresident or conceals ~~his~~ the person's whereabouts, makes the 93815
secretary of state ~~his~~ the person's agent for the service of 93816
process or notice in any assessment, action, or proceedings 93817
instituted in this state against such person under sections 93818
5739.01 to 5739.31 and 5741.01 to 5741.22 of the Revised Code. 93819

Such process or notice shall be served, ~~by the officer to~~ 93820
~~whom the same is directed or by the tax commissioner, or by the~~ 93821
~~sheriff of Franklin county, who may be deputized for such purpose~~ 93822
~~by the officer to whom the service is directed, upon the secretary~~ 93823
~~of state by leaving at the office of the secretary of state, at~~ 93824
~~least fifteen days before the return day of such process or~~ 93825
~~notice, a true and attested copy thereof, and by sending to the~~ 93826
~~defendant by certified mail, postage prepaid, a like and true~~ 93827
~~attested copy, with an endorsement thereon of the service upon the~~ 93828
~~secretary of state, addressed to such defendant at his last known~~ 93829
~~address as provided under section 5703.37 of the Revised Code.~~ 93830

Sec. 5743.15. (A) ~~No~~ Except as otherwise provided in this 93831
division, no person shall engage in this state in the wholesale or 93832
retail business of trafficking in cigarettes or in the business of 93833
a manufacturer or importer of cigarettes without having a license 93834
to conduct each such activity issued by a county auditor under 93835
division (B) of this section or the tax commissioner under 93836
~~division (E)~~ divisions (C) and (F) of this section, ~~except that~~ 93837
~~en.~~ On dissolution of a partnership by death, the surviving 93838
partner may operate under the license of the partnership until 93839
expiration of the license, and the heirs or legal representatives 93840
of deceased persons, and receivers and trustees in bankruptcy 93841

appointed by any competent authority, may operate under the 93842
license of the person succeeded in possession by such heir, 93843
representative, receiver, or trustee in bankruptcy if the partner 93844
or successor notifies the auditor or commissioner of the 93845
dissolution or succession within thirty days after the dissolution 93846
or succession. 93847

(B)(1) Each applicant for a license to engage in the 93848
~~wholesale or~~ retail business of trafficking in cigarettes under 93849
this section, annually, on or before the fourth Monday of May, 93850
shall make and deliver to the county auditor of the county in 93851
which the applicant desires to engage in the ~~wholesale or~~ retail 93852
business of trafficking in cigarettes, upon a blank form furnished 93853
by such auditor for that purpose, a statement showing the name of 93854
the applicant, each physical place in the county where the 93855
applicant's business is conducted, the nature of the business, and 93856
any other information the tax commissioner requires in the form of 93857
statement prescribed by the commissioner. If the applicant is a 93858
firm, partnership, or association other than a corporation, the 93859
application shall state the name and address of each of its 93860
members. If the applicant is a corporation, the application shall 93861
state the name and address of each of its officers. At the time of 93862
making the application required by this section, every person 93863
~~desiring to engage in the wholesale business of trafficking in~~ 93864
~~cigarettes shall pay into the county treasury a license tax in the~~ 93865
~~sum of two hundred dollars, or if desiring to engage in the retail~~ 93866
~~business of trafficking in cigarettes, a license tax shall pay an~~ 93867
application fee in the sum of ~~thirty~~ one hundred twenty-five 93868
dollars for each ~~of the first five places~~ physical place where the 93869
person proposes to carry on such business ~~and twenty-five dollars~~ 93870
~~for each additional place.~~ Each place of business shall be deemed 93871
such space, under lease or license to, or under the control of, or 93872
under the supervision of the applicant, as is contained in one or 93873
more contiguous, adjacent, or adjoining buildings constituting an 93874

industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators, which space may contain any number of points at which cigarettes are offered for sale, provided that each additional point at which cigarettes are offered for sale shall be listed in the application.

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(2) Upon receipt of the application and exhibition of the county treasurer's receipt showing the payment of the ~~tax~~ application fee, the county auditor shall issue to the applicant a license for each place of business designated in the application, authorizing the applicant to engage in such business at such place for one year commencing on the fourth Monday of May. ~~Companies operating club or dining cars or other cars upon which cigarettes are sold shall obtain licenses at railroad terminals within the state, under such rules as are prescribed by the commissioner.~~ The form of the license shall be prescribed by the commissioner. A duplicate license may be obtained from the county auditor upon payment of a ~~fifty-cent~~ five-dollar fee if the original license is lost, destroyed, or defaced. When an application is filed after the fourth Monday of May, the ~~license tax~~ application fee required to be paid shall be proportioned in amount to the remainder of the license year, except that it shall not be less than ~~one fifth of the whole amount~~ twenty-five dollars in any one year.

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(3) The holder of a ~~wholesale or~~ retail dealer's cigarette license may transfer the license to a place of business within the same county other than that designated on the license ~~or may assign the license to another person for use in the same county on condition that the licensee or assignee, whichever is applicable, make application licensee's ownership interest and business structure remain unchanged, and that the license applies to the~~

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county auditor therefor, upon forms approved by the commissioner 93907
and the payment of a fee of ~~one dollar~~ five dollars into the 93908
county treasury. 93909

(C)(1) Each applicant for a license to engage in the 93910
wholesale business of trafficking in cigarettes under this 93911
section, annually, on or before the fourth Monday in May, shall 93912
make and deliver to the tax commissioner, upon a blank form 93913
furnished by the commissioner for that purpose, a statement 93914
showing the name of the applicant, physical street address where 93915
the applicant's business is conducted, the nature of the business, 93916
and any other information required by the commissioner. If the 93917
applicant is a firm, partnership, or association other than a 93918
corporation, the applicant shall state the name and address of 93919
each of its members. If the applicant is a corporation, the 93920
applicant shall state the name and address of each of its 93921
officers. At the time of making the application required by this 93922
section, every person desiring to engage in the wholesale business 93923
of trafficking in cigarettes shall pay an application fee of one 93924
thousand dollars for each physical place where the person proposes 93925
to carry on such business. Each place of business shall be deemed 93926
such space, under lease or license to, or under the control of, or 93927
under the supervision of the applicant, as is contained in one or 93928
more contiguous, adjacent, or adjoining buildings constituting an 93929
industrial plant or a place of business operated by, or under the 93930
control of, one person, or under one roof and connected by doors, 93931
halls, stairways, or elevators. A duplicate license may be 93932
obtained from the commissioner upon payment of a 93933
twenty-five-dollar fee if the original license is lost, destroyed, 93934
or defaced. 93935

(2) Upon receipt of the application and payment of any 93936
application fee required by this section, the commissioner shall 93937
verify that the applicant is in good standing under Chapter 1346. 93938

and Title LVII of the Revised Code. Upon approval, the 93939
commissioner shall issue to the applicant a license for each 93940
physical place of business designated in the application 93941
authorizing the applicant to engage in business at that location 93942
for one year commencing on the fourth Monday in May. For licenses 93943
issued after the fourth Monday in May, the application fee shall 93944
be reduced proportionately by the remainder of the twelve-month 93945
period for which the license is issued, except that the 93946
application fee required to be paid under this section shall be 93947
not less than two hundred dollars in any one year. 93948

(3) The holder of a wholesale dealer cigarette license may 93949
transfer the license to a place of business other than that 93950
designated on the license on condition that the licensee's 93951
ownership or business structure remains unchanged, and that the 93952
licensee applies to the commissioner for such a transfer upon a 93953
form promulgated by the commissioner and pays a fee of twenty-five 93954
dollars, which shall be deposited into the cigarette tax 93955
enforcement fund created in division (E) of this section. 93956

(D)(1) The wholesale cigarette license ~~tax revenue~~ 93957
application fees collected under this section shall be ~~distributed~~ 93958
as follows: 93959

(a) ~~Thirty seven and one half per cent shall be paid upon the~~ 93960
warrant of the county auditor into the treasury of the municipal 93961
corporation or township in which the place of business for which 93962
the tax revenue was received is located; 93963

(b) ~~Fifteen per cent shall be credited to the general fund of~~ 93964
the county; 93965

(c) ~~Forty seven and one half per cent shall be paid into the~~ 93966
cigarette tax enforcement fund ~~created by division (C) of this~~ 93967
section. 93968

(2) The ~~revenue~~ retail cigarette license application fees 93969

collected from the ~~thirty dollar tax imposed upon the first five~~ 93970
~~places of business of a person engaged in the retail business of~~ 93971
~~trafficking in cigarettes under this section~~ shall be distributed 93972
as follows: 93973

(a) ~~Sixty two and one half~~ Thirty per cent shall be paid upon 93974
the warrant of the county auditor into the treasury of the 93975
municipal corporation or township in which the places of business 93976
for which the tax revenue was received are located; 93977

(b) ~~Twenty two and one half~~ Ten per cent shall be credited to 93978
the general fund of the county; 93979

(c) ~~Fifteen~~ Sixty per cent shall be paid into the cigarette 93980
tax enforcement fund ~~created by division (C) of this section.~~ 93981

(3) The remainder of the revenues and fines collected under 93982
this section and the penal laws relating to cigarettes shall be 93983
distributed as follows: 93984

(a) Three-fourths shall be paid upon the warrant of the 93985
county auditor into the treasury of the municipal corporation or 93986
township in which the place of business, on account of which the 93987
revenues and fines were received, is located; 93988

(b) One-fourth shall be credited to the general fund of the 93989
county. 93990

~~(D)~~(E) There is hereby created within the state treasury the 93991
cigarette tax enforcement fund for the purpose of providing funds 93992
to assist in paying the costs of enforcing sections 1333.11 to 93993
1333.21 and Chapter 5743. of the Revised Code. 93994

The portion of cigarette license ~~tax revenues~~ application 93995
fees received by a county auditor during the annual application 93996
period that ends ~~before~~ on the fourth Monday in May ~~which~~ and that 93997
is required to be deposited in the cigarette tax enforcement fund 93998
shall be sent to the treasurer of state by the thirtieth day of 93999

June each year accompanied by the form prescribed by the tax 94000
commissioner. The portion of cigarette license tax money 94001
application fees received by each county auditor after the fourth 94002
Monday in May ~~which~~ and that is required to be deposited in the 94003
cigarette tax enforcement fund shall be sent to the treasurer of 94004
state by the ~~thirty first day of December~~ last day of the month 94005
following the month in which such fees were collected. 94006

~~(E)~~(F)(1) Every person who desires to engage in the business 94007
of a manufacturer or importer of cigarettes shall, annually, on or 94008
before the fourth Monday of May, make and deliver to the tax 94009
commissioner, upon a blank form furnished by the commissioner for 94010
that purpose, a statement showing the name of the applicant, the 94011
nature of the applicant's business, and any other information 94012
required by the commissioner. If the applicant is a firm, 94013
partnership, or association other than a corporation, the 94014
applicant shall state the name and address of each of its members. 94015
If the applicant is a corporation, the applicant shall state the 94016
name and address of each of its officers. 94017

(2) Upon receipt of the application and payment of the fee 94018
required under this section, the commissioner shall verify that 94019
the applicant is in good standing under Chapter 1346. and Title 94020
LVII of the Revised Code. Upon approval, the commissioner shall 94021
issue to the applicant a license authorizing the applicant to 94022
engage in the business of manufacturer or importer, whichever the 94023
case may be, for one year commencing on the fourth Monday of May. 94024

~~(2)~~(3) The issuing of a license under division ~~(E)~~(F)(1) of 94025
this section to a manufacturer does not excuse a manufacturer from 94026
the certification process required under section 1346.05 of the 94027
Revised Code. A manufacturer who is issued a license under 94028
division ~~(E)~~(F)(1) of this section and who is not listed on the 94029
directory required under section 1346.05 of the Revised Code shall 94030
not be permitted to sell cigarettes in this state other than to a 94031

licensed cigarette wholesaler for sale outside this state. Such a 94032
manufacturer shall provide documentation to the commissioner 94033
evidencing that the cigarettes are legal for sale in another 94034
state. 94035

~~(3)(G)~~ The tax commissioner may adopt rules necessary to 94036
administer ~~division (E)~~ of this section. 94037

Sec. 5743.61. (A) ~~No~~ Except as otherwise provided in this 94038
division, no distributor shall engage in the business of 94039
distributing tobacco products within this state without having a 94040
license issued by the department of taxation to engage in that 94041
business, ~~except that on~~. On the dissolution of a partnership by 94042
death, the surviving partner may operate under the license of the 94043
partnership until the expiration of the license, and the heirs or 94044
legal representatives of deceased persons, and receivers and 94045
trustees in bankruptcy appointed by any competent authority, may 94046
operate under the license of the person succeeded in possession by 94047
the heir, representative, receiver, or trustee in bankruptcy if 94048
the partner or successor notifies the department of taxation of 94049
the dissolution or succession within thirty days after the 94050
dissolution or succession. 94051

(B)(1) Each applicant for a license to engage in the business 94052
of distributing tobacco products, annually, on or before the first 94053
day of February, shall make and deliver to the tax commissioner, 94054
upon a form furnished by the commissioner for that purpose, a 94055
statement showing the name of the applicant, each physical place 94056
from which the applicant distributes to distributors, retail 94057
dealers, or wholesale dealers, and any other information the 94058
commissioner considers necessary for the administration of 94059
sections 5743.51 to 5743.66 of the Revised Code. 94060

(2) At the time of making the license application, the 94061
applicant shall pay a ~~license~~ an application fee of one ~~hundred~~ 94062

thousand dollars for each place listed ~~in~~ on the application where 94063
he the applicant proposes to carry on that business. The fee 94064
charged for the ~~license~~ application shall accompany the 94065
application and shall be made payable to the treasurer of state 94066
for deposit into the cigarette tax enforcement fund. 94067

(3) Upon receipt of the application and payment of any 94068
licensing fee required by this section, the commissioner shall 94069
issue to the applicant a license for each place of distribution 94070
designated in the application authorizing the applicant to engage 94071
in business at that location for one year commencing on the first 94072
day of February. For licenses issued after the first day of 94073
February, the license application fee shall be reduced 94074
proportionately by the remainder of the twelve-month period for 94075
which the license is issued, except that the application fee 94076
required to be paid under this section shall be not less than two 94077
hundred dollars. If the original license is lost, destroyed, or 94078
defaced, a duplicate license may be obtained from the commissioner 94079
upon payment of a license replacement fee of twenty-five dollars. 94080

(C) The holder of a tobacco products license may transfer the 94082
license to a place of business ~~or may assign the license to~~ 94083
~~another person for use,~~ on condition that the licensee's ownership 94084
and business structure remains unchanged and the licensee or 94085
assignee applies to the commissioner for the transfer, ~~upon forms~~ 94086
on a form issued by the commissioner, and pays a transfer fee of 94087
twenty-five dollars. 94088

(D) If a distributor fails to file ~~the returns~~ forms as 94089
required under Chapter 1346. or section 5743.52 of the Revised 94090
Code, ~~or pay the tax due thereon, on~~ for two consecutive ~~months~~ 94091
periods or three ~~months~~ periods during any twelve-month period, 94092
the commissioner may suspend the license issued to the distributor 94093
under this section. The suspension is effective ten days after the 94094

commissioner notifies the distributor of the suspension in writing 94095
personally or by certified mail. The commissioner shall lift the 94096
suspension when the distributor files the delinquent ~~returns~~ forms 94097
and pays the tax due, including any penalties, interest, and 94098
additional charges. The commissioner may refuse to issue the 94099
annual renewal of the license required by this section and may 94100
refuse to issue a new license for the same location until all 94101
delinquent ~~returns~~ forms are filed and outstanding taxes are paid. 94102
This division does not apply to any unpaid or underpaid tax 94103
liability that is the subject of a ~~petition~~ petition or appeal 94104
filed pursuant to section 5743.56, 5717.02, or 5717.04 of the 94105
Revised Code. 94106

Sec. 5747.01. Except as otherwise expressly provided or 94107
clearly appearing from the context, any term used in this chapter 94108
that is not otherwise defined in this section has the same meaning 94109
as when used in a comparable context in the laws of the United 94110
States relating to federal income taxes or if not used in a 94111
comparable context in those laws, has the same meaning as in 94112
section 5733.40 of the Revised Code. Any reference in this chapter 94113
to the Internal Revenue Code includes other laws of the United 94114
States relating to federal income taxes. 94115

As used in this chapter: 94116

(A) "Adjusted gross income" or "Ohio adjusted gross income" 94117
means federal adjusted gross income, as defined and used in the 94118
Internal Revenue Code, adjusted as provided in this section: 94119

(1) Add interest or dividends on obligations or securities of 94120
any state or of any political subdivision or authority of any 94121
state, other than this state and its subdivisions and authorities. 94122

(2) Add interest or dividends on obligations of any 94123
authority, commission, instrumentality, territory, or possession 94124
of the United States to the extent that the interest or dividends 94125

are exempt from federal income taxes but not from state income taxes. 94126
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(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States. 94128
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 94134
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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 94136
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 94140
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by 94149
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reason of a prior accumulation distribution. Any undistributed net 94158
income included in the adjusted gross income of a beneficiary 94159
shall reduce the undistributed net income of the trust commencing 94160
with the earliest years of the accumulation period. 94161

(7) Deduct the amount of wages and salaries, if any, not 94162
otherwise allowable as a deduction but that would have been 94163
allowable as a deduction in computing federal adjusted gross 94164
income for the taxable year, had the targeted jobs credit allowed 94165
and determined under sections 38, 51, and 52 of the Internal 94166
Revenue Code not been in effect. 94167

(8) Deduct any interest or interest equivalent on public 94168
obligations and purchase obligations to the extent that the 94169
interest or interest equivalent is included in federal adjusted 94170
gross income. 94171

(9) Add any loss or deduct any gain resulting from the sale, 94172
exchange, or other disposition of public obligations to the extent 94173
that the loss has been deducted or the gain has been included in 94174
computing federal adjusted gross income. 94175

(10) Deduct or add amounts, as provided under section 5747.70 94176
of the Revised Code, related to contributions to variable college 94177
savings program accounts made or tuition units purchased pursuant 94178
to Chapter 3334. of the Revised Code. 94179

(11)(a) Deduct, to the extent not otherwise allowable as a 94180
deduction or exclusion in computing federal or Ohio adjusted gross 94181
income for the taxable year, the amount the taxpayer paid during 94182
the taxable year for medical care insurance and qualified 94183
long-term care insurance for the taxpayer, the taxpayer's spouse, 94184
and dependents. No deduction for medical care insurance under 94185
division (A)(11) of this section shall be allowed either to any 94186
taxpayer who is eligible to participate in any subsidized health 94187
plan maintained by any employer of the taxpayer or of the 94188

taxpayer's spouse, or to any taxpayer who is entitled to, or on 94189
application would be entitled to, benefits under part A of Title 94190
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 94191
301, as amended. For the purposes of division (A)(11)(a) of this 94192
section, "subsidized health plan" means a health plan for which 94193
the employer pays any portion of the plan's cost. The deduction 94194
allowed under division (A)(11)(a) of this section shall be the net 94195
of any related premium refunds, related premium reimbursements, or 94196
related insurance premium dividends received during the taxable 94197
year. 94198

(b) Deduct, to the extent not otherwise deducted or excluded 94199
in computing federal or Ohio adjusted gross income during the 94200
taxable year, the amount the taxpayer paid during the taxable 94201
year, not compensated for by any insurance or otherwise, for 94202
medical care of the taxpayer, the taxpayer's spouse, and 94203
dependents, to the extent the expenses exceed seven and one-half 94204
per cent of the taxpayer's federal adjusted gross income. 94205

(c) Deduct, to the extent not otherwise deducted or excluded 94206
in computing federal or Ohio adjusted gross income, any amount 94207
included in federal adjusted gross income under section 105 or not 94208
excluded under section 106 of the Internal Revenue Code solely 94209
because it relates to an accident and health plan for a person who 94210
otherwise would be a "qualifying relative" and thus a "dependent" 94211
under section 152 of the Internal Revenue Code but for the fact 94212
that the person fails to meet the income and support limitations 94213
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 94214

(d) For purposes of division (A)(11) of this section, 94215
"medical care" has the meaning given in section 213 of the 94216
Internal Revenue Code, subject to the special rules, limitations, 94217
and exclusions set forth therein, and "qualified long-term care" 94218
has the same meaning given in section 7702B(c) of the Internal 94219
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 94220

of this section, "dependent" includes a person who otherwise would 94221
be a "qualifying relative" and thus a "dependent" under section 94222
152 of the Internal Revenue Code but for the fact that the person 94223
fails to meet the income and support limitations under section 94224
152(d)(1)(B) and (C) of the Internal Revenue Code. 94225

(12)(a) Deduct any amount included in federal adjusted gross 94226
income solely because the amount represents a reimbursement or 94227
refund of expenses that in any year the taxpayer had deducted as 94228
an itemized deduction pursuant to section 63 of the Internal 94229
Revenue Code and applicable United States department of the 94230
treasury regulations. The deduction otherwise allowed under 94231
division (A)(12)(a) of this section shall be reduced to the extent 94232
the reimbursement is attributable to an amount the taxpayer 94233
deducted under this section in any taxable year. 94234

(b) Add any amount not otherwise included in Ohio adjusted 94235
gross income for any taxable year to the extent that the amount is 94236
attributable to the recovery during the taxable year of any amount 94237
deducted or excluded in computing federal or Ohio adjusted gross 94238
income in any taxable year. 94239

(13) Deduct any portion of the deduction described in section 94240
1341(a)(2) of the Internal Revenue Code, for repaying previously 94241
reported income received under a claim of right, that meets both 94242
of the following requirements: 94243

(a) It is allowable for repayment of an item that was 94244
included in the taxpayer's adjusted gross income for a prior 94245
taxable year and did not qualify for a credit under division (A) 94246
or (B) of section 5747.05 of the Revised Code for that year; 94247

(b) It does not otherwise reduce the taxpayer's adjusted 94248
gross income for the current or any other taxable year. 94249

(14) Deduct an amount equal to the deposits made to, and net 94250
investment earnings of, a medical savings account during the 94251

taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:

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

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the

amount deducted under division (A)(17) of this section. 94283

(18) Beginning in taxable year 2001 but not for any taxable 94284
year beginning after December 31, 2005, if the taxpayer is married 94285
and files a joint return and the combined federal adjusted gross 94286
income of the taxpayer and the taxpayer's spouse for the taxable 94287
year does not exceed one hundred thousand dollars, or if the 94288
taxpayer is single and has a federal adjusted gross income for the 94289
taxable year not exceeding fifty thousand dollars, deduct amounts 94290
paid during the taxable year for qualified tuition and fees paid 94291
to an eligible institution for the taxpayer, the taxpayer's 94292
spouse, or any dependent of the taxpayer, who is a resident of 94293
this state and is enrolled in or attending a program that 94294
culminates in a degree or diploma at an eligible institution. The 94295
deduction may be claimed only to the extent that qualified tuition 94296
and fees are not otherwise deducted or excluded for any taxable 94297
year from federal or Ohio adjusted gross income. The deduction may 94298
not be claimed for educational expenses for which the taxpayer 94299
claims a credit under section 5747.27 of the Revised Code. 94300

(19) Add any reimbursement received during the taxable year 94301
of any amount the taxpayer deducted under division (A)(18) of this 94302
section in any previous taxable year to the extent the amount is 94303
not otherwise included in Ohio adjusted gross income. 94304

(20)(a)(i) Add five-sixths of the amount of depreciation 94305
expense allowed by subsection (k) of section 168 of the Internal 94306
Revenue Code, including the taxpayer's proportionate or 94307
distributive share of the amount of depreciation expense allowed 94308
by that subsection to a pass-through entity in which the taxpayer 94309
has a direct or indirect ownership interest. 94310

(ii) Add five-sixths of the amount of qualifying section 179 94311
depreciation expense, including a person's proportionate or 94312
distributive share of the amount of qualifying section 179 94313
depreciation expense allowed to any pass-through entity in which 94314

the person has a direct or indirect ownership. For the purposes of 94315
this division, "qualifying section 179 depreciation expense" means 94316
the difference between (I) the amount of depreciation expense 94317
directly or indirectly allowed to the taxpayer under section 179 94318
of the Internal Revenue Code, and (II) the amount of depreciation 94319
expense directly or indirectly allowed to the taxpayer under 94320
section 179 of the Internal Revenue Code as that section existed 94321
on December 31, 2002. 94322

The tax commissioner, under procedures established by the 94323
commissioner, may waive the add-backs related to a pass-through 94324
entity if the taxpayer owns, directly or indirectly, less than 94325
five per cent of the pass-through entity. 94326

(b) Nothing in division (A)(20) of this section shall be 94327
construed to adjust or modify the adjusted basis of any asset. 94328

(c) To the extent the add-back required under division 94329
(A)(20)(a) of this section is attributable to property generating 94330
nonbusiness income or loss allocated under section 5747.20 of the 94331
Revised Code, the add-back shall be situated to the same location 94332
as the nonbusiness income or loss generated by the property for 94333
the purpose of determining the credit under division (A) of 94334
section 5747.05 of the Revised Code. Otherwise, the add-back shall 94335
be apportioned, subject to one or more of the four alternative 94336
methods of apportionment enumerated in section 5747.21 of the 94337
Revised Code. 94338

(d) For the purposes of division (A) of this section, net 94339
operating loss carryback and carryforward shall not include 94340
five-sixths of the allowance of any net operating loss deduction 94341
carryback or carryforward to the taxable year to the extent such 94342
loss resulted from depreciation allowed by section 168(k) of the 94343
Internal Revenue Code and by the qualifying section 179 94344
depreciation expense amount. 94345

(21)(a) If the taxpayer was required to add an amount under 94346
division (A)(20)(a) of this section for a taxable year, deduct 94347
one-fifth of the amount so added for each of the five succeeding 94348
taxable years. 94349

(b) If the amount deducted under division (A)(21)(a) of this 94350
section is attributable to an add-back allocated under division 94351
(A)(20)(c) of this section, the amount deducted shall be sitused 94352
to the same location. Otherwise, the add-back shall be apportioned 94353
using the apportionment factors for the taxable year in which the 94354
deduction is taken, subject to one or more of the four alternative 94355
methods of apportionment enumerated in section 5747.21 of the 94356
Revised Code. 94357

(c) No deduction is available under division (A)(21)(a) of 94358
this section with regard to any depreciation allowed by section 94359
168(k) of the Internal Revenue Code and by the qualifying section 94360
179 depreciation expense amount to the extent that such 94361
depreciation resulted in or increased a federal net operating loss 94362
carryback or carryforward to a taxable year to which division 94363
(A)(20)(d) of this section does not apply. 94364

(22) Deduct, to the extent not otherwise deducted or excluded 94365
in computing federal or Ohio adjusted gross income for the taxable 94366
year, the amount the taxpayer received during the taxable year as 94367
reimbursement for life insurance premiums under section 5919.31 of 94368
the Revised Code. 94369

(23) Deduct, to the extent not otherwise deducted or excluded 94370
in computing federal or Ohio adjusted gross income for the taxable 94371
year, the amount the taxpayer received during the taxable year as 94372
a death benefit paid by the adjutant general under section 5919.33 94373
of the Revised Code. 94374

(24) Deduct, to the extent included in federal adjusted gross 94375
income and not otherwise allowable as a deduction or exclusion in 94376

computing federal or Ohio adjusted gross income for the taxable 94377
year, military pay and allowances received by the taxpayer during 94378
the taxable year for active duty service in the United States 94379
army, air force, navy, marine corps, or coast guard or reserve 94380
components thereof or the national guard. The deduction may not be 94381
claimed for military pay and allowances received by the taxpayer 94382
while the taxpayer is stationed in this state. 94383

(25) Deduct, to the extent not otherwise allowable as a 94384
deduction or exclusion in computing federal or Ohio adjusted gross 94385
income for the taxable year and not otherwise compensated for by 94386
any other source, the amount of qualified organ donation expenses 94387
incurred by the taxpayer during the taxable year, not to exceed 94388
ten thousand dollars. A taxpayer may deduct qualified organ 94389
donation expenses only once for all taxable years beginning with 94390
taxable years beginning in 2007. 94391

For the purposes of division (A)(25) of this section: 94392

(a) "Human organ" means all or any portion of a human liver, 94393
pancreas, kidney, intestine, or lung, and any portion of human 94394
bone marrow. 94395

(b) "Qualified organ donation expenses" means travel 94396
expenses, lodging expenses, and wages and salary forgone by a 94397
taxpayer in connection with the taxpayer's donation, while living, 94398
of one or more of the taxpayer's human organs to another human 94399
being. 94400

(26) Deduct, to the extent not otherwise deducted or excluded 94401
in computing federal or Ohio adjusted gross income for the taxable 94402
year, amounts received by the taxpayer as retired military 94403
personnel pay for service in the United States army, navy, air 94404
force, coast guard, or marine corps or reserve components thereof, 94405
or the national guard, or received by the surviving spouse or 94406
former spouse of such a taxpayer under the survivor benefit plan 94407

on account of such a taxpayer's death. If the taxpayer receives 94408
income on account of retirement paid under the federal civil 94409
service retirement system or federal employees retirement system, 94410
or under any successor retirement program enacted by the congress 94411
of the United States that is established and maintained for 94412
retired employees of the United States government, and such 94413
retirement income is based, in whole or in part, on credit for the 94414
taxpayer's military service, the deduction allowed under this 94415
division shall include only that portion of such retirement income 94416
that is attributable to the taxpayer's military service, to the 94417
extent that portion of such retirement income is otherwise 94418
included in federal adjusted gross income and is not otherwise 94419
deducted under this section. Any amount deducted under division 94420
(A)(26) of this section is not included in a taxpayer's adjusted 94421
gross income for the purposes of section 5747.055 of the Revised 94422
Code. No amount may be deducted under division (A)(26) of this 94423
section on the basis of which a credit was claimed under section 94424
5747.055 of the Revised Code. 94425

(27) Deduct, to the extent not otherwise deducted or excluded 94426
in computing federal or Ohio adjusted gross income for the taxable 94427
year, the amount the taxpayer received during the taxable year 94428
from the military injury relief fund created in section 5101.98 of 94429
the Revised Code. 94430

(B) "Business income" means income, including gain or loss, 94431
arising from transactions, activities, and sources in the regular 94432
course of a trade or business and includes income, gain, or loss 94433
from real property, tangible property, and intangible property if 94434
the acquisition, rental, management, and disposition of the 94435
property constitute integral parts of the regular course of a 94436
trade or business operation. "Business income" includes income, 94437
including gain or loss, from a partial or complete liquidation of 94438
a business, including, but not limited to, gain or loss from the 94439

sale or other disposition of goodwill.	94440
(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.	94441 94442 94443 94444 94445
(D) "Compensation" means any form of remuneration paid to an employee for personal services.	94446 94447
(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.	94448 94449 94450
(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	94451 94452
(G) "Individual" means any natural person.	94453
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	94454 94455
(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:	94456 94457 94458
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	94459 94460
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	94461 94462 94463 94464
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	94465 94466 94467
For the purposes of division (I)(3) of this section:	94468

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

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

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

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

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential

current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

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

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

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

fair market value of all the trust's assets immediately after the 94532
subsequent transfer, net of any related liabilities. 94533

(iii) Whether a transfer to the trust is by or from any of 94534
the sources enumerated in division (I)(3)(a) of this section shall 94535
be ascertained without regard to the domicile of the trust's 94536
beneficiaries. 94537

(e) For the purposes of division (I)(3)(a)(i) of this 94538
section: 94539

(i) A trust is described in division (I)(3)(e)(i) of this 94540
section if the trust is a testamentary trust and the testator of 94541
that testamentary trust was domiciled in this state at the time of 94542
the testator's death for purposes of the taxes levied under 94543
Chapter 5731. of the Revised Code. 94544

(ii) A trust is described in division (I)(3)(e)(ii) of this 94545
section if the transfer is a qualifying transfer described in any 94546
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 94547
irrevocable inter vivos trust, and at least one of the trust's 94548
qualifying beneficiaries is domiciled in this state for purposes 94549
of this chapter during all or some portion of the trust's current 94550
taxable year. 94551

(f) For the purposes of division (I)(3)(e)(ii) of this 94552
section, a "qualifying transfer" is a transfer of assets, net of 94553
any related liabilities, directly or indirectly to a trust, if the 94554
transfer is described in any of the following: 94555

(i) The transfer is made to a trust, created by the decedent 94556
before the decedent's death and while the decedent was domiciled 94557
in this state for the purposes of this chapter, and, prior to the 94558
death of the decedent, the trust became irrevocable while the 94559
decedent was domiciled in this state for the purposes of this 94560
chapter. 94561

(ii) The transfer is made to a trust to which the decedent, 94562

prior to the decedent's death, had directly or indirectly 94563
transferred assets, net of any related liabilities, while the 94564
decedent was domiciled in this state for the purposes of this 94565
chapter, and prior to the death of the decedent the trust became 94566
irrevocable while the decedent was domiciled in this state for the 94567
purposes of this chapter. 94568

(iii) The transfer is made on account of a contractual 94569
relationship existing directly or indirectly between the 94570
transferor and either the decedent or the estate of the decedent 94571
at any time prior to the date of the decedent's death, and the 94572
decedent was domiciled in this state at the time of death for 94573
purposes of the taxes levied under Chapter 5731. of the Revised 94574
Code. 94575

(iv) The transfer is made to a trust on account of a 94576
contractual relationship existing directly or indirectly between 94577
the transferor and another person who at the time of the 94578
decedent's death was domiciled in this state for purposes of this 94579
chapter. 94580

(v) The transfer is made to a trust on account of the will of 94581
a testator. 94582

(vi) The transfer is made to a trust created by or caused to 94583
be created by a court, and the trust was directly or indirectly 94584
created in connection with or as a result of the death of an 94585
individual who, for purposes of the taxes levied under Chapter 94586
5731. of the Revised Code, was domiciled in this state at the time 94587
of the individual's death. 94588

(g) The tax commissioner may adopt rules to ascertain the 94589
part of a trust residing in this state. 94590

(J) "Nonresident" means an individual or estate that is not a 94591
resident. An individual who is a resident for only part of a 94592
taxable year is a nonresident for the remainder of that taxable 94593

year. 94594

(K) "Pass-through entity" has the same meaning as in section 94595
5733.04 of the Revised Code. 94596

(L) "Return" means the notifications and reports required to 94597
be filed pursuant to this chapter for the purpose of reporting the 94598
tax due and includes declarations of estimated tax when so 94599
required. 94600

(M) "Taxable year" means the calendar year or the taxpayer's 94601
fiscal year ending during the calendar year, or fractional part 94602
thereof, upon which the adjusted gross income is calculated 94603
pursuant to this chapter. 94604

(N) "Taxpayer" means any person subject to the tax imposed by 94605
section 5747.02 of the Revised Code or any pass-through entity 94606
that makes the election under division (D) of section 5747.08 of 94607
the Revised Code. 94608

(O) "Dependents" means dependents as defined in the Internal 94609
Revenue Code and as claimed in the taxpayer's federal income tax 94610
return for the taxable year or which the taxpayer would have been 94611
permitted to claim had the taxpayer filed a federal income tax 94612
return. 94613

(P) "Principal county of employment" means, in the case of a 94614
nonresident, the county within the state in which a taxpayer 94615
performs services for an employer or, if those services are 94616
performed in more than one county, the county in which the major 94617
portion of the services are performed. 94618

(Q) As used in sections 5747.50 to 5747.55 of the Revised 94619
Code: 94620

(1) "Subdivision" means any county, municipal corporation, 94621
park district, or township. 94622

(2) "Essential local government purposes" includes all 94623

functions that any subdivision is required by general law to 94624
exercise, including like functions that are exercised under a 94625
charter adopted pursuant to the Ohio Constitution. 94626

(R) "Overpayment" means any amount already paid that exceeds 94627
the figure determined to be the correct amount of the tax. 94628

(S) "Taxable income" or "Ohio taxable income" applies only to 94629
estates and trusts, and means federal taxable income, as defined 94630
and used in the Internal Revenue Code, adjusted as follows: 94631

(1) Add interest or dividends, net of ordinary, necessary, 94632
and reasonable expenses not deducted in computing federal taxable 94633
income, on obligations or securities of any state or of any 94634
political subdivision or authority of any state, other than this 94635
state and its subdivisions and authorities, but only to the extent 94636
that such net amount is not otherwise includible in Ohio taxable 94637
income and is described in either division (S)(1)(a) or (b) of 94638
this section: 94639

(a) The net amount is not attributable to the S portion of an 94640
electing small business trust and has not been distributed to 94641
beneficiaries for the taxable year; 94642

(b) The net amount is attributable to the S portion of an 94643
electing small business trust for the taxable year. 94644

(2) Add interest or dividends, net of ordinary, necessary, 94645
and reasonable expenses not deducted in computing federal taxable 94646
income, on obligations of any authority, commission, 94647
instrumentality, territory, or possession of the United States to 94648
the extent that the interest or dividends are exempt from federal 94649
income taxes but not from state income taxes, but only to the 94650
extent that such net amount is not otherwise includible in Ohio 94651
taxable income and is described in either division (S)(1)(a) or 94652
(b) of this section; 94653

(3) Add the amount of personal exemption allowed to the 94654

estate pursuant to section 642(b) of the Internal Revenue Code; 94655

(4) Deduct interest or dividends, net of related expenses 94656
deducted in computing federal taxable income, on obligations of 94657
the United States and its territories and possessions or of any 94658
authority, commission, or instrumentality of the United States to 94659
the extent that the interest or dividends are exempt from state 94660
taxes under the laws of the United States, but only to the extent 94661
that such amount is included in federal taxable income and is 94662
described in either division (S)(1)(a) or (b) of this section; 94663

(5) Deduct the amount of wages and salaries, if any, not 94664
otherwise allowable as a deduction but that would have been 94665
allowable as a deduction in computing federal taxable income for 94666
the taxable year, had the targeted jobs credit allowed under 94667
sections 38, 51, and 52 of the Internal Revenue Code not been in 94668
effect, but only to the extent such amount relates either to 94669
income included in federal taxable income for the taxable year or 94670
to income of the S portion of an electing small business trust for 94671
the taxable year; 94672

(6) Deduct any interest or interest equivalent, net of 94673
related expenses deducted in computing federal taxable income, on 94674
public obligations and purchase obligations, but only to the 94675
extent that such net amount relates either to income included in 94676
federal taxable income for the taxable year or to income of the S 94677
portion of an electing small business trust for the taxable year; 94678

(7) Add any loss or deduct any gain resulting from sale, 94679
exchange, or other disposition of public obligations to the extent 94680
that such loss has been deducted or such gain has been included in 94681
computing either federal taxable income or income of the S portion 94682
of an electing small business trust for the taxable year; 94683

(8) Except in the case of the final return of an estate, add 94684
any amount deducted by the taxpayer on both its Ohio estate tax 94685

return pursuant to section 5731.14 of the Revised Code, and on its 94686
federal income tax return in determining federal taxable income; 94687

(9)(a) Deduct any amount included in federal taxable income 94688
solely because the amount represents a reimbursement or refund of 94689
expenses that in a previous year the decedent had deducted as an 94690
itemized deduction pursuant to section 63 of the Internal Revenue 94691
Code and applicable treasury regulations. The deduction otherwise 94692
allowed under division (S)(9)(a) of this section shall be reduced 94693
to the extent the reimbursement is attributable to an amount the 94694
taxpayer or decedent deducted under this section in any taxable 94695
year. 94696

(b) Add any amount not otherwise included in Ohio taxable 94697
income for any taxable year to the extent that the amount is 94698
attributable to the recovery during the taxable year of any amount 94699
deducted or excluded in computing federal or Ohio taxable income 94700
in any taxable year, but only to the extent such amount has not 94701
been distributed to beneficiaries for the taxable year. 94702

(10) Deduct any portion of the deduction described in section 94703
1341(a)(2) of the Internal Revenue Code, for repaying previously 94704
reported income received under a claim of right, that meets both 94705
of the following requirements: 94706

(a) It is allowable for repayment of an item that was 94707
included in the taxpayer's taxable income or the decedent's 94708
adjusted gross income for a prior taxable year and did not qualify 94709
for a credit under division (A) or (B) of section 5747.05 of the 94710
Revised Code for that year. 94711

(b) It does not otherwise reduce the taxpayer's taxable 94712
income or the decedent's adjusted gross income for the current or 94713
any other taxable year. 94714

(11) Add any amount claimed as a credit under section 94715
5747.059 of the Revised Code to the extent that the amount 94716

satisfies either of the following: 94717

(a) The amount was deducted or excluded from the computation 94718
of the taxpayer's federal taxable income as required to be 94719
reported for the taxpayer's taxable year under the Internal 94720
Revenue Code; 94721

(b) The amount resulted in a reduction in the taxpayer's 94722
federal taxable income as required to be reported for any of the 94723
taxpayer's taxable years under the Internal Revenue Code. 94724

(12) Deduct any amount, net of related expenses deducted in 94725
computing federal taxable income, that a trust is required to 94726
report as farm income on its federal income tax return, but only 94727
if the assets of the trust include at least ten acres of land 94728
satisfying the definition of "land devoted exclusively to 94729
agricultural use" under section 5713.30 of the Revised Code, 94730
regardless of whether the land is valued for tax purposes as such 94731
land under sections 5713.30 to 5713.38 of the Revised Code. If the 94732
trust is a pass-through entity investor, section 5747.231 of the 94733
Revised Code applies in ascertaining if the trust is eligible to 94734
claim the deduction provided by division (S)(12) of this section 94735
in connection with the pass-through entity's farm income. 94736

Except for farm income attributable to the S portion of an 94737
electing small business trust, the deduction provided by division 94738
(S)(12) of this section is allowed only to the extent that the 94739
trust has not distributed such farm income. Division (S)(12) of 94740
this section applies only to taxable years of a trust beginning in 94741
2002 or thereafter. 94742

(13) Add the net amount of income described in section 641(c) 94743
of the Internal Revenue Code to the extent that amount is not 94744
included in federal taxable income. 94745

(14) Add or deduct the amount the taxpayer would be required 94746
to add or deduct under division (A)(20) or (21) of this section if 94747

the taxpayer's Ohio taxable income were computed in the same 94748
manner as an individual's Ohio adjusted gross income is computed 94749
under this section. In the case of a trust, division (S)(14) of 94750
this section applies only to any of the trust's taxable years 94751
beginning in 2002 or thereafter. 94752

(T) "School district income" and "school district income tax" 94753
have the same meanings as in section 5748.01 of the Revised Code. 94754

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 94755
of this section, "public obligations," "purchase obligations," and 94756
"interest or interest equivalent" have the same meanings as in 94757
section 5709.76 of the Revised Code. 94758

(V) "Limited liability company" means any limited liability 94759
company formed under Chapter 1705. of the Revised Code or under 94760
the laws of any other state. 94761

(W) "Pass-through entity investor" means any person who, 94762
during any portion of a taxable year of a pass-through entity, is 94763
a partner, member, shareholder, or equity investor in that 94764
pass-through entity. 94765

(X) "Banking day" has the same meaning as in section 1304.01 94766
of the Revised Code. 94767

(Y) "Month" means a calendar month. 94768

(Z) "Quarter" means the first three months, the second three 94769
months, the third three months, or the last three months of the 94770
taxpayer's taxable year. 94771

(AA)(1) "Eligible institution" means a state university or 94772
state institution of higher education as defined in section 94773
3345.011 of the Revised Code, or a private, nonprofit college, 94774
university, or other post-secondary institution located in this 94775
state that possesses a certificate of authorization issued by the 94776
Ohio board of regents pursuant to Chapter 1713. of the Revised 94777

Code or a certificate of registration issued by the state board of 94778
career colleges and schools under Chapter 3332. of the Revised 94779
Code. 94780

(2) "Qualified tuition and fees" means tuition and fees 94781
imposed by an eligible institution as a condition of enrollment or 94782
attendance, not exceeding two thousand five hundred dollars in 94783
each of the individual's first two years of post-secondary 94784
education. If the individual is a part-time student, "qualified 94785
tuition and fees" includes tuition and fees paid for the academic 94786
equivalent of the first two years of post-secondary education 94787
during a maximum of five taxable years, not exceeding a total of 94788
five thousand dollars. "Qualified tuition and fees" does not 94789
include: 94790

(a) Expenses for any course or activity involving sports, 94791
games, or hobbies unless the course or activity is part of the 94792
individual's degree or diploma program; 94793

(b) The cost of books, room and board, student activity fees, 94794
athletic fees, insurance expenses, or other expenses unrelated to 94795
the individual's academic course of instruction; 94796

(c) Tuition, fees, or other expenses paid or reimbursed 94797
through an employer, scholarship, grant in aid, or other 94798
educational benefit program. 94799

(BB)(1) "Modified business income" means the business income 94800
included in a trust's Ohio taxable income after such taxable 94801
income is first reduced by the qualifying trust amount, if any. 94802

(2) "Qualifying trust amount" of a trust means capital gains 94803
and losses from the sale, exchange, or other disposition of equity 94804
or ownership interests in, or debt obligations of, a qualifying 94805
investee to the extent included in the trust's Ohio taxable 94806
income, but only if the following requirements are satisfied: 94807

(a) The book value of the qualifying investee's physical 94808

assets in this state and everywhere, as of the last day of the 94809
qualifying investee's fiscal or calendar year ending immediately 94810
prior to the date on which the trust recognizes the gain or loss, 94811
is available to the trust. 94812

(b) The requirements of section 5747.011 of the Revised Code 94813
are satisfied for the trust's taxable year in which the trust 94814
recognizes the gain or loss. 94815

Any gain or loss that is not a qualifying trust amount is 94816
modified business income, qualifying investment income, or 94817
modified nonbusiness income, as the case may be. 94818

(3) "Modified nonbusiness income" means a trust's Ohio 94819
taxable income other than modified business income, other than the 94820
qualifying trust amount, and other than qualifying investment 94821
income, as defined in section 5747.012 of the Revised Code, to the 94822
extent such qualifying investment income is not otherwise part of 94823
modified business income. 94824

(4) "Modified Ohio taxable income" applies only to trusts, 94825
and means the sum of the amounts described in divisions (BB)(4)(a) 94826
to (c) of this section: 94827

(a) The fraction, calculated under section 5747.013, and 94828
applying section 5747.231 of the Revised Code, multiplied by the 94829
sum of the following amounts: 94830

(i) The trust's modified business income; 94831

(ii) The trust's qualifying investment income, as defined in 94832
section 5747.012 of the Revised Code, but only to the extent the 94833
qualifying investment income does not otherwise constitute 94834
modified business income and does not otherwise constitute a 94835
qualifying trust amount. 94836

(b) The qualifying trust amount multiplied by a fraction, the 94837
numerator of which is the sum of the book value of the qualifying 94838

investee's physical assets in this state on the last day of the 94839
qualifying investee's fiscal or calendar year ending immediately 94840
prior to the day on which the trust recognizes the qualifying 94841
trust amount, and the denominator of which is the sum of the book 94842
value of the qualifying investee's total physical assets 94843
everywhere on the last day of the qualifying investee's fiscal or 94844
calendar year ending immediately prior to the day on which the 94845
trust recognizes the qualifying trust amount. If, for a taxable 94846
year, the trust recognizes a qualifying trust amount with respect 94847
to more than one qualifying investee, the amount described in 94848
division (BB)(4)(b) of this section shall equal the sum of the 94849
products so computed for each such qualifying investee. 94850

(c)(i) With respect to a trust or portion of a trust that is 94851
a resident as ascertained in accordance with division (I)(3)(d) of 94852
this section, its modified nonbusiness income. 94853

(ii) With respect to a trust or portion of a trust that is 94854
not a resident as ascertained in accordance with division 94855
(I)(3)(d) of this section, the amount of its modified nonbusiness 94856
income satisfying the descriptions in divisions (B)(2) to (5) of 94857
section 5747.20 of the Revised Code, except as otherwise provided 94858
in division (BB)(4)(c)(ii) of this section. With respect to a 94859
trust or portion of a trust that is not a resident as ascertained 94860
in accordance with division (I)(3)(d) of this section, the trust's 94861
portion of modified nonbusiness income recognized from the sale, 94862
exchange, or other disposition of a debt interest in or equity 94863
interest in a section 5747.212 entity, as defined in section 94864
5747.212 of the Revised Code, without regard to division (A) of 94865
that section, shall not be allocated to this state in accordance 94866
with section 5747.20 of the Revised Code but shall be apportioned 94867
to this state in accordance with division (B) of section 5747.212 94868
of the Revised Code without regard to division (A) of that 94869
section. 94870

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

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the

pass-through entity's calendar or fiscal year ending within or 94903
with the last day of the qualifying investee's fiscal or calendar 94904
year ending immediately prior to the date on which the trust 94905
recognizes the qualifying trust amount. 94906

(iii) For the purposes of division (BB)(5)(a)(iii) of this 94907
section, "upper level pass-through entity" means a pass-through 94908
entity directly or indirectly owning any equity of another 94909
pass-through entity, and "lower level pass-through entity" means 94910
that other pass-through entity. 94911

An upper level pass-through entity, whether or not it is also 94912
a qualifying investee, is deemed to own, on the last day of the 94913
upper level pass-through entity's calendar or fiscal year, the 94914
proportionate share of the lower level pass-through entity's 94915
physical assets that the lower level pass-through entity directly 94916
or indirectly owns on the last day of the lower level pass-through 94917
entity's calendar or fiscal year ending within or with the last 94918
day of the upper level pass-through entity's fiscal or calendar 94919
year. If the upper level pass-through entity directly and 94920
indirectly owns less than fifty per cent of the equity of the 94921
lower level pass-through entity on each day of the upper level 94922
pass-through entity's calendar or fiscal year in which or with 94923
which ends the calendar or fiscal year of the lower level 94924
pass-through entity and if, based upon clear and convincing 94925
evidence, complete information about the location and cost of the 94926
physical assets of the lower pass-through entity is not available 94927
to the upper level pass-through entity, then solely for purposes 94928
of ascertaining if a gain or loss constitutes a qualifying trust 94929
amount, the upper level pass-through entity shall be deemed as 94930
owning no equity of the lower level pass-through entity for each 94931
day during the upper level pass-through entity's calendar or 94932
fiscal year in which or with which ends the lower level 94933
pass-through entity's calendar or fiscal year. Nothing in division 94934

(BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income. 94935
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(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply: 94938
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(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation. 94943
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(ii) Such gain or loss constitutes nonbusiness income. 94947

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss. 94948
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(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 94952
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(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 94954
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(EE)(1) For the purposes of division (EE) of this section: 94956

(a) "Qualifying person" means any person other than a qualifying corporation. 94957
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(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 94959
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(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's 94962
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taxable year;	94965
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	94966 94967 94968 94969
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	94970 94971 94972
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	94973 94974
(1) "Trust" does not include a qualified pre-income tax trust.	94975 94976
(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.	94977 94978 94979
(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.	94980 94981 94982 94983 94984 94985 94986 94987 94988 94989 94990
(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:	94991 94992
(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;	94993 94994

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

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

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code ~~for taxable years ending on or after October 14, 1983,~~ who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, or all of those funds, may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found due the taxpayer upon the initial processing of the taxpayer's return, after any deductions including those required by section 5747.12 of the Revised Code, is greater than or equal to the designated contribution. If the refund due as initially determined is less than the designated contribution, the contribution shall be made in the full amount of the refund. The tax commissioner shall subtract the amount of the contribution from the amount of the refund initially found due the taxpayer and shall certify the difference to the director of budget and management and treasurer of state for payment to the taxpayer in accordance with section 5747.11 of the Revised Code. For the purpose of any subsequent determination of the taxpayer's net tax payment, the contribution shall be considered a part of the refund paid to the taxpayer.

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

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

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of January of each year of the total amount contributed to each fund under this section during the preceding four calendar months, any adjustments to prior years made during that four-month period, and

the cost to the department of taxation of administering the income 95058
tax contribution system during that period. The cost of 95059
administering the income tax contribution system shall be 95060
certified by the tax commissioner to the director of budget and 95061
management, who shall transfer an amount equal to ~~one-third~~ 95062
one-fourth of such administrative costs from the natural areas and 95063
preserves fund, ~~one-third~~ one-fourth of such costs from the 95064
nongame and endangered wildlife fund, ~~and one-third~~ one-fourth of 95065
such costs from the military injury relief fund, and one-fourth of 95066
such costs from the Ohio historical society income tax 95067
contribution fund to the ~~litter control and natural resource~~ 95068
income tax contribution administration fund, which is hereby 95069
created, provided that the moneys that the department receives to 95070
pay the cost of administering the income tax refund contribution 95071
system in any year shall not exceed two and one-half per cent of 95072
the total amount contributed under that system during that year. 95073

(E)(1) The director of natural resources, in January of every 95074
odd-numbered year, shall report to the general assembly on the 95075
effectiveness of the income tax refund contribution system as it 95076
pertains to the natural areas and preserves fund and the nongame 95077
and endangered wildlife fund. The report shall include the amount 95078
of money contributed to each fund in each of the previous five 95079
years, the amount of money contributed directly to each fund in 95080
addition to or independently of the income tax refund contribution 95081
system in each of the previous five years, and the purposes for 95082
which the money was expended. 95083

(2) The director of job and family services and the director 95084
of the Ohio historical society, in January of every odd-numbered 95085
year, each shall report to the general assembly on the 95086
effectiveness of the income tax refund contribution system as it 95087
pertains to the military injury relief fund and the Ohio 95088
historical society income tax contribution fund, respectively. The 95089

report shall include the amount of money contributed to the fund 95090
in each of the previous five years, the amount of money 95091
contributed directly to the fund in addition to or independently 95092
of the income tax refund contribution system in each of the 95093
previous five years, and the purposes for which the money was 95094
expended. 95095

Sec. 5747.13. (A) If any employer collects the tax imposed by 95096
section 5747.02 or under Chapter 5748. of the Revised Code and 95097
fails to remit the tax as required by law, or fails to collect the 95098
tax, the employer is personally liable for any amount collected 95099
that the employer fails to remit, or any amount that the employer 95100
fails to collect. If any taxpayer fails to file a return or fails 95101
to pay the tax imposed by section 5747.02 or under Chapter 5748. 95102
of the Revised Code, the taxpayer is personally liable for the 95103
amount of the tax. 95104

If any employer, taxpayer, or qualifying entity required to 95105
file a return under this chapter fails to file the return within 95106
the time prescribed, files an incorrect return, fails to remit the 95107
full amount of the taxes due for the period covered by the return, 95108
or fails to remit any additional tax due as a result of a 95109
reduction in the amount of the credit allowed under division (B) 95110
of section 5747.05 of the Revised Code together with interest on 95111
the additional tax within the time prescribed by that division, 95112
the tax commissioner may make an assessment against any person 95113
liable for any deficiency for the period for which the return is 95114
or taxes are due, based upon any information in the commissioner's 95115
possession. 95116

An assessment issued against either the employer or the 95117
taxpayer pursuant to this section shall not be considered an 95118
election of remedies or a bar to an assessment against the other 95119
for failure to report or pay the same tax. No assessment shall be 95120

issued against any person if the tax actually has been paid by 95121
another. 95122

No assessment shall be made or issued against an employer, 95123
taxpayer, or qualifying entity more than four years after the 95124
final date the return subject to assessment was required to be 95125
filed or the date the return was filed, whichever is later. 95126
However, the commissioner may assess any balance due as the result 95127
of a reduction in the credit allowed under division (B) of section 95128
5747.05 of the Revised Code, including applicable penalty and 95129
interest, within four years of the date on which the taxpayer 95130
reports a change in either the portion of the taxpayer's adjusted 95131
gross income subjected to an income tax or tax measured by income 95132
in another state or the District of Columbia, or the amount of 95133
liability for an income tax or tax measured by income to another 95134
state or the District of Columbia, as required by division (B)(3) 95135
of section 5747.05 of the Revised Code. Such time limits may be 95136
extended if both the employer, taxpayer, or qualifying entity and 95137
the commissioner consent in writing to the extension or if an 95138
agreement waiving or extending the time limits has been entered 95139
into pursuant to section 122.171 of the Revised Code. Any such 95140
extension shall extend the four-year time limit in division (B) of 95141
section 5747.11 of the Revised Code for the same period of time. 95142
There shall be no bar or limit to an assessment against an 95143
employer for taxes withheld from employees and not remitted to the 95144
state, against an employer, taxpayer, or qualifying entity that 95145
fails to file a return subject to assessment as required by this 95146
chapter, or against an employer, taxpayer, or qualifying entity 95147
that files a fraudulent return. 95148

The commissioner shall give the party assessed written notice 95149
of the assessment in the manner provided in section 5703.37 of the 95150
Revised Code. With the notice, the commissioner shall provide 95151
instructions on how to petition for reassessment and request a 95152

hearing on the petition. 95153

(B) Unless the party assessed files with the tax commissioner 95154
within sixty days after service of the notice of assessment, 95155
either personally or by certified mail, a written petition for 95156
reassessment, signed by the party assessed or that party's 95157
authorized agent having knowledge of the facts, the assessment 95158
becomes final, and the amount of the assessment is due and payable 95159
from the party assessed to the commissioner with remittance made 95160
payable to the treasurer of state. The petition shall indicate the 95161
objections of the party assessed, but additional objections may be 95162
raised in writing if received by the commissioner prior to the 95163
date shown on the final determination. If the petition has been 95164
properly filed, the commissioner shall proceed under section 95165
5703.60 of the Revised Code. 95166

(C) After an assessment becomes final, if any portion of the 95167
assessment remains unpaid, including accrued interest, a certified 95168
copy of the tax commissioner's entry making the assessment final 95169
may be filed in the office of the clerk of the court of common 95170
pleas in the county in which the employer's, taxpayer's, or 95171
qualifying entity's place of business is located or the county in 95172
which the party assessed resides. If the party assessed is not a 95173
resident of this state, the certified copy of the entry may be 95174
filed in the office of the clerk of the court of common pleas of 95175
Franklin county. 95176

Immediately upon the filing of the entry, the clerk shall 95177
enter a judgment against the party assessed in the amount shown on 95178
the entry. The judgment shall be filed by the clerk in one of two 95179
loose-leaf books, one entitled "special judgments for state and 95180
school district income taxes," and the other entitled "special 95181
judgments for qualifying entity taxes." The judgment shall have 95182
the same effect as other judgments. Execution shall issue upon the 95183
judgment upon the request of the tax commissioner, and all laws 95184

applicable to sales on execution shall apply to sales made under the judgment. 95185
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The portion of the assessment not paid within sixty days after the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section. 95187
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(D) All money collected under this section shall be considered as revenue arising from the taxes imposed by this chapter or Chapter 5733. or 5748. of the Revised Code, as appropriate. 95193
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~~(E) The portion of an assessment that must be paid upon the filing of a petition for reassessment shall be as follows:~~ 95197
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~~(1) If the sole item objected to is the assessed penalty or interest, payment of the assessment, including interest but not penalty, is required;~~ 95199
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~~(2) If the taxpayer or qualifying entity that is assessed failed to file, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, any amended return or amended report required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, or any report required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, payment of the assessment, including interest but not penalty, is required, except as otherwise provided under division (E)(6) or (7) of this section;~~ 95202
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~~(3) If the employer assessed had not filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering~~ 95213
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~~the period at issue, payment of the assessment, including interest but not penalty, is required;~~ 95216
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~~(4) If the taxpayer or qualifying entity that is assessed filed, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, all amended returns or reports required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, and all reports required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, and a balance of the taxes shown due on the returns or reports as computed on the returns or reports remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is required;~~ 95218
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~~(5) If the employer assessed filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering the period at issue, and a balance of the taxes shown due on the return as computed on the return remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is required;~~ 95230
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~~(6) In the case of a party assessed as a qualifying entity subject to the tax levied under section 5733.41 or 5747.41 of the Revised Code, if the party does not dispute that it is a qualifying entity subject to that tax but claims the protections of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, no payment is required;~~ 95237
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~~(7) In the case of a party assessed as a qualifying entity subject to the tax levied under section 5733.41 or 5747.41 of the Revised Code, if the party does dispute that it is a qualifying entity subject to that tax, no payment is required;~~ 95243
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~~(8) If none of the conditions specified in divisions (E)(1) to (7) of this section apply, no payment is required. If the party assessed files a petition for reassessment under division (B) of this section, the person, on or before the last day the petition may be filed, shall pay the assessed amount, including assessed interest and assessed penalties, if any of the following conditions exists:~~

(1) The person files a tax return reporting Ohio adjusted gross income, less the exemptions allowed by section 5747.025 of the Revised Code, in an amount less than one cent, and the reported amount is not based on the computations required under division (A) of section 5747.01 or section 5747.025 of the Revised Code.

(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous.

(3) The person fails to file a tax return, and the basis for this failure is not either of the following:

(a) An assertion that the person has no nexus with this state;

(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent.

(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any

court to which the determination or decision has been appealed, so 95278
that the amount due from the party assessed under the corrected 95279
assessment is less than the portion paid, there shall be issued to 95280
the petitioner or to the petitioner's assigns or legal 95281
representative a refund in the amount of the overpayment as 95282
provided by section 5747.11 of the Revised Code, with interest on 95283
that amount as provided by such section, subject to section 95284
5747.12 of the Revised Code. 95285

Sec. 5747.16. Any nonresident who accepts the privileges 95286
extended by the laws of this state to nonresidents earning or 95287
receiving income in this state, and any resident who becomes a 95288
nonresident or conceals his the person's whereabouts thereby makes 95289
the secretary of state his the person's agent for the service of 95290
process or notice in any assessment, action, or proceedings 95291
instituted in this state against such person under this chapter, 95292
such process or notice shall be served ~~by the officer to whom the~~ 95293
~~same is directed by the tax commissioner, or by the sheriff of~~ 95294
~~Franklin county, who may be deputized for such purpose by the~~ 95295
~~officer to whom the service is directed, upon the secretary of~~ 95296
~~state by leaving at the secretary's office at least fifteen days~~ 95297
~~before the return day of such process or notice, a true and~~ 95298
~~attested copy thereof, and by sending to the defendant by~~ 95299
~~certified mail, postage prepaid, a like and true attested copy,~~ 95300
~~with an endorsement thereon of the service upon the secretary of~~ 95301
~~state, addressed to such defendant at his last known address as~~ 95302
provided under section 5703.37 of the Revised Code. 95303

Sec. 5747.66. (A) Any term used in this section has the same 95304
meaning as in section 122.85 of the Revised Code. 95305

(B) There is allowed a credit against the tax imposed by 95306
section 5747.02 of the Revised Code for any individual who, on the 95307
last day of the individual's taxable year, is the certificate 95308

owner of a tax credit certificate issued under section 122.85 of 95309
the Revised Code. The credit shall be claimed for the taxable year 95310
that includes the date the certificate was issued by the director 95311
of development. The credit amount equals the amount stated in the 95312
certificate. The credit shall be claimed in the order required 95313
under section 5747.98 of the Revised Code. If the credit amount 95314
exceeds the tax otherwise due under section 5747.02 of the Revised 95315
Code after deducting all other credits in that order, the excess 95316
shall be refunded. 95317

Nothing in this section limits or disallows pass-through 95318
treatment of the credit. 95319

Sec. 5747.98. (A) To provide a uniform procedure for 95320
calculating the amount of tax due under section 5747.02 of the 95321
Revised Code, a taxpayer shall claim any credits to which the 95322
taxpayer is entitled in the following order: 95323

(1) The retirement income credit under division (B) of 95324
section 5747.055 of the Revised Code; 95325

(2) The senior citizen credit under division (C) of section 95326
5747.05 of the Revised Code; 95327

(3) The lump sum distribution credit under division (D) of 95328
section 5747.05 of the Revised Code; 95329

(4) The dependent care credit under section 5747.054 of the 95330
Revised Code; 95331

(5) The lump sum retirement income credit under division (C) 95332
of section 5747.055 of the Revised Code; 95333

(6) The lump sum retirement income credit under division (D) 95334
of section 5747.055 of the Revised Code; 95335

(7) The lump sum retirement income credit under division (E) 95336
of section 5747.055 of the Revised Code; 95337

(8) The low-income credit under section 5747.056 of the Revised Code;	95338 95339
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	95340 95341
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	95342 95343
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	95344 95345
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	95346 95347
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	95348 95349
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	95350 95351
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	95352 95353
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	95354 95355
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	95356 95357
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	95358 95359
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	95360 95361
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	95362 95363
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	95364 95365 95366

(22) The job training credit under section 5747.39 of the Revised Code;	95367 95368
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	95369 95370
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	95371 95372
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	95373 95374
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	95375 95376
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	95377 95378
(28) The export sales credit under section 5747.057 of the Revised Code;	95379 95380
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	95381 95382
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	95383 95384
(31) The research and development credit under section 5747.331 of the Revised Code;	95385 95386
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	95387 95388
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	95389 95390
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	95391 95392
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	95393 95394
(36) The refundable credits for taxes paid by a qualifying	95395

pass-through entity granted under division (J) of section 5747.08 95396
of the Revised Code; 95397

(37) The refundable credit for tax withheld under division 95398
(B)(1) of section 5747.062 of the Revised Code; 95399

(38) The refundable credit under section 5747.80 of the 95400
Revised Code for losses on loans made to the Ohio venture capital 95401
program under sections 150.01 to 150.10 of the Revised Code; 95402

(39) The refundable motion picture production credit under 95403
section 5747.66 of the Revised Code. 95404

(B) For any credit, except the refundable credits enumerated 95405
in ~~divisions (A)(33) to (38)~~ of this section and the credit 95406
granted under division (I) of section 5747.08 of the Revised Code, 95407
the amount of the credit for a taxable year shall not exceed the 95408
tax due after allowing for any other credit that precedes it in 95409
the order required under this section. Any excess amount of a 95410
particular credit may be carried forward if authorized under the 95411
section creating that credit. Nothing in this chapter shall be 95412
construed to allow a taxpayer to claim, directly or indirectly, a 95413
credit more than once for a taxable year. 95414

95415

Sec. 5748.02. (A) The board of education of any school 95416
district, except a joint vocational school district, may declare, 95417
by resolution, the necessity of raising annually a specified 95418
amount of money for school district purposes. The resolution shall 95419
specify whether the income that is to be subject to the tax is 95420
taxable income of individuals and estates as defined in divisions 95421
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 95422
taxable income of individuals as defined in division (E)(1)(b) of 95423
that section. A copy of the resolution shall be certified to the 95424
tax commissioner no later than eighty-five days prior to the date 95425
of the election at which the board intends to propose a levy under 95426

this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

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

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

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of

January of any year following the year in which the question is 95459
submitted, and the date of the election at which the proposal 95460
shall be submitted to the electors of the district, which shall be 95461
on the date of a primary, general, or special election the date of 95462
which is consistent with section 3501.01 of the Revised Code. The 95463
resolution shall specify whether the income that is to be subject 95464
to the tax is taxable income of individuals and estates as defined 95465
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 95466
Code or taxable income of individuals as defined in division 95467
(E)(1)(b) of that section. The specification shall be the same as 95468
the specification in the resolution adopted and certified under 95469
division (A) of this section. 95470

If the tax is to be levied for current expenses and permanent 95471
improvements, the resolution shall apportion the annual rate of 95472
the tax. The apportionment may be the same or different for each 95473
year the tax is levied, but the respective portions of the rate 95474
actually levied each year for current expenses and for permanent 95475
improvements shall be limited by the apportionment. 95476

If the board of education currently imposes an income tax 95477
pursuant to this chapter that is due to expire and a question is 95478
submitted under this section for a proposed income tax to take 95479
effect upon the expiration of the existing tax, the board may 95480
specify in the resolution that the proposed tax renews the 95481
expiring tax ~~and is not an additional income tax, provided that,~~ 95482
Two or more expiring income taxes may be renewed under this 95483
paragraph if the taxes are due to expire on the same date. If the 95484
tax rate being proposed is no higher than the total tax rate that 95485
is currently imposed by the expiring tax or taxes, the resolution 95486
may state that the proposed tax is not an additional income tax. 95487

(2) A board of education adopting a resolution under division 95488
(B)(1) of this section proposing a school district income tax for 95489
a continuing period of time and limited to the purpose of current 95490

expenses may propose in that resolution to reduce the rate or 95491
rates of one or more of the school district's property taxes 95492
levied for a continuing period of time in excess of the ten-mill 95493
limitation for the purpose of current expenses. The reduction in 95494
the rate of a property tax may be any amount, expressed in mills 95495
per one dollar in valuation, not exceeding the rate at which the 95496
tax is authorized to be levied. The reduction in the rate of a tax 95497
shall first take effect for the tax year that includes the day on 95498
which the school district income tax first takes effect, and shall 95499
continue for each tax year that both the school district income 95500
tax and the property tax levy are in effect. 95501

In addition to the matters required to be set forth in the 95502
resolution under division (B)(1) of this section, a resolution 95503
containing a proposal to reduce the rate of one or more property 95504
taxes shall state for each such tax the maximum rate at which it 95505
currently may be levied and the maximum rate at which the tax 95506
could be levied after the proposed reduction, expressed in mills 95507
per one dollar in valuation, and that the tax is levied for a 95508
continuing period of time. 95509

If a board of education proposes to reduce the rate of one or 95510
more property taxes under division (B)(2) of this section, the 95511
board, when it makes the certification required under division (A) 95512
of this section, shall designate the specific levy or levies to be 95513
reduced, the maximum rate at which each levy currently is 95514
authorized to be levied, and the rate by which each levy is 95515
proposed to be reduced. The tax commissioner, when making the 95516
certification to the board under division (A) of this section, 95517
also shall certify the reduction in the total effective tax rate 95518
for current expenses for each class of property that would have 95519
resulted if the proposed reduction in the rate or rates had been 95520
in effect the previous tax year. As used in this paragraph, 95521
"effective tax rate" has the same meaning as in section 323.08 of 95522

the Revised Code. 95523

(C) A resolution adopted under division (B) of this section 95524
shall go into immediate effect upon its passage, and no 95525
publication of the resolution shall be necessary other than that 95526
provided for in the notice of election. Immediately after its 95527
adoption and at least seventy-five days prior to the election at 95528
which the question will appear on the ballot, a copy of the 95529
resolution shall be certified to the board of elections of the 95530
proper county, which shall submit the proposal to the electors on 95531
the date specified in the resolution. The form of the ballot shall 95532
be as provided in section 5748.03 of the Revised Code. Publication 95533
of notice of the election shall be made in one or more newspapers 95534
of general circulation in the county once a week for two 95535
consecutive weeks prior to the election, and, if the board of 95536
elections operates and maintains a web site, the board of 95537
elections shall post notice of the election on its web site for 95538
thirty days prior to the election. The notice shall contain the 95539
time and place of the election and the question to be submitted to 95540
the electors. The question covered by the resolution shall be 95541
submitted as a separate proposition, but may be printed on the 95542
same ballot with any other proposition submitted at the same 95543
election, other than the election of officers. 95544

(D) No board of education shall submit the question of a tax 95545
on school district income to the electors of the district more 95546
than twice in any calendar year. If a board submits the question 95547
twice in any calendar year, one of the elections on the question 95548
shall be held on the date of the general election. 95549

(E)(1) No board of education may submit to the electors of 95550
the district the question of a tax on school district income on 95551
the taxable income of individuals as defined in division (E)(1)(b) 95552
of section 5748.01 of the Revised Code if that tax would be in 95553
addition to an existing tax on the taxable income of individuals 95554

and estates as defined in divisions (E)(1)(a) and (2) of that section. 95555
95556

(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section. 95557
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Sec. 5748.03. (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows: 95563
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95565

"Shall an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates be imposed by (state the name of the school district), for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)? 95566
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95572

	FOR THE TAX
	AGAINST THE TAX

"

(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates." 95573
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(2) If the question submitted to electors proposes to renew 95584

~~an~~ one or more expiring income tax levies, the ballot shall be 95585
modified by adding the following language immediately after the 95586
name of the school district that would impose the tax: "to renew 95587
an income tax (or income taxes) expiring at the end of 95588
(state the last year the existing income tax or taxes may be 95589
levied)." 95590

(3) If the question includes a proposal under division (B)(2) 95591
of section 5748.02 of the Revised Code to reduce the rate of one 95592
or more school district property taxes, the ballot shall state 95593
that the purpose of the school district income tax is for current 95594
expenses, and the form of the ballot shall be modified by adding 95595
the following language immediately after the statement of the 95596
purpose of the proposed income tax: ", and shall the rate of an 95597
existing tax on property, currently levied for the purpose of 95598
current expenses at the rate of mills, be REDUCED to 95599
..... mills until any such time as the income tax is repealed." 95600
In lieu of "for the tax" and "against the tax," the phrases "for 95601
the issue" and "against the issue," respectively, shall be used. 95602
If a board of education proposes a reduction in the rates of more 95603
than one tax, the ballot language shall be modified accordingly to 95604
express the rates at which those taxes currently are levied and 95605
the rates to which the taxes will be reduced. 95606

(C) The board of elections shall certify the results of the 95607
election to the board of education and to the tax commissioner. If 95608
a majority of the electors voting on the question vote in favor of 95609
it, the income tax, the applicable provisions of Chapter 5747. of 95610
the Revised Code, and the reduction in the rate or rates of 95611
existing property taxes if the question included such a reduction 95612
shall take effect on the date specified in the resolution. If the 95613
question approved by the voters includes a reduction in the rate 95614
of a school district property tax, the board of education shall 95615
not levy the tax at a rate greater than the rate to which the tax 95616

is reduced, unless the school district income tax is repealed in 95617
an election under section 5748.04 of the Revised Code. 95618

(D) If the rate at which a property tax is levied and 95619
collected is reduced pursuant to a question approved under this 95620
section, the tax commissioner shall compute the percentage 95621
required to be computed for that tax under division (D) of section 95622
319.301 of the Revised Code each year the rate is reduced as if 95623
the tax had been levied in the preceding year at the rate at which 95624
it has been reduced. If the rate of a property tax increases due 95625
to the repeal of the school district income tax pursuant to 95626
section 5748.04 of the Revised Code, the tax commissioner, for the 95627
first year for which the rate increases, shall compute the 95628
percentage as if the tax in the preceding year had been levied at 95629
the rate at which the tax was authorized to be levied prior to any 95630
rate reduction. 95631

Sec. 5749.02. (A) For the purpose of providing revenue to 95632
administer the state's coal mining and reclamation regulatory 95633
program, to meet the environmental and resource management needs 95634
of this state, and to reclaim land affected by mining, an excise 95635
tax is hereby levied on the privilege of engaging in the severance 95636
of natural resources from the soil or water of this state. The tax 95637
shall be imposed upon the severer and shall be: 95638

(1) Ten cents per ton of coal; 95639

(2) Four cents per ton of salt; 95640

(3) Two cents per ton of limestone or dolomite; 95641

(4) Two cents per ton of sand and gravel; 95642

(5) Ten cents per barrel of oil; 95643

(6) Two and one-half cents per thousand cubic feet of natural 95644
gas; 95645

(7) One cent per ton of clay, sandstone or conglomerate, 95646

shale, gypsum, or quartzite; 95647

(8) Except as otherwise provided in this division or in rules 95648
adopted by the reclamation forfeiture fund advisory board under 95649
section 1513.182 of the Revised Code, an additional fourteen cents 95650
per ton of coal produced from an area under a coal mining and 95651
reclamation permit issued under Chapter 1513. of the Revised Code 95652
for which the performance security is provided under division 95653
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 95654
2007, if at the end of a fiscal biennium the balance of the 95655
reclamation forfeiture fund created in section 1513.18 of the 95656
Revised Code is equal to or greater than ten million dollars, the 95657
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 95658
if at the end of a fiscal biennium the balance of the fund is at 95659
least five million dollars, but less than ten million dollars, the 95660
rate levied shall be fourteen cents per ton. Beginning July 1, 95661
2007, if at the end of a fiscal biennium the balance of the fund 95662
is less than five million dollars, the rate levied shall be 95663
sixteen cents per ton. Beginning July 1, 2009, not later than 95664
thirty days after the close of a fiscal biennium, the chief of the 95665
division of mineral resources management shall certify to the tax 95666
commissioner the amount of the balance of the reclamation 95667
forfeiture fund as of the close of the fiscal biennium. Any 95668
necessary adjustment of the rate levied shall take effect on the 95669
first day of the following January and shall remain in effect 95670
during the calendar biennium that begins on that date. 95671

(9) An additional one and two-tenths cents per ton of coal 95672
mined by surface mining methods. 95673

(B) Of the moneys received by the treasurer of state from the 95674
tax levied in division (A)(1) of this section, four and 95675
seventy-six-hundredths per cent shall be credited to the 95676
geological mapping fund created in section 1505.09 of the Revised 95677
Code, eighty and ninety-five-hundredths per cent shall be credited 95678

to the coal mining administration and reclamation reserve fund 95679
created in section 1513.181 of the Revised Code, and fourteen and 95680
twenty-nine-hundredths per cent shall be credited to the 95681
unreclaimed lands fund created in section 1513.30 of the Revised 95682
Code. 95683

Fifteen per cent of the moneys received by the treasurer of 95684
state from the tax levied in division (A)(2) of this section shall 95685
be credited to the geological mapping fund and the remainder shall 95686
be credited to the ~~unreclaimed lands fund~~ permit and lease fund 95687
created in section 1506.41 of the Revised Code. 95688

Of the moneys received by the treasurer of state from the tax 95689
levied in divisions (A)(3) and (4) of this section, seven and 95690
five-tenths per cent shall be credited to the geological mapping 95691
fund, forty-two and five-tenths per cent shall be credited to the 95692
unreclaimed lands fund, and the remainder shall be credited to the 95693
surface mining fund created in section 1514.06 of the Revised 95694
Code. 95695

Of the moneys received by the treasurer of state from the tax 95696
levied in divisions (A)(5) and (6) of this section, ninety per 95697
cent shall be credited to the oil and gas well fund created in 95698
section 1509.02 of the Revised Code and ten per cent shall be 95699
credited to the geological mapping fund. All of the moneys 95700
received by the treasurer of state from the tax levied in division 95701
(A)(7) of this section shall be credited to the surface mining 95702
fund. 95703

All of the moneys received by the treasurer of state from the 95704
tax levied in division (A)(8) of this section shall be credited to 95705
the reclamation forfeiture fund. 95706

All of the moneys received by the treasurer of state from the 95707
tax levied in division (A)(9) of this section shall be credited to 95708
the unreclaimed lands fund. 95709

(C) When, at the close of any fiscal year, the chief finds 95710
that the balance of the reclamation forfeiture fund, plus 95711
estimated transfers to it from the coal mining administration and 95712
reclamation reserve fund under section 1513.181 of the Revised 95713
Code, plus the estimated revenues from the tax levied by division 95714
(A)(8) of this section for the remainder of the calendar year that 95715
includes the close of the fiscal year, are sufficient to complete 95716
the reclamation of lands for which the performance security has 95717
been provided under division (C)(2) of section 1513.08 of the 95718
Revised Code, the purposes for which the tax under division (A)(8) 95719
of this section is levied shall be deemed accomplished at the end 95720
of that calendar year. The chief, within thirty days after the 95721
close of the fiscal year, shall certify those findings to the tax 95722
commissioner, and the tax levied under division (A)(8) of this 95723
section shall cease to be imposed after the last day of that 95724
calendar year on coal produced under a coal mining and reclamation 95725
permit issued under Chapter 1513. of the Revised Code if the 95726
permittee has made tax payments under division (A)(8) of this 95727
section during each of the preceding five full calendar years. Not 95728
later than thirty days after the close of a fiscal year, the chief 95729
shall certify to the tax commissioner the identity of any 95730
permittees who accordingly no longer are required to pay the tax 95731
levied under division (A)(8) of this section. 95732

Sec. 5749.12. Any nonresident of this state who accepts the 95733
privilege extended by the laws of this state to nonresidents 95734
severing natural resources in this state, and any resident of this 95735
state who subsequently becomes a nonresident or conceals ~~his~~ the 95736
resident's whereabouts, makes the secretary of state of Ohio ~~his~~ 95737
the person's agent for the service of process or notice in any 95738
assessment, action or proceedings instituted in this state against 95739
such person under this chapter. 95740

Such process or notice shall be served, ~~by the officer to~~ 95741

~~whom the same is directed by the tax commissioner or by the 95742
sheriff of Franklin county, who may be deputized for such purpose 95743
by the officer to whom the service is directed, upon the secretary 95744
of state by leaving at the office of the secretary of state, at 95745
least fifteen days before the return day of such process or 95746
notice, a true and attested copy thereof, and by sending to the 95747
defendant by certified mail, a like and true attested copy, with 95748
an endorsement thereon of the service upon said secretary of 95749
state, addressed to such defendant at his last known address as 95750
provided under section 5703.37 of the Revised Code. 95751~~

Sec. 5751.01. As used in this chapter: 95752

(A) "Person" means, but is not limited to, individuals, 95753
combinations of individuals of any form, receivers, assignees, 95754
trustees in bankruptcy, firms, companies, joint-stock companies, 95755
business trusts, estates, partnerships, limited liability 95756
partnerships, limited liability companies, associations, joint 95757
ventures, clubs, societies, for-profit corporations, S 95758
corporations, qualified subchapter S subsidiaries, qualified 95759
subchapter S trusts, trusts, entities that are disregarded for 95760
federal income tax purposes, and any other entities. ~~"Person" does 95761
not include nonprofit organizations or the state, its agencies, 95762
its instrumentalities, and its political subdivisions.~~ 95763

(B) "Consolidated elected taxpayer" means a group of two or 95764
more persons treated as a single taxpayer for purposes of this 95765
chapter as the result of an election made under section 5751.011 95766
of the Revised Code. 95767

(C) "Combined taxpayer" means a group of two or more persons 95768
treated as a single taxpayer for purposes of this chapter under 95769
section 5751.012 of the Revised Code. 95770

(D) "Taxpayer" means any person, or any group of persons in 95771
the case of a consolidated elected taxpayer or combined taxpayer 95772

treated as one taxpayer, required to register or pay tax under 95773
this chapter. "Taxpayer" does not include excluded persons. 95774

(E) "Excluded person" means any of the following: 95775

(1) Any person with not more than one hundred fifty thousand 95776
dollars of taxable gross receipts during the calendar year. 95777

Division (E)(1) of this section does not apply to a person that is 95778
a member of a ~~group that is a~~ consolidated elected taxpayer ~~or a~~ 95779
~~combined taxpayer;~~ 95780

(2) A public utility that paid the excise tax imposed by 95781
section 5727.24 or 5727.30 of the Revised Code based on one or 95782
more measurement periods that include the entire tax period under 95783
this chapter, except that a public utility that is a combined 95784
company is a taxpayer with regard to the following gross receipts: 95785

(a) Taxable gross receipts directly attributed to a public 95786
utility activity, but not directly attributed to an activity that 95787
is subject to the excise tax imposed by section 5727.24 or 5727.30 95788
of the Revised Code; 95789

(b) Taxable gross receipts that cannot be directly attributed 95790
to any activity, multiplied by a fraction whose numerator is the 95791
taxable gross receipts described in division (E)(2)(a) of this 95792
section and whose denominator is the total taxable gross receipts 95793
that can be directly attributed to any activity; 95794

(c) Except for any differences resulting from the use of an 95795
accrual basis method of accounting for purposes of determining 95796
gross receipts under this chapter and the use of the cash basis 95797
method of accounting for purposes of determining gross receipts 95798
under section 5727.24 of the Revised Code, the gross receipts 95799
directly attributed to the activity of a natural gas company shall 95800
be determined in a manner consistent with division (D) of section 95801
5727.03 of the Revised Code. 95802

As used in division (E)(2) of this section, "combined 95803

company" and "public utility" have the same meanings as in section 95804
5727.01 of the Revised Code. 95805

(3) A financial institution, as defined in section 5725.01 of 95806
the Revised Code, that paid the corporation franchise tax charged 95807
by division (D) of section 5733.06 of the Revised Code based on 95808
one or more taxable years that include the entire tax period under 95809
this chapter; 95810

(4) A dealer in intangibles, as defined in section 5725.01 of 95811
the Revised Code, that paid the dealer in intangibles tax levied 95812
by division (D) of section 5707.03 of the Revised Code based on 95813
one or more measurement periods that include the entire tax period 95814
under this chapter; 95815

(5) A financial holding company as defined in the "Bank 95816
Holding Company Act," 12 U.S.C. 1841(p); 95817

(6) A bank holding company as defined in the "Bank Holding 95818
Company Act," 12 U.S.C. 1841(a); 95819

(7) A savings and loan holding company as defined in the 95820
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 95821
only in activities or investments permissible for a financial 95822
holding company under 12 U.S.C. 1843(k); 95823

(8) A person directly or indirectly owned by one or more 95824
financial institutions, financial holding companies, bank holding 95825
companies, or savings and loan holding companies described in 95826
division (E)(3), (5), (6), or (7) of this section that is engaged 95827
in activities permissible for a financial holding company under 12 95828
U.S.C. 1843(k), except that any such person held pursuant to 95829
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 95830
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 95831
directly or indirectly owned by one or more insurance companies 95832
described in division (E)(9) of this section that is authorized to 95833
do the business of insurance in this state. 95834

For the purposes of division (E)(8) of this section, a person 95835
owns another person under the following circumstances: 95836

(a) In the case of corporations issuing capital stock, one 95837
corporation owns another corporation if it owns fifty per cent or 95838
more of the other corporation's capital stock with current voting 95839
rights; 95840

(b) In the case of a limited liability company, one person 95841
owns the company if that person's membership interest, as defined 95842
in section 1705.01 of the Revised Code, is fifty per cent or more 95843
of the combined membership interests of all persons owning such 95844
interests in the company; 95845

(c) In the case of a partnership, trust, or other 95846
unincorporated business organization other than a limited 95847
liability company, one person owns the organization if, under the 95848
articles of organization or other instrument governing the affairs 95849
of the organization, that person has a beneficial interest in the 95850
organization's profits, surpluses, losses, or distributions of 95851
fifty per cent or more of the combined beneficial interests of all 95852
persons having such an interest in the organization; 95853

(d) In the case of multiple ownership, the ownership 95854
interests of more than one person may be aggregated to meet the 95855
fifty per cent ownership tests in this division only when each 95856
such owner is described in division (E)(3), (5), (6), or (7) of 95857
this section and is engaged in activities permissible for a 95858
financial holding company under 12 U.S.C. 1843(k) or is a person 95859
directly or indirectly owned by one or more insurance companies 95860
described in division (E)(9) of this section that is authorized to 95861
do the business of insurance in this state. 95862

(9) A domestic insurance company or foreign insurance 95863
company, as defined in section 5725.01 of the Revised Code, that 95864
paid the insurance company premiums tax imposed by section 5725.18 95865

or Chapter 5729. of the Revised Code based on one or more 95866
measurement periods that include the entire tax period under this 95867
chapter; 95868

(10) A person that solely facilitates or services one or more 95869
securitizations or similar transactions for any person described 95870
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 95871
For purposes of this division, "securitization" means transferring 95872
one or more assets to one or more persons and then issuing 95873
securities backed by the right to receive payment from the asset 95874
or assets so transferred. 95875

(11) Except as otherwise provided in this division, a 95876
pre-income tax trust as defined in division (FF)(4) of section 95877
5747.01 of the Revised Code and any pass-through entity of which 95878
such pre-income tax trust owns or controls, directly, indirectly, 95879
or constructively through related interests, more than five per 95880
cent of the ownership or equity interests. If the pre-income tax 95881
trust has made a qualifying pre-income tax trust election under 95882
division (FF)(3) of section 5747.01 of the Revised Code, then the 95883
trust and the pass-through entities of which it owns or controls, 95884
directly, indirectly, or constructively through related interests, 95885
more than five per cent of the ownership or equity interests, 95886
shall not be excluded persons for purposes of the tax imposed 95887
under section 5751.02 of the Revised Code. 95888

(12) Nonprofit organizations or the state and its agencies, 95889
instrumentalities, or political subdivisions. 95890

(F) Except as otherwise provided in divisions (F)(2), (3), 95891
and (4) of this section, "gross receipts" means the total amount 95892
realized by a person, without deduction for the cost of goods sold 95893
or other expenses incurred, that contributes to the production of 95894
gross income of the person, including the fair market value of any 95895
property and any services received, and any debt transferred or 95896
forgiven as consideration. 95897

(1) The following are examples of gross receipts:	95898
(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;	95899 95900
(b) Amounts realized from the taxpayer's performance of services for another;	95901 95902
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	95903 95904
(d) Any combination of the foregoing amounts.	95905
(2) "Gross receipts" excludes the following amounts:	95906
(a) Interest income except interest on credit sales;	95907
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	95908 95909 95910 95911
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual	95912 95913 95914 95915 95916 95917 95918 95919 95920 95921 95922 95923 95924 95925 95926 95927

transfer of title of real or tangible personal property to another 95928
entity is not a hedging transaction. 95929

(d) Proceeds received attributable to the repayment, 95930
maturity, or redemption of the principal of a loan, bond, mutual 95931
fund, certificate of deposit, or marketable instrument; 95932

(e) The principal amount received under a repurchase 95933
agreement or on account of any transaction properly characterized 95934
as a loan to the person; 95935

(f) Contributions received by a trust, plan, or other 95936
arrangement, any of which is described in section 501(a) of the 95937
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 95938
1, Subchapter (D) of the Internal Revenue Code applies; 95939

(g) Compensation, whether current or deferred, and whether in 95940
cash or in kind, received or to be received by an employee, former 95941
employee, or the employee's legal successor for services rendered 95942
to or for an employer, including reimbursements received by or for 95943
an individual for medical or education expenses, health insurance 95944
premiums, or employee expenses, or on account of a dependent care 95945
spending account, legal services plan, any cafeteria plan 95946
described in section 125 of the Internal Revenue Code, or any 95947
similar employee reimbursement; 95948

(h) Proceeds received from the issuance of the taxpayer's own 95949
stock, options, warrants, puts, or calls, or from the sale of the 95950
taxpayer's treasury stock; 95951

(i) Proceeds received on the account of payments from life 95952
insurance policies, except those proceeds received for the loss of 95953
business revenue; 95954

(j) Gifts or charitable contributions received, membership 95955
dues received, by trade, professional, homeowners', or condominium 95956
associations; and payments received for educational courses, 95957
meetings, meals, or similar payments to a trade, professional, or 95958

other similar association; and fundraising receipts received by 95959
any person when any excess receipts are donated or used 95960
exclusively for charitable purposes; ~~and proceeds received by a~~ 95961
~~nonprofit organization including proceeds realized with regard to~~ 95962
~~its unrelated business taxable income;~~ 95963

(k) Damages received as the result of litigation in excess of 95964
amounts that, if received without litigation, would be gross 95965
receipts; 95966

(l) Property, money, and other amounts received or acquired 95967
by an agent on behalf of another in excess of the agent's 95968
commission, fee, or other remuneration; 95969

(m) Tax refunds, other tax benefit recoveries, and 95970
reimbursements for the tax imposed under this chapter made by 95971
entities that are part of the same combined taxpayer or 95972
consolidated elected taxpayer group, and reimbursements made by 95973
entities that are not members of a combined taxpayer or 95974
consolidated elected taxpayer group that are required to be made 95975
for economic parity among multiple owners of an entity whose tax 95976
obligation under this chapter is required to be reported and paid 95977
entirely by one owner, pursuant to the requirements of sections 95978
5751.011 and 5751.012 of the Revised Code; 95979

(n) Pension reversions; 95980

(o) Contributions to capital; 95981

(p) Sales or use taxes collected as a vendor or an 95982
out-of-state seller on behalf of the taxing jurisdiction from a 95983
consumer or other taxes the taxpayer is required by law to collect 95984
directly from a purchaser and remit to a local, state, or federal 95985
tax authority; 95986

(q) In the case of receipts from the sale of cigarettes or 95987
tobacco products by a wholesale dealer, retail dealer, 95988
distributor, manufacturer, or seller, all as defined in section 95989

5743.01 of the Revised Code, an amount equal to the federal and 95990
state excise taxes paid by any person on or for such cigarettes or 95991
tobacco products under subtitle E of the Internal Revenue Code or 95992
Chapter 5743. of the Revised Code; 95993

(r) In the case of receipts from the sale of motor fuel by a 95994
licensed motor fuel dealer, licensed retail dealer, or licensed 95995
permissive motor fuel dealer, all as defined in section 5735.01 of 95996
the Revised Code, an amount equal to federal and state excise 95997
taxes paid by any person on such motor fuel under section 4081 of 95998
the Internal Revenue Code or Chapter 5735. of the Revised Code; 95999

(s) In the case of receipts from the sale of beer or 96000
intoxicating liquor, as defined in section 4301.01 of the Revised 96001
Code, by a person holding a permit issued under Chapter 4301. or 96002
4303. of the Revised Code, an amount equal to federal and state 96003
excise taxes paid by any person on or for such beer or 96004
intoxicating liquor under subtitle E of the Internal Revenue Code 96005
or Chapter 4301. or 4305. of the Revised Code; 96006

(t) Receipts realized by a new motor vehicle dealer or used 96007
motor vehicle dealer, as defined in section 4517.01 of the Revised 96008
Code, from the sale or other transfer of a motor vehicle, as 96009
defined in that section, to another motor vehicle dealer for the 96010
purpose of resale by the transferee motor vehicle dealer, but only 96011
if the sale or other transfer was based upon the transferee's need 96012
to meet a specific customer's preference for a motor vehicle; 96013

(u) Receipts from a financial institution described in 96014
division (E)(3) of this section for services provided to the 96015
financial institution in connection with the issuance, processing, 96016
servicing, and management of loans or credit accounts, if such 96017
financial institution and the recipient of such receipts have at 96018
least fifty per cent of their ownership interests owned or 96019
controlled, directly or constructively through related interests, 96020
by common owners; 96021

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer; 96022
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(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans. 96026
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(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer; 96036
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(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money; 96041
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(z) Qualifying distribution center receipts. 96046

(i) For purposes of division (F)(2)(z) of this section: 96047

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. 96048
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(II) "Qualified property" means tangible personal property 96052

delivered to a qualified distribution center that is shipped to 96053
that qualified distribution center solely for further shipping by 96054
the qualified distribution center to another location in this 96055
state or elsewhere. "Further shipping" includes storing and 96056
repackaging such property into smaller or larger bundles, so long 96057
as such property is not subject to further manufacturing or 96058
processing. 96059

(III) "Qualified distribution center" means a warehouse or 96060
other similar facility in this state that, for the qualifying 96061
year, is operated by a person that is not part of a combined 96062
taxpayer group and that has a qualifying certificate. However, all 96063
warehouses or other similar facilities that are operated by 96064
persons in the same taxpayer group and that are located within one 96065
mile of each other shall be treated as one qualified distribution 96066
center. 96067

(IV) "Qualifying year" means the calendar year to which the 96068
qualifying certificate applies. 96069

(V) "Qualifying period" means the period of the first day of 96070
July of the second year preceding the qualifying year through the 96071
thirtieth day of June of the year preceding the qualifying year. 96072

(VI) "Qualifying certificate" means the certificate issued by 96073
the tax commissioner after the operator of a distribution center 96074
files an annual application approved by the tax commissioner from 96075
an operator of a distribution center that has filed an application 96076
as prescribed by the commissioner and paid the annual fee for the 96077
qualifying certificate on or before the first day of September 96078
prior to the qualifying year or forty five days after the opening 96079
of the distribution center, whichever is later with the 96080
commissioner. The application and annual fee shall be filed and 96081
paid for each qualified distribution center on or before the first 96082
day of September before the qualifying year or within forty-five 96083
days after the distribution center opens, whichever is later. 96084

The applicant must substantiate to the commissioner's 96085
satisfaction that, for the qualifying period, all persons 96086
operating the distribution center have more than fifty per cent of 96087
the cost of the qualified property shipped to a location such that 96088
it would be situated outside this state under the provisions of 96089
division (E) of section 5751.033 of the Revised Code. The 96090
applicant must also substantiate that the distribution center 96091
cumulatively had costs from its suppliers equal to or exceeding 96092
five hundred million dollars during the qualifying period. (For 96093
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 96094
excludes any person that is part of the consolidated elected 96095
taxpayer group, if applicable, of the operator of the qualified 96096
distribution center.) The commissioner may require the applicant 96097
to have an independent certified public accountant certify that 96098
the calculation of the minimum thresholds required for a qualified 96099
distribution center by the operator of a distribution center has 96100
been made in accordance with generally accepted accounting 96101
principles. The commissioner shall issue or deny the issuance of a 96102
certificate within sixty days after the receipt of the 96103
application. A denial is subject to appeal under section 5717.02 96104
of the Revised Code. If the operator files a timely appeal under 96105
section 5717.02 of the Revised Code, the operator shall be granted 96106
a qualifying certificate, provided that the operator is liable for 96107
any tax, interest, or penalty upon amounts claimed as qualifying 96108
distribution center receipts, other than those receipts exempt 96109
under division (C)(1) of section 5751.011 of the Revised Code, 96110
that would have otherwise not been owed by its suppliers if the 96111
qualifying certificate was valid. 96112

(VII) "Ohio delivery percentage" means the proportion of the 96113
total property delivered to a destination inside Ohio from the 96114
qualified distribution center during the qualifying period 96115
compared with total deliveries from such distribution center 96116
everywhere during the qualifying period. 96117

(ii) If the distribution center is new and was not open for 96118
the entire qualifying period, the operator of the distribution 96119
center may request that the commissioner grant a qualifying 96120
certificate. If the certificate is granted and it is later 96121
determined that more than fifty per cent of the qualified property 96122
during that year was not shipped to a location such that it would 96123
be situated outside of this state under the provisions of division 96124
(E) of section 5751.033 of the Revised Code or if it is later 96125
determined that the person that operates the distribution center 96126
had average monthly costs from its suppliers of less than forty 96127
million dollars during that year, then the operator of the 96128
distribution center shall be liable for any tax, interest, or 96129
penalty upon amounts claimed as qualifying distribution center 96130
receipts, other than those receipts exempt under division (C)(1) 96131
of section 5751.011 of the Revised Code, that would have not 96132
otherwise been owed by its suppliers during the qualifying year if 96133
the qualifying certificate was valid. (For purposes of division 96134
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 96135
is part of the consolidated elected taxpayer group, if applicable, 96136
of the operator of the qualified distribution center.) 96137

(iii) When filing an application for a qualifying certificate 96138
under division (F)(2)(z)(i)(VI) of this section, the operator of a 96139
qualified distribution center also shall provide documentation, as 96140
the commissioner requires, for the commissioner to ascertain the 96141
Ohio delivery percentage. The commissioner, upon issuing the 96142
qualifying certificate, also shall certify the Ohio delivery 96143
percentage. The operator of the qualified distribution center may 96144
appeal the commissioner's certification of the Ohio delivery 96145
percentage in the same manner as an appeal is taken from the 96146
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 96147
of this section. 96148

Within thirty days after all appeals have been exhausted, the 96149

operator of the qualified distribution center shall notify the 96150
affected suppliers of qualified property that such suppliers are 96151
required to file, within sixty days after receiving notice from 96152
the operator of the qualified distribution center, amended reports 96153
for the impacted calendar quarter or quarters or calendar year, 96154
whichever the case may be. Any additional tax liability or tax 96155
overpayment shall be subject to interest but shall not be subject 96156
to the imposition of any penalty so long as the amended returns 96157
are timely filed. The supplier of tangible personal property 96158
delivered to the qualified distribution center shall include in 96159
its report of taxable gross receipts the receipts from the total 96160
sales of property delivered to the qualified distribution center 96161
for the calendar quarter or calendar year, whichever the case may 96162
be, multiplied by the Ohio delivery percentage for the qualifying 96163
year. Nothing in division (F)(2)(z)(iii) of this section shall be 96164
construed as imposing liability on the operator of a qualified 96165
distribution center for the tax imposed by this chapter arising 96166
from any change to the Ohio delivery percentage. 96167

(iv) In the case where the distribution center is new and not 96168
open for the entire qualifying period, the operator shall make a 96169
good faith estimate of an Ohio delivery percentage for use by 96170
suppliers in their reports of taxable gross receipts for the 96171
remainder of the qualifying period. The operator of the facility 96172
shall disclose to the suppliers that such Ohio delivery percentage 96173
is an estimate and is subject to recalculation. By the due date of 96174
the next application for a qualifying certificate, the operator 96175
shall determine the actual Ohio delivery percentage for the 96176
estimated qualifying period and proceed as provided in division 96177
(F)(2)(z)(iii) of this section with respect to the calculation and 96178
recalculation of the Ohio delivery percentage. The supplier is 96179
required to file, within sixty days after receiving notice from 96180
the operator of the qualified distribution center, amended reports 96181
for the impacted calendar quarter or quarters or calendar year, 96182

whichever the case may be. Any additional tax liability or tax 96183
overpayment shall be subject to interest but shall not be subject 96184
to the imposition of any penalty so long as the amended returns 96185
are timely filed. 96186

(v) Qualifying certificates and Ohio delivery percentages 96187
issued by the commissioner shall be open to public inspection and 96188
shall be timely published by the commissioner. A supplier relying 96189
in good faith on a certificate issued under this division shall 96190
not be subject to tax on the qualifying distribution center 96191
receipts under division (F)(2)(z) of this section. A person 96192
receiving a qualifying certificate is responsible for paying the 96193
tax, interest, and penalty upon amounts claimed as qualifying 96194
distribution center receipts that would not otherwise have been 96195
owed by the supplier if the qualifying certificate were available 96196
when it is later determined that the qualifying certificate should 96197
not have been issued because the statutory requirements were in 96198
fact not met. 96199

(vi) The annual fee for a qualifying certificate shall be one 96200
hundred thousand dollars for each qualified distribution center. 96201
If a qualifying certificate is not issued, the annual fee is 96202
subject to refund after the exhaustion of all appeals provided for 96203
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 96204
under this division may be assessed in the same manner as the tax 96205
imposed under this chapter. The first one hundred thousand dollars 96206
of the annual application fees collected each calendar year shall 96207
be credited to the commercial activity tax administrative fund. 96208
The remainder of the annual application fees collected shall be 96209
distributed in the same manner required under section 5751.20 of 96210
the Revised Code. 96211

(vii) The tax commissioner may require that adequate security 96212
be posted by the operator of the distribution center on appeal 96213
when the commissioner disagrees that the applicant has met the 96214

minimum thresholds for a qualified distribution center as set 96215
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 96216
section. 96217

(aa) Receipts of an employer from payroll deductions relating 96218
to the reimbursement of the employer for advancing moneys to an 96219
unrelated third party on an employee's behalf; 96220

(bb) Cash discounts allowed and taken; 96221

(cc) Returns and allowances; 96222

(dd) Bad debts from receipts on the basis of which the tax 96223
imposed by this chapter was paid in a prior quarterly tax payment 96224
period. For the purpose of this division, "bad debts" means any 96225
debts that have become worthless or uncollectible between the 96226
preceding and current quarterly tax payment periods, have been 96227
uncollected for at least six months, and that may be claimed as a 96228
deduction under section 166 of the Internal Revenue Code and the 96229
regulations adopted under that section, or that could be claimed 96230
as such if the taxpayer kept its accounts on the accrual basis. 96231
"Bad debts" does not include repossessed property, uncollectible 96232
amounts on property that remains in the possession of the taxpayer 96233
until the full purchase price is paid, or expenses in attempting 96234
to collect any account receivable or for any portion of the debt 96235
recovered; 96236

(ee) Any amount realized from the sale of an account 96237
receivable to the extent the receipts from the underlying 96238
transaction giving rise to the account receivable were included in 96239
the gross receipts of the taxpayer; 96240

(ff) Any receipts for which the tax imposed by this chapter 96241
is prohibited by the Constitution or laws of the United States or 96242
the Constitution of Ohio. 96243

(3) In the case of a taxpayer when acting as a real estate 96244
broker, "gross receipts" includes only the portion of any fee for 96245

the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

~~In calculating gross receipts, the following shall be deducted to the extent included as a gross receipt in the current tax period or reported as taxable gross receipts in a prior tax period:~~

~~(a) Cash discounts allowed and taken;~~

~~(b) Returns and allowances;~~

~~(c) Bad debts. For the purposes of this division, "bad debts" mean any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted pursuant thereto, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, expenses in attempting to collect any account receivable or for any portion of the debt recovered, and repossessed property;~~

~~(d) Any amount realized from the sale of an account receivable but only to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.~~

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

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

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

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

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

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

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

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

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

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

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work

done in this state; and 96307

(c) Any amount the person pays for services performed in this 96308
state on its behalf by another. 96309

(3) Has during the calendar year taxable gross receipts of at 96310
least five hundred thousand dollars. 96311

(4) Has at any time during the calendar year within this 96312
state at least twenty-five per cent of the person's total 96313
property, total payroll, or total gross receipts. 96314

(5) Is domiciled in this state as an individual or for 96315
corporate, commercial, or other business purposes. 96316

(J) "Tangible personal property" has the same meaning as in 96317
section 5739.01 of the Revised Code. 96318

(K) "Internal Revenue Code" means the Internal Revenue Code 96319
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 96320
this chapter that is not otherwise defined has the same meaning as 96321
when used in a comparable context in the laws of the United States 96322
relating to federal income taxes unless a different meaning is 96323
clearly required. Any reference in this chapter to the Internal 96324
Revenue Code includes other laws of the United States relating to 96325
federal income taxes. 96326

(L) "Calendar quarter" means a three-month period ending on 96327
the thirty-first day of March, the thirtieth day of June, the 96328
thirtieth day of September, or the thirty-first day of December. 96329

(M) "Tax period" means the calendar quarter or calendar year 96330
on the basis of which a taxpayer is required to pay the tax 96331
imposed under this chapter. 96332

(N) "Calendar year taxpayer" means a taxpayer for which the 96333
tax period is a calendar year. 96334

(O) "Calendar quarter taxpayer" means a taxpayer for which 96335
the tax period is a calendar quarter. 96336

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.

Sec. 5751.011. (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements:

(1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related

interests, by common owners during all or any portion of the tax period, together with the common owners. ~~At~~

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

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

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

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

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

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

Each group shall notify the tax commissioner of the foregoing elections before the due date of the return ~~in which the election~~

~~is to become effective~~ for the period in which the election 96398
becomes binding. If fifty per cent of the value of a person's 96399
ownership interests is owned or controlled by each of two 96400
consolidated elected taxpayer groups formed under the fifty per 96401
cent ownership or control test, that person is a member of each 96402
group for the purposes of this section, and each group shall 96403
include in the group's taxable gross receipts fifty per cent of 96404
that person's taxable gross receipts. Otherwise, all of that 96405
person's taxable gross receipts shall be included in the taxable 96406
gross receipts of the consolidated elected taxpayer group of which 96407
the person is a member. In no event shall the ownership or control 96408
of fifty per cent of the value of a person's ownership interests 96409
by two otherwise unrelated groups form the basis for consolidating 96410
the groups into a single consolidated elected taxpayer group or 96411
permit any exclusion under division (C) of this section of taxable 96412
gross receipts between members of the two groups. Division (A)(3) 96413
of this section applies with respect to the elections described in 96414
this division. 96415

(2) The group makes the election to be treated as a 96416
consolidated elected taxpayer in the manner prescribed under 96417
division (D) of this section. 96418

(3) Subject to review and audit by the tax commissioner, the 96419
group agrees that all of the following apply: 96420

(a) The group shall file reports as a single taxpayer for at 96421
least the next eight calendar quarters following the election so 96422
long as at least two or more of the members of the group meet the 96423
requirements of division (A)(1) of this section. 96424

(b) Before the expiration of the eighth such calendar 96425
quarter, the group shall notify the commissioner if it elects to 96426
cancel its designation as a consolidated elected taxpayer. If the 96427
group does not so notify the tax commissioner, the election 96428
remains in effect for another eight calendar quarters. 96429

(c) If, at any time during any of those eight calendar 96430
quarters following the election, a former member of the group no 96431
longer meets the requirements under division (A)(1) of this 96432
section, that member shall report and pay the tax imposed under 96433
this chapter separately, as a member of a combined taxpayer, or, 96434
if the former member satisfies such requirements with respect to 96435
another consolidated elected group, as a member of that 96436
consolidated elected group. 96437

(d) The group agrees to the application of division (B) of 96438
this section. 96439

(B) A group of persons making the election under this section 96440
shall report and pay tax on all of the group's taxable gross 96441
receipts even if substantial nexus with this state does not exist 96442
for one or more persons in the group. 96443

(C)(1)(a) Members of a consolidated elected taxpayer group 96444
shall exclude gross receipts among persons included in the 96445
consolidated elected taxpayer group. 96446

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 96447
section, nothing in this section shall have the effect of 96448
requiring a consolidated elected taxpayer group to include gross 96449
receipts received by a person enumerated in divisions (E)(2) to 96450
(10) of section 5751.01 of the Revised Code if that person is a 96451
member of the group pursuant to the elections made by the group 96452
under division (A)(1) of this section. 96453

(c)(i) As used in division (C)(1)(c) of this section, "dealer 96454
transfer" means a transfer of property that satisfies both of the 96455
following: (I) the property is directly transferred by any means 96456
from one member of the group to another member of the group that 96457
is a dealer in intangibles but is not a qualifying dealer as 96458
defined in section 5725.24 of the Revised Code; and (II) the 96459
property is subsequently delivered by the dealer in intangibles to 96460

a person that is not a member of the group. 96461

(ii) In the event of a dealer transfer, a consolidated 96462
elected taxpayer group shall not exclude, under division (C) of 96463
this section, gross receipts from the transfer described in 96464
division (C)(1)(c)(i)(I) of this section. 96465

(2) Gross receipts related to the sale or transmission of 96466
electricity through the use of an intermediary regional 96467
transmission organization approved by the federal energy 96468
regulatory commission shall be excluded from taxable gross 96469
receipts under division (C)(1) of this section if all other 96470
requirements of that division are met, even if the receipts are 96471
from and to the same member of the group. 96472

(D) To make the election to be a consolidated elected 96473
taxpayer, a group of persons shall notify the tax commissioner of 96474
the election in the manner prescribed by the commissioner and pay 96475
the commissioner a registration fee equal to the lesser of two 96476
hundred dollars or twenty dollars for each person in the group. No 96477
additional fee shall be imposed for the addition of new members to 96478
the group once the group has remitted a fee in the amount of two 96479
hundred dollars. The election shall be made and the fee paid 96480
before ~~the later of~~ the beginning of the first calendar quarter to 96481
which the election applies ~~or November 15, 2005~~. The fee shall be 96482
collected and used in the same manner as provided in section 96483
5751.04 of the Revised Code. 96484

The election shall be made on a form prescribed by the tax 96485
commissioner for that purpose and shall be signed by one or more 96486
individuals with authority, separately or together, to make a 96487
binding election on behalf of all persons in the group. 96488

Any person acquired or formed after the filing of the 96489
registration shall be included in the group if the person meets 96490
the requirements of division (A)(1) of this section, and the group 96491

shall notify the tax commissioner of any additions to the group 96492
with the next tax return it files with the commissioner. 96493

~~(E) Each member of a consolidated elected taxpayer is jointly 96494
and severally liable for the tax imposed by this chapter and any 96495
penalties or interest thereon. The tax commissioner may require 96496
one person in the group to be the taxpayer for purposes of 96497
registration and remittance of the tax, but all members of the 96498
group are subject to assessment under section 5751.09 of the 96499
Revised Code. 96500~~

Sec. 5751.012. (A) All persons, other than persons enumerated 96501
in divisions (E)(2) to (10) of section 5751.01 of the Revised 96502
Code, having more than fifty per cent of the value of their 96503
ownership interest owned or controlled, directly or constructively 96504
through related interests, by common owners during all or any 96505
portion of the tax period, together with the common owners, shall 96506
be members of a combined taxpayer if those persons are not members 96507
of a consolidated elected taxpayer pursuant to an election under 96508
section 5751.011 of the Revised Code. 96509

(B) A combined taxpayer shall register, file returns, and pay 96510
taxes under this chapter as a single taxpayer. 96511

(C) A combined taxpayer shall neither exclude taxable gross 96512
receipts between its members nor from others that are not members. 96513

(D) A combined taxpayer shall pay to the tax commissioner a 96514
registration fee equal to the lesser of two hundred dollars or 96515
twenty dollars for each person in the group. No additional fee 96516
shall be imposed for the addition of new members to the group once 96517
the group has remitted a fee in the amount of two hundred dollars. 96518
The fee shall be timely paid before the later of the beginning of 96519
the first calendar quarter or November 15, 2005. The fee shall be 96520
collected and used in the same manner as provided in section 96521
5751.04 of the Revised Code. 96522

Any person acquired or formed after the filing of the 96523
registration shall be included in the group if the person meets 96524
the requirements of division (A) of this section, and the group 96525
must notify the tax commissioner of any additions with the next 96526
quarterly tax return it files with the commissioner. 96527

~~(E) Each member of a combined taxpayer is jointly and 96528
severally liable for the tax imposed by this chapter and any 96529
penalties or interest thereon. The tax commissioner may require 96530
one person in the group to be the taxpayer for purposes of 96531
registration and remittance of the tax, but all members of the 96532
group are subject to assessment under section 5751.09 of the 96533
Revised Code. 96534~~

Sec. 5751.013. (A) Except as provided in division (B) of this 96535
section: 96536

(1) A person shall include as taxable gross receipts the 96537
value of property the person transfers into this state for the 96538
person's own use within one year after the person receives the 96539
property outside this state; and 96540

(2) In the case of ~~an elected~~ a consolidated elected taxpayer 96541
group or a combined taxpayer group, the taxpayer shall include as 96542
taxable gross receipts the value of property that any of the 96543
taxpayer's members transferred into this state for the use of any 96544
of the taxpayer's members within one year after the taxpayer 96545
receives the property outside this state. 96546

(B) Property brought into this state within one year after it 96547
is received outside this state by a person or group described in 96548
division (A)(1) or (2) of this section shall not be included as 96549
taxable gross receipts as required under those divisions if the 96550
tax commissioner ascertains that the property's receipt outside 96551
this state by the person or group followed by its transfer into 96552
this state within one year was not intended in whole or in part to 96553

avoid in whole or in part the tax imposed under this chapter. 96554

(C) The tax commissioner may adopt rules necessary to 96555
administer this section. 96556

Sec. 5751.014. All members of a consolidated elected taxpayer 96557
or combined taxpayer group during the tax period or periods for 96558
which additional tax, penalty, or interest is owed are jointly and 96559
severally liable for the tax imposed by this chapter. Although the 96560
reporting person will be assessed for the liability, such amounts 96561
due may be pursued against any member when a liability is 96562
certified to the attorney general under section 131.02 of the 96563
Revised Code. 96564

Sec. 5751.03. (A) Except as provided in divisions (B) and (D) 96565
of this section and in sections 5751.031 and 5751.032 of the 96566
Revised Code, the tax levied under this section for each tax 96567
period shall be the product of two and six-tenths mills per dollar 96568
times the remainder of the taxpayer's taxable gross receipts for 96569
the tax period after subtracting the exclusion amount provided for 96570
in division (C) of this section. 96571

(B) Notwithstanding division (C) of this section, the tax on 96572
the first one million dollars in taxable gross receipts each 96573
calendar year shall be one hundred fifty dollars. For calendar 96574
year 2006, the tax imposed under this division shall be paid not 96575
later than May 10, 2006, by both calendar year taxpayers and 96576
calendar quarter taxpayers. For calendar ~~year~~ years 2007 ~~and~~ 96577
~~thereafter, 2008, and 2009~~, the tax imposed under this division 96578
shall be paid with the fourth-quarter tax return or annual tax 96579
return for the prior calendar year by both calendar year taxpayers 96580
and calendar quarter taxpayers. For calendar years 2010 and 96581
thereafter, the tax imposed under this division shall be paid not 96582
later than the tenth day of May of each year along with the first 96583

quarter or annual tax return, as applicable. 96584

(C)(1) Each calendar quarter taxpayer may exclude the first 96585
two hundred fifty thousand dollars of taxable gross receipts for a 96586
calendar quarter and may carry forward and apply any unused 96587
exclusion amount to the three subsequent calendar quarters. Each 96588
calendar year taxpayer may exclude the first one million dollars 96589
of taxable gross receipts for a calendar year. 96590

(2) A taxpayer switching from a calendar year tax period to a 96591
calendar quarter tax period may, for the first quarter of the 96592
change, apply the prior calendar quarter exclusion amounts to the 96593
first calendar quarter return the taxpayer files that calendar 96594
year. The tax rate shall be based on the rate imposed that 96595
calendar quarter when the taxpayer switches from a calendar year 96596
to a calendar quarter tax period. 96597

(D) There is hereby allowed a credit against the tax imposed 96598
under this chapter for each of the following calendar years if a 96599
transfer was made in the preceding calendar year from the general 96600
revenue fund to the commercial activity tax refund fund under 96601
division (D) of section 5751.032 of the Revised Code: calendar 96602
years 2008, 2010, and 2012. The credit is allowed for taxpayers 96603
that paid in full the tax imposed under this chapter for the 96604
calendar year in which the transfer was made. The amount of a 96605
taxpayer's credit equals the amount computed under division (D) of 96606
section 5751.032 of the Revised Code. 96607

Sec. 5751.04. (A) As used in this section, "person" includes 96608
a reporting person. 96609

(B) ~~Not later than the later of November 15, 2005, or thirty~~ 96610
days after a person first has more than one hundred fifty thousand 96611
dollars in taxable gross receipts in a calendar year, each person 96612
subject to this chapter shall register with the tax commissioner 96613
on the form prescribed by the commissioner. The form shall include 96614

the following:	96615
(1) The person's name;	96616
(2) If applicable, the name of the state or country under the laws of which the person is incorporated;	96617 96618
(3) If applicable, the location of a person's principal office and the name and address of the officer or agent of the corporation in charge of the business;	96619 96620 96621
(4) If applicable, the names of the person's president, secretary, treasurer, and statutory agent designated pursuant to section 1703.041 of the Revised Code, with the post office address of each;	96622 96623 96624 96625
(5) The kind of business in which the person is engaged, including applicable business or industry codes;	96626 96627
(6) If required by the tax commissioner, the date of the beginning of the person's annual accounting period that includes the first day of January of the taxable calendar year;	96628 96629 96630
(7) If the person is not a corporation or a sole proprietor, the names of the person's owners and officers, if required by the tax commissioner;	96631 96632 96633
(8) The person's federal employer identification number or numbers or, if those are not applicable, the person's social security number or equivalent;	96634 96635 96636
(9) All other information that the commissioner requires to administer and enforce this chapter.	96637 96638
(B) (C) Except as otherwise provided in this division, each person registering with the tax commissioner as required by division (A) (B) of this section shall pay a registration fee. The fee shall be in the amount of fifteen dollars if a person registers electronically and twenty dollars if a person does not register electronically. The registration fee shall be paid in the	96639 96640 96641 96642 96643 96644

manner prescribed by the tax commissioner at the same time the 96645
registration is due if a person is subject to the tax imposed 96646
under this chapter before January 1, 2006. If a person first 96647
becomes subject to the tax after that date, the registration fee 96648
is payable with the first tax period return the person is required 96649
to file as prescribed by section 5751.051 of the Revised Code. If 96650
~~a registration fee is not paid when due~~ person does not register 96651
within the time prescribed by this section, an additional fee is 96652
imposed in the amount of one hundred dollars per month or part 96653
thereof that the fee is outstanding, not to exceed one thousand 96654
dollars. The tax commissioner may abate the additional fee. The 96655
fee imposed under this division may be assessed in the same manner 96656
as the tax imposed under this chapter. Proceeds from the fee shall 96657
be credited to the commercial activity tax administrative fund, 96658
which is hereby created in the state treasury for the commissioner 96659
to use in implementing and administering the tax imposed under 96660
this chapter. 96661

~~No registration fee is payable by a person for a calendar 96662
year if the person first begins business operations in this state 96663
after the thirtieth day of November of that calendar year or if 96664
the person's taxable gross receipts for the calendar year exceed 96665
one hundred fifty thousand dollars but do not exceed one hundred 96666
fifty thousand dollars as of the first day of December of the 96667
calendar year.~~ 96668

Registration fees paid under this section, excluding any 96669
additional fee imposed for ~~late payment of the registration fee~~ a 96670
person's failure to timely register, shall be credited against the 96671
first payment of tax payable under section 5751.03 of the Revised 96672
Code ~~after the registration fee is paid.~~ 96673

~~(C)~~(D) If a person that has registered under this section is 96674
no longer a taxpayer subject to this chapter, including no longer 96675
being a taxpayer because of the application of division (E)(1) of 96676

section 5751.01 of the Revised Code, the person shall notify the commissioner that the person's registration should be cancelled.

(E) With respect to registrations received by the commissioner before the effective date of the amendment of this section by the main operating appropriations act of the 128th general assembly, the taxpayer listed as the primary taxpayer on the registration shall be the reporting person until the taxpayer notifies the commissioner otherwise.

Sec. 5751.05. (A) If a person subject to this chapter anticipates that the person's taxable gross receipts will be more than one million dollars ~~or less~~ in a calendar year ~~2006~~, the person ~~may elect to be a calendar year taxpayer. If a person is not required to be registered under this section for calendar year 2006 and anticipates that the person's taxable gross receipts will be one million dollars or less in the first calendar year the person is required to register under this section, the person may elect to be a calendar year taxpayer~~ shall notify the tax commissioner on the person's initial registration form and file on a quarterly basis as a calendar quarter taxpayer. Any taxpayer with taxable gross receipts of less than one million dollars shall register as a calendar year taxpayer and shall file annually.

(B) Any person that is a calendar year taxpayer ~~pursuant to an election~~ under division (A) of this section shall become a calendar quarter taxpayer in the subsequent calendar year if the person's taxable gross receipts for the prior calendar year are more than one million dollars, and shall remain a calendar quarter taxpayer until the person notifies the tax commissioner, and receives approval in writing from the tax commissioner, to switch back to being a calendar year taxpayer. Nothing in this division prohibits a person that has elected to be a calendar year taxpayer

from notifying the tax commissioner, using the procedures 96708
prescribed by the commissioner, that it is switching back to being 96709
a calendar quarter taxpayer. 96710

(C) Any taxpayer that is not a calendar ~~year~~ quarter taxpayer 96711
pursuant to this section is a calendar ~~quarter~~ year taxpayer. The 96712
~~tax~~ commissioner may grant written approval for a calendar quarter 96713
taxpayer to use an alternative reporting schedule or estimate the 96714
amount of tax due for a calendar quarter if the taxpayer 96715
demonstrates to the commissioner the need for such a deviation. 96716
The commissioner may adopt a rule to apply division (C) of this 96717
section to a group of taxpayers without the taxpayers having to 96718
receive written approval from the commissioner. 96719

Sec. 5751.051. (A)(1) Not later than ~~forty days~~ the tenth day 96720
of the second month after the end of each calendar quarter, every 96721
taxpayer other than a calendar year taxpayer shall file with the 96722
tax commissioner a tax return in such form as the commissioner 96723
prescribes. The return shall include, but is not limited to, the 96724
amount of the taxpayer's taxable gross receipts for the calendar 96725
quarter and shall indicate the amount of tax due under section 96726
5751.03 of the Revised Code for the calendar quarter. 96727

(2)(a) Subject to division (C) of section 5751.05 of the 96728
Revised Code, a calendar quarter taxpayer shall report the taxable 96729
gross receipts for that calendar quarter. 96730

(b) With respect to taxable gross receipts incorrectly 96731
reported in a calendar quarter that has a lower tax rate, the tax 96732
shall be computed at the tax rate in effect for the quarterly 96733
return in which such receipts should have been reported. Nothing 96734
in division (A)(2)(b) of this section prohibits a taxpayer from 96735
filing an application for refund under section 5751.08 of the 96736
Revised Code with regard to the incorrect reporting of taxable 96737
gross receipts discovered after filing the annual return described 96738

in division (A)(3) of this section. 96739

A tax return shall not be deemed to be an incorrect reporting 96740
of taxable gross receipts for the purposes of division (A)(2)(b) 96741
of this section if the return reflects between ninety-five and one 96742
hundred five per cent of the actual taxable gross receipts for the 96743
calendar quarter. 96744

(3) ~~The~~ For the purposes of division (A)(2)(b) of this 96745
section, the tax return filed for the fourth calendar quarter of a 96746
calendar year is the annual return for the privilege tax imposed 96747
by this chapter. Such return shall report any additional taxable 96748
gross receipts not previously reported in the calendar year and 96749
shall adjust for any over-reported taxable gross receipts in the 96750
calendar year. If the taxpayer ceases to be a taxpayer before the 96751
end of the calendar year, the last return the taxpayer is required 96752
to file shall be the annual return for the taxpayer and the 96753
taxpayer shall report any additional taxable gross receipts not 96754
previously reported in the calendar year and shall adjust for any 96755
over-reported taxable gross receipts in the calendar year. 96756

(4) Because the tax imposed by this chapter is a privilege 96757
tax, the tax rate with respect to taxable gross receipts for a 96758
calendar quarter is not fixed until the end of the measurement 96759
period for each calendar quarter. Subject to division (A)(2)(b) of 96760
this section, the total amount of taxable gross receipts reported 96761
for a given calendar quarter shall be subject to the tax rate in 96762
effect in that quarter. 96763

(5) Not later than ~~forty days after~~ the tenth day of May 96764
following the end of each calendar year, every calendar year 96765
taxpayer shall file with the tax commissioner a tax return in such 96766
form as the commissioner prescribes. The return shall include, but 96767
is not limited to, the amount of the taxpayer's taxable gross 96768
receipts for the calendar year and shall indicate the amount of 96769
tax due under section 5751.03 of the Revised Code for the calendar 96770

year. 96771

(B)(1) A person that first becomes subject to the tax imposed 96772
under this chapter shall pay the minimum tax imposed under 96773
division (B) of section 5751.03 of the Revised Code along with the 96774
registration fee imposed under this section, if applicable, on or 96775
before the day the return is required to be filed for that quarter 96776
under division (A)(1) of this section, regardless of whether the 96777
person elects to be a calendar year taxpayer under section 5751.05 96778
of the Revised Code. 96779

(2) The amount of the minimum tax for a person subject to 96780
division (B)(1) of this section shall be reduced to seventy-five 96781
dollars if the registration is timely filed after the first day of 96782
May and before the first day of January of the following calendar 96783
year. 96784

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 96785
pay the full amount of the tax due within the period prescribed 96786
therefor under this chapter shall pay a penalty in an amount not 96787
exceeding the greater of fifty dollars or ten per cent of the tax 96788
required to be paid for the tax period. 96789

(B)(1) If any additional tax is found to be due, the tax 96790
commissioner may impose an additional penalty of up to fifteen per 96791
cent on the additional tax found to be due. 96792

(2) Any delinquent payments of the tax made after a taxpayer 96793
is notified of an audit or a tax discrepancy by the commissioner 96794
is subject to the penalty imposed by division (B) of this section. 96795
If an assessment is issued under section ~~5751.10~~ 5751.09 of the 96796
Revised Code in connection with such delinquent payments, the 96797
payments shall be credited to the assessment. 96798

(C) After calendar year 2008, the tax commissioner may impose 96799
an additional penalty against a taxpayer that fails to switch to 96800

being a calendar quarter taxpayer at the time it had over two 96801
million in taxable gross receipts in the calendar year, as 96802
required under section 5751.04 of the Revised Code. The penalty 96803
may be imposed in an amount not to exceed ten per cent of the tax 96804
due above two million dollars in taxable gross receipts for the 96805
calendar year. Any penalty imposed under this division is in 96806
addition to any other penalties imposed under this section. 96807

(D) If the tax commissioner notifies a person required to 96808
register under section 5751.05 of the Revised Code of such 96809
requirement and of the requirement to remit the tax due under this 96810
chapter, and the person fails to so register and remit the tax 96811
within sixty days after such notice, the tax commissioner may 96812
impose an additional penalty of up to thirty-five per cent of the 96813
tax due. The penalty imposed under this division is in addition to 96814
any other penalties imposed under this section. 96815

(E) The tax commissioner may collect any penalty or interest 96816
imposed by this section in the same manner as the tax imposed 96817
under this chapter. Penalties and interest so collected shall be 96818
considered as revenue arising from the tax imposed under this 96819
chapter. 96820

(F) The tax commissioner may abate all or a portion of any 96821
penalties imposed under this section and may adopt rules governing 96822
such abatements. 96823

(G) If any tax due is not timely paid in accordance with this 96824
chapter, the taxpayer shall pay interest, calculated at the rate 96825
per annum prescribed by section 5703.47 of the Revised Code, from 96826
the date the tax payment was due to the date of payment or to the 96827
date an assessment was issued, whichever occurs first. 96828

(H) The tax commissioner may impose a penalty of up to ten 96829
per cent for any additional tax that is due under division 96830
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer 96831

incorrectly reporting its taxable gross receipts. 96832

Sec. 5751.08. (A) An application for refund to the taxpayer 96833
of the amount of taxes imposed under this chapter that are 96834
overpaid, paid illegally or erroneously, or paid on any illegal or 96835
erroneous assessment shall be filed by the reporting person with 96836
the tax commissioner, on the form prescribed by the commissioner, 96837
within four years after the date of the illegal or erroneous 96838
payment of the tax. The applicant shall provide the amount of the 96839
requested refund along with the claimed reasons for, and 96840
documentation to support, the issuance of a refund. 96841

(B) On the filing of the refund application, the tax 96842
commissioner shall determine the amount of refund to which the 96843
applicant is entitled. If the amount is not less than that 96844
claimed, the commissioner shall certify the amount to the director 96845
of budget and management and treasurer of state for payment from 96846
the tax refund fund created under section 5703.052 of the Revised 96847
Code. If the amount is less than that claimed, the commissioner 96848
shall proceed in accordance with section 5703.70 of the Revised 96849
Code. 96850

(C) Interest on a refund applied for under this section, 96851
computed at the rate provided for in section 5703.47 of the 96852
Revised Code, shall be allowed from the later of the date the tax 96853
was paid or when the tax payment was due. 96854

(D) A calendar quarter taxpayer with more than one million 96855
dollars in taxable gross receipts in a calendar year other than 96856
calendar year 2005 and that is not able to exclude one million 96857
dollars in taxable gross receipts because of the operation of the 96858
taxpayer's business in that calendar year may file for a refund 96859
under this section to obtain the full exclusion of one million 96860
dollars in taxable gross receipts for that calendar year. 96861

(E) No person with an active registration as a taxpayer under 96862

this chapter may claim a refund under this section for the tax 96863
imposed under division (B) of section 5751.03 of the Revised Code 96864
unless the person cancelled the registration before the tenth day 96865
of ~~February~~ May of the current calendar year pursuant to division 96866
~~(C)~~(D) of section 5751.04 of the Revised Code. 96867

(F) Except as provided in section 5751.091 of the Revised 96868
Code, the tax commissioner may, with the consent of the taxpayer, 96869
provide for the crediting against tax due for a tax year the 96870
amount of any refund due the taxpayer under this chapter for a 96871
preceding tax year. 96872

Sec. 5751.09. (A) The tax commissioner may make an 96873
assessment, based on any information in the commissioner's 96874
possession, against any person that fails to file a return or pay 96875
any tax as required by this chapter. The commissioner shall give 96876
the person assessed written notice of the assessment as provided 96877
in section 5703.37 of the Revised Code. With the notice, the 96878
commissioner shall provide instructions on the manner in which to 96879
petition for reassessment and request a hearing with respect to 96880
the petition. The commissioner shall send any assessments against 96881
consolidated elected taxpayer and combined taxpayer groups under 96882
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 96883
"reporting person" as defined under division (R) of section 96884
5751.01 of the Revised Code. The reporting person shall notify all 96885
members of the group of the assessment and all outstanding taxes, 96886
interest, and penalties for which the assessment is issued. 96887

(B) Unless the person assessed, within sixty days after 96888
service of the notice of assessment, files with the tax 96889
commissioner, either personally or by certified mail, a written 96890
petition signed by the person or the person's authorized agent 96891
having knowledge of the facts, the assessment becomes final, and 96892
the amount of the assessment is due and payable from the person 96893

assessed to the treasurer of state. The petition shall indicate 96894
the objections of the person assessed, but additional objections 96895
may be raised in writing if received by the commissioner prior to 96896
the date shown on the final determination. 96897

If a petition for reassessment has been properly filed, the 96898
commissioner shall proceed under section 5703.60 of the Revised 96899
Code. 96900

(C)(1) After an assessment becomes final, if any portion of 96901
the assessment, including accrued interest, remains unpaid, a 96902
certified copy of the tax commissioner's entry making the 96903
assessment final may be filed in the office of the clerk of the 96904
court of common pleas in the county in which the person resides or 96905
has its principal place of business in this state, or in the 96906
office of the clerk of court of common pleas of Franklin county. 96907

(2) Immediately upon the filing of the entry, the clerk shall 96908
enter judgment for the state against the person assessed in the 96909
amount shown on the entry. The judgment may be filed by the clerk 96910
in a loose-leaf book entitled, "special judgments for the 96911
commercial activity tax" and shall have the same effect as other 96912
judgments. Execution shall issue upon the judgment at the request 96913
of the tax commissioner, and all laws applicable to sales on 96914
execution shall apply to sales made under the judgment. 96915

(3) The portion of the assessment not paid within sixty days 96916
after the day the assessment was issued shall bear interest at the 96917
rate per annum prescribed by section 5703.47 of the Revised Code 96918
from the day the tax commissioner issues the assessment until it 96919
is paid. Interest shall be paid in the same manner as the tax and 96920
may be collected by the issuance of an assessment under this 96921
section. 96922

(D) If the tax commissioner believes that collection of the 96923
tax will be jeopardized unless proceedings to collect or secure 96924

collection of the tax are instituted without delay, the 96925
commissioner may issue a jeopardy assessment against the person 96926
liable for the tax. Immediately upon the issuance of the jeopardy 96927
assessment, the commissioner shall file an entry with the clerk of 96928
the court of common pleas in the manner prescribed by division (C) 96929
of this section. Notice of the jeopardy assessment shall be served 96930
on the person assessed or the person's authorized agent in the 96931
manner provided in section 5703.37 of the Revised Code within five 96932
days of the filing of the entry with the clerk. The total amount 96933
assessed is immediately due and payable, unless the person 96934
assessed files a petition for reassessment in accordance with 96935
division (B) of this section and provides security in a form 96936
satisfactory to the commissioner and in an amount sufficient to 96937
satisfy the unpaid balance of the assessment. Full or partial 96938
payment of the assessment does not prejudice the commissioner's 96939
consideration of the petition for reassessment. 96940

(E) The tax commissioner shall immediately forward to the 96941
treasurer of state all amounts the commissioner receives under 96942
this section, and such amounts shall be considered as revenue 96943
arising from the tax imposed under this chapter. 96944

(F) Except as otherwise provided in this division, no 96945
assessment shall be made or issued against a taxpayer for the tax 96946
imposed under this chapter more than four years after the due date 96947
for the filing of the return for the tax period for which the tax 96948
was reported, or more than four years after the return for the tax 96949
period was filed, whichever is later. Nothing in this division 96950
bars an assessment against a taxpayer that fails to file a return 96951
required by this chapter or that files a fraudulent return. 96952

(G) If the tax commissioner possesses information that 96953
indicates that the amount of tax a taxpayer is required to pay 96954
under this chapter exceeds the amount the taxpayer paid, the tax 96955
commissioner may audit a sample of the taxpayer's gross receipts 96956

over a representative period of time to ascertain the amount of 96957
tax due, and may issue an assessment based on the audit. The tax 96958
commissioner shall make a good faith effort to reach agreement 96959
with the taxpayer in selecting a representative sample. The tax 96960
commissioner may apply a sampling method only if the commissioner 96961
has prescribed the method by rule. 96962

(H) If the whereabouts of a person subject to this chapter is 96963
not known to the tax commissioner, ~~the secretary of state is~~ 96964
~~hereby deemed to be that person's agent for purposes of service of~~ 96965
~~process of notice of any assessment, action, or proceedings~~ 96966
~~instituted in this state against the person under this chapter.~~ 96967
~~Such process or notice shall be served on such person by the~~ 96968
~~commissioner or by one of the commissioner's agents by leaving at~~ 96969
~~the office of the secretary of state, at least fifteen days before~~ 96970
~~the return day of such process or notice, a true and attested copy~~ 96971
~~of the notice, and by sending to such person by ordinary mail,~~ 96972
~~with an endorsement thereon of the service upon the secretary of~~ 96973
~~state, addressed to such person at the person's last known address~~ 96974
commissioner shall follow the procedures under section 5703.37 of 96975
the Revised Code. 96976

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 96977
the Revised Code: 96978

(1) "School district," "joint vocational school district," 96979
"local taxing unit," "recognized valuation," "fixed-rate levy," 96980
and "fixed-sum levy" have the same meanings as used in section 96981
5727.84 of the Revised Code. 96982

(2) "State education aid" for a school district means the 96983
following: 96984

(a) For fiscal years prior to fiscal year 2010, the sum of 96985
state aid amounts computed for the district under division (A) of 96986
section 3317.022 of the Revised Code, including the amounts 96987

calculated under sections 3317.029 and 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (L) and (N) of section 3317.024; section 3317.0216; and any unit payments for gifted student services paid under sections 3317.05, 3317.052, and 3317.053 of the Revised Code; except that, for fiscal years 2008 and 2009, the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be substituted for the amount computed under division (D) of section 3317.022 of the Revised Code, and the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal year 2010 and for each fiscal year thereafter, the sum of the amounts computed under sections 3306.052, 3306.12, 3306.13, and 3306.19 of the Revised Code.

(3) "State education aid" for a joint vocational school district means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included.

(b) For fiscal years 2010 and 2011, the amount paid in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.

(5) "Machinery and equipment property tax value loss" means

the amount determined under division (C)(1) of this section. 97019

(6) "Inventory property tax value loss" means the amount 97020
determined under division (C)(2) of this section. 97021

(7) "Furniture and fixtures property tax value loss" means 97022
the amount determined under division (C)(3) of this section. 97023

(8) "Machinery and equipment fixed-rate levy loss" means the 97024
amount determined under division (D)(1) of this section. 97025

(9) "Inventory fixed-rate levy loss" means the amount 97026
determined under division (D)(2) of this section. 97027

(10) "Furniture and fixtures fixed-rate levy loss" means the 97028
amount determined under division (D)(3) of this section. 97029

(11) "Total fixed-rate levy loss" means the sum of the 97030
machinery and equipment fixed-rate levy loss, the inventory 97031
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 97032
loss, and the telephone company fixed-rate levy loss. 97033

(12) "Fixed-sum levy loss" means the amount determined under 97034
division (E) of this section. 97035

(13) "Machinery and equipment" means personal property 97036
subject to the assessment rate specified in division (F) of 97037
section 5711.22 of the Revised Code. 97038

(14) "Inventory" means personal property subject to the 97039
assessment rate specified in division (E) of section 5711.22 of 97040
the Revised Code. 97041

(15) "Furniture and fixtures" means personal property subject 97042
to the assessment rate specified in division (G) of section 97043
5711.22 of the Revised Code. 97044

(16) "Qualifying levies" are levies in effect for tax year 97045
2004 or applicable to tax year 2005 or approved at an election 97046
conducted before September 1, 2005. For the purpose of determining 97047
the rate of a qualifying levy authorized by section 5705.212 or 97048

		Property Tax Replacement	Property Tax Fund	
2006	67.7%	22.6%	9.7%	97079
2007	0%	70.0%	30.0%	97080
2008	0%	70.0%	30.0%	97081
2009	0%	70.0%	30.0%	97082
2010	0%	70.0%	30.0%	97083
2011	0%	70.0%	30.0%	97084
2012	5.3%	70.0%	24.7%	97085
2013	10.6%	70.0%	19.4%	97086
2014	14.1%	70.0%	15.9%	97087
2015	17.6%	70.0%	12.4%	97088
2016	21.1%	70.0%	8.9%	97089
2017	24.6%	70.0%	5.4%	97090
2018	28.1%	70.0%	1.9%	97091
2019 and thereafter	30%	70%	0%	97092

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.	97107
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	97108 97109 97110
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	97111 97112 97113
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	97114 97115
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	97116 97117 97118
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	97119 97120 97121
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	97122 97123 97124
(a) For tax year 2006, twenty-five per cent;	97125
(b) For tax year 2007, fifty per cent;	97126
(c) For tax year 2008, seventy-five per cent;	97127
(d) For tax year 2009 and thereafter, one hundred per cent.	97128
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.	97129 97130 97131 97132 97133 97134
(4) Telephone property tax value loss is the taxable value of	97135

telephone property as taxpayers would have reported that property 97136
for tax year 2004 if the assessment rate for all telephone 97137
property for that year were twenty-five per cent, multiplied by: 97138

(a) For tax year 2006, zero per cent; 97139

(b) For tax year 2007, zero per cent; 97140

(c) For tax year 2008, zero per cent; 97141

(d) For tax year 2009, sixty per cent; 97142

(e) For tax year 2010, eighty per cent; 97143

(f) For tax year 2011 and thereafter, one hundred per cent. 97144

(5) Division (C)(5) of this section applies to any school 97145
district, joint vocational school district, or local taxing unit 97146
in a county in which is located a facility currently or formerly 97147
devoted to the enrichment or commercialization of uranium or 97148
uranium products, and for which the total taxable value of 97149
property listed on the general tax list of personal property for 97150
any tax year from tax year 2001 to tax year 2004 was fifty per 97151
cent or less of the taxable value of such property listed on the 97152
general tax list of personal property for the next preceding tax 97153
year. 97154

In computing the fixed-rate levy losses under divisions 97155
(D)(1), (2), and (3) of this section for any school district, 97156
joint vocational school district, or local taxing unit to which 97157
division (C)(5) of this section applies, the taxable value of such 97158
property as listed on the general tax list of personal property 97159
for tax year 2000 shall be substituted for the taxable value of 97160
such property as reported by taxpayers for tax year 2004, in the 97161
taxing district containing the uranium facility, if the taxable 97162
value listed for tax year 2000 is greater than the taxable value 97163
reported by taxpayers for tax year 2004. For the purpose of making 97164
the computations under divisions (D)(1), (2), and (3) of this 97165

section, the tax year 2000 valuation is to be allocated to 97166
machinery and equipment, inventory, and furniture and fixtures 97167
property in the same proportions as the tax year 2004 values. For 97168
the purpose of the calculations in division (A) of section 5751.21 97169
of the Revised Code, the tax year 2004 taxable values shall be 97170
used. 97171

To facilitate the calculations required under division (C) of 97172
this section, the county auditor, upon request from the tax 97173
commissioner, shall provide by August 1, 2005, the values of 97174
machinery and equipment, inventory, and furniture and fixtures for 97175
all single-county personal property taxpayers for tax year 2004. 97176

(D) Not later than September 15, 2005, the tax commissioner 97177
shall determine for each tax year from 2006 through 2009 for each 97178
school district, joint vocational school district, and local 97179
taxing unit its machinery and equipment, inventory, and furniture 97180
and fixtures fixed-rate levy losses, and for each tax year from 97181
2006 through 2011 its telephone property fixed-rate levy loss, ~~7~~ 97182
which. Except as provided in division (F) of this section, such 97183
losses are the applicable amounts described in divisions (D)(1), 97184
(2), (3), and (4) of this section: 97185

(1) The machinery and equipment fixed-rate levy loss is the 97186
machinery and equipment property tax value loss multiplied by the 97187
sum of the tax rates of fixed-rate qualifying levies. 97188

(2) The inventory fixed-rate loss is the inventory property 97189
tax value loss multiplied by the sum of the tax rates of 97190
fixed-rate qualifying levies. 97191

(3) The furniture and fixtures fixed-rate levy loss is the 97192
furniture and fixture property tax value loss multiplied by the 97193
sum of the tax rates of fixed-rate qualifying levies. 97194

(4) The telephone property fixed-rate levy loss is the 97195
telephone property tax value loss multiplied by the sum of the tax 97196

rates of fixed-rate qualifying levies. 97197

(E) Not later than September 15, 2005, the tax commissioner 97198
shall determine for each school district, joint vocational school 97199
district, and local taxing unit its fixed-sum levy loss. The 97200
fixed-sum levy loss is the amount obtained by subtracting the 97201
amount described in division (E)(2) of this section from the 97202
amount described in division (E)(1) of this section: 97203

(1) The sum of the machinery and equipment property tax value 97204
loss, the inventory property tax value loss, and the furniture and 97205
fixtures property tax value loss, and, for 2008 through 2017 the 97206
telephone property tax value loss of the district or unit 97207
multiplied by the sum of the fixed-sum tax rates of qualifying 97208
levies. For 2006 through 2010, this computation shall include all 97209
qualifying levies remaining in effect for the current tax year and 97210
any school district levies imposed under section 5705.194 or 97211
5705.213 of the Revised Code that are qualifying levies not 97212
remaining in effect for the current year. For 2011 through 2017 in 97213
the case of qualifying school district levies imposed under 97214
section 5705.194 or 5705.213 of the Revised Code and for all years 97215
after 2010 in the case of other fixed-sum levies, this computation 97216
shall include only qualifying levies remaining in effect for the 97217
current year. For purposes of this computation, a qualifying 97218
school district levy imposed under section 5705.194 or 5705.213 of 97219
the Revised Code remains in effect in a year after 2010 only if, 97220
for that year, the board of education levies a school district 97221
levy imposed under section 5705.194 ~~or~~, 5705.199, 5705.213, or 97222
5705.219 of the Revised Code for an annual sum at least equal to 97223
the annual sum levied by the board in tax year 2004 less the 97224
amount of the payment certified under this division for 2006. 97225

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(2) The total taxable value in tax year 2004 less the sum of 97227
the machinery and equipment, inventory, furniture and fixtures, 97228

and telephone property tax value losses in each school district, 97229
joint vocational school district, and local taxing unit multiplied 97230
by one-half of one mill per dollar. 97231

(3) For the calculations in divisions (E)(1) and (2) of this 97232
section, the tax value losses are those that would be calculated 97233
for tax year 2009 under divisions (C)(1), (2), and (3) of this 97234
section and for tax year 2011 under division (C)(4) of this 97235
section. 97236

(4) To facilitate the calculation under divisions (D) and (E) 97237
of this section, not later than September 1, 2005, any school 97238
district, joint vocational school district, or local taxing unit 97239
that has a qualifying levy that was approved at an election 97240
conducted during 2005 before September 1, 2005, shall certify to 97241
the tax commissioner a copy of the county auditor's certificate of 97242
estimated property tax millage for such levy as required under 97243
division (B) of section 5705.03 of the Revised Code, which is the 97244
rate that shall be used in the calculations under such divisions. 97245

If the amount determined under division (E) of this section 97246
for any school district, joint vocational school district, or 97247
local taxing unit is greater than zero, that amount shall equal 97248
the reimbursement to be paid pursuant to division (E) of section 97249
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 97250
and the one-half of one mill that is subtracted under division 97251
(E)(2) of this section shall be apportioned among all contributing 97252
fixed-sum levies in the proportion that each levy bears to the sum 97253
of all fixed-sum levies within each school district, joint 97254
vocational school district, or local taxing unit. 97255

(F) If a school district levies a tax under section 5705.219 97256
of the Revised Code, the fixed-rate levy loss for qualifying 97257
levies, to the extent repealed under that section, shall equal the 97258
sum of the following amounts in lieu of the amounts computed for 97259
such levies under division (D) of this section: 97260

(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division; 97261
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(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division. 97265
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The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code. 97268
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(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement. 97275
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~~(G)~~(H) Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory. 97286
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(I) Not later than the twenty-eighth day of February each 97291

year beginning in 2011 and ending in 2014, the tax commissioner 97292
shall certify to the department of education for each school 97293
district first levying a tax under section 5705.219 of the Revised 97294
Code in the preceding year the revised fixed-rate levy losses 97295
determined under divisions (D) and (F) of this section. 97296

Sec. 5751.21. (A) Not later than the thirtieth day of July of 97297
2007 through 2017, the department of education shall consult with 97298
the director of budget and management and determine the following 97299
for each school district and each joint vocational school district 97300
eligible for payment under division (B) of this section: 97301

(1) The state education aid offset, which is the difference 97303
obtained by subtracting the amount described in division (A)(1)(b) 97304
of this section from the amount described in division (A)(1)(a) of 97305
this section: 97306

(a) The state education aid computed for the school district 97307
or joint vocational school district for the current fiscal year as 97308
of the thirtieth day of July; 97309

(b) The state education aid that would be computed for the 97310
school district or joint vocational school district for the 97311
current fiscal year as of the thirtieth day of July if the 97312
recognized valuation included the machinery and equipment, 97313
inventory, furniture and fixtures, and telephone property tax 97314
value losses for the school district or joint vocational school 97315
district for the second preceding tax year, and if taxes charged 97316
and payable associated with the tax value losses are accounted for 97317
in any state education aid computation dependent on taxes charged 97318
and payable. 97319

(2) The greater of zero or the difference obtained by 97320
subtracting the state education aid offset determined under 97321
division (A)(1) of this section from the sum of the machinery and 97322

equipment fixed-rate levy loss, the inventory fixed-rate levy 97323
loss, furniture and fixtures fixed-rate levy loss, and telephone 97324
property fixed-rate levy loss certified under ~~division (F)~~ 97325
divisions (G) and (I) of section 5751.20 of the Revised Code for 97326
all taxing districts in each school district and joint vocational 97327
school district for the second preceding tax year. 97328

By the thirtieth day of July of each such year, the 97329
department of education and the director of budget and management 97330
shall agree upon the amount to be determined under division (A)(1) 97331
of this section. 97332

(B) On or before the thirty-first day of August of each year 97333
beginning in 2008, the department of education shall recalculate 97334
the offset described under division (A) of this section for the 97335
previous fiscal year and recalculate the payments made under 97336
division (C) of this section in the preceding fiscal year using 97337
the offset calculated under this division. If the payments 97338
calculated under this division differ from the payments made under 97339
division (C) of this section in the preceding fiscal year, the 97340
difference shall either be paid to a school district or recaptured 97341
from a school district through an adjustment at the same times 97342
during the current fiscal year that the payments under division 97343
(C) of this section are made. In August and October of the current 97344
fiscal year, the amount of each adjustment shall be three-sevenths 97345
of the amount calculated under this division. In May of the 97346
current fiscal year, the adjustment shall be one-seventh of the 97347
amount calculated under this division. 97348

(C) The department of education shall pay from the school 97349
district tangible property tax replacement fund to each school 97350
district and joint vocational school district all of the following 97351
for fixed-rate levy losses certified under ~~division (F)~~ divisions 97352
(G) and (I) of section 5751.20 of the Revised Code: 97353

(1) On or before May 31, 2006, one-seventh of the total 97354

fixed-rate levy loss for tax year 2006; 97355

(2) On or before August 31, 2006, and October 31, 2006, 97356
one-half of six-sevenths of the total fixed-rate levy loss for tax 97357
year 2006; 97358

(3) On or before May 31, 2007, one-seventh of the total 97359
fixed-rate levy loss for tax year 2007; 97360

(4) On or before August 31, 2007, and October 31, 2007, 97361
forty-three per cent of the amount determined under division 97362
(A)(2) of this section for fiscal year 2008, but not less than 97363
zero, plus one-half of six-sevenths of the difference between the 97364
total fixed-rate levy loss for tax year 2007 and the total 97365
fixed-rate levy loss for tax year 2006. 97366

(5) On or before May 31, 2008, fourteen per cent of the 97367
amount determined under division (A)(2) of this section for fiscal 97368
year 2008, but not less than zero, plus one-seventh of the 97369
difference between the total fixed-rate levy loss for tax year 97370
2008 and the total fixed-rate levy loss for tax year 2006. 97371

(6) On or before August 31, 2008, and October 31, 2008, 97372
forty-three per cent of the amount determined under division 97373
(A)(2) of this section for fiscal year 2009, but not less than 97374
zero, plus one-half of six-sevenths of the difference between the 97375
total fixed-rate levy loss in tax year 2008 and the total 97376
fixed-rate levy loss in tax year 2007. 97377

(7) On or before May 31, 2009, fourteen per cent of the 97378
amount determined under division (A)(2) of this section for fiscal 97379
year 2009, but not less than zero, plus one-seventh of the 97380
difference between the total fixed-rate levy loss for tax year 97381
2009 and the total fixed-rate levy loss for tax year 2007. 97382

(8) On or before August 31, 2009, and October 31, 2009, 97383
forty-three per cent of the amount determined under division 97384
(A)(2) of this section for fiscal year 2010, but not less than 97385

zero, plus one-half of six-sevenths of the difference between the 97386
total fixed-rate levy loss in tax year 2009 and the total 97387
fixed-rate levy loss in tax year 2008. 97388

(9) On or before May 31, 2010, fourteen per cent of the 97389
amount determined under division (A)(2) of this section for fiscal 97390
year 2010, but not less than zero, plus one-seventh of the 97391
difference between the total fixed-rate levy loss in tax year 2010 97392
and the total fixed-rate levy loss in tax year 2008. 97393

(10) On or before August 31, 2010, and October 31, 2010, 97394
forty-three per cent of the amount determined under division 97395
(A)(2) of this section for fiscal year 2011, but not less than 97396
zero, plus one-half of six-sevenths of the difference between the 97397
telephone property fixed-rate levy loss for tax year 2010 and the 97398
telephone property fixed-rate levy loss for tax year 2009. 97399

(11) On or before May 31, 2011, fourteen per cent of the 97400
amount determined under division (A)(2) of this section for fiscal 97401
year 2011, but not less than zero, plus one-seventh of the 97402
difference between the telephone property fixed-rate levy loss for 97403
tax year 2011 and the telephone property fixed-rate levy loss for 97404
tax year 2009. 97405

(12) On or before August 31, 2011, and October 31, 2011, the 97406
amount determined under division (A)(2) of this section multiplied 97407
by a fraction, the numerator of which is fourteen and the 97408
denominator of which is seventeen, but not less than zero, 97409
multiplied by forty-three per cent, plus one-half of six-sevenths 97410
of the difference between the telephone property fixed-rate levy 97411
loss for tax year 2011 and the telephone property fixed-rate levy 97412
loss for tax year 2010. 97413

(13) On or before May 31, 2012, fourteen per cent of the 97414
amount determined under division (A)(2) of this section for fiscal 97415
year 2012, multiplied by a fraction, the numerator of which is 97416

fourteen and the denominator of which is seventeen, plus 97417
one-seventh of the difference between the telephone property 97418
fixed-rate levy loss for tax year 2011 and the telephone property 97419
fixed-rate levy loss for tax year 2010. 97420

(14) On or before August 31, 2012, October 31, 2012, and May 97421
31, 2013, the amount determined under division (A)(2) of this 97422
section multiplied by a fraction, the numerator of which is eleven 97423
and the denominator of which is seventeen, but not less than zero, 97424
multiplied by one-third. 97425

(15) On or before August 31, 2013, October 31, 2013, and May 97426
31, 2014, the amount determined under division (A)(2) of this 97427
section multiplied by a fraction, the numerator of which is nine 97428
and the denominator of which is seventeen, but not less than zero, 97429
multiplied by one-third. 97430

(16) On or before August 31, 2014, October 31, 2014, and May 97431
31, 2015, the amount determined under division (A)(2) of this 97432
section multiplied by a fraction, the numerator of which is seven 97433
and the denominator of which is seventeen, but not less than zero, 97434
multiplied by one-third. 97435

(17) On or before August 31, 2015, October 31, 2015, and May 97436
31, 2016, the amount determined under division (A)(2) of this 97437
section multiplied by a fraction, the numerator of which is five 97438
and the denominator of which is seventeen, but not less than zero, 97439
multiplied by one-third. 97440

(18) On or before August 31, 2016, October 31, 2016, and May 97441
31, 2017, the amount determined under division (A)(2) of this 97442
section multiplied by a fraction, the numerator of which is three 97443
and the denominator of which is seventeen, but not less than zero, 97444
multiplied by one-third. 97445

(19) On or before August 31, 2017, October 31, 2017, and May 97446
31, 2018, the amount determined under division (A)(2) of this 97447

section multiplied by a fraction, the numerator of which is one 97448
and the denominator of which is seventeen, but not less than zero, 97449
multiplied by one-third. 97450

The department of education shall report to each school 97451
district and joint vocational school district the apportionment of 97452
the payments among the school district's or joint vocational 97453
school district's funds based on the certifications under ~~division~~ 97454
(F) divisions (G) and (I) of section 5751.20 of the Revised Code. 97455

Any qualifying levy that is a fixed-rate levy that is not 97456
applicable to a tax year after 2010 does not qualify for any 97457
reimbursement after the tax year to which it is last applicable. 97458

(D) For taxes levied within the ten-mill limitation for debt 97459
purposes in tax year 2005, payments shall be made equal to one 97460
hundred per cent of the loss computed as if the tax were a 97461
fixed-rate levy, but those payments shall extend from fiscal year 97462
2006 through fiscal year 2018, as long as the qualifying levy 97463
continues to be used for debt purposes. If the purpose of such a 97464
qualifying levy is changed, that levy becomes subject to the 97465
payments determined in division (C) of this section. 97466

(E)(1) Not later than January 1, 2006, for each fixed-sum 97467
levy of each school district or joint vocational school district 97468
and for each year for which a determination is made under division 97469
(F)~~(E)~~ of section 5751.20 of the Revised Code that a fixed-sum 97470
levy loss is to be reimbursed, the tax commissioner shall certify 97471
to the department of education the fixed-sum levy loss determined 97472
under that division. The certification shall cover a time period 97473
sufficient to include all fixed-sum levies for which the 97474
commissioner made such a determination. The department shall pay 97475
from the school district property tax replacement fund to the 97476
school district or joint vocational school district one-third of 97477
the fixed-sum levy loss so certified for each year, plus one-third 97478
of the amount certified under division (I) of section 5751.20 of 97479

the Revised Code, on or before the last day of May, August, and 97480
October of the current year. Payments under this division of the 97481
amounts certified under division (I) of section 5751.20 of the 97482
Revised Code shall continue through the earlier of calendar year 97483
2017 or until the levy adopted under section 5705.219 of the 97484
Revised Code expires. 97485

(2) Beginning in 2006, by the first day of January of each 97486
year, the tax commissioner shall review the certification 97487
originally made under division (E)(1) of this section. If the 97488
commissioner determines that a debt levy that had been scheduled 97489
to be reimbursed in the current year has expired, a revised 97490
certification for that and all subsequent years shall be made to 97491
the department of education. 97492

(F) Beginning in September 2007 and through June 2018, the 97493
director of budget and management shall transfer from the school 97494
district tangible property tax replacement fund to the general 97495
revenue fund each of the following: 97496

(1) On the first day of September, one-fourth of the amount 97497
determined for that fiscal year under division (A)(1) of this 97498
section; 97499

(2) On the first day of December, one-fourth of the amount 97500
determined for that fiscal year under division (A)(1) of this 97501
section; 97502

(3) On the first day of March, one-fourth of the amount 97503
determined for that fiscal year under division (A)(1) of this 97504
section; 97505

(4) On the first day of June, one-fourth of the amount 97506
determined for that fiscal year under division (A)(1) of this 97507
section. 97508

If, when a transfer is required under division (F)(1), (2), 97509
(3), or (4) of this section, there is not sufficient money in the 97510

school district tangible property tax replacement fund to make the 97511
transfer in the required amount, the director shall transfer the 97512
balance in the fund to the general revenue fund and may make 97513
additional transfers on later dates as determined by the director 97514
in a total amount that does not exceed one-fourth of the amount 97515
determined for the fiscal year. 97516

(G) For each of the fiscal years 2006 through 2018, if the 97517
total amount in the school district tangible property tax 97518
replacement fund is insufficient to make all payments under 97519
divisions (C), (D), and (E) of this section at the times the 97520
payments are to be made, the director of budget and management 97521
shall transfer from the general revenue fund to the school 97522
district tangible property tax replacement fund the difference 97523
between the total amount to be paid and the amount in the school 97524
district tangible property tax replacement fund. For each fiscal 97525
year after 2018, at the time payments under division (E) of this 97526
section are to be made, the director of budget and management 97527
shall transfer from the general revenue fund to the school 97528
district property tax replacement fund the amount necessary to 97529
make such payments. 97530

(H)(1) On the fifteenth day of June of 2006 through 2011, the 97531
director of budget and management may transfer any balance in the 97532
school district tangible property tax replacement fund to the 97533
general revenue fund. At the end of fiscal years 2012 through 97534
2018, any balance in the school district tangible property tax 97535
replacement fund shall remain in the fund to be used in future 97536
fiscal years for school purposes. 97537

(2) In each fiscal year beginning with fiscal year 2019, all 97538
amounts credited to the school district tangible personal property 97539
tax replacement fund shall be appropriated for school purposes. 97540

(I) If all of the territory of a school district or joint 97541
vocational school district is merged with another district, or if 97542

a part of the territory of a school district or joint vocational 97543
school district is transferred to an existing or newly created 97544
district, the department of education, in consultation with the 97545
tax commissioner, shall adjust the payments made under this 97546
section as follows: 97547

(1) For a merger of two or more districts, the machinery and 97548
equipment, inventory, furniture and fixtures, and telephone 97549
property fixed-rate levy losses and the fixed-sum levy losses of 97550
the successor district shall be equal to the sum of the machinery 97551
and equipment, inventory, furniture and fixtures, and telephone 97552
property fixed-rate levy losses and debt levy losses as determined 97553
in section 5751.20 of the Revised Code, for each of the districts 97554
involved in the merger. 97555

(2) If property is transferred from one district to a 97556
previously existing district, the amount of machinery and 97557
equipment, inventory, furniture and fixtures, and telephone 97558
property tax value losses and fixed-rate levy losses that shall be 97559
transferred to the recipient district shall be an amount equal to 97560
the total machinery and equipment, inventory, furniture and 97561
fixtures, and telephone property fixed-rate levy losses times a 97562
fraction, the numerator of which is the value of business tangible 97563
personal property on the land being transferred in the most recent 97564
year for which data are available, and the denominator of which is 97565
the total value of business tangible personal property in the 97566
district from which the land is being transferred in the most 97567
recent year for which data are available. For each of the first 97568
five years after the property is transferred, but not after fiscal 97569
year 2012, if the tax rate in the recipient district is less than 97570
the tax rate of the district from which the land was transferred, 97571
one-half of the payments arising from the amount of fixed-rate 97572
levy losses so transferred to the recipient district shall be paid 97573
to the recipient district and one-half of the payments arising 97574

from the fixed-rate levy losses so transferred shall be paid to 97575
the district from which the land was transferred. Fixed-rate levy 97576
losses so transferred shall be computed on the basis of the sum of 97577
the rates of fixed-rate qualifying levies of the district from 97578
which the land was transferred, notwithstanding division (E) of 97579
this section. 97580

(3) After December 31, 2004, if property is transferred from 97581
one or more districts to a district that is newly created out of 97582
the transferred property, the newly created district shall be 97583
deemed not to have any machinery and equipment, inventory, 97584
furniture and fixtures, or telephone property fixed-rate levy 97585
losses and the districts from which the property was transferred 97586
shall have no reduction in their machinery and equipment, 97587
inventory, furniture and fixtures, and telephone property 97588
fixed-rate levy losses. 97589

(4) If the recipient district under division (I)(2) of this 97590
section or the newly created district under divisions (I)(3) of 97591
this section is assuming debt from one or more of the districts 97592
from which the property was transferred and any of the districts 97593
losing the property had fixed-sum levy losses, the department of 97594
education, in consultation with the tax commissioner, shall make 97595
an equitable division of the fixed-sum levy loss reimbursements. 97596

Sec. 5911.10. If any armory erected or purchased by the state 97597
becomes vacant because of the deactivation of the organizations 97598
quartered in that armory, the governor and the adjutant general 97599
may lease that armory for periods not to exceed one year; or, when 97600
authorized by an act of the general assembly, may sell that armory 97601
or lease it for a period of years. ~~The~~ 97602

The proceeds from the sale or lease of such an armory, or 97603
from the sale or lease of other facilities and land owned by the 97604
adjutant general, shall be credited to the armory improvements 97605

fund, which is hereby created in the state treasury. The moneys in 97606
the fund shall be used to support Ohio army national guard 97607
facility and maintenance expenses as the adjutant general directs. 97608
Any fund expenditure related to the construction, acquisition, 97609
lease, or financing of a capital asset is subject to approval by 97610
the controlling board. Investment earnings of the fund shall be 97611
credited to the general revenue fund. 97612

Sec. 5911.11. There is hereby created in the state treasury 97613
the community match armories fund. The fund shall consist of all 97614
amounts received as revenue from contributions from local entities 97615
for construction and maintenance of Ohio army national guard 97616
readiness and community centers and facilities. The moneys in the 97617
fund shall be used to support the acquisition and maintenance 97618
costs of centers and facilities representing the local entity's 97619
share of costs, including the local entity's share of utility 97620
costs. Investment earnings of the fund shall be credited to the 97621
fund. 97622

Sec. 5913.09. (A) The adjutant general is the custodian of 97623
all military and other adjutant general's department property, 97624
both real and personal, belonging to the state. 97625

(B) The adjutant general may make changes and improvements to 97626
military and other adjutant general's department property as the 97627
needs of the state and federal government and the exigencies of 97628
the service require. All improvements made upon that property 97629
belonging to the state, from moneys received either all or in part 97630
from the state or federal government, or both, become the property 97631
of the state, except as may be provided in an agreement and 97632
corresponding regulations by which the United States contributes 97633
to the cost of an improvement. 97634

(C)(1) In accordance with applicable state and federal law 97635

and regulations, the adjutant general, with the approval of the 97636
governor, may acquire by purchase lease, license, or otherwise, 97637
real and personal property necessary for the purposes of the 97638
department. 97639

(2) In accordance with applicable state and federal law and 97640
regulations, the adjutant general, with the approval of the 97641
attorney general, may enter into contracts for the construction, 97642
repair, renovation, maintenance, and operation of military or 97643
other adjutant general's department property. 97644

(3) In accordance with applicable state and federal law and 97645
regulations, the adjutant general, with the approval of the 97646
governor, may lease or exchange all or part of any military or 97647
other adjutant general's department property or grant easements or 97648
licenses, if the lease, exchange, easement, or license is 97649
advantageous to the state. 97650

(4) All real property of the adjutant general's department 97651
shall be sold in accordance with section 5911.10 of the Revised 97652
Code. 97653

(D)(1) Except as otherwise provided in this section, all 97654
income from any military or other adjutant general's department 97655
property of the state, not made a portion of the company, troop, 97656
battery, detachment, squadron, or other organization funds by 97657
regulations, shall be credited to the funds for the operation and 97658
maintenance of the Ohio organized militia, as the adjutant general 97659
directs, in accordance with applicable state and federal law and 97660
regulations and the agreements by which the United States 97661
contributes to the cost of operation and maintenance of the Ohio 97662
national guard. 97663

(2) There is hereby created in the state treasury the camp 97664
Perry/buckeye inn operations fund. The fund shall consist of all 97665
amounts received as revenue from the rental of facilities located 97666

at the camp Perry training site in Ottawa county and the buckeye inn at Rickenbacker air national guard base in Franklin county, and all amounts received from the use of the camp Perry training site and its facilities, including shooting ranges. The moneys in the fund shall be used to support the facility operations of the camp Perry clubhouse and the buckeye inn. Investment earnings of the fund shall be credited to the general revenue fund.

Sec. 5919.20. There is hereby created in the state treasury the national guard service medal fund. The fund shall consist of all amounts received from the purchase of Ohio national guard service medals for eligible national guard service members as authorized by the general assembly. The moneys in the fund shall be used to purchase additional medals. Investment earnings of the fund shall be credited to the fund.

Sec. 5919.36. There is hereby created in the state treasury the Ohio national guard facility maintenance fund. The fund shall consist of all amounts received from revenue from leases of sites, including towers and wells, and other revenue received from reimbursements for services related to Ohio national guard programs. The moneys in the fund shall be used for service, maintenance, and repair expenses, and for equipment purchases for programs and facilities of the adjutant general. Investment earnings of the fund shall be credited to the general revenue fund.

Sec. 6103.01. As used in this chapter: 97691

(A) "Public water supply facilities," "water supply facilities," "water supply improvement," or "improvement" means, without limiting the generality of those terms, water wells and well fields, springs, lakes, rivers, streams, or other sources of water supply, intakes, pumping stations and equipment, treatment,

filtration, or purification plants, force and distribution lines 97697
or mains, cisterns, reservoirs, storage facilities, necessary 97698
equipment for fire protection, other related structures, 97699
equipment, and furnishings, and real estate and interests in real 97700
estate, necessary or useful in the proper development of a water 97701
supply for domestic or other purposes and its proper distribution. 97702

(B) "Current operating expenses," "debt charges," "permanent 97703
improvement," "public obligations," and "subdivision" have the 97704
same meanings as in section 133.01 of the Revised Code. 97705

(C) "Construct," "construction," or "constructing" means 97706
construction, reconstruction, enlargement, extension, improvement, 97707
renovation, repair, and replacement of water supply facilities, 97708
but does not include repairs, replacements, or similar actions 97709
that do not constitute and qualify as permanent improvements. 97710

(D) "Maintain," "maintaining," or "maintenance" means 97711
repairs, replacements, and similar actions that constitute and are 97712
payable as current operating expenses and that are required to 97713
restore water supply facilities to, or to continue water supply 97714
facilities in, good order and working condition, but does not 97715
include construction of permanent improvements. 97716

(E) "Public agency" means a state and any agency or 97717
subdivision of a state, including a county, a municipal 97718
corporation, or other subdivision. 97719

(F) "County sanitary engineer" means either of the following: 97720

(1) The registered professional engineer employed or 97721
appointed by the board of county commissioners to be the county 97722
sanitary engineer as provided in section 6117.01 of the Revised 97723
Code; 97724

(2) The county engineer, if, for as long as and to the extent 97725
that engineer by agreement entered into under section 315.14 of 97726
the Revised Code is retained to discharge the duties of a county 97727

sanitary engineer under this chapter. 97728

(G) "Homestead exemption" means the reduction of taxes 97729
allowed under division (A) of section 323.152 of the Revised Code. 97730

(H) "Low- and moderate-income persons" has the same meaning 97731
as in section 175.01 of the Revised Code. 97732

Sec. 6103.02. (A) For the purpose of preserving and promoting 97733
the public health and welfare, a board of county commissioners may 97734
acquire, construct, maintain, and operate any public water supply 97735
facilities within its county for one or more sewer districts and 97736
may provide for their protection and prevent their pollution and 97737
unnecessary waste. The board may negotiate and enter into a 97738
contract with any public agency or any person for the management, 97739
maintenance, operation, and repair of the facilities on behalf of 97740
the county, upon the terms and conditions as may be agreed upon 97741
with the agency or person and as may be determined by the board to 97742
be in the interests of the county. By contract with any public 97743
agency or any person operating public water supply facilities 97744
within or without its county, the board also may provide a supply 97745
of water to a sewer district from the facilities of the public 97746
agency or person. 97747

(B) The county sanitary engineer or sanitary engineering 97748
department, in addition to other assigned duties, shall assist the 97749
board in the performance of its duties under this chapter and 97750
shall be charged with other duties and services in relation to the 97751
board's duties as the board prescribes. 97752

(C) The board may adopt, publish, administer, and enforce 97753
rules for the construction, maintenance, protection, and use of 97754
county-owned or county-operated public water supply facilities 97755
outside municipal corporations and of public water supply 97756
facilities within municipal corporations that are owned or 97757
operated by the county or that are supplied with water from water 97758

supply facilities owned or operated by the county, including, but 97759
not limited to, rules for the establishment and use of any 97760
connections, the termination in accordance with reasonable 97761
procedures of water service for nonpayment of county water rates 97762
and charges, and the establishment and use of security deposits to 97763
the extent considered necessary to ensure the payment of county 97764
water rates and charges. The rules shall not be inconsistent with 97765
the laws of the state or any applicable rules of the director of 97766
environmental protection. 97767

(D) No public water supply facilities shall be constructed in 97768
any county outside municipal corporations by any person, except 97769
for the purpose of supplying water to those municipal 97770
corporations, until the plans and specifications for the 97771
facilities have been approved by the board. Construction shall be 97772
done under the supervision of the county sanitary engineer. Any 97773
person constructing public water supply facilities shall pay to 97774
the county all expenses incurred by the board in connection with 97775
the construction. 97776

(E) The county sanitary engineer or the county sanitary 97777
engineer's authorized assistants or agents, when properly 97778
identified in writing or otherwise and after written notice is 97779
delivered to the owner at least five days in advance or mailed at 97780
least five days in advance by first class or certified mail to the 97781
owner's tax mailing address, may enter upon any public or private 97782
property for the purpose of making, and may make, surveys or 97783
inspections necessary for the design or evaluation of county 97784
public water supply facilities. This entry is not a trespass and 97785
is not to be considered an entry in connection with any 97786
appropriation of property proceedings under sections 163.01 to 97787
163.22 of the Revised Code that may be pending. No person or 97788
public agency shall forbid the county sanitary engineer or the 97789
county sanitary engineer's authorized assistants or agents to 97790

enter, or interfere with their entry, upon the property for the 97791
purpose of making the surveys or inspections. If actual damage is 97792
done to property by the making of the surveys or inspections, the 97793
board shall pay the reasonable value of the damage to the property 97794
owner, and the cost shall be included in the cost of the 97795
facilities and may be included in any special assessments levied 97796
and collected to pay that cost. 97797

(F) The board shall fix reasonable rates, including penalties 97798
for late payments, for water supplied to public agencies and 97799
persons when the source of supply or the facilities for its 97800
distribution are owned or operated by the county and may change 97801
the rates from time to time as it considers advisable. When the 97802
source of the water supply to be used by the county is owned by 97803
another public agency or person, the schedule of rates to be 97804
charged by the public agency or person shall be approved by the 97805
board at the time it enters into a contract for the use of water 97806
from the public agency or person. ~~When~~ 97807

When the distribution facilities are owned by the county, the 97808
board also may fix reasonable charges to be collected for the 97809
privilege of connecting to the distribution facilities and may 97810
require that, prior to the connection, the charges be paid in full 97811
or, if determined by the board to be equitable in a resolution 97812
relating to the payment of the charges, may require their payment 97813
in installments, as considered adequate by the board, at the 97814
times, in the amounts, and with the security, carrying charges, 97815
and penalties as may be determined by the board in that resolution 97816
to be fair and appropriate. No public agency or person shall be 97817
permitted to connect to those facilities until the charges have 97818
been paid in full or provision for their payment in installments 97819
has been made. If the connection charges are to be paid in 97820
installments, the board shall certify, to the county auditor, 97821
information sufficient to identify each parcel of property served 97822

by a connection and, with respect to each parcel, the total of the 97823
charges to be paid in installments, the amount of each 97824
installment, and the total number of installments to be paid. The 97825
county auditor shall record and maintain the information so 97826
supplied in the waterworks record provided for in section 6103.16 97827
of the Revised Code until the connection charges are paid in full. 97828
The board may include amounts attributable to connection charges 97829
being paid in installments in its billings of rates and other 97830
charges for water supplied. In addition, the board may consider 97831
payments made to a school district under section 6103.25 of the 97832
Revised Code when the board establishes rates and other charges 97833
for water supplied. 97834

A board may establish discounted rates or charges or may 97835
establish another mechanism for providing a reduction in rates or 97836
charges for persons who are sixty-five years of age or older. The 97837
board shall establish eligibility requirements for such discounted 97838
or reduced rates or charges, including a requirement that a person 97839
be eligible for the homestead exemption or qualify as a low- and 97840
moderate-income person. 97841

(G) When any rates or charges are not paid when due, the 97842
board may do any or all of the following: 97843

(1) Certify the unpaid rates or charges, together with any 97844
penalties, to the county auditor. The county auditor shall place 97845
the certified amount upon the real property tax list and duplicate 97846
against the property served by the connection. The certified 97847
amount shall be a lien on the property from the date placed on the 97848
real property tax list and duplicate and shall be collected in the 97849
same manner as taxes, except that, notwithstanding section 323.15 97850
of the Revised Code, a county treasurer shall accept a payment in 97851
that amount when separately tendered as payment for the full 97852
amount of the unpaid rates or charges and associated penalties. 97853
The lien shall be released immediately upon payment in full of the 97854

certified amount. 97855

(2) Collect the unpaid rates or charges, together with any 97856
penalties, by actions at law in the name of the county from an 97857
owner, tenant, or other person or public agency that is liable for 97858
the payment of the rates or charges; 97859

(3) Terminate, in accordance with established rules, the 97860
water service to the particular property unless and until the 97861
unpaid rates or charges, together with any penalties, are paid in 97862
full; 97863

(4) Apply, to the extent required, any security deposit made 97864
in accordance with established rules to the payment of the unpaid 97865
rates and charges, together with any penalties, for water service 97866
to the particular property. 97867

All moneys collected as rates, charges, or penalties fixed or 97868
established in accordance with division (F) of this section for 97869
water supply purposes in or for any sewer district shall be paid 97870
to the county treasurer and kept in a separate and distinct water 97871
fund established by the board to the credit of the district. 97872

Each board that fixes water rates or charges may render 97873
estimated bills periodically, provided that at least quarterly it 97874
shall schedule an actual reading of each customer's meter so as to 97875
render a bill for the actual amount shown by the meter reading to 97876
be due, with credit for prior payments of any estimated bills 97877
submitted for any part of the billing period, except that 97878
estimated bills may be rendered if a customer's meter is not 97879
accessible for a timely reading or if the circumstances preclude a 97880
scheduled reading. Each board also shall establish procedures 97881
providing a fair and reasonable opportunity for the resolution of 97882
billing disputes. 97883

When property to which water service is provided is about to 97884
be sold, any party to the sale or an agent of a party may request 97885

the board to have the meter at that property read and to render, 97886
within ten days following the date on which the request is made, a 97887
final bill for all outstanding rates and charges for water 97888
service. The request shall be made at least fourteen days prior to 97889
the transfer of the title of the property. 97890

At any time prior to a certification under division (G)(1) of 97891
this section, the board shall accept any partial payment of unpaid 97892
water rates or charges in the amount of ten dollars or more. 97893

Except as otherwise provided in any proceedings authorizing 97894
or providing for the security for and payment of any public 97895
obligations, or in any indenture or trust or other agreement 97896
securing public obligations, moneys in the water fund shall be 97897
applied first to the payment of the cost of the management, 97898
maintenance, and operation of the water supply facilities of, or 97899
used or operated for, the sewer district, which cost may include 97900
the county's share of management, maintenance, and operation costs 97901
under cooperative contracts for the acquisition, construction, or 97902
use of water supply facilities and, in accordance with a cost 97903
allocation plan adopted under division (H) of this section, 97904
payment of all allowable direct and indirect costs of the 97905
district, the county sanitary engineer or sanitary engineering 97906
department, or a federal or state grant program, incurred for the 97907
purposes of this chapter, and shall be applied second to the 97908
payment of debt charges payable on any outstanding public 97909
obligations issued or incurred for the acquisition or construction 97910
of water supply facilities for or serving the district, or for the 97911
funding of a bond retirement or other fund established for the 97912
payment of or security for the obligations. Any surplus remaining 97913
may be applied to the acquisition or construction of those 97914
facilities or for the payment of contributions to be made, or 97915
costs incurred, for the acquisition or construction of those 97916
facilities under cooperative contracts. Moneys in the water fund 97917

shall not be expended other than for the use and benefit of the 97918
district. 97919

(H) A board of county commissioners may adopt a cost 97920
allocation plan that identifies, accumulates, and distributes 97921
allowable direct and indirect costs that may be paid from the 97922
water fund of the sewer district created pursuant to division (G) 97923
of this section, and that prescribes methods for allocating those 97924
costs. The plan shall authorize payment from the fund of only 97925
those costs incurred by the district, the county sanitary engineer 97926
or sanitary engineering department, or a federal or state grant 97927
program, and those costs incurred by the general and other funds 97928
of the county for a common or joint purpose, that are necessary 97929
and reasonable for the proper and efficient administration of the 97930
district under this chapter. The plan shall not authorize payment 97931
from the fund of any general government expense required to carry 97932
out the overall governmental responsibilities of a county. The 97933
plan shall conform to United States office of management and 97934
budget Circular A-87, "Cost Principles for State, Local, and 97935
Indian Tribal Governments," published May 17, 1995. 97936

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 97937
of this section, on and after January 1, 1994, no person shall 97938
operate or maintain a public water system in this state without a 97939
license issued by the director of environmental protection. A 97940
person who operates or maintains a public water system on January 97941
1, 1994, shall obtain an initial license under this section in 97942
accordance with the following schedule: 97943

(1) If the public water system is a community water system, 97944
not later than January 31, 1994; 97945

(2) If the public water system is not a community water 97946
system and serves a nontransient population, not later than 97947
January 31, 1994; 97948

(3) If the public water system is not a community water system and serves a transient population, not later than January 31, 1995. 97949
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A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system. 97952
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A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date. 97958
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The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2010~~ 2012, each application shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year. 97965
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(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate 97976
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license fee for a license renewal under division (A) of this 97981
section, the director shall do one of the following: 97982

(1) Issue the license renewal for the public water system; 97983

(2) Issue the license renewal subject to terms and conditions 97984
that the director determines are necessary to ensure compliance 97985
with this chapter and rules adopted under it; 97986

(3) Deny the license renewal if the director finds that the 97987
public water system was not operated in substantial compliance 97988
with this chapter and rules adopted under it. 97989

(C) The director may suspend or revoke a license or license 97990
renewal issued under this section if the director finds that the 97991
public water system was not operated in substantial compliance 97992
with this chapter and rules adopted under it. The director shall 97993
adopt, and may amend and rescind, rules in accordance with Chapter 97994
119. of the Revised Code governing such suspensions and 97995
revocations. 97996

(D)(1) As used in division (D) of this section, "church" 97997
means a fellowship of believers, congregation, society, 97998
corporation, convention, or association that is formed primarily 97999
or exclusively for religious purposes and that is not formed or 98000
operated for the private profit of any person. 98001

(2) This section does not apply to a church that operates or 98002
maintains a public water system solely to provide water for that 98003
church or for a campground that is owned by the church and 98004
operated primarily or exclusively for members of the church and 98005
their families. A church that, on or before March 5, 1996, has 98006
obtained a license under this section for such a public water 98007
system need not obtain a license renewal under this section. 98008

(E) This section does not apply to any public or nonpublic 98009
school that meets minimum standards of the state board of 98010
education that operates or maintains a public water system solely 98011

to provide water for that school. 98012

(F) The environmental protection agency shall collect well 98013
log filing fees on behalf of the division of soil and water 98014
resources in the department of natural resources in accordance 98015
with section 1521.05 of the Revised Code and rules adopted under 98016
it. The fees shall be submitted to the division quarterly as 98017
provided in those rules. 98018

Sec. 6111.044. Upon receipt of an application for an 98019
injection well drilling permit, an injection well operating 98020
permit, a renewal of an injection well operating permit, or a 98021
modification of an injection well drilling permit, operating 98022
permit, or renewal of an operating permit, the director of 98023
environmental protection shall determine whether the application 98024
is complete and demonstrates that the activities for which the 98025
permit, renewal permit, or modification is requested will comply 98026
with the Federal Water Pollution Control Act and regulations 98027
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 98028
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 98029
under it; and this chapter and the rules adopted under it. If the 98030
application demonstrates that the proposed activities will not 98031
comply or will pose an unreasonable risk of inducing seismic 98032
activity, inducing geologic fracturing, or contamination of an 98033
underground source of drinking water, the director shall deny the 98034
application. If the application does not make the required 98035
demonstrations, the director shall return it to the applicant with 98036
an indication of those matters about which a required 98037
demonstration was not made. If the director determines that the 98038
application makes the required demonstrations, the director shall 98039
transmit copies of the application and all of the accompanying 98040
maps, data, samples, and information to the chief of the division 98041
of mineral resources management, the chief of the division of 98042
geological survey, and the chief of the division of soil and water 98043

resources in the department of natural resources. 98044

The chief of the division of geological survey shall comment 98045
upon the application if the chief determines that the proposed 98046
well or injection will present an unreasonable risk of loss or 98047
damage to valuable mineral resources. If the chief submits 98048
comments on the application, those comments shall be accompanied 98049
by an evaluation of the geological factors upon which the comments 98050
are based, including fractures, faults, earthquake potential, and 98051
the porosity and permeability of the injection zone and confining 98052
zone, and by the documentation supporting the evaluation. The 98053
director shall take into consideration the chief's comments, and 98054
the accompanying evaluation of geologic factors and supporting 98055
documentation, when considering the application. The director 98056
shall provide written notice to the chief of the director's 98057
decision on the application and, if the chief's comments are not 98058
included in the permit, renewal permit, or modification, of the 98059
director's rationale for not including them. 98060

The chief of the division of mineral resources management 98061
shall comment upon the application if the chief determines that 98062
the proposed well or injection will present an unreasonable risk 98063
that waste or contamination of recoverable oil or gas in the earth 98064
will occur. If the chief submits comments on the application, 98065
those comments shall be accompanied by an evaluation of the oil or 98066
gas reserves that, in the best professional judgment of the chief, 98067
are recoverable and will be adversely affected by the proposed 98068
well or injection, and by the documentation supporting the 98069
evaluation. The director shall take into consideration the chief's 98070
comments, and the accompanying evaluation and supporting 98071
documentation, when considering the application. The director 98072
shall provide written notice to the chief of the director's 98073
decision on the application and, if the chief's comments are not 98074
included in the permit, renewal permit, or modification, of the 98075

director's rationale for not including them. 98076

The chief of the division of soil and water resources shall 98077
assist the director in determining whether all underground sources 98078
of drinking water in the area of review of the proposed well or 98079
injection have been identified and correctly delineated in the 98080
application. If the application fails to identify or correctly 98081
delineate an underground source of drinking water, the chief shall 98082
provide written notice of that fact to the director. 98083

The chief of the division of mineral resources management 98084
also shall review the application as follows: 98085

If the application concerns the drilling or conversion of a 98086
well or the injection into a well that is not or is not to be 98087
located within five thousand feet of the excavation and workings 98088
of a mine, the chief of the division of mineral resources 98089
management shall note upon the application that it has been 98090
examined by the division of mineral resources management, retain a 98091
copy of the application and map, and immediately return a copy of 98092
the application to the director. 98093

If the application concerns the drilling or conversion of a 98094
well or the injection into a well that is or is to be located 98095
within five thousand feet, but more than five hundred feet from 98096
the surface excavations and workings of a mine, the chief of the 98097
division of mineral resources management immediately shall notify 98098
the owner or lessee of the mine that the application has been 98099
filed and send to the owner or lessee a copy of the map 98100
accompanying the application setting forth the location of the 98101
well. The chief of the division of mineral resources management 98102
shall note on the application that the notice has been sent to the 98103
owner or lessee of the mine, retain a copy of the application and 98104
map, and immediately return a copy of the application to the 98105
director with the chief's notation on it. 98106

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet of the underground excavations and workings of a mine or within five hundred feet of the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been filed and send to the owner or lessee a copy of the map accompanying the application setting forth the location of the well. If the owner or lessee objects to the application, the owner or lessee shall notify the chief of the division of mineral resources management of the objection, giving the reasons, within six days after the receipt of the notice. If the chief of the division of mineral resources management receives no objections from the owner or lessee of the mine within ten days after the receipt of the notice by the owner or lessee, or if in the opinion of the chief of the division of mineral resources management the objections offered by the owner or lessee are not sufficiently ~~well-founded~~ well founded, the chief shall retain a copy of the application and map and return a copy of the application to the director with any applicable notes concerning it.

If the chief of the division of mineral resources management receives an objection from the owner or lessee of the mine as to the application, within ten days after receipt of the notice by the owner or lessee, and if in the opinion of the chief the objection is ~~well-founded~~ well founded, the chief shall disapprove the application and immediately return it to the director together with the chief's reasons for the disapproval. The director promptly shall notify the applicant for the permit, renewal permit, or modification of the disapproval. The applicant may appeal the disapproval of the application by the chief of the division of mineral resources management to the reclamation commission created under section 1513.05 of the Revised Code, and

the commission shall hear the appeal in accordance with section 98140
1513.13 of the Revised Code. The appeal shall be filed within 98141
thirty days from the date the applicant receives notice of the 98142
disapproval. No comments concerning or disapproval of an 98143
application shall be delayed by the chief of the division of 98144
mineral resources management for more than fifteen days from the 98145
date of sending of notice to the mine owner or lessee as required 98146
by this section. 98147

The director shall not approve an application for an 98148
injection well drilling permit, an injection well operating 98149
permit, a renewal of an injection well operating permit, or a 98150
modification of an injection well drilling permit, operating 98151
permit, or renewal of an operating permit for a well that is or is 98152
to be located within three hundred feet of any opening of any mine 98153
used as a means of ingress, egress, or ventilation for persons 98154
employed in the mine, nor within one hundred feet of any building 98155
or flammable structure connected with the mine and actually used 98156
as a part of the operating equipment of the mine, unless the chief 98157
of the division of mineral resources management determines that 98158
life or property will not be endangered by drilling and operating 98159
the well in that location. 98160

Upon review by the chief of the division of mineral resources 98161
management, the chief of the division of geological survey, and 98162
the chief of the division of soil and water resources, and if the 98163
chief of the division of mineral resources management has not 98164
disapproved the application, the director shall issue a permit, 98165
renewal permit, or modification with any terms and conditions that 98166
may be necessary to comply with the Federal Water Pollution 98167
Control Act and regulations adopted under it; the "Safe Drinking 98168
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, 98169
and regulations adopted under it; and this chapter and the rules 98170
adopted under it. The director shall not issue a permit, renewal 98171

permit, or modification to an applicant if the applicant or 98172
persons associated with the applicant have engaged in or are 98173
engaging in a substantial violation of this chapter that is 98174
endangering or may endanger human health or the environment or if, 98175
in the case of an applicant for an injection well drilling permit, 98176
the applicant, at the time of applying for the permit, did not 98177
hold an injection well operating permit or renewal of an injection 98178
well drilling permit and failed to demonstrate sufficient 98179
expertise and competency to operate the well in compliance with 98180
the applicable provisions of this chapter. 98181

If the director receives a disapproval from the chief of the 98182
division of mineral resources management regarding an application 98183
for an injection well drilling or operating permit, renewal 98184
permit, or modification, if required, the director shall issue an 98185
order denying the application. 98186

The director need not issue a proposed action under section 98187
3745.07 of the Revised Code or hold an adjudication hearing under 98188
that section and Chapter 119. of the Revised Code before issuing 98189
or denying a permit, renewal permit, or modification of a permit 98190
or renewal permit. Before issuing or renewing a permit to drill or 98191
operate a class I injection well or a modification of it, the 98192
director shall propose the permit, renewal permit, or modification 98193
in draft form and shall hold a public hearing to receive public 98194
comment on the draft permit, renewal permit, or modification. At 98195
least fifteen days before the public hearing on a draft permit, 98196
renewal permit, or modification, the director shall publish notice 98197
of the date, time, and location of the public hearing in at least 98198
one newspaper of general circulation serving the area where the 98199
well is or is to be located. The proposing of such a draft permit, 98200
renewal permit, or modification does not constitute the issuance 98201
of a proposed action under section 3745.07 of the Revised Code, 98202
and the holding of the public hearing on such a draft permit, 98203

renewal permit, or modification does not constitute the holding of 98204
an adjudication hearing under that section and Chapter 119. of the 98205
Revised Code. Appeals of orders other than orders of the chief of 98206
the division of mineral resources management shall be taken under 98207
sections 3745.04 to 3745.08 of the Revised Code. 98208

The director may order that an injection well drilling permit 98209
or an injection well operating permit or renewal permit be 98210
suspended and that activities under it cease after determining 98211
that those activities are occurring in violation of law, rule, 98212
order, or term or condition of the permit. Upon service of a copy 98213
of the order upon the permit holder or the permit holder's 98214
authorized agent or assignee, the permit and activities under it 98215
shall be suspended immediately without prior hearing and shall 98216
remain suspended until the violation is corrected and the order of 98217
suspension is lifted. If a violation is the second within a 98218
one-year period, the director, after a hearing, may revoke the 98219
permit. 98220

The director may order that an injection well drilling permit 98221
or an injection well operating permit or renewal permit be 98222
suspended and that activities under it cease if the director has 98223
reasonable cause to believe that the permit would not have been 98224
issued if the information available at the time of suspension had 98225
been available at the time a determination was made by one of the 98226
agencies acting under authority of this section. Upon service of a 98227
copy of the order upon the permit holder or the permit holder's 98228
authorized agent or assignee, the permit and activities under it 98229
shall be suspended immediately without prior hearing, but a permit 98230
may not be suspended for that reason without prior hearing unless 98231
immediate suspension is necessary to prevent waste or 98232
contamination of oil or gas, comply with the Federal Water 98233
Pollution Control Act and regulations adopted under it; the "Safe 98234
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 98235

amended, and regulations adopted under it; and this chapter and 98236
the rules adopted under it, or prevent damage to valuable mineral 98237
resources, prevent contamination of an underground source of 98238
drinking water, or prevent danger to human life or health. If 98239
after a hearing the director determines that the permit would not 98240
have been issued if the information available at the time of the 98241
hearing had been available at the time a determination was made by 98242
one of the agencies acting under authority of this section, the 98243
director shall revoke the permit. 98244

When a permit has been revoked, the permit holder or other 98245
person responsible for it immediately shall plug the well in the 98246
manner required by the director. 98247

The director may issue orders to prevent or require cessation 98248
of violations of this section, section 6111.043, 6111.045, 98249
6111.046, or 6111.047 of the Revised Code, rules adopted under any 98250
of those sections, and terms or conditions of permits issued under 98251
any of them. The orders may require the elimination of conditions 98252
caused by the violation. 98253

Sec. 6117.01. (A) As used in this chapter: 98254

(1) "Sanitary facilities" means sanitary sewers, force mains, 98255
lift or pumping stations, and facilities for the treatment, 98256
disposal, impoundment, or storage of wastes; equipment and 98257
furnishings; and all required appurtenances and necessary real 98258
estate and interests in real estate. 98259

(2) "Drainage" or "waters" means flows from rainfall or 98260
otherwise produced by, or resulting from, the elements, storm 98261
water discharges and releases or migrations of waters from 98262
properties, accumulations, flows, and overflows of water, 98263
including accelerated flows and runoffs, flooding and threats of 98264
flooding of properties and structures, and other surface and 98265
subsurface drainage. 98266

(3) "Drainage facilities" means storm sewers, force mains, pumping stations, and facilities for the treatment, disposal, impoundment, retention, control, or storage of waters; improvements of or for any channel, ditch, drain, floodway, or watercourse, including location, construction, reconstruction, reconditioning, widening, deepening, cleaning, removal of obstructions, straightening, boxing, culverting, tiling, filling, walling, arching, or change in course, location, or terminus; improvements of or for a river, creek, or run, including reinforcement of banks, enclosing, deepening, widening, straightening, removal of obstructions, or change in course, location, or terminus; facilities for the protection of lands from the overflow of water, including a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, retention or holding basin, control gate, or breakwater; facilities for controlled drainage, regulation of stream flow, and protection of an outlet; the vacation of a ditch or drain; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate. 98267
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(4) "County sanitary engineer" means either of the following: 98286

(a) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in this section3; 98287
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(b) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge duties of a county sanitary engineer under this chapter. 98290
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(5) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code. 98294
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(6) "Construct," "construction," or "constructing" means 98297

construction, reconstruction, enlargement, extension, improvement, 98298
renovation, repair, and replacement of sanitary or drainage 98299
facilities or of prevention or replacement facilities, but does 98300
not include any repairs, replacements, or similar actions that do 98301
not constitute and qualify as permanent improvements. 98302

(7) "Maintain," "maintaining," or "maintenance" means 98303
repairs, replacements, and similar actions that constitute and are 98304
payable as current operating expenses and that are required to 98305
restore sanitary or drainage facilities or prevention or 98306
replacement facilities to, or to continue sanitary or drainage 98307
facilities or prevention or replacement facilities in, good order 98308
and working condition, but does not include construction of 98309
permanent improvements. 98310

(8) "Public agency" means a state and any agency or 98311
subdivision of a state, including a county, a municipal 98312
corporation, or other subdivision. 98313

(9) "Combined sewer" means a sewer system that is designed to 98314
collect and convey sewage, including domestic, commercial, and 98315
industrial wastewater, and storm water through a single-pipe 98316
system to a treatment works or combined sewer overflow outfall 98317
approved by the director of environmental protection. 98318

(10) "Prevention or replacement facilities" means vegetated 98319
swales or median strips, permeable pavement, trees and tree boxes, 98320
rain barrels and cisterns, rain gardens and filtration planters, 98321
vegetated roofs, wetlands, riparian buffers, and practices and 98322
structures that use or mimic natural processes to filter or reuse 98323
storm water. 98324

(11) "Homestead exemption" means the reduction of taxes 98325
allowed under division (A) of section 323.152 of the Revised Code. 98326

(12) "Low- and moderate-income person" has the same meaning 98327
as in section 175.01 of the Revised Code. 98328

(B)(1) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may lay out, establish, consolidate, or otherwise modify the boundaries of, and maintain, one or more sewer districts within the county and outside municipal corporations and may have a registered professional engineer make the surveys necessary for the determination of the proper boundaries of each district, which shall be designated by an appropriate name or number. The board may acquire, construct, maintain, and operate within any district sanitary or drainage facilities that it determines to be necessary or appropriate for the collection of sewage and other wastes originating in or entering the district, to comply with the provisions of a contract entered into for the purposes described in sections 6117.41 to 6117.44 of the Revised Code and pursuant to those sections or other applicable provisions of law, or for the collection, control, or abatement of waters originating or accumulating in, or flowing in, into, or through, the district, and other sanitary or drainage facilities, within or outside of the district, that it determines to be necessary or appropriate to conduct the wastes and waters to a proper outlet and to provide for their proper treatment, disposal, and disposition. The board may provide for the protection of the sanitary and drainage facilities and may negotiate and enter into a contract with any public agency or person for the management, maintenance, operation, and repair of any of the facilities on behalf of the county upon the terms and conditions that may be agreed upon with the agency or person and that may be determined by the board to be in the best interests of the county. By contract with any public agency or person operating sanitary or drainage facilities within or outside of the county, the board may provide a proper outlet for any of the wastes and waters and for their proper treatment, disposal, and disposition.

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(2) For purposes of preventing storm water from entering a 98361

combined sewer and causing an overflow or an inflow to a sanitary 98362
sewer, the board may acquire, design, construct, operate, repair, 98363
maintain, and provide for a project or program that separates 98364
storm water from a combined sewer or for a prevention or 98365
replacement facility that prevents or minimizes storm water from 98366
entering a combined sewer or a sanitary sewer. 98367

(C) The board of county commissioners may employ a registered 98368
professional engineer to be the county sanitary engineer for the 98369
time and on the terms it considers best and may authorize the 98370
county sanitary engineer to employ necessary assistants upon the 98371
terms fixed by the board. Prior to the initial assignment of 98372
drainage facilities duties to the county sanitary engineer, if the 98373
county sanitary engineer is not the county engineer, the board 98374
first shall offer to enter into an agreement with the county 98375
engineer pursuant to section 315.14 of the Revised Code for 98376
assistance in the performance of those duties of the board 98377
pertaining to drainage facilities, and the county engineer shall 98378
accept or reject the offer within thirty days after the date the 98379
offer is made. 98380

The board may create and maintain a sanitary engineering 98381
department, which shall be under its supervision and which shall 98382
be headed by the county sanitary engineer, for the purpose of 98383
aiding it in the performance of its duties under this chapter and 98384
Chapter 6103. of the Revised Code or its other duties regarding 98385
sanitation, drainage, and water supply provided by law. The board 98386
shall provide suitable facilities for the use of the department 98387
and shall provide for and pay the compensation of the county 98388
sanitary engineer and all authorized necessary expenses of the 98389
county sanitary engineer and the sanitary engineering department. 98390
The county sanitary engineer, with the approval of the board, may 98391
appoint necessary assistants and clerks, and the compensation of 98392
those assistants and clerks shall be provided for and paid by the 98393

board. 98394

(D) The board of county commissioners may adopt, publish, 98395
administer, and enforce rules for the construction, maintenance, 98396
protection, and use of county-owned or county-operated sanitary 98397
and drainage facilities and prevention or replacement facilities 98398
outside municipal corporations, and of sanitary and drainage 98399
facilities and prevention or replacement facilities within 98400
municipal corporations that are owned or operated by the county or 98401
that discharge into sanitary or drainage facilities or prevention 98402
or replacement facilities owned or operated by the county, 98403
including, but not limited to, rules for the establishment and use 98404
of any connections, the termination in accordance with reasonable 98405
procedures of sanitary service for the nonpayment of county 98406
sanitary rates and charges and, if so determined, the concurrent 98407
termination of any county water service for the nonpayment of 98408
those rates and charges, the termination in accordance with 98409
reasonable procedures of drainage service for the nonpayment of 98410
county drainage rates and charges, and the establishment and use 98411
of security deposits to the extent considered necessary to ensure 98412
the payment of county sanitary or drainage rates and charges. The 98413
rules shall not be inconsistent with the laws of this state or any 98414
applicable rules of the director of environmental protection. 98415

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(E) No sanitary or drainage facilities or prevention or 98417
replacement facilities shall be constructed in any county outside 98418
municipal corporations by any person until the plans and 98419
specifications have been approved by the board of county 98420
commissioners, and any construction shall be done under the 98421
supervision of the county sanitary engineer. Not less than thirty 98422
days before the date drainage plans are submitted to the board for 98423
its approval, the plans shall be submitted to the county engineer. 98424
If the county engineer is of the opinion after review that the 98425

facilities will have a significant adverse effect on roads, 98426
culverts, bridges, or existing maintenance within the county, the 98427
county engineer may submit a written opinion to the board not 98428
later than thirty days after the date the plans are submitted to 98429
the county engineer. The board may take action relative to the 98430
drainage plans only after the earliest of receiving the written 98431
opinion of the county engineer, receiving a written waiver of 98432
submission of an opinion from the county engineer, or passage of 98433
thirty days from the date the plans are submitted to the county 98434
engineer. Any person constructing the facilities shall pay to the 98435
county all expenses incurred by the board in connection with the 98436
construction. 98437

(F) The county sanitary engineer or the county sanitary 98438
engineer's authorized assistants or agents, when properly 98439
identified in writing or otherwise and after written notice is 98440
delivered to the owner at least five days in advance or is mailed 98441
at least five days in advance by first class or certified mail to 98442
the owner's tax mailing address, may enter upon any public or 98443
private property for the purpose of making, and may make, surveys 98444
or inspections necessary for the laying out of sewer districts or 98445
the design or evaluation of county sanitary or drainage facilities 98446
or prevention or replacement facilities. This entry is not a 98447
trespass and is not to be considered an entry in connection with 98448
any appropriation of property proceedings under sections 163.01 to 98449
163.22 of the Revised Code that may be pending. No person or 98450
public agency shall forbid the county sanitary engineer or the 98451
county sanitary engineer's authorized assistants or agents to 98452
enter, or interfere with their entry, upon the property for that 98453
purpose or forbid or interfere with their making of surveys or 98454
inspections. If actual damage is done to property by the making of 98455
the surveys and inspections, the board shall pay the reasonable 98456
value of the damage to the property owner, and the cost shall be 98457
included in the cost of the facilities and may be included in any 98458

special assessments to be levied and collected to pay that cost. 98459

Sec. 6117.02. (A) The board of county commissioners shall fix 98460
reasonable rates, including penalties for late payments, for the 98461
use, or the availability for use, of the sanitary facilities of a 98462
sewer district to be paid by every person and public agency whose 98463
premises are served, or capable of being served, by a connection 98464
directly or indirectly to those facilities when those facilities 98465
are owned or operated by the county and may change the rates from 98466
time to time as it considers advisable. When the sanitary 98467
facilities to be used by the county are owned by another public 98468
agency or person, the schedule of rates to be charged by the 98469
public agency or person for the use of the facilities by the 98470
county, or the formula or other procedure for their determination, 98471
shall be approved by the board at the time it enters into a 98472
contract for that use. 98473

(B) The board also shall establish reasonable charges to be 98474
collected for the privilege of connecting to the sanitary 98475
facilities of the district, with the requirement that, prior to 98476
the connection, the charges shall be paid in full, or, if 98477
determined by the board to be equitable in a resolution relating 98478
to the payment of the charges, provision considered adequate by 98479
the board shall be made for their payment in installments at the 98480
times, in the amounts, and with the security, carrying charges, 98481
and penalties as may be found by the board in that resolution to 98482
be fair and appropriate. No public agency or person shall be 98483
permitted to connect to those facilities until the charges have 98484
been paid in full or provision for their payment in installments 98485
has been made. If the connection charges are to be paid in 98486
installments, the board shall certify to the county auditor 98487
information sufficient to identify each parcel of property served 98488
by a connection and, with respect to each parcel, the total of the 98489
charges to be paid in installments, the amount of each 98490

installment, and the total number of installments to be paid. The 98491
auditor shall record and maintain the information supplied in the 98492
sewer improvement record provided for in section 6117.33 of the 98493
Revised Code until the connection charges are paid in full. The 98494
board may include amounts attributable to connection charges being 98495
paid in installments in its billings of rates and charges for the 98496
use of sanitary facilities. 98497

(C) When any of the sanitary rates or charges are not paid 98498
when due, the board may do any or all of the following as it 98499
considers appropriate: 98500

(1) Certify the unpaid rates or charges, together with any 98501
penalties, to the county auditor, who shall place them upon the 98502
real property tax list and duplicate against the property served 98503
by the connection. The certified amount shall be a lien on the 98504
property from the date placed on the real property tax list and 98505
duplicate and shall be collected in the same manner as taxes, 98506
except that, notwithstanding section 323.15 of the Revised Code, a 98507
county treasurer shall accept a payment in that amount when 98508
separately tendered as payment for the full amount of the unpaid 98509
sanitary rates or charges and associated penalties. The lien shall 98510
be released immediately upon payment in full of the certified 98511
amount. 98512

(2) Collect the unpaid rates or charges, together with any 98513
penalties, by actions at law in the name of the county from an 98514
owner, tenant, or other person or public agency that is liable for 98515
the payment of the rates or charges; 98516

(3) Terminate, in accordance with established rules, the 98517
sanitary service to the particular property and, if so determined, 98518
any county water service to that property, unless and until the 98519
unpaid sanitary rates or charges, together with any penalties, are 98520
paid in full; 98521

(4) Apply, to the extent required, any security deposit made 98522
in accordance with established rules to the payment of sanitary 98523
rates and charges for service to the particular property. 98524

All moneys collected as sanitary rates, charges, or penalties 98525
fixed or established in accordance with divisions (A) and (B) of 98526
this section for any sewer district shall be paid to the county 98527
treasurer and kept in a separate and distinct sanitary fund 98528
established by the board to the credit of the district. Except as 98529
otherwise provided in any proceedings authorizing or providing for 98530
the security for and payment of any public obligations, or in any 98531
indenture or trust or other agreement securing public obligations, 98532
moneys in the sanitary fund shall be applied first to the payment 98533
of the cost of the management, maintenance, and operation of the 98534
sanitary facilities of, or used or operated for, the district, 98535
which cost may include the county's share of management, 98536
maintenance, and operation costs under cooperative contracts for 98537
the acquisition, construction, or use of sanitary facilities and, 98538
in accordance with a cost allocation plan adopted under division 98539
(E) of this section, payment of all allowable direct and indirect 98540
costs of the district, the county sanitary engineer or sanitary 98541
engineering department, or a federal or state grant program, 98542
incurred for sanitary purposes under this chapter, and shall be 98543
applied second to the payment of debt charges payable on any 98544
outstanding public obligations issued or incurred for the 98545
acquisition or construction of sanitary facilities for or serving 98546
the district, or for the funding of a bond retirement or other 98547
fund established for the payment of or security for the 98548
obligations. Any surplus remaining may be applied to the 98549
acquisition or construction of those facilities or for the payment 98550
of contributions to be made, or costs incurred, for the 98551
acquisition or construction of those facilities under cooperative 98552
contracts. Moneys in the sanitary fund shall not be expended other 98553
than for the use and benefit of the district. 98554

(D) The board may fix reasonable rates and charges, including 98555
connection charges and penalties for late payments, to be paid by 98556
any person or public agency owning or having possession or control 98557
of any properties that are connected with, capable of being served 98558
by, or otherwise served directly or indirectly by, drainage 98559
facilities owned or operated by or under the jurisdiction of the 98560
county, including, but not limited to, properties requiring, or 98561
lying within an area of the district requiring, in the judgment of 98562
the board, the collection, control, or abatement of waters 98563
originating or accumulating in, or flowing in, into, or through, 98564
the district, and may change those rates and charges from time to 98565
time as it considers advisable. In addition, the board may fix the 98566
rates and charges in order to pay the costs of complying with the 98567
requirements of phase II of the storm water program of the 98568
national pollutant discharge elimination system established in 40 98569
C.F.R. part 122. 98570

The rates and charges shall be payable periodically as 98571
determined by the board, except that any connection charges shall 98572
be paid in full in one payment, or, if determined by the board to 98573
be equitable in a resolution relating to the payment of those 98574
charges, provision considered adequate by the board shall be made 98575
for their payment in installments at the times, in the amounts, 98576
and with the security, carrying charges, and penalties as may be 98577
found by the board in that resolution to be fair and appropriate. 98578
The board may include amounts attributable to connection charges 98579
being paid in installments in its billings of rates and charges 98580
for the services provided by the drainage facilities. In the case 98581
of rates and charges that are fixed in order to pay the costs of 98582
complying with the requirements of phase II of the storm water 98583
program of the national pollutant discharge elimination system 98584
established in 40 C.F.R. part 122, the rates and charges may be 98585
paid annually or semiannually with real property taxes, provided 98586
that the board certifies to the county auditor information that is 98587

sufficient for the auditor to identify each parcel of property for 98588
which a rate or charge is levied and the amount of the rate or 98589
charge. 98590

When any of the drainage rates or charges are not paid when 98591
due, the board may do any or all of the following as it considers 98592
appropriate: 98593

(1) Certify the unpaid rates or charges, together with any 98594
penalties, to the county auditor, who shall place them upon the 98595
real property tax list and duplicate against the property to which 98596
the rates or charges apply. The certified amount shall be a lien 98597
on the property from the date placed on the real property tax list 98598
and duplicate and shall be collected in the same manner as taxes, 98599
except that notwithstanding section 323.15 of the Revised Code, a 98600
county treasurer shall accept a payment in that amount when 98601
separately tendered as payment for the full amount of the unpaid 98602
drainage rates or charges and associated penalties. The lien shall 98603
be released immediately upon payment in full of the certified 98604
amount. 98605

(2) Collect the unpaid rates or charges, together with any 98606
penalties, by actions at law in the name of the county from an 98607
owner, tenant, or other person or public agency that is liable for 98608
the payment of the rates or charges; 98609

(3) Terminate, in accordance with established rules, the 98610
drainage service for the particular property until the unpaid 98611
rates or charges, together with any penalties, are paid in full; 98612

(4) Apply, to the extent required, any security deposit made 98613
in accordance with established rules to the payment of drainage 98614
rates and charges applicable to the particular property. 98615

All moneys collected as drainage rates, charges, or penalties 98616
in or for any sewer district shall be paid to the county treasurer 98617
and kept in a separate and distinct drainage fund established by 98618

the board to the credit of the district. Except as otherwise 98619
provided in any proceedings authorizing or providing for the 98620
security for and payment of any public obligations, or in any 98621
indenture or trust or other agreement securing public obligations, 98622
moneys in the drainage fund shall be applied first to the payment 98623
of the cost of the management, maintenance, and operation of the 98624
drainage facilities of, or used or operated for, the district, 98625
which cost may include the county's share of management, 98626
maintenance, and operation costs under cooperative contracts for 98627
the acquisition, construction, or use of drainage facilities and, 98628
in accordance with a cost allocation plan adopted under division 98629
(E) of this section, payment of all allowable direct and indirect 98630
costs of the district, the county sanitary engineer or sanitary 98631
engineering department, or a federal or state grant program, 98632
incurred for drainage purposes under this chapter, and shall be 98633
applied second to the payment of debt charges payable on any 98634
outstanding public obligations issued or incurred for the 98635
acquisition or construction of drainage facilities for or serving 98636
the district, or for the funding of a bond retirement or other 98637
fund established for the payment of or security for the 98638
obligations. Any surplus remaining may be applied to the 98639
acquisition or construction of those facilities or for the payment 98640
of contributions to be made, or costs incurred, for the 98641
acquisition or construction of those facilities under cooperative 98642
contracts. Moneys in the drainage fund shall not be expended other 98643
than for the use and benefit of the district. 98644

(E) A board of county commissioners may adopt a cost 98645
allocation plan that identifies, accumulates, and distributes 98646
allowable direct and indirect costs that may be paid from each of 98647
the funds of the district created pursuant to divisions (C) and 98648
(D) of this section, and that prescribes methods for allocating 98649
those costs. The plan shall authorize payment from each of those 98650
funds of only those costs incurred by the district, the county 98651

sanitary engineer or sanitary engineering department, or a federal 98652
or state grant program, and those costs incurred by the general 98653
and other funds of the county for a common or joint purpose, that 98654
are necessary and reasonable for the proper and efficient 98655
administration of the district under this chapter and properly 98656
attributable to the particular fund of the district. The plan 98657
shall not authorize payment from either of the funds of any 98658
general government expense required to carry out the overall 98659
governmental responsibilities of a county. The plan shall conform 98660
to United States office of management and budget Circular A-87, 98661
"Cost Principles for State, Local, and Indian Tribal Governments," 98662
published May 17, 1995. 98663

(F) A board of county commissioners may establish discounted 98664
rates or charges or may establish another mechanism for providing 98665
a reduction in rates or charges for persons who are sixty-five 98666
years of age or older. The board shall establish eligibility 98667
requirements for such discounted or reduced rates or charges, 98668
including a requirement that a person be eligible for the 98669
homestead exemption or qualify as a low- and moderate-income 98670
person. 98671

Sec. 6119.011. As used in ~~Chapter 6119. of the Revised Code~~ 98672
this chapter: 98673

(A) "Court of common pleas" or "court" means, unless the 98674
context indicates a different meaning or intent, the court of 98675
common pleas in which the petition for the organization of a 98676
regional water and sewer district is filed. 98677

(B) "Political subdivision" includes departments, divisions, 98678
authorities, or other units of state governments, watershed 98679
districts, soil and water conservation districts, park districts, 98680
municipal corporations, counties, townships, and other political 98681
subdivisions, special water districts, including county and 98682

regional water and sewer districts, conservancy districts, 98683
sanitary districts, sewer districts or any other public 98684
corporation or agency having the authority to acquire, construct, 98685
or operate waste water or water management facilities, and all 98686
other governmental agencies now or hereafter granted the power of 98687
levying taxes or special assessments, the United States or any 98688
agency thereof, and any agency, commission, or authority 98689
established pursuant to an interstate compact or agreement. 98690

(C) "Person" means any natural person, firm, partnership, 98691
association, or corporation other than a political subdivision. 98692

(D) "Beneficial use" means a use of water, including the 98693
method of diversion, storage, transportation, treatment, and 98694
application, that is reasonable and consistent with the public 98695
interest in the proper utilization of water resources, including, 98696
but not limited to, domestic, agricultural, industrial, power, 98697
municipal, navigational, fish and wildlife, and recreational uses. 98698

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 98699
ponds, marshes, watercourses, waterways, wells, springs, 98700
irrigation systems, drainage systems, and all other bodies or 98701
accumulations of water, surface and underground, natural or 98702
artificial, ~~which~~ that are situated wholly or partly within, or 98703
border upon, this state, or are within its jurisdiction, except 98704
those private waters ~~which~~ that do not combine or effect a 98705
junction with natural surface or underground waters. 98706

(F) "Water resources" means all waters of the state occurring 98707
on the surface in natural or artificial channels, lakes, 98708
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 98709
that are available or may be made available to agricultural, 98710
commercial, recreational, public, and domestic users. 98711

(G) "Project" or "water resource project" means any waste 98712
water facility or water management facility acquired, constructed, 98713

or operated by or leased to a regional water and sewer district or 98714
to be acquired, constructed, or operated by or leased to a 98715
regional water and sewer district under ~~Chapter 6119. of the~~ 98716
~~Revised Code~~ this chapter, or acquired or constructed or to be 98717
acquired or constructed by a political subdivision with a portion 98718
of the cost thereof being paid from a loan or grant from the 98719
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 98720
including all buildings and facilities ~~which~~ that the district 98721
considers necessary for the operation of the project, together 98722
with all property, rights, easements, and interest ~~which~~ that may 98723
be required for the operation of the project. Any water resource 98724
project shall be determined by the board of trustees of the 98725
district to be consistent with any applicable comprehensive plan 98726
of water management approved by the director of natural resources 98727
~~of the state~~ or in the process of preparation by ~~such~~ the director 98728
and to be not inconsistent with the standards set for the waters 98729
of the state affected thereby by the ~~water pollution control board~~ 98730
~~of the state~~ environmental protection agency. Any resolution of 98731
the board of trustees of the district providing for acquiring, 98732
operating, leasing, or constructing such projects or for making a 98733
loan or grant for such projects shall include a finding by the 98734
board of trustees of the district that ~~such~~ those determinations 98735
have been made. 98736

(H) "Pollution" means the placing of any noxious or 98737
deleterious substances in any waters of the state or affecting the 98738
properties of any waters of the state in a manner ~~which~~ that 98739
renders ~~such~~ those waters harmful or inimical to the public 98740
health, or to animal or aquatic life, or to the use of ~~such~~ the 98741
waters for domestic water supply, industrial or agricultural 98742
purposes, or recreation. 98743

(I) "Sewage" means any substance that contains any of the 98744
waste products or excrementitious or other discharge from the 98745

bodies of human beings or animals, ~~which~~ that pollutes the waters 98746
of the state. 98747

(J) "Industrial waste" means any liquid, gaseous, or solid 98748
waste substance resulting from any process of industry, 98749
manufacture, trade, or business, or from the development, 98750
processing, or recovery of any natural resource, together with 98751
such sewage as is present, ~~which~~ that pollutes the waters of the 98752
state. 98753

(K) "Waste water" means any storm water and any water 98754
containing sewage or industrial waste or other pollutants or 98755
contaminants derived from the prior use of ~~such~~ the water. 98756

(L) "Waste water facilities" means facilities for the purpose 98757
of treating, neutralizing, disposing of, stabilizing, cooling, 98758
segregating, or holding waste water, including, without limiting 98759
the generality of the foregoing, facilities for the treatment and 98760
disposal of sewage or industrial waste and the residue thereof, 98761
facilities for the temporary or permanent impoundment of waste 98762
water, both surface and underground, and storm and sanitary sewers 98763
and other systems, whether on the surface or underground, designed 98764
to transport waste water, together with the equipment and 98765
furnishings thereof and their appurtenances and systems, whether 98766
on the surface or underground, including force mains and pumping 98767
facilities therefor when necessary. 98768

(M) "Water management facilities" means facilities for the 98769
purpose of the development, use, and protection of water 98770
resources, including, without limiting the generality of the 98771
foregoing, facilities for water supply, facilities for stream flow 98772
improvement, dams, reservoirs, and other impoundments, water 98773
transmission lines, water wells and well fields, pumping stations 98774
and works for underground water recharge, stream monitoring 98775
systems, facilities for the stabilization of stream and river 98776
banks, and facilities for the treatment of streams and rivers, 98777

including, without limiting the generality of the foregoing, 98778
facilities for the removal of oil, debris, and other solid waste 98779
from the waters of the state and stream and river aeration 98780
facilities. 98781

(N) "Cost" as applied to water resource projects means the 98782
cost of acquisition and construction, the cost of acquisition of 98783
all land, rights-of-way, property rights, easements, franchise 98784
rights, and interests required by the district for such 98785
acquisition and construction, the cost of demolishing or removing 98786
any buildings or structures on land so acquired, including the 98787
cost of acquiring any lands to which such buildings or structures 98788
may be moved, the cost of acquiring or constructing and equipping 98789
a principal office and sub-offices of the district, the cost of 98790
diverting highways, interchange of highways, and access roads to 98791
private property, including the cost of land or easements 98792
therefor, the cost of all machinery, furnishings, and equipment, 98793
financing charges, interest prior to and during construction and 98794
for no more than eighteen months after completion of ~~acquisition~~ 98795
acquisition or construction, engineering, expenses of research and 98796
development with respect to waste water or water management 98797
facilities, legal expenses, plans, specifications, surveys, 98798
estimates of cost and revenues, working capital, other expenses 98799
necessary or incident to determining the feasibility or 98800
practicability of acquiring or constructing any such project, 98801
administrative expense, and such other expense as may be necessary 98802
or incident to the acquisition or construction of the project, the 98803
financing of ~~such~~ the acquisition or construction, including the 98804
amount authorized in the resolution of the district providing for 98805
the issuance of water resource revenue bonds to be paid into any 98806
special funds from the proceeds of ~~such~~ those bonds and the 98807
financing of the placing of any such project in operation. Any 98808
obligation or expense incurred by any political subdivision, and 98809
approved by the district, for surveys, borings, preparation of 98810

plans and specifications, and other engineering services in 98811
connection with the acquisition or construction of a project shall 98812
be regarded as a part of the cost of ~~such the~~ project and may be 98813
reimbursed by the district. 98814

(O) "Owner" includes all individuals, partnerships, 98815
associations, corporations, or political subdivisions having any 98816
title or interest in any property rights, easements, and interests 98817
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 98818
this chapter. 98819

(P) "Revenues" means all rentals and other charges received 98820
by a district for the use or services of any project, all special 98821
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 98822
~~the Revised Code~~ this chapter, any gift or grant received with 98823
respect thereto, and moneys received in repayment of and for 98824
interest on any loan made by the district to a political 98825
subdivision, whether from the United States or a department, 98826
administration, or agency thereof, or otherwise. 98827

(Q) "Public roads" includes all public highways, roads, and 98828
streets in the state, whether maintained by the state, county, 98829
city, township, or other political subdivision. 98830

(R) "Public utility facilities" includes tracks, pipes, 98831
mains, conduits, cables, wires, towers, poles, and other equipment 98832
and appliances of any public utility. 98833

(S) "Construction," unless the context indicates a different 98834
meaning or intent, includes reconstruction, enlargement, 98835
improvement, or providing furnishings or equipment. 98836

(T) "Water resources bonds," unless the context indicates a 98837
different meaning or intent, includes water resource notes and 98838
water resource refunding bonds. 98839

(U) "Regional water and sewer district" means a district 98840
organized or operating for one or both of the purposes described 98841

in section 6119.01 of the Revised Code and, if organized or 98842
operating for only one of ~~such~~ those purposes, may be designated 98843
either a regional water district or a regional sewer district, as 98844
the case may be. 98845

(V) "Homestead exemption" means the reduction of taxes 98846
allowed under division (A) of section 323.152 of the Revised Code. 98847

(W) "Low- and moderate-income person" has the same meaning as 98848
in section 175.01 of the Revised Code. 98849

Sec. 6119.091. When fixing rentals or other charges under 98850
section 6119.09 of the Revised Code, a board of trustees of a 98851
regional water and sewer district may establish discounted rentals 98852
or charges or may establish another mechanism for providing a 98853
reduction in rentals or charges for persons who are sixty-five 98854
years of age or older. The board shall establish eligibility 98855
requirements for such discounted or reduced rentals or charges, 98856
including a requirement that a person be eligible for the 98857
homestead exemption or qualify as a low- and moderate-income 98858
person. 98859

Section 101.02. That existing sections 9.06, 9.314, 107.21, 98860
109.572, 118.05, 120.08, 120.52, 120.53, 121.04, 121.08, 121.083, 98861
121.084, 121.31, 121.40, 121.401, 121.402, 122.05, 122.051, 98862
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6109.21, 6111.044, 6117.01, 6117.02, and 6119.011 of the Revised 99009
Code are hereby repealed. 99010

That existing Section 269.60.60 of Am. Sub. H.B. 119 of the 127th General Assembly is hereby repealed. 99016
99017

That existing Section 6 of H.B. 364 of the 124th General Assembly is hereby repealed. 99018
99019

Section 105.01. Sections 173.71, 173.72, 173.721, 173.722, 99020
173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 99021
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3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 5111.083, 99036
5111.178. 5145.32, and 5923.141 of the Revised Code are hereby 99037
repealed. 99038

Section 110.10. That the version of section 2949.111 of the 99039
Revised Code that is scheduled to take effect January 1, 2010, be 99040
amended to read as follows: 99041

Sec. 2949.111. (A) As used in this section: 99042

(1) "Court costs" means any assessment that the court 99043
requires an offender to pay to defray the costs of operating the 99044
court. 99045

(2) "State fines or costs" means any costs imposed or 99046
forfeited bail collected by the court under section 2743.70 of the 99047
Revised Code for deposit into the reparations fund or under 99048
section 2949.091 of the Revised Code for deposit into the ~~general~~ 99049
revenue indigent defense support fund established under section 99050
120.08 of the Revised Code and all fines, penalties, and forfeited 99051
bail collected by the court and paid to a law library association 99052
under section 307.515 of the Revised Code. 99053

(3) "Reimbursement" means any reimbursement for the costs of 99054
confinement that the court orders an offender to pay pursuant to 99055
section 2929.28 of the Revised Code, any supervision fee, any fee 99056
for the costs of house arrest with electronic monitoring that an 99057
offender agrees to pay, any reimbursement for the costs of an 99058
investigation or prosecution that the court orders an offender to 99059
pay pursuant to section 2929.71 of the Revised Code, or any other 99060

costs that the court orders an offender to pay. 99061

(4) "Supervision fees" means any fees that a court, pursuant 99062
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 99063
requires an offender who is under a community control sanction to 99064
pay for supervision services. 99065

(5) "Community control sanction" has the same meaning as in 99066
section 2929.01 of the Revised Code. 99067

(B) Unless the court, in accordance with division (C) of this 99068
section, enters in the record of the case a different method of 99069
assigning payments, if a person who is charged with a misdemeanor 99070
is convicted of or pleads guilty to the offense, if the court 99071
orders the offender to pay any combination of court costs, state 99072
fines or costs, restitution, a conventional fine, or any 99073
reimbursement, and if the offender makes any payment of any of 99074
them to a clerk of court, the clerk shall assign the offender's 99075
payment in the following manner: 99076

(1) If the court ordered the offender to pay any court costs, 99077
the offender's payment shall be assigned toward the satisfaction 99078
of those court costs until they have been entirely paid. 99079

(2) If the court ordered the offender to pay any state fines 99080
or costs and if all of the court costs that the court ordered the 99081
offender to pay have been paid, the remainder of the offender's 99082
payment shall be assigned on a pro rata basis toward the 99083
satisfaction of the state fines or costs until they have been 99084
entirely paid. 99085

(3) If the court ordered the offender to pay any restitution 99086
and if all of the court costs and state fines or costs that the 99087
court ordered the offender to pay have been paid, the remainder of 99088
the offender's payment shall be assigned toward the satisfaction 99089
of the restitution until it has been entirely paid. 99090

(4) If the court ordered the offender to pay any fine and if 99091

all of the court costs, state fines or costs, and restitution that 99092
the court ordered the offender to pay have been paid, the 99093
remainder of the offender's payment shall be assigned toward the 99094
satisfaction of the fine until it has been entirely paid. 99095

(5) If the court ordered the offender to pay any 99096
reimbursement and if all of the court costs, state fines or costs, 99097
restitution, and fines that the court ordered the offender to pay 99098
have been paid, the remainder of the offender's payment shall be 99099
assigned toward the satisfaction of the reimbursements until they 99100
have been entirely paid. 99101

(C) If a person who is charged with a misdemeanor is 99102
convicted of or pleads guilty to the offense and if the court 99103
orders the offender to pay any combination of court costs, state 99104
fines or costs, restitution, fines, or reimbursements, the court, 99105
at the time it orders the offender to make those payments, may 99106
prescribe an order of payments that differs from the order set 99107
forth in division (B) of this section by entering in the record of 99108
the case the order so prescribed. If a different order is entered 99109
in the record, on receipt of any payment, the clerk of the court 99110
shall assign the payment in the manner prescribed by the court. 99111

Section 110.11. That the existing version of section 2949.111 99112
of the Revised Code that is scheduled to take effect January 1, 99113
2010, is hereby repealed. 99114

Section 110.12. Sections 110.10 and 110.11 of this act take 99115
effect January 1, 2010. 99116

Section 110.20. That the version of section 5739.033 of the 99117
Revised Code that is scheduled to take effect January 1, 2010, be 99118
amended to read as follows: 99119

Sec. 5739.033. (A) The amount of tax due pursuant to sections 99120

5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 99121
the sum of the taxes imposed pursuant to those sections at the 99122
sourcing location of the sale as determined under this section or, 99123
if applicable, under division (C) of section 5739.031 or section 99124
5739.034 of the Revised Code. This section applies only to a 99125
vendor's or seller's obligation to collect and remit sales taxes 99126
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 99127
Revised Code or use taxes under section 5741.02, 5741.021, 99128
5741.022, or 5741.023 of the Revised Code. Division (A) of this 99129
section does not apply in determining the jurisdiction for which 99130
sellers are required to collect the use tax under section 5741.05 99131
of the Revised Code. This section does not affect the obligation 99132
of a consumer to remit use taxes on the storage, use, or other 99133
consumption of tangible personal property or on the benefit 99134
realized of any service provided, to the jurisdiction of that 99135
storage, use, or consumption, or benefit realized. 99136

(B)(1) Beginning January 1, 2010, retail sales, excluding the 99137
lease or rental, of tangible personal property or digital goods 99138
shall be sourced to the location where the vendor receives an 99139
order for the sale of such property or goods if: 99140

(a) The vendor receives the order in this state and the 99141
consumer receives the property or goods in this state; 99142

(b) The location where the consumer receives the property or 99143
goods is determined under division (C)(2), (3), or (4) of this 99144
section; and 99145

(c) The record-keeping system used by the vendor to calculate 99146
the tax imposed captures the location where the order is received 99147
at the time the order is received. 99148

(2) A consumer has no additional liability to this state 99149
under this chapter or Chapter 5741. of the Revised Code for tax, 99150
penalty, or interest on a sale for which the consumer remits tax 99151

to the vendor in the amount invoiced by the vendor if the invoice 99152
amount is calculated at either the rate applicable to the location 99153
where the consumer receives the property or digital good or at the 99154
rate applicable to the location where the order is received by the 99155
vendor. A consumer may rely on a written representation by the 99156
vendor as to the location where the order for the sale was 99157
received by the vendor. If the consumer does not have a written 99158
representation by the vendor as to the location where the order 99159
was received by the vendor, the consumer may use a location 99160
indicated by a business address for the vendor that is available 99161
from records that are maintained in the ordinary course of the 99162
consumer's business to determine the rate applicable to the 99163
location where the order was received. 99164

(3) For the purposes of division (B) of this section, the 99165
location where an order is received by or on behalf of a vendor 99166
means the physical location of the vendor or a third party such as 99167
an established outlet, office location, or automated order receipt 99168
system operated by or on behalf of the vendor, where an order is 99169
initially received by or on behalf of the vendor, and not where 99170
the order may be subsequently accepted, completed, or fulfilled. 99171
An order is received when all necessary information to determine 99172
whether the order can be accepted has been received by or on 99173
behalf of the vendor. The location from which the property or 99174
digital good is shipped shall not be used to determine the 99175
location where the order is received by the vendor. 99176

(4) For the purposes of division (B) of this section, if 99177
services subject to taxation under this chapter or Chapter 5741. 99178
of the Revised Code are sold with tangible personal property or 99179
digital goods pursuant to a single contract or in the same 99180
transaction, the services are billed on the same billing statement 99181
or invoice, and, because of the application of division (B) of 99182
this section, the transaction would be sourced to more than one 99183

jurisdiction, the situs of the transaction shall be the location 99184
where the order is received by or on behalf of the vendor. 99185

(C) Except for sales, other than leases, of titled motor 99186
vehicles, titled watercraft, or titled outboard motors as provided 99187
in section 5741.05 of the Revised Code, or as otherwise provided 99188
in this section and section 5739.034 of the Revised Code, all 99189
sales shall be sourced as follows: 99190

(1) If the consumer or a donee designated by the consumer 99191
receives tangible personal property or a service at a vendor's 99192
place of business, the sale shall be sourced to that place of 99193
business. 99194

(2) When the tangible personal property or service is not 99195
received at a vendor's place of business, the sale shall be 99196
sourced to the location known to the vendor where the consumer or 99197
the donee designated by the consumer receives the tangible 99198
personal property or service, including the location indicated by 99199
instructions for delivery to the consumer or the consumer's donee. 99200

(3) If divisions (C)(1) and (2) of this section do not apply, 99201
the sale shall be sourced to the location indicated by an address 99202
for the consumer that is available from the vendor's business 99203
records that are maintained in the ordinary course of the vendor's 99204
business, when use of that address does not constitute bad faith. 99205
99206

(4) If divisions (C)(1), (2), and (3) of this section do not 99207
apply, the sale shall be sourced to the location indicated by an 99208
address for the consumer obtained during the consummation of the 99209
sale, including the address associated with the consumer's payment 99210
instrument, if no other address is available, when use of that 99211
address does not constitute bad faith. 99212

(5) If divisions (C)(1), (2), (3), and (4) of this section do 99213
not apply, including in the circumstance where the vendor is 99214

without sufficient information to apply any of those divisions, 99215
the sale shall be sourced to the address from which tangible 99216
personal property was shipped, or from which the service was 99217
provided, disregarding any location that merely provided the 99218
electronic transfer of the property sold or service provided. 99219

(6) As used in division (C) of this section, "receive" means 99220
taking possession of tangible personal property or making first 99221
use of a service. "Receive" does not include possession by a 99222
shipping company on behalf of a consumer. 99223

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 99224
section, a business consumer that is not a holder of a direct 99225
payment permit granted under section 5739.031 of the Revised Code, 99226
that purchases a digital good, computer software, except computer 99227
software received in person by a business consumer at a vendor's 99228
place of business, or a service, and that knows at the time of 99229
purchase that such digital good, software, or service will be 99230
concurrently available for use in more than one taxing 99231
jurisdiction shall deliver to the vendor in conjunction with its 99232
purchase an exemption certificate claiming multiple points of use, 99233
or shall meet the requirements of division (D)(2) of this section. 99234
On receipt of the exemption certificate claiming multiple points 99235
of use, the vendor is relieved of its obligation to collect, pay, 99236
or remit the tax due, and the business consumer must pay the tax 99237
directly to the state. 99238

(b) A business consumer that delivers the exemption 99239
certificate claiming multiple points of use to a vendor may use 99240
any reasonable, consistent, and uniform method of apportioning the 99241
tax due on the digital good, computer software, or service that is 99242
supported by the consumer's business records as they existed at 99243
the time of the sale. The business consumer shall report and pay 99244
the appropriate tax to each jurisdiction where concurrent use 99245
occurs. The tax due shall be calculated as if the apportioned 99246

amount of the digital good, computer software, or service had been 99247
delivered to each jurisdiction to which the sale is apportioned 99248
under this division. 99249

(c) The exemption certificate claiming multiple points of use 99250
shall remain in effect for all future sales by the vendor to the 99251
business consumer until it is revoked in writing by the business 99252
consumer, except as to the business consumer's specific 99253
apportionment of a subsequent sale under division (D)(1)(b) of 99254
this section and the facts existing at the time of the sale. 99255

(2) When the vendor knows that a digital good, computer 99256
software, or service sold will be concurrently available for use 99257
by the business consumer in more than one jurisdiction, but the 99258
business consumer does not provide an exemption certificate 99259
claiming multiple points of use as required by division (D)(1) of 99260
this section, the vendor may work with the business consumer to 99261
produce the correct apportionment. Governed by the principles of 99262
division (D)(1)(b) of this section, the vendor and business 99263
consumer may use any reasonable, but consistent and uniform, 99264
method of apportionment that is supported by the vendor's and 99265
business consumer's books and records as they exist at the time 99266
the sale is reported for purposes of the taxes levied under this 99267
chapter. If the business consumer certifies to the accuracy of the 99268
apportionment and the vendor accepts the certification, the vendor 99269
shall collect and remit the tax accordingly. In the absence of bad 99270
faith, the vendor is relieved of any further obligation to collect 99271
tax on any transaction where the vendor has collected tax pursuant 99272
to the information certified by the business consumer. 99273

(3) When the vendor knows that the digital good, computer 99274
software, or service will be concurrently available for use in 99275
more than one jurisdiction, and the business consumer does not 99276
have a direct pay permit and does not provide to the vendor an 99277
exemption certificate claiming multiple points of use as required 99278

in division (D)(1) of this section, or certification pursuant to 99279
division (D)(2) of this section, the vendor shall collect and 99280
remit the tax based on division (C) of this section. 99281

(4) Nothing in this section shall limit a person's obligation 99282
for sales or use tax to any state in which a digital good, 99283
computer software, or service is concurrently available for use, 99284
nor limit a person's ability under local, state, or federal law, 99285
to claim a credit for sales or use taxes legally due and paid to 99286
other jurisdictions. 99287

(E) A person who holds a direct payment permit issued under 99288
section 5739.031 of the Revised Code is not required to deliver an 99289
exemption certificate claiming multiple points of use to a vendor. 99290
But such permit holder shall comply with division (D)(2) of this 99291
section in apportioning the tax due on a digital good, computer 99292
software, or a service for use in business that will be 99293
concurrently available for use in more than one taxing 99294
jurisdiction. 99295

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 99296
section, the consumer of direct mail that is not a holder of a 99297
direct payment permit shall provide to the vendor in conjunction 99298
with the sale either an exemption certificate claiming direct mail 99299
prescribed by the tax commissioner, or information to show the 99300
jurisdictions to which the direct mail is delivered to recipients. 99301

(2) Upon receipt of such exemption certificate, the vendor is 99302
relieved of all obligations to collect, pay, or remit the 99303
applicable tax and the consumer is obligated to pay that tax on a 99304
direct pay basis. An exemption certificate claiming direct mail 99305
shall remain in effect for all future sales of direct mail by the 99306
vendor to the consumer until it is revoked in writing. 99307

(3) Upon receipt of information from the consumer showing the 99308
jurisdictions to which the direct mail is delivered to recipients, 99309

the vendor shall collect the tax according to the delivery 99310
information provided by the consumer. In the absence of bad faith, 99311
the vendor is relieved of any further obligation to collect tax on 99312
any transaction where the vendor has collected tax pursuant to the 99313
delivery information provided by the consumer. 99314

(4) If the consumer of direct mail does not have a direct 99315
payment permit and does not provide the vendor with either an 99316
exemption certificate claiming direct mail or delivery information 99317
as required by division (F)(1) of this section, the vendor shall 99318
collect the tax according to division (C)(5) of this section. 99319
Nothing in division (F)(4) of this section shall limit a 99320
consumer's obligation to pay sales or use tax to any state to 99321
which the direct mail is delivered. 99322

(5) If a consumer of direct mail provides the vendor with 99323
documentation of direct payment authority, the consumer shall not 99324
be required to provide an exemption certificate claiming direct 99325
mail or delivery information to the vendor. 99326

(G) If the vendor provides lodging to transient guests as 99327
specified in division (B)(2) of section 5739.01 of the Revised 99328
Code, the sale shall be sourced to the location where the lodging 99329
is located. 99330

(H)(1) As used in this division and division (I) of this 99331
section, "transportation equipment" means any of the following: 99332

(a) Locomotives and railcars that are utilized for the 99333
carriage of persons or property in interstate commerce. 99334

(b) Trucks and truck-tractors with a gross vehicle weight 99335
rating of greater than ten thousand pounds, trailers, 99336
semi-trailers, or passenger buses that are registered through the 99337
international registration plan and are operated under authority 99338
of a carrier authorized and certificated by the United States 99339
department of transportation or another federal authority to 99340

engage in the carriage of persons or property in interstate 99341
commerce. 99342

(c) Aircraft that are operated by air carriers authorized and 99343
certificated by the United States department of transportation or 99344
another federal authority to engage in the carriage of persons or 99345
property in interstate or foreign commerce. 99346

(d) Containers designed for use on and component parts 99347
attached to or secured on the items set forth in division 99348
(H)(1)(a), (b), or (c) of this section. 99349

(2) A sale, lease, or rental of transportation equipment 99350
shall be sourced pursuant to division (C) of this section. 99351

(I)(1) A lease or rental of tangible personal property that 99352
does not require recurring periodic payments shall be sourced 99353
pursuant to division (C) of this section. 99354

(2) A lease or rental of tangible personal property that 99355
requires recurring periodic payments shall be sourced as follows: 99356

(a) In the case of a motor vehicle, other than a motor 99357
vehicle that is transportation equipment, or an aircraft, other 99358
than an aircraft that is transportation equipment, such lease or 99359
rental shall be sourced as follows: 99360

(i) An accelerated tax payment on a lease or rental taxed 99361
pursuant to division (A)(2) of section 5739.02 of the Revised Code 99362
shall be sourced to the primary property location at the time the 99363
lease or rental is consummated. Any subsequent taxable charges on 99364
the lease or rental shall be sourced to the primary property 99365
location for the period in which the charges are incurred. 99366

(ii) For a lease or rental taxed pursuant to division (A)(3) 99367
of section 5739.02 of the Revised Code, each lease or rental 99368
installment shall be sourced to the primary property location for 99369
the period covered by the installment. 99370

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental that is taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) If the vendor provides a service specified in division (B)(11) of section 5739.01 of the Revised Code, the situs of the sale is the location of the enrollee for whom a medicaid health insurance corporation receives managed care premiums. Such sales shall be sourced to the locations of the enrollees in the same proportion as the managed care premiums received by the medicaid health insuring corporation on behalf of enrollees located in a particular taxing jurisdiction in Ohio as compared to all managed care premiums received by the medicaid health insuring corporation.

Section 110.21. That the existing version of section 5739.033 of the Revised Code that is scheduled to take effect January 1, 2010, is hereby repealed.

Section 110.22. Sections 110.20 and 110.21 of this act take effect January 1, 2010.

Section 125.10. Sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the Revised Code are hereby repealed, effective October 1, 2011.

Section 201.01. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2010 and the amounts in the second column are for fiscal year 2011.

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

General Services Fund Group					
4J80 889601 CPA Education	\$	325,000	\$	325,000	
Assistance					
4K90 889609 Operating Expenses	\$	1,117,000	\$	1,117,000	
TOTAL GSF General Services Fund Group	\$	1,442,000	\$	1,442,000	
TOTAL ALL BUDGET FUND GROUPS	\$	1,442,000	\$	1,442,000	

Section 205.10. ADJ ADJUTANT GENERAL

General Revenue Fund					
GRF 745401 Ohio Military Reserve	\$	13,675	\$	13,675	
GRF 745404 Air National Guard	\$	2,010,606	\$	2,010,606	

GRF	745407	National Guard	\$	500,000	\$	500,000	99429
		Benefits					
GRF	745409	Central	\$	3,105,784	\$	3,105,784	99430
		Administration					
GRF	745499	Army National Guard	\$	6,008,551	\$	6,008,551	99431
TOTAL GRF		General Revenue Fund	\$	11,638,616	\$	11,638,616	99432
		General Services Fund Group					99433
5340	745612	Property	\$	1,000,000	\$	1,000,000	99434
		Operations/Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	99435
		Activities					
5360	745620	Camp Perry/Buckeye	\$	1,502,970	\$	1,502,970	99436
		Inn Operations					
5370	745604	Ohio National Guard	\$	269,826	\$	269,826	99437
		Facility Maintenance					
TOTAL GSF		General Services Fund	\$	2,901,396	\$	2,901,396	99438
		Group					
		Federal Special Revenue Fund Group					99439
3410	745615	Air National Guard	\$	2,777,692	\$	2,777,692	99440
		Base Security					
3420	745616	Army National Guard	\$	10,970,050	\$	10,970,050	99441
		Agreement					
3E80	745628	Air National Guard	\$	16,048,595	\$	16,048,595	99442
		Agreement					
3R80	745603	Counter Drug	\$	25,000	\$	25,000	99443
		Operations					
TOTAL FED		Federal Special Revenue	\$	29,821,337	\$	29,821,337	99444
		Fund Group					
		State Special Revenue Fund Group					99445
5U80	745613	Community Match	\$	320,000	\$	345,600	99446
		Armories					
TOTAL SSR		State Special Revenue	\$	320,000	\$	345,600	99447

completion of the transfer, Fund 5280 is abolished. 99477

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 99478

General Revenue Fund 99479

GRF 100403 School Employees \$ 1,128,600 \$ 1,128,600 99480

Health Care Board

GRF 100405 Agency Audit Expenses \$ 312,075 \$ 312,075 99481

GRF 100415 OAKS Rental Payments \$ 18,607,000 \$ 21,728,000 99482

GRF 100416 STARS Lease Rental \$ 4,977,600 \$ 7,638,500 99483

Payments

GRF 100417 EEO Project Tracking \$ 0 \$ 100,000 99484

Software-Federal

GRF 100418 Web Sites and Business \$ 3,843,074 \$ 3,143,076 99485

Gateway

GRF 100419 IT Security \$ 1,211,250 \$ 1,211,250 99486

Infrastructure

GRF 100421 OAKS Project \$ 202,500 \$ 202,500 99487

Implementation

GRF 100422 Croson Disparity Study \$ 500,000 \$ 500,000 99488

GRF 100433 State of Ohio Computer \$ 6,736,752 \$ 6,736,752 99489

Center

GRF 100439 Equal Opportunity \$ 712,724 \$ 712,724 99490

Certification Programs

GRF 100447 OBA - Building Rent \$ 102,635,400 \$ 97,712,600 99491

Payments

GRF 100448 OBA - Building \$ 25,603,000 \$ 25,603,000 99492

Operating Payments

GRF 100449 DAS - Building \$ 3,271,384 \$ 3,271,384 99493

Operating Payments

GRF 100451 Minority Affairs \$ 50,016 \$ 50,016 99494

GRF 100734 Major Maintenance - \$ 37,800 \$ 37,800 99495

State Buildings

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

GRF 102321	Construction	\$ 1,108,744	\$ 1,108,744	99496
	Compliance			
GRF 130321	State Agency Support	\$ 4,039,578	\$ 4,039,578	99497
	Services			
TOTAL GRF	General Revenue Fund	\$ 174,977,497	\$ 175,236,599	99498
	General Services Fund Group			99499
1120 100616	DAS Administration	\$ 5,299,427	\$ 5,299,427	99500
1150 100632	Central Service Agency	\$ 928,403	\$ 928,403	99501
1170 100644	General Services	\$ 14,384,751	\$ 14,574,622	99502
	Division - Operating			
1220 100637	Fleet Management	\$ 2,032,968	\$ 2,032,968	99503
1250 100622	Human Resources	\$ 27,162,320	\$ 27,998,410	99504
	Division - Operating			
1280 100620	Collective Bargaining	\$ 3,662,534	\$ 3,662,534	99505
1300 100606	Risk Management	\$ 5,568,548	\$ 5,568,548	99506
	Reserve			
1310 100639	State Architect's	\$ 8,292,759	\$ 8,331,498	99507
	Office			
1320 100631	DAS Building	\$ 10,166,228	\$ 10,166,228	99508
	Management			
1330 100607	IT Services Delivery	\$ 78,582,948	\$ 77,067,948	99509
1880 100649	Equal Opportunity	\$ 1,384,650	\$ 1,384,650	99510
	Division - Operating			
2100 100612	State Printing	\$ 17,224,494	\$ 17,263,080	99511
2290 100630	IT Governance	\$ 15,431,411	\$ 15,743,306	99512
2290 100640	Leveraged Enterprise	\$ 10,000,000	\$ 10,000,000	99513
	Purchases			
4270 100602	Investment Recovery	\$ 5,683,564	\$ 5,683,564	99514
4N60 100617	Major IT Purchases	\$ 8,460,134	\$ 1,950,000	99515
4P30 100603	DAS Information	\$ 4,958,218	\$ 4,958,218	99516
	Services			
5C20 100605	MARCS Administration	\$ 15,852,314	\$ 16,363,179	99517
5C30 100608	Skilled Trades	\$ 934,982	\$ 934,982	99518

5DQ0 100638	Administrative	\$	200,000	\$	200,000	99519
	Hearings					
5EB0 100635	OAKS Support	\$	16,726,421	\$	18,384,412	99520
	Organization					
5L70 100610	Professional	\$	3,900,000	\$	3,900,000	99521
	Development					
5V60 100619	Employee Educational	\$	936,129	\$	936,129	99522
	Development					
5X30 100634	Centralized Gateway	\$	3,676,956	\$	2,052,308	99523
	Enhancement					
TOTAL GSF General Services Fund						99524
Group		\$	261,450,159	\$	255,384,414	99525
TOTAL ALL BUDGET FUND GROUPS		\$	436,427,656	\$	430,621,013	99526

Section 207.10.05. SCHOOL EMPLOYEES HEALTH CARE BOARD 99528

The foregoing appropriation item 100403, School Employees 99529
 Health Care Board, shall be used by the School Employees Health 99530
 Care Board to hire staff to provide administrative support to the 99531
 Board as the Board carries out its duties under section 9.901 of 99532
 the Revised Code. 99533

Section 207.10.10. AGENCY AUDIT EXPENSES 99534

The foregoing appropriation item 100405, Agency Audit 99535
 Expenses, shall be used for auditing expenses designated in 99536
 division (A)(1) of section 117.13 of the Revised Code for those 99537
 state agencies audited on a biennial basis. 99538

Section 207.10.20. OAKS RENTAL PAYMENTS 99539

The foregoing appropriation item 100415, OAKS Rental 99540
 Payments, shall be used for payments for the period from July 1, 99541
 2009, through June 30, 2011, pursuant to leases and agreements 99542
 entered into under Chapter 125. of the Revised Code, as 99543
 supplemented by Section 503.10 of Am. Sub. H.B. 496 and Section 99544

281.10 of Am. Sub. H.B. 562 of the 127th General Assembly with 99545
respect to financing the costs associated with the acquisition, 99546
development, installation, and implementation of the Ohio 99547
Administrative Knowledge System. If it is determined that 99548
additional appropriations are necessary for this purpose, the 99549
amounts are hereby appropriated. 99550

Section 207.10.30. STATE TAXATION ACCOUNTING AND REVENUE 99551
SYSTEM 99552

The Office of Information Technology, in conjunction with the 99553
Department of Taxation, may acquire the State Taxation Accounting 99554
and Revenue System (STARS) pursuant to Chapter 125. of the Revised 99555
Code, including, but not limited to, the application software and 99556
installation and implementation thereof, for the use of the 99557
Department of Taxation. STARS is an integrated tax collection and 99558
audit system that will replace all of the state's existing 99559
separate tax software and administration systems for the various 99560
taxes collected by the state. Any lease-purchase arrangement used 99561
under Chapter 125. of the Revised Code to acquire STARS, including 99562
any fractionalized interests therein as defined in division (N) of 99563
section 133.01 of the Revised Code, shall provide that at the end 99564
of the lease period, STARS becomes the property of the state. 99565
99566

Section 207.10.40. STARS LEASE RENTAL PAYMENTS 99567

The foregoing appropriation item 100416, STARS Lease Rental 99568
Payments, shall be used for payments for the period from July 1, 99569
2009, through June 30, 2011, pursuant to leases and agreements 99570
entered into under Chapter 125. of the Revised Code, as 99571
supplemented by Section 757.10 of Am. Sub. H.B. 119 of the 127th 99572
General Assembly, with respect to financing the cost associated 99573
with the acquisition, development, installation, and 99574

implementation of the State Taxation Accounting and Revenue System 99575
(STARS). If it is determined that additional appropriations are 99576
necessary for this purpose, the amounts are appropriated. 99577

Section 207.10.45. WEB SITES AND BUSINESS GATEWAY 99578

Of the foregoing appropriation item 100418, Web Sites and 99579
Business Gateway, \$900,000 in fiscal year 2010 and \$200,000 in 99580
fiscal year 2011 shall be used by the Department of Administrative 99581
Services to develop and maintain the web site required under 99582
section 125.20 of the Revised Code. 99583

Section 207.10.50. BUILDING RENT PAYMENTS 99584

The foregoing appropriation item 100447, OBA - Building Rent 99585
Payments, shall be used to meet all payments at the times they are 99586
required to be made during the period from July 1, 2009, to June 99587
30, 2011, by the Department of Administrative Services to the Ohio 99588
Building Authority pursuant to leases and agreements under Chapter 99589
152. of the Revised Code. These appropriations are the source of 99590
funds pledged for bond service charges on obligations issued 99591
pursuant to Chapter 152. of the Revised Code. 99592

The foregoing appropriation item 100448, OBA - Building 99593
Operating Payments, shall be used to meet all payments at the 99594
times that they are required to be made during the period from 99595
July 1, 2009, to June 30, 2011, by the Department of 99596
Administrative Services to the Ohio Building Authority pursuant to 99597
leases and agreements under Chapter 152. of the Revised Code, but 99598
limited to the aggregate amount of \$51,206,000. 99599

The payments to the Ohio Building Authority are for paying 99600
the expenses of agencies that occupy space in various state 99601
facilities. The Department of Administrative Services may enter 99602
into leases and agreements with the Ohio Building Authority 99603
providing for the payment of these expenses. The Ohio Building 99604

Authority shall report to the Department of Administrative 99605
Services and the Office of Budget and Management not later than 99606
five months after the start of each fiscal year the actual 99607
expenses incurred by the Ohio Building Authority in operating the 99608
facilities and any balances remaining from payments and rentals 99609
received in the prior fiscal year. The Department of 99610
Administrative Services shall reduce subsequent payments by the 99611
amount of the balance reported to it by the Ohio Building 99612
Authority. 99613

Section 207.10.60. DAS - BUILDING OPERATING PAYMENTS 99614

The foregoing appropriation item 100449, DAS - Building 99615
Operating Payments, shall be used to pay the rent expenses of 99616
veterans organizations pursuant to section 123.024 of the Revised 99617
Code in fiscal years 2010 and 2011. 99618

The foregoing appropriation item, 100449, DAS - Building 99619
Operating Payments, also may be used to provide funding for the 99620
cost of property appraisals or building studies that the 99621
Department of Administrative Services may be required to obtain 99622
for property that is being sold by the state or property under 99623
consideration to be renovated or purchased by the state. 99624

Notwithstanding section 125.28 of the Revised Code, the 99625
remaining portion of the appropriation may be used to pay the 99626
operating expenses of state facilities maintained by the 99627
Department of Administrative Services that are not billed to 99628
building tenants. These expenses may include, but are not limited 99629
to, the costs for vacant space and space undergoing renovation, 99630
and the rent expenses of tenants that are relocated because of 99631
building renovations. These payments shall be processed by the 99632
Department of Administrative Services through intrastate transfer 99633
vouchers and placed in the Building Management Fund (Fund 1320). 99634

Notwithstanding division (A)(1) of section 125.28 of the 99635

Revised Code, the Department of Administrative Services may use 99636
the Building Management Fund (Fund 1320) to support utility costs 99637
at the State of Ohio Computer Center that exceed the available 99638
appropriation in appropriation item 100433, State of Ohio Computer 99639
Center. 99640

Section 207.10.70. CENTRAL SERVICE AGENCY FUND 99641

The appropriation item 100632, Central Service Agency, shall 99642
be used to purchase the equipment, products, and services that are 99643
needed to maintain automated applications for the professional 99644
licensing boards and to support board licensing functions in 99645
fiscal years 2010 and 2011. The Department of Administrative 99646
Services shall establish charges for recovering the costs of 99647
carrying out these functions. The charges shall be billed to the 99648
professional licensing boards and deposited via intrastate 99649
transfer vouchers to the credit of the Central Service Agency Fund 99650
(Fund 1150). Total Department of Administrative Services charges 99651
for the maintenance and support of the licensing system shall not 99652
exceed \$363,678 in each fiscal year of the biennium. 99653

Section 207.10.80. CENTRAL SERVICE AGENCY CONSOLIDATION 99654
INITIATIVE 99655

Of the foregoing appropriation item 130321, State Agency 99656
Support Services, \$308,230 in fiscal year 2010 and \$235,230 in 99657
fiscal year 2011 shall be used by the Department of Administrative 99658
Services for the Central Service Agency Consolidation initiative. 99659

Section 207.10.90. EXPANDED FUNCTIONS OF THE CENTRAL SERVICE 99660
AGENCY 99661

Notwithstanding any contrary provision of law, on July 1, 99662
2009, or as soon as possible thereafter, the Central Service 99663
Agency shall review the services the Agency performs on behalf of 99664

the boards and commissions named in division (A) of section 125.22 99665
of the Revised Code and the fiscal condition of those boards and 99666
commissions with those boards and commissions. The Agency, in 99667
consultation with the boards and commissions, shall thereafter 99668
provide recommendations to the Director of Budget and Management 99669
regarding consolidation of human resources, fiscal, and 99670
information technology functions to achieve administrative cost 99671
savings and efficiency. The Agency shall develop and enter into 99672
service level agreements and agency specific addendums thereto 99673
with the boards and commissions named in division (A) of section 99674
125.22 of the Revised Code. The Agency and the boards and 99675
commissions shall develop a resolution process for settling any 99676
disagreements. The resolution process shall be included in the 99677
service level agreements. The service level agreements, and any 99678
board and commission specific addendums thereto, shall be signed 99679
by a representative of the board or commission and the Agency. An 99680
agreement or addendum may require the transfer of the board's or 99681
commission's employees and assets and may require the boards and 99682
commissions to enter into agreements to share office equipment, 99683
office space, or other assets to the extent such an agreement 99684
would create efficiencies or savings in human resources, fiscal, 99685
or information technology expenses. 99686

This section shall not be interpreted as a grant of authority 99687
to the Agency to supersede or replace the boards or commissions in 99688
the performance of their respective statutory duties, but shall be 99689
interpreted to focus on functions that are not evident to the 99690
licensees of the boards and commissions, registrants, or customers 99691
and so as not to interfere with the protection of the public. 99692

The Director of Budget and Management shall take budget 99694
actions necessary to implement the service level agreements and 99695
addendums thereto signed by the respective boards and commissions 99696

and the Agency. The Director of Administrative Services shall 99697
ensure that the service level agreements and addendums thereto are 99698
properly implemented. 99699

Section 207.20.10. GENERAL SERVICE CHARGES 99700

The Department of Administrative Services, with the approval 99701
of the Director of Budget and Management, shall establish charges 99702
for recovering the costs of administering the programs funded by 99703
the General Services Fund (Fund 1170) and the State Printing Fund 99704
(Fund 2100). Such charges within Fund 1170 may be used to recover 99705
the cost of paying a vendor to establish reduced pricing for 99706
contracted supplies or services. 99707

If the Director of Administrative Services determines that 99708
additional amounts are necessary to pay for consulting and 99709
administrative costs related to securing lower pricing, the 99710
Director of Administrative Services may request that the Director 99711
of Budget and Management approve additional expenditures. Such 99712
approved additional amounts are appropriated to appropriation item 99713
100644, General Services Division-Operating. 99714

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES 99715

99716
With approval of the Director of Budget and Management, the 99717
Department of Administrative Services may seek reimbursement from 99718
state agencies for the actual costs and expenses the Department 99719
incurs in the collective bargaining arbitration process. The 99720
reimbursements shall be processed through intrastate transfer 99721
vouchers and credited to the Collective Bargaining Fund (Fund 99722
1280). 99723

Section 207.20.30. BROADBAND OHIO 99724

Any unencumbered, unexpended amounts of the foregoing 99725

appropriation item 100607, IT Services Delivery, that were 99726
allocated for implementation of the NextGen Network in fiscal 99727
years 2008 and 2009 are hereby reappropriated for the same purpose 99728
in fiscal years 2010 and 2011. 99729

Section 207.20.40. EQUAL OPPORTUNITY PROGRAM 99730

The Department of Administrative Services, with the approval 99731
of the Director of Budget and Management, shall establish charges 99732
for recovering the costs of administering the activities supported 99733
by the State EEO Fund (Fund 1880). These charges shall be 99734
deposited to the credit of the State EEO Fund (Fund 1880) upon 99735
payment made by state agencies, state-supported or state-assisted 99736
institutions of higher education, and tax-supported agencies, 99737
municipal corporations, and other political subdivisions of the 99738
state, for services rendered. 99739

Section 207.20.50. MERCHANDISE RESALE FUND ABOLISHMENT 99740

On July 1, 2009, or as soon as possible thereafter, the 99741
Director of Budget and Management shall transfer the cash balance, 99742
functions, assets, and liabilities of the Merchandise Resale Fund 99743
(Fund 2010) to the State Printing Fund (Fund 2100). The Director 99744
of Budget and Management shall cancel any existing encumbrances 99745
against appropriation item 100653, General Services Resale 99746
Merchandise, and re-establish them against appropriation item 99747
100612, State Printing. The re-established encumbrances are 99748
appropriated. Upon completion of the transfer, Fund 2010 is 99749
abolished. 99750

The State Printing Fund is thereupon and thereafter successor 99751
to, assumes the obligations of, and otherwise constitutes the 99752
continuation of the Merchandise Resale Fund. Any business 99753
commenced but not completed pertaining to the Merchandise for 99754
Resale Fund by July 1, 2009, shall be completed within the State 99755

Printing Fund in the same manner and with the same effect as if it 99756
were completed within the Merchandise for Resale Fund. All of the 99757
rules, orders, and determinations associated with the Merchandise 99758
for Resale Fund continue in effect as rules, orders, and 99759
determinations associated with the State Printing Fund until 99760
modified or rescinded by the Director of Administrative Services. 99761
If necessary to ensure the integrity of the Administrative Code, 99762
the Director of the Legislative Service Commission shall renumber 99763
the rules relating to the Merchandise for Resale Fund to reflect 99764
its transfer to the State Printing Fund. 99765

On and after July 1, 2009, when the Merchandise for Resale 99766
Fund is referred to in any statute, rule, contract, grant or other 99767
document, the reference is hereby deemed to refer to the State 99768
Printing Fund. 99769

Section 207.20.60. LEVERAGED ENTERPRISE PURCHASE PROGRAM 99770
FUNDING 99771

The foregoing appropriation item 100640, Leveraged Enterprise 99772
Purchases, may be used by the Director of Administrative Services 99773
to operate a Leveraged Enterprise Purchases Program to make 99774
enterprise-wide information technology purchases. The Director of 99775
Administrative Services may recover the cost of operating such a 99776
program from all participating government entities through 99777
intrastate transfer voucher billings for each applicable 99778
procurement, or the Director may use any pass-through billing 99779
method agreed to by the Director of Administrative Services, the 99780
Director of Budget and Management, and the participating 99781
government entities that will receive the applicable procurement. 99782
If the Director of Administrative Services chooses to recover the 99783
costs through intrastate transfer voucher billings, the 99784
participating government entities shall process the intrastate 99785
transfer vouchers to pay for the cost. 99786

Amounts received under this section for the Leveraged 99787
Enterprise Purchases Program shall be deposited to the credit of 99788
the IT Governance Fund (Fund 2290). 99789

Section 207.20.70. INFORMATION TECHNOLOGY ASSESSMENT 99790

The Director of Administrative Services, with the approval of 99791
the Director of Budget and Management, may establish an 99792
information technology assessment for the purpose of recovering 99793
the cost of selected infrastructure and statewide programs. The 99794
information technology assessment shall be charged to all 99795
organized bodies, offices, or agencies established by the laws of 99796
the state for the exercise of any function of state government 99797
except for the General Assembly, any legislative agency, the 99798
Supreme Court, the other courts of record in Ohio, or any judicial 99799
agency, the Adjutant General, the Bureau of Workers' Compensation, 99800
and institutions administered by a board of trustees. Any 99801
state-entity exempted by this section may use the infrastructure 99802
or statewide program by participating in the information 99803
technology assessment. All charges for the information technology 99804
assessment shall be deposited to the credit of the IT Governance 99805
Fund (Fund 2290). 99806

Section 207.20.80. INVESTMENT RECOVERY FUND 99807

Notwithstanding division (B) of section 125.14 of the Revised 99808
Code, cash balances in the Investment Recovery Fund (Fund 4270) 99809
may be used to support the operating expenses of the Federal 99810
Surplus Operating Program created in sections 125.84 to 125.90 of 99811
the Revised Code. 99812

Notwithstanding division (B) of section 125.14 of the Revised 99813
Code, cash balances in the Investment Recovery Fund may be used to 99814
support the operating expenses of the Asset Management Services 99815
Program, including, but not limited to, the cost of establishing 99816

and maintaining procedures for inventory records for state 99817
property as described in section 125.16 of the Revised Code. 99818

Of the foregoing appropriation item 100602, Investment 99819
Recovery, up to \$2,093,564 in fiscal year 2010 and up to 99820
\$2,107,388 in fiscal year 2011 shall be used to pay the operating 99821
expenses of the State Surplus Property Program, the Surplus 99822
Federal Property Program, and the Asset Management Services 99823
Program under Chapter 125. of the Revised Code and this section. 99824
If additional appropriations are necessary for the operations of 99825
these programs, the Director of Administrative Services shall seek 99826
increased appropriations from the Controlling Board under section 99827
131.35 of the Revised Code. 99828

Of the foregoing appropriation item 100602, Investment 99829
Recovery, \$3,590,000 in fiscal year 2010 and \$3,576,176 in fiscal 99830
year 2011 shall be used to transfer proceeds from the sale of 99831
surplus property from the Investment Recovery Fund to non-General 99832
Revenue Funds under division (A)(2) of section 125.14 of the 99833
Revised Code. If it is determined by the Director of 99834
Administrative Services that additional amounts are necessary for 99835
the transfer of such sale proceeds, the Director of Administrative 99836
Services may request the Director of Budget and Management to 99837
authorize additional amounts. Such authorized additional amounts 99838
are hereby appropriated. 99839

Section 207.20.90. DAS INFORMATION SERVICES 99840

There is hereby established in the State Treasury the DAS 99841
Information Services Fund. The foregoing appropriation item 99842
100603, DAS Information Services, shall be used to pay the costs 99843
of providing information systems and services in the Department of 99844
Administrative Services. Any state agency, board, or commission 99845
may use DAS Information Services by paying for the services 99846
rendered. 99847

The Department of Administrative Services shall establish 99848
user charges for all information systems and services that are 99849
allowable in the statewide indirect cost allocation plan submitted 99850
annually to the United States Department of Health and Human 99851
Services. These charges shall comply with federal regulations and 99852
shall be deposited to the credit of the DAS Information Services 99853
Fund (Fund 4P30). 99854

Section 207.30.10. ADMINISTRATIVE HEARINGS 99855

There is hereby created in the State Treasury the 99856
Administrative Hearings Fund (Fund 5DQ0). The fund shall be under 99857
the supervision of the Department of Administrative Services and 99858
shall be used to pay the costs of operating shared, centralized 99859
administrative-adjudicatory services in the Department of 99860
Administrative Services. Money collected from charges to state 99861
agencies for adjudicatory services provided by the Department of 99862
Administrative Services shall be credited to the fund. The 99863
foregoing appropriation item 100638, Administrative Hearings, 99864
shall be used to make payments from the fund. 99865

With the approval of the Director of Budget and Management, 99866
the Department of Administrative Services shall establish user 99867
charges to recover the costs of providing adjudicatory services in 99868
fiscal years 2010 and 2011. The charges shall be established at 99869
amounts sufficient to pay the costs of providing services and an 99870
amount to provide operating cash flow for the fund. The charges 99871
shall be billed to state agencies that receive 99872
administrative-adjudicatory services and deposited via intrastate 99873
transfer vouchers to the credit of the Administrative Hearings 99874
Fund (Fund 5DQ0). 99875

The Director of Administrative Services shall submit a 99876
spending plan to the Director of Budget and Management to justify 99877
operating transfers to Fund 5DQ0 from the operating funds of state 99878

agencies that receive administrative-adjudicatory services. The 99879
spending plan shall identify the state agencies participating in 99880
the initial receipt of administrative-adjudicatory services, the 99881
proportion of services to be received by each agency, and the 99882
funding source from which the operating transfer shall be made. 99883
Upon approval of the plan, the Director of Budget and Management 99884
may transfer an amount in cash, not to exceed a total of \$200,000, 99885
from the funds identified in the plan to Fund 5DQ0. The amounts 99886
shall support the establishment of an Office of Administrative 99887
Hearings. 99888

The Director of Administrative Services shall prepare a plan 99889
for the return of cash balances transferred from the operating 99890
funds of state agencies that receive administrative-adjudicatory 99891
services under this section. This plan shall be submitted to the 99892
Director of Budget and Management when the Department of 99893
Administrative Services files with the Director of Budget and 99894
Management its estimate of proposed expenditures for the biennium 99895
beginning July 1, 2011. Upon approval of the plan, the Director of 99896
Budget and Management shall make the cash transfers specified in 99897
the plan. 99898

Section 207.30.30. CASH TRANSFER TO OAKS SUPPORT ORGANIZATION 99899
FUND 99900

The Director of Budget and Management may transfer 99901
\$1,317,922.16 in cash from the IT Services Delivery Fund (Fund 99902
1330) to the OAKS Support Organization Fund (5EB0) to correct an 99903
intrastate transfer voucher from the Department of Administrative 99904
Services that was deposited in the IT Services Delivery Fund. 99905

Section 207.30.40. PROFESSIONAL DEVELOPMENT FUND 99906

The foregoing appropriation item 100610, Professional 99907
Development, shall be used to make payments from the Professional 99908

Development Fund (Fund 5L70) under section 124.182 of the Revised Code. 99909
99910

Section 207.30.50. EMPLOYEE EDUCATIONAL DEVELOPMENT 99911

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio State Troopers Association, Units 1 and 15. 99912
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If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated. 99922
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Section 207.30.60. CENTRALIZED GATEWAY ENHANCEMENT FUND 99927

(A) As used in this section, "Ohio Business Gateway" refers to the internet-based system operated by the Department of Administrative Services with the advice of the Ohio Business Gateway Steering Committee established under section 5703.57 of the Revised Code. The Ohio Business Gateway is established to provide businesses a central web site where various filings and payments are submitted on-line to government. The information is then distributed to the various government entities that interact with the business community. 99928
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(B) As used in this section: 99937

(1) "State Portal" refers to the official web site of the 99938

state, operated by the Department of Administrative Services. 99939

(2) "Shared Hosting Environment" refers to the computerized 99940
system operated by the Department of Administrative Services for 99941
the purpose of providing capability for state agencies to host web 99942
sites. 99943

(C) There is hereby created in the state treasury the 99944
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 99945
appropriation item 100634, Centralized Gateway Enhancement, shall 99946
be used by the Department of Administrative Services to pay the 99947
costs of enhancing, expanding, and operating the infrastructure of 99948
the Ohio Business Gateway, State Portal, and Shared Hosting 99949
Environment. The Director of Administrative Services shall submit 99950
spending plans to the Director of Budget and Management to justify 99951
operating transfers to the fund from the General Revenue Fund. 99952
Upon approval, the Director of Budget and Management shall 99953
transfer approved amounts to the fund, not to exceed the amount of 99954
the annual appropriation in each fiscal year. The spending plans 99955
may be based on the recommendations of the Ohio Business Gateway 99956
Steering Committee or its successor. 99957

Section 207.30.70. MAJOR IT PURCHASES AND CONTRACTS 99958

The Director of Administrative Services shall compute the 99959
amount of revenue attributable to the amortization of all 99960
equipment purchases and capitalized systems from appropriation 99961
item 100607, IT Services Delivery; appropriation item 100617, 99962
Major IT Purchases; and appropriation item C10014, Major Computer 99963
Purchases, which is recovered by the Department of Administrative 99964
Services as part of the rates charged by the IT Service Delivery 99965
Fund (Fund 1330) created in section 125.15 of the Revised Code. 99966
The Director of Budget and Management may transfer cash in an 99967
amount not to exceed the amount of amortization computed from the 99968
IT Service Delivery Fund (Fund 1330) to the Major IT Purchases 99969

Fund (Fund 4N60). 99970

Section 207.30.80. CASH TRANSFERS FROM THE MAJOR IT PURCHASES 99971
FUND 99972

Upon request of the Director of Administrative Services, the 99973
Director of Budget and Management may make the following transfers 99974
from the Major IT Purchases Fund (Fund 4N60): 99975

(1) Up to \$2,800,000 in each fiscal year of the biennium to 99976
the State Architect's Fund (Fund 1310) to support the OAKS Capital 99977
Improvements Module and other costs of the State Architect's 99978
Office that are not directly related to capital projects managed 99979
by the State Architect; 99980

(2) Up to \$457,467 in fiscal year 2010 and up to \$471,630 in 99981
fiscal year 2011 to the Director's Office Fund (Fund 1120) to 99982
support operating expenses of the Accountability and Results 99983
Initiative; 99984

(3) Up to \$4,000,000 in fiscal year 2010 and up to \$1,000,000 99985
in fiscal year 2011 to the OAKS Support Organization Fund (Fund 99986
5EB0) to support OAKS operating costs not billed to the Office of 99987
Budget and Management's Accounting and Budgeting Fund (Fund 1050), 99988
to the Department of Administrative Services' Human Resources 99989
Services Fund (Fund 1250), or paid from other funds of the 99990
Department of Administrative Services; and 99991

(4) Up to \$639,945 in each fiscal year of the biennium to the 99992
General Revenue Fund. 99993

Upon approval of the Director of Budget and Management, the 99994
transferred amounts to non-GRF funds are appropriated in the 99995
designated fiscal years to the following appropriation items: 99996
100639, State Architect's Office (Fund 1310) in each fiscal year 99997
2010 and fiscal year 2011; 100616, DAS Administration (Fund 1120) 99998
in both fiscal year 2010 and fiscal year 2011; and 100635, OAKS 99999

Support Organization (Fund 5EB0) in fiscal year 2010 only. 100000

Section 207.30.90. CORRECTIVE CASH TRANSFER TO INFORMATION 100001
TECHNOLOGY FUND 100002

On July 1, 2009, or as soon as possible thereafter, the 100003
Director of Budget and Management shall transfer \$7,768.37 in cash 100004
from the Unemployment Compensation Fund (Fund 1130) to the 100005
Information Technology Fund (Fund 1330). This transfer corrects a 100006
deposit of revenue that was made to Fund 1130. Upon completion of 100007
the transfer, Fund 1130 is abolished. 100008

Section 207.40.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 100009
DEBT SERVICE PAYMENTS 100010

The Director of Administrative Services, in consultation with 100011
the Multi-Agency Radio Communication System (MARCS) Steering 100012
Committee and the Director of Budget and Management, shall 100013
determine the share of debt service payments attributable to 100014
spending for MARCS components that are not specific to any one 100015
agency and that shall be charged to agencies supported by the 100016
motor fuel tax. Such share of debt service payments shall be 100017
calculated for MARCS capital disbursements made beginning July 1, 100018
1997. Within thirty days of any payment made from appropriation 100019
item 100447, OBA - Building Rent Payments, the Director of 100020
Administrative Services shall certify to the Director of Budget 100021
and Management the amount of this share. The Director of Budget 100022
and Management shall transfer such amounts to the General Revenue 100023
Fund from the State Highway Safety Fund (Fund 7036) established in 100024
section 4501.06 of the Revised Code. 100025

The Director of Administrative Services shall consider 100026
renting or leasing existing tower sites at reasonable or current 100027
market rates, so long as these existing sites are equipped with 100028
the technical capabilities to support the MARCS project. 100029

Section 207.40.20.	ACCOUNTABILITY AND RESULTS FUND				100030		
	There is hereby created in the state treasury the				100031		
	Accountability and Results Fund (Fund 5GD0) for use by the				100032		
	Department of Administrative Services. The Accountability and				100033		
	Results Fund shall consist of gifts, grants, devises, bequests,				100034		
	and other financial contributions made to the Department of				100035		
	Administrative Services for the purchase of services, supplies, or				100036		
	equipment for the Accountability and Results Initiative. All				100037		
	investment earnings of the fund shall be credited to the fund.				100038		
Section 207.40.30.	DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY				100039		
	Whenever the Director of Administrative Services declares a				100040		
	"public exigency," as provided in division (C) of section 123.15				100041		
	of the Revised Code, the Director shall also notify the members of				100042		
	the Controlling Board.				100043		
Section 207.40.40.	GRF TRANSFER TO STATE EQUAL EMPLOYMENT				100044		
	OPPORTUNITY FUND				100045		
	On July 1 of each fiscal year, or as soon as possible				100046		
	thereafter, the Director of Budget and Management shall transfer				100047		
	\$500,000 cash from the General Revenue Fund to the State Equal				100048		
	Employment Opportunity Fund (Fund 1880) used by the Department of				100049		
	Administrative Services.				100050		
Section 209.10.	AGE DEPARTMENT OF AGING				100051		
	General Revenue Fund				100052		
GRF	490321	Operating Expenses	\$	2,109,817	\$	2,109,817	100053
GRF	490409	AmeriCorps Operations	\$	147,034	\$	147,034	100054
GRF	490410	Long-Term Care	\$	535,857	\$	535,857	100055
		Ombudsman					
GRF	490411	Senior Community	\$	8,434,134	\$	8,434,134	100056

		Services					
GRF	490412	Residential State	\$	7,325,417	\$	7,325,417	100057
		Supplement					
GRF	490414	Alzheimer's Respite	\$	3,644,277	\$	3,685,593	100058
GRF	490416	JCFS Community	\$	240,000	\$	240,000	100059
		Options					
GRF	490423	Long Term Care Budget	\$	113,116,967	\$	149,517,603	100060
		- State					
GRF	490506	National Senior	\$	268,237	\$	268,237	100061
		Service Corps					
GRF	490625	Alzheimer's Respite -	\$	512,318	\$	471,002	100062
		Federal Stimulus					
TOTAL GRF		General Revenue Fund	\$	136,334,058	\$	172,734,694	100063
		General Services Fund Group					100064
4800	490606	Senior Community	\$	372,677	\$	372,677	100065
		Outreach and					
		Education					
TOTAL GSF		General Services Fund					100066
Group			\$	372,677	\$	372,677	100067
		Federal Special Revenue Fund Group					100068
3220	490618	Federal Aging Grants	\$	10,200,000	\$	10,200,000	100069
3C40	490623	Long Term Care Budget	\$	350,162,957	\$	340,193,418	100070
3M40	490612	Federal Independence	\$	63,655,080	\$	63,655,080	100071
		Services					
3R70	490617	AmeriCorps Programs	\$	8,870,000	\$	8,870,000	100072
TOTAL FED		Federal Special Revenue					100073
Fund Group			\$	432,888,037	\$	422,918,498	100074
		State Special Revenue Fund Group					100075
4C40	490609	Regional Long-Term	\$	935,000	\$	935,000	100076
		Care Ombudsman					
		Program					
4J40	490610	PASSPORT/Residential	\$	33,263,984	\$	33,263,984	100077

		State Supplement				
4U90	490602	PASSPORT Fund	\$	4,424,969	\$	4,424,969 100078
5AA0	490673	Ohio's Best Rx	\$	910,801	\$	0 100079
		Administration				
5BA0	490620	Ombudsman Support	\$	600,000	\$	600,000 100080
5K90	490613	Long Term Care	\$	820,400	\$	820,400 100081
		Consumers Guide				
5W10	490616	Resident Services	\$	330,000	\$	330,000 100082
		Coordinator Program				
6240	490604	OCSC Community	\$	470,000	\$	470,000 100083
		Support				
TOTAL SSR		State Special Revenue				100084
Fund Group			\$	41,755,154	\$	40,844,353 100085
TOTAL ALL BUDGET FUND GROUPS			\$	611,349,926	\$	636,870,222 100086

Section 209.20. LONG-TERM CARE 100088

Pursuant to an interagency agreement, the Department of Job 100089
 and Family Services shall designate the Department of Aging to 100090
 perform assessments under section 5111.204 of the Revised Code. 100091
 The Department of Aging shall provide long-term care consultations 100092
 under section 173.42 of the Revised Code to assist individuals in 100093
 planning for their long-term health care needs. The foregoing 100094
 appropriation items 490423, Long Term Care Budget - State, and 100095
 490623, Long Term Care Budget, may be used to provide the 100096
 preadmission screening and resident review (PASRR), which includes 100097
 screening, assessments, and determinations made under sections 100098
 5111.02, 5111.204, 5119.061, and 5123.021 of the Revised Code. 100099

The foregoing appropriation items 490423, Long Term Care 100100
 Budget - State, and 490623, Long Term Care Budget, may be used to 100101
 assess and provide long-term care consultations to clients 100102
 regardless of Medicaid eligibility. 100103

The Director of Aging shall adopt rules under section 111.15 100104

of the Revised Code governing the nonwaiver funded PASSPORT 100105
program, including client eligibility. The foregoing appropriation 100106
item 490423, Long Term Care Budget - State, may be used by the 100107
Department of Aging to provide nonwaiver funded PASSPORT services 100108
to persons the Department has determined to be eligible to 100109
participate in the nonwaiver funded PASSPORT Program, including 100110
those persons not yet determined to be financially eligible to 100111
participate in the Medicaid waiver component of the PASSPORT 100112
Program by a county department of job and family services. 100113

The Department of Aging shall administer the Medicaid 100114
waiver-funded PASSPORT Home Care Program, the Choices Program, the 100115
Assisted Living Program, and the PACE Program as delegated by the 100116
Department of Job and Family Services in an interagency agreement. 100117
The foregoing appropriation item 490423, Long Term Care Budget - 100118
State, shall be used to provide the required state match for 100119
federal Medicaid funds supporting the Medicaid Waiver-funded 100120
PASSPORT Home Care Program, the Choices Program, the Assisted 100121
Living Program, and the PACE Program. The foregoing appropriation 100122
items 490423, Long Term Care Budget - State, and 490623, Long Term 100123
Care Budget, may also be used to support the Department of Aging's 100124
administrative costs associated with operating the PASSPORT, 100125
Choices, Assisted Living, and PACE programs. 100126

The foregoing appropriation item 490623, Long Term Care 100127
Budget, shall be used to provide the federal matching share for 100128
all program costs determined by the Department of Job and Family 100129
Services to be eligible for Medicaid reimbursement. 100130

Of the foregoing appropriation item 490423, Long Term Care 100131
Budget - State, \$200,000 in each fiscal year shall be allocated to 100132
the Visiting Nurse Association Health Care Partners of Ohio for 100133
the Chronic Disease Management Home Health Aide Workforce Training 100134
Program. 100135

HOME FIRST PROGRAM

100136

(A) As used in this section, "Long Term Care Budget Services" 100137
includes the following existing programs: PASSPORT, Assisted 100138
Living, Residential State Supplement, and PACE. 100139

(B) On a quarterly basis, on receipt of the certified 100140
expenditures related to sections 173.401, 173.351, and 5111.894 of 100141
the Revised Code, the Director of Budget and Management may do all 100142
of the following for fiscal years 2010 and 2011: 100143

(1) Transfer cash from the Nursing Facility Stabilization 100144
Fund (Fund 5R20), used by the Department of Job and Family 100145
Services, to the PASSPORT/Residential State Supplement Fund (Fund 100146
4J40), used by the Department of Aging. 100147

The transferred cash is hereby appropriated to appropriation 100148
item 490610, PASSPORT/Residential State Supplement. 100149

(2) If receipts credited to the PASSPORT Fund (Fund 3C40) 100150
exceed the amounts appropriated from the fund, the Director of 100151
Aging may request the Director of Budget and Management to 100152
authorize expenditures from the fund in excess of the amounts 100153
appropriated. Upon the approval of the Director of Budget and 100154
Management, the additional amounts are hereby appropriated. 100155

(3) If receipts credited to the Interagency Reimbursement 100156
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 100157
the Director of Job and Family Services may request the Director 100158
of Budget and Management to authorize expenditures from the fund 100159
in excess of the amounts appropriated. Upon the approval of the 100160
Director of Budget and Management, the additional amounts are 100161
hereby appropriated. 100162

(C) The individuals placed in Long Term Care Budget Services 100163
pursuant to this section shall be in addition to the individuals 100164
placed in Long Term Care Budget Services during fiscal years 2010 100165
and 2011 before any transfers to appropriation item 490423, Long 100166
Term Care Budget-State, are made under this section. 100167

ALLOCATION OF PACE SLOTS	100168
In order to effectively administer and manage growth within	100169
the PACE Program, the Director of Aging may, as the director deems	100170
appropriate and to the extent funding is available, expand the	100171
PACE Program to regions of Ohio beyond those currently served by	100172
the PACE Program between the PACE sites in Cleveland and	100173
Cincinnati.	100174
Section 209.30. OHIO COMMUNITY SERVICE COUNCIL	100175
The foregoing appropriation items 490409, AmeriCorps	100176
Operations, and 490617, AmeriCorps Programs, shall be used in	100177
accordance with section 121.40 of the Revised Code.	100178
LONG-TERM CARE OMBUDSMAN	100179
The foregoing appropriation item 490410, Long-Term Care	100180
Ombudsman, shall be used for a program to fund ombudsman program	100181
activities as authorized in sections 173.14 to 173.27 and section	100182
173.99 of the Revised Code.	100183
SENIOR COMMUNITY SERVICES	100184
The foregoing appropriation item 490411, Senior Community	100185
Services, shall be used for services designated by the Department	100186
of Aging, including, but not limited to, home-delivered and	100187
congregate meals, transportation services, personal care services,	100188
respite services, adult day services, home repair, care	100189
coordination, and decision support systems. Service priority shall	100190
be given to low income, frail, and cognitively impaired persons 60	100191
years of age and over. The department shall promote cost sharing	100192
by service recipients for those services funded with senior	100193
community services funds, including, when possible, sliding-fee	100194
scale payment systems based on the income of service recipients.	100195
	100196
RESIDENTIAL STATE SUPPLEMENT	100197

Under the Residential State Supplement Program, the amount	100198
used to determine whether a resident is eligible for payment and	100199
for determining the amount per month the eligible resident will	100200
receive shall be as follows:	100201
(A) \$927 for a residential care facility, as defined in	100202
section 3721.01 of the Revised Code;	100203
(B) \$927 for an adult group home, as defined in Chapter 3722.	100204
of the Revised Code;	100205
(C) \$824 for an adult foster home, as defined in Chapter 173.	100206
of the Revised Code;	100207
(D) \$824 for an adult family home, as defined in Chapter	100208
3722. of the Revised Code;	100209
(E) \$824 for an adult residential facility, as defined in	100210
Chapter 5119. of the Revised Code;	100211
(F) \$618 for adult community mental health housing services,	100212
as defined in division (B)(5) of section 173.35 of the Revised	100213
Code.	100214
The Departments of Aging and Job and Family Services shall	100215
reflect these amounts in any applicable rules the departments	100216
adopt under section 173.35 of the Revised Code.	100217
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	100218
The foregoing appropriation items 490412, Residential State	100219
Supplement, and 490610, PASSPORT/Residential State Supplement, may	100220
be used by the Director of Aging to transfer cash to the Home and	100221
Community Based Services for the Aged Fund (Fund 4J50), which is	100222
used by the Department of Job and Family Services. The transferred	100223
cash shall be used to make benefit payments to residential state	100224
supplement recipients. The transfer shall be made using an	100225
intrastate transfer voucher.	100226
RESIDENTIAL STATE SUPPLEMENT WORKGROUP	100227

(A) There is hereby created the Residential State Supplement	100228
Workgroup consisting of all of the following:	100229
(1) The Director of Aging or the Director's designee;	100230
(2) The Director of Health or the Director's designee;	100231
(3) The Director of Job and Family Services or the Director's	100232
designee;	100233
(4) The Director of Mental Health or the Director's designee.	100234
(B) The Director of Aging or the Director's designee shall	100235
serve as the chairperson of the Workgroup. Members of the	100236
Workgroup shall serve without compensation, except to the extent	100237
that serving on the Workgroup is considered part of their regular	100238
employment duties.	100239
(C) The Workgroup shall examine solely the issue of which	100240
state agency is the most appropriate to administer the Residential	100241
State Supplement Program. Not later than December 31, 2009, the	100242
Workgroup shall submit written recommendations on this issue to	100243
the Governor and, in accordance with section 101.68 of the Revised	100244
Code, to the General Assembly. The Workgroup shall cease to exist	100245
on submission of its recommendations.	100246
ALZHEIMER'S RESPITE	100247
The foregoing appropriation item 490414, Alzheimer's Respite,	100248
shall be used to fund only Alzheimer's disease services under	100249
section 173.04 of the Revised Code.	100250
JCFS COMMUNITY OPTIONS	100251
Of the foregoing appropriation item 490416, JCFS Community	100252
Options, \$80,000 in each fiscal year shall be allocated to the	100253
Cleveland Jewish Community Center, \$70,000 in each fiscal year	100254
shall be allocated to the Cincinnati Jewish Vocational Services,	100255
\$70,000 in each fiscal year shall be allocated to the Wexner	100256
Heritage Village, and \$20,000 in each fiscal year shall be	100257

allocated to the Columbus Jewish Community Center.	100258
ALZHEIMER'S RESPITE - FEDERAL STIMULUS	100259
The foregoing appropriation item 490625, Alzheimer's Respite	100260
- Federal Stimulus, shall be used to fund only Alzheimer's disease	100261
services under section 173.04 of the Revised Code.	100262
EDUCATION AND TRAINING	100263
The foregoing appropriation item 490606, Senior Community	100264
Outreach and Education, may be used to provide training to workers	100265
in the field of aging pursuant to division (G) of section 173.02	100266
of the Revised Code.	100267
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	100268
The foregoing appropriation item 490609, Regional Long-Term	100269
Care Ombudsman, shall be used to pay the costs of operating the	100270
regional long-term care ombudsman programs designated by the	100271
Long-Term Care Ombudsman.	100272
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	100273
The foregoing appropriation item 490610, PASSPORT/Residential	100274
State Supplement, may be used to fund the Residential State	100275
Supplement Program. The remaining available funds shall be used to	100276
fund the PASSPORT program.	100277
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES	100278
AND FEDERAL AGING GRANTS	100279
At the request of the Director of Aging, the Director of	100280
Budget and Management may transfer appropriation between	100281
appropriation items 490612, Federal Independence Services, and	100282
490618, Federal Aging Grants. The amounts transferred shall not	100283
exceed 30 per cent of the appropriation from which the transfer is	100284
made. Any transfers shall be reported by the Department of Aging	100285
to the Controlling Board at the next scheduled meeting of the	100286
board.	100287

TRANSFER OF RESIDENT PROTECTION FUNDS	100288
In each fiscal year, the Director of Budget and Management	100289
may transfer \$600,000 cash from the Resident Protection Fund (Fund	100290
4E30), which is used by the Department of Job and Family Services,	100291
to the Ombudsman Support Fund (Fund 5BA0), which is used by the	100292
Department of Aging.	100293
Section 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP	100294
(A) There is hereby created the Unified Long-Term Care Budget	100295
Workgroup. The Workgroup shall consist of the following members:	100296
(1) The Director of Aging;	100297
(2) Consumer advocates, representatives of the provider	100298
community, and state policy makers, appointed by the Governor;	100299
(3) Two members of the House of Representatives, one member	100300
from the majority party and one member from the minority party,	100301
appointed by the Speaker of the House of Representatives;	100302
(4) Two members of the Senate, one member from the majority	100303
party and one member from the minority party, appointed by the	100304
President of the Senate.	100305
The Director of Aging shall serve as the chairperson of the	100306
Workgroup.	100307
The Workgroup shall be staffed by the departments of Aging	100308
and Job and Family Services.	100309
(B) The Workgroup shall develop a unified long-term care	100310
budget that facilitates the following:	100311
(1) Providing a consumer a choice of services that meet the	100312
consumer's health care needs and improve the consumer's quality of	100313
life;	100314
(2) Providing a continuum of services that meet the needs of	100315
a consumer throughout life;	100316

(3) Consolidating policymaking authority and the associated 100317
budgets in a single entity to simplify the consumer's decision 100318
making and maximize the state's flexibility in meeting the 100319
consumer's needs; 100320

(4) Assuring the state has a system that is cost effective 100321
and links disparate services across agencies and jurisdictions. 100322

(C) On an annual basis, the Directors of Aging, Job and 100323
Family Services, and Budget and Management shall submit a written 100324
report to the Speaker of the House of Representatives, the 100325
Minority Leader of the House of Representatives, the President of 100326
the Senate, the Minority Leader of the Senate, and the members of 100327
the Joint Legislative Committee on Medicaid Technology and Reform 100328
describing the progress towards establishing, or if already 100329
established, the effectiveness of the unified long-term care 100330
budget. 100331

(D) In support of the Workgroup's proposal, the Director of 100332
Budget and Management may seek Controlling Board approval to 100333
transfer cash from the Nursing Facility Stabilization Fund (Fund 100334
5R20), used by the Department of Job and Family Services, to the 100335
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 100336
the Department of Aging. 100337

Any transfers of cash approved by the Controlling Board under 100338
this section are hereby appropriated to appropriation item 490610, 100339
PASSPORT/Residential State Supplement. 100340

Section 209.50. OHIO'S BEST RX PROGRAM 100341

OHIO'S BEST RX ADMINISTRATION 100342

On and after July 1, 2009, the Director of Aging may take any 100343
actions necessary to conclude the operation of the Ohio's Best Rx 100344
Program and settle all accounts with drug manufacturers and 100345
terminal distributors of dangerous drugs that had program 100346

agreements in effect on June 30, 2009. As appropriate, the 100347
Director's actions shall be taken in accordance with the 100348
provisions of former sections 173.71 to 173.91 of the Revised 100349
Code, as those sections existed on June 30, 2009. The Director 100350
shall make every effort to conclude the program by July 31, 2009, 100351
but any program accounts with drug manufacturers and terminal 100352
distributors that remain open after that date may be settled until 100353
October 1, 2009. 100354

On August 1, 2009, or as soon as possible thereafter, the 100355
Director of Budget and Management shall transfer the cash balance 100356
in the Ohio's Best Rx Administration Fund (Fund 5AA0) to the 100357
General Revenue Fund. Fund 5AA0 shall remain open after the 100358
transfer to allow program accounts to be settled with drug 100359
manufacturers and terminal distributors pursuant to this section. 100360
On October 1, 2009, or as soon as possible thereafter, the 100361
Director of Budget and Management shall complete the final 100362
transfer of any cash balance in Fund 5AA0 to the General Revenue 100363
Fund. Upon completion of the transfer, Fund 5AA0 is abolished. The 100364
Director shall cancel any existing encumbrances against 100365
appropriation item 490673, Ohio's Best Rx Administration. 100366

Section 211.10. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund 100368

GRF 700401	Animal Disease Control	\$	3,617,777	\$	3,617,777	100369
GRF 700403	Dairy Division	\$	1,110,277	\$	1,110,277	100370
GRF 700404	Ohio Proud	\$	246,895	\$	246,895	100371
GRF 700406	Consumer Analytical	\$	1,256,469	\$	1,274,854	100372
	Lab					
GRF 700407	Food Safety	\$	875,043	\$	875,043	100373
GRF 700409	Farmland Preservation	\$	200,000	\$	200,000	100374
GRF 700411	International Trade	\$	531,440	\$	531,440	100375

and Market Development

GRF 700412	Weights and Measures	\$	200,000	\$	200,000	100376
GRF 700415	Poultry Inspection	\$	375,401	\$	375,401	100377
GRF 700418	Livestock Regulation Program	\$	1,322,784	\$	1,353,676	100378
GRF 700424	Livestock Testing and Inspections	\$	120,906	\$	120,906	100379
GRF 700499	Meat Inspection Program - State Share	\$	4,920,926	\$	4,960,926	100380
GRF 700501	County Agricultural Societies	\$	334,903	\$	334,903	100381
GRF 700503	Livestock Exhibition Fund	\$	62,500	\$	62,500	100382
GRF 700654	Agriculture Operating - Federal Stimulus	\$	1,107,035	\$	1,017,758	100383
TOTAL GRF	General Revenue Fund	\$	16,282,356	\$	16,282,356	100384
	General Services Fund Group					100385
5DA0 700644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	100386
5GH0 700655	Central Support Indirect Cost	\$	5,713,404	\$	5,713,404	100387
TOTAL GSF	General Services Fund Group	\$	6,813,404	\$	6,813,404	100388
	Federal Special Revenue Fund Group					100389
3260 700618	Meat Inspection Program - Federal Share	\$	4,950,000	\$	4,950,000	100390
3360 700617	Ohio Farm Loan Revolving Fund	\$	44,679	\$	44,679	100391
3820 700601	Cooperative Contracts	\$	2,000,000	\$	2,000,000	100392
3AB0 700641	Agricultural Easement	\$	1,000,000	\$	1,000,000	100393
3J40 700607	Indirect Cost	\$	600,000	\$	600,000	100394

3R20	700614	Federal Plant	\$	1,000,000	\$	1,000,000	100395
		Industry					
TOTAL FED		Federal Special Revenue					100396
Fund Group			\$	9,594,679	\$	9,594,679	100397
State Special Revenue Fund Group							100398
4900	700651	License Plates -	\$	20,000	\$	20,000	100399
		Sustainable					
		Agriculture					
4940	700612	Agricultural	\$	250,000	\$	250,000	100400
		Commodity Marketing					
		Program					
4960	700626	Ohio Grape Industries	\$	849,999	\$	849,999	100401
4970	700627	Commodity Handlers	\$	496,000	\$	496,000	100402
		Regulatory Program					
4C90	700605	Commercial Feed and	\$	2,200,000	\$	2,200,000	100403
		Seed					
4D20	700609	Auction Education	\$	41,000	\$	41,000	100404
4E40	700606	Utility Radiological	\$	134,631	\$	134,631	100405
		Safety					
4P70	700610	Food Safety	\$	1,099,396	\$	1,099,396	100406
		Inspection					
4R00	700636	Ohio Proud Marketing	\$	10,500	\$	10,500	100407
4R20	700637	Dairy Industry	\$	1,800,000	\$	1,800,000	100408
		Inspection					
4T60	700611	Poultry and Meat	\$	153,339	\$	153,339	100409
		Inspection					
4T70	700613	Ohio Proud	\$	15,000	\$	15,000	100410
		International and					
		Domestic Market					
		Development					
5780	700620	Ride Inspection Fees	\$	1,000,001	\$	1,000,001	100411
5B80	700629	Auctioneers	\$	365,390	\$	365,390	100412
5CP0	700652	License Plate	\$	20,000	\$	20,000	100413

		Scholarships				
5FB0	700647	Fuel Quality Testing	\$	25,000	\$	25,000 100414
5FC0	700648	Plant Pest Program	\$	1,000,000	\$	1,000,000 100415
5H20	700608	Metrology Lab and	\$	1,454,006	\$	1,454,006 100416
		Scale Certification				
5L80	700604	Livestock Management	\$	256,286	\$	256,286 100417
		Program				
6520	700634	Animal and Consumer	\$	4,400,000	\$	4,400,000 100418
		Analytical Laboratory				
6690	700635	Pesticide,	\$	3,470,000	\$	3,470,000 100419
		Fertilizer, and Lime				
		Inspection Program				
TOTAL SSR		State Special Revenue				100420
Fund Group			\$	19,060,548	\$	19,060,548 100421
Clean Ohio Conservation Fund Group						100422
7057	700632	Clean Ohio	\$	149,000	\$	149,000 100423
		Agricultural Easement				
TOTAL CLF		Clean Ohio Conservation	\$	149,000	\$	149,000 100424
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	51,899,987	\$	51,899,987 100425
		TOLEDO GROWS				100426
		Of the foregoing appropriation item 700404, Operating				100427
		Expenses, \$50,000 in each fiscal year shall be used for the Toledo				100428
		Botanical Garden to fund the urban agriculture initiative known as				100429
		Toledo Grows.				100430
		OHIO - ISRAEL AGRICULTURAL INITIATIVE				100431
		Of the foregoing appropriation item 700411, International				100432
		Trade and Market Development, \$100,000 in each fiscal year shall				100433
		be used for the Ohio - Israel Agricultural Initiative.				100434
		Section 211.20. COUNTY AGRICULTURAL SOCIETIES				100435

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 100436
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FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 100440

The foregoing appropriation item 700654, Agriculture Operating - Federal Stimulus, shall be used to support government services consistent with funds received from the federal government for fiscal stabilization and recovery purposes. 100441
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Section 211.30. COMMERCIAL FEED AND SEED FUND TRANSFER 100445

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer thirty-two per cent of the cash balance in the Commercial Feed and Seed Fund (Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and Lime Inspection Program Fund (Fund 6690). The Director shall cancel existing encumbrances against appropriation item 700605, Commercial Feed and Seed, and re-establish them against appropriation item 700635, Pesticide, Fertilizer, and Lime Inspection Program. The re-established encumbrance amounts are hereby appropriated. 100446
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PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 100456

On July, 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$600,000 in cash from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 6690) to the Plant Pest Program Fund (Fund 5FC0). 100457
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CLEAN OHIO AGRICULTURAL EASEMENT 100461

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement, shall be used by the Department of Agriculture in administering sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 100462
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Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY				100466
General Revenue Fund				100467
GRF 898402	Coal Development	\$ 424,146	\$ 424,146	100468
	Office			
GRF 898901	Coal Research and	\$ 9,968,400	\$ 10,947,000	100469
	Development General			
	Obligation Debt			
	Service			
TOTAL GRF	General Revenue Fund	\$ 10,392,546	\$ 11,371,146	100470
General Services Fund Group				100471
5EG0 898608	Energy Strategy	\$ 307,000	\$ 307,000	100472
	Development			
TOTAL GSF	General Services Fund	\$ 307,000	\$ 307,000	100473
Agency Fund Group				100474
4Z90 898602	Small Business	\$ 294,290	\$ 294,290	100475
	Ombudsman			
5700 898601	Operating Expenses	\$ 264,000	\$ 264,000	100476
5A00 898603	Small Business	\$ 71,087	\$ 71,087	100477
	Assistance			
TOTAL AGY	Agency Fund Group	\$ 629,377	\$ 629,377	100478
Coal Research/Development Fund				100479
7046 898604	Coal Research and	\$ 66,000,000	\$ 10,000,000	100480
	Development Fund			
TOTAL 046	Coal Research and	\$ 66,000,000	\$ 10,000,000	100481
Development Fund				
TOTAL ALL BUDGET FUND GROUPS		\$ 77,328,923	\$ 22,307,523	100482
COAL DEVELOPMENT OFFICE				100483
The foregoing appropriation item 898402, Coal Development				100484
Office, shall be used for the administrative costs of the Coal				100485
Development Office.				100486

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 100487

The foregoing appropriation item GRF 898901, Coal Research 100488
 and Development General Obligation Debt Service, shall be used to 100489
 pay all debt service and related financing costs at the times they 100490
 are required to be made during the period from July 1, 2009, to 100491
 June 30, 2011, for obligations issued under sections 151.01 and 100492
 151.07 of the Revised Code. 100493

Section 213.20. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND 100494

On July 1 of each fiscal year, or as soon as possible 100495
 thereafter, the Director of Budget and Management may transfer 100496
 cash from the funds specified below, in the amount specified 100497
 below, to the Energy Strategy Development Fund (Fund 5EG0), which 100498
 is used by the Air Quality Development Authority. Fund 5EG0 may 100499
 accept contributions and transfers made to the fund. The moneys in 100500
 Fund 5EG0 shall be used to develop energy initiatives, projects, 100501
 and policy. 100502

<u>Fund</u>	<u>User</u>		<u>FY 2010</u>	<u>FY 2011</u>		
Office Services Fund (Fund 1170)	Department of Administrative Services	\$	35,000	\$	35,000	100503 100504
Central Support Indirect Cost Fund (Fund 5GH0)	Department of Agriculture	\$	35,000	\$	35,000	100505
Support Services Fund (Fund 1350)	Department of Development	\$	35,000	\$	35,000	100506
Central Support Indirect Cost Fund (Fund 2190)	Environmental Protection Agency	\$	35,000	\$	35,000	100507
Central Support Indirect Chargeback Fund (Fund 1570)	Department of Natural Resources	\$	35,000	\$	35,000	100508

Highway Operating Fund	Department of	\$	50,000	\$	50,000	100509
(Fund 7002)	Transportation					

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 100510

AUTHORITY TRUST ACCOUNT 100511

Notwithstanding any other provision of law to the contrary, 100512
 the Air Quality Development Authority may reimburse the Air 100513
 Quality Development Authority trust account established under 100514
 section 3706.10 of the Revised Code from all operating funds of 100515
 the agency for expenses pertaining to the administration and 100516
 shared costs incurred by the Air Quality Development Authority in 100517
 the execution of responsibilities as prescribed in Chapter 3706. 100518
 of the Revised Code. Reimbursement shall be made by voucher and 100519
 completed in accordance with the administrative indirect costs 100520
 allocation plan approved by the Office of Budget and Management. 100521

Section 215.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 100522

SERVICES 100523

General Revenue Fund 100524

GRF 038401	Treatment Services	\$	37,241,513	\$	35,497,058	100525
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GRF 038404	Prevention Services	\$	1,241,702	\$	1,241,702	100526
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GRF 038626	Local Alcohol and	\$	0	\$	2,954,598	100527
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Other Drug Subsidy -
 Federal Stimulus

TOTAL GRF General Revenue Fund	\$	38,483,215	\$	39,693,358	100528
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General Services Fund 100529

5T90 038616	Problem Gambling	\$	335,000	\$	335,000	100530
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Services

TOTAL GSF General Services Fund	\$	335,000	\$	335,000	100531
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Group

Federal Special Revenue Fund Group 100532

3G30 038603	Drug Free Schools	\$	2,260,000	\$	2,260,000	100533
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3G40	038614	Substance Abuse Block Grant	\$	71,500,000	\$	71,500,000	100534
3H80	038609	Demonstration Grants	\$	7,093,075	\$	7,093,075	100535
3J80	038610	Medicaid	\$	62,772,342	\$	60,817,910	100536
3N80	038611	Administrative Reimbursement	\$	500,000	\$	500,000	100537
TOTAL FED Federal Special Revenue							100538
Fund Group			\$	144,125,417	\$	142,170,985	100539
State Special Revenue Fund Group							100540
4750	038621	Statewide Treatment and Prevention	\$	18,000,000	\$	18,000,000	100541
5DH0	038620	Fetal Alcohol Spectrum Disorder	\$	327,500	\$	327,500	100542
6890	038604	Education and Conferences	\$	350,000	\$	350,000	100543
TOTAL SSR State Special Revenue							100544
Fund Group			\$	18,677,500	\$	18,677,500	100545
TOTAL ALL BUDGET FUND GROUPS			\$	201,621,132	\$	200,876,843	100546
 Section 215.20. TREATMENT SERVICES							100548
Of the foregoing appropriation item 038401, Treatment							100549
Services, \$115,919 in fiscal year 2010 and \$139,464 in fiscal year							100550
2011 shall be provided to alcohol, drug addiction, and mental							100551
health services boards and alcohol and drug addiction services							100552
boards to pay the nonfederal share of the one-half of one per cent							100553
increase in the Medicaid reimbursement rate ceilings for							100554
Medicaid-covered alcohol and drug addiction treatment services							100555
provided for under the section of this act titled "INCREASE IN							100556
MEDICAID RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES."							100557
 Section 217.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS							100558
General Services Fund Group							100559

4K90 891609	Operating Expenses	\$	522,055	\$	550,718	100560
TOTAL GSF General Services Fund						100561
Group		\$	522,055	\$	550,718	100562
TOTAL ALL BUDGET FUND GROUPS						100563

Section 219.10. ART OHIO ARTS COUNCIL 100565

General Revenue Fund						100566
GRF 370321	Operating Expenses	\$	2,072,545	\$	2,072,545	100567
GRF 370502	State Program	\$	9,097,868	\$	8,847,869	100568

Subsidies

TOTAL GRF General Revenue Fund						100569
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General Services Fund Group 100570

4600 370602	Management Expenses and Donations	\$	285,000	\$	285,000	100571
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4B70 370603	Percent for Art Acquisitions	\$	500,000	\$	500,000	100572
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TOTAL GSF General Services Fund						100573
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Group

Federal Special Revenue Fund Group 100574

3140 370601	Federal Support	\$	1,000,000	\$	1,000,000	100575
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TOTAL FED Federal Special Revenue						100576
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Fund Group

TOTAL ALL BUDGET FUND GROUPS						100577
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PROGRAM SUBSIDIES 100578

A museum is not eligible to receive funds from appropriation 100579
item 370502, State Program Subsidies, if \$8,000,000 or more in 100580
capital appropriations were appropriated by the state for the 100581
museum between January 1, 1986, and December 31, 2002. 100582

Section 221.10. ATH ATHLETIC COMMISSION 100583

General Services Fund Group 100584

4K90	175609	Operating Expenses	\$	255,850	\$	255,850	100585
TOTAL	GSF	General Services Fund	\$	255,850	\$	255,850	100586
Group							
TOTAL	ALL BUDGET FUND GROUPS		\$	255,850	\$	255,850	100587
Section 223.10. AGO ATTORNEY GENERAL							100589
General Revenue Fund							100590
GRF	055321	Operating Expenses	\$	46,499,699	\$	46,499,699	100591
GRF	055411	County Sheriffs' Pay Supplement	\$	757,921	\$	757,921	100592
GRF	055415	County Prosecutors' Pay Supplement	\$	831,499	\$	831,499	100593
TOTAL	GRF	General Revenue Fund	\$	48,089,119	\$	48,089,119	100594
General Services Fund Group							100595
1060	055612	General Reimbursement	\$	38,750,000	\$	38,750,000	100596
1950	055660	Workers' Compensation Section	\$	8,415,504	\$	8,415,504	100597
4180	055615	Charitable Foundations	\$	7,286,000	\$	7,286,000	100598
4200	055603	Attorney General Antitrust	\$	1,750,000	\$	1,750,000	100599
4210	055617	Police Officers' Training Academy Fee	\$	2,000,000	\$	2,000,000	100600
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	100601
5900	055633	Peace Officer Private Security Fund	\$	98,370	\$	98,370	100602
5A90	055618	Telemarketing Fraud Enforcement	\$	7,500	\$	7,500	100603
5L50	055619	Law Enforcement Assistance Program	\$	1,457,852	\$	0	100604

6290	055636	Corrupt Activity Investigation and Prosecution	\$	15,000	\$	15,000	100605
6310	055637	Consumer Protection Enforcement	\$	3,500,000	\$	3,500,000	100606
TOTAL GSF General Services Fund							100607
Group							\$ 64,280,226 \$ 62,822,374 100608
Federal Special Revenue Fund Group							100609
3060	055620	Medicaid Fraud Control	\$	3,879,672	\$	3,879,672	100610
3810	055611	Civil Rights Legal Service	\$	402,540	\$	402,540	100611
3830	055634	Crime Victims Assistance	\$	16,000,000	\$	16,000,000	100612
3E50	055638	Attorney General Pass-Through Funds	\$	3,030,000	\$	3,030,000	100613
3R60	055613	Attorney General Federal Funds	\$	5,115,000	\$	5,115,000	100614
TOTAL FED Federal Special Revenue Fund Group							\$ 28,427,212 \$ 28,427,212 100615 100616
State Special Revenue Fund Group							100617
4020	055616	Victims of Crime	\$	29,000,000	\$	28,000,000	100618
4190	055623	Claims Section	\$	36,875,000	\$	36,875,000	100619
4L60	055606	DARE Programs	\$	3,927,962	\$	3,927,962	100620
4Y70	055608	Title Defect Rescission	\$	600,000	\$	600,000	100621
6590	055641	Solid and Hazardous Waste Background Investigations	\$	621,159	\$	621,159	100622
TOTAL SSR State Special Revenue Fund Group							\$ 71,024,121 \$ 70,024,121 100623 100624
Holding Account Redistribution Fund Group							100625

R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	100626
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	100627
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	100628
R042	055601	Organized Crime Commission Distributions	\$	25,025	\$	25,025	100629
R054	055650	Collection Outside Counsel Payments	\$	4,500,000	\$	4,500,000	100630
TOTAL	090	Holding Account					100631
		Redistribution Fund Group	\$	6,276,025	\$	6,276,025	100632
		Tobacco Master Settlement Agreement Fund Group					100633
J087	055635	Law Enforcement Technology, Training, and Facility Enhancements	\$	1,987,073	\$	0	100634
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,478,850	\$	2,478,850	100635
TOTAL	TSF	Tobacco Master Settlement Agreement Fund Group	\$	4,465,923	\$	2,478,850	100636
TOTAL	ALL	BUDGET FUND GROUPS	\$	222,562,626	\$	218,117,701	100637

COUNTY SHERIFFS' PAY SUPPLEMENT 100638

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 100639
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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so 100643
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transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

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COUNTY PROSECUTORS' PAY SUPPLEMENT

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The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

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WORKERS' COMPENSATION SECTION

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The Workers' Compensation Fund (Fund 1950) is entitled to receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. The advance payment shall be subject to adjustment.

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In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit.

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All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

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CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION

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The foregoing appropriation item 055636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ATTORNEY GENERAL PASS-THROUGH FUNDS

The foregoing appropriation item 055638, Attorney General Pass-Through Funds, shall be used to receive federal grant funds provided to the Attorney General by other state agencies, including, but not limited to, the Department of Youth Services and the Department of Public Safety.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds,

shall be used for distribution of moneys from court-ordered 100707
judgments against sellers in actions brought by the Office of 100708
Attorney General under sections 1334.08 and 4549.48 and division 100709
(B) of section 1345.07 of the Revised Code. These moneys shall be 100710
used to provide restitution to consumers victimized by the fraud 100711
that generated the court-ordered judgments. If it is determined 100712
that additional amounts are necessary for this purpose, the 100713
amounts are hereby appropriated. 100714

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 100715

The foregoing appropriation item 055601, Organized Crime 100716
Commission Distributions, shall be used by the Organized Crime 100717
Investigations Commission, as provided by section 177.011 of the 100718
Revised Code, to reimburse political subdivisions for the expenses 100719
the political subdivisions incur when their law enforcement 100720
officers participate in an organized crime task force. If it is 100721
determined that additional amounts are necessary for this purpose, 100722
the amounts are hereby appropriated. 100723

FUND ABOLISHMENTS 100724

Effective July 1, 2009, or as soon as possible thereafter, 100725
the Director of Budget and Management shall transfer the cash 100726
balance in the Asbestos Abatement Distribution Fund (Fund 6740) to 100727
the General Revenue Fund. Upon completion of the transfer, Fund 100728
6740 is abolished. 100729

Effective July 1, 2009, the Bingo License Refunds Fund (Fund 100730
R003) is abolished. 100731

Section 225.10. AUD AUDITOR OF STATE 100732

General Revenue Fund 100733

GRF 070321 Operating Expenses \$ 30,029,775 \$ 30,029,775 100734

GRF 070403 Fiscal \$ 570,000 \$ 570,000 100735

Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund	\$	30,599,775	\$	30,599,775	100736
Auditor of State Fund Group					100737
1090 070601 Public Audit Expense	\$	11,000,000	\$	11,000,000	100738
- Intra-State					
4220 070602 Public Audit Expense	\$	30,828,000	\$	31,053,000	100739
- Local Government					
5840 070603 Training Program	\$	181,250	\$	181,250	100740
6750 070605 Uniform Accounting	\$	3,317,336	\$	3,317,336	100741
Network					
TOTAL AUD Auditor of State Fund					100742
Group	\$	45,326,586	\$	45,551,586	100743
TOTAL ALL BUDGET FUND GROUPS	\$	75,926,361	\$	76,151,361	100744

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 100745

The foregoing appropriation item 070403, Fiscal 100746
 Watch/Emergency Technical Assistance, shall be used for expenses 100747
 incurred by the Office of the Auditor of State in its role 100748
 relating to fiscal watch or fiscal emergency activities under 100749
 Chapters 118. and 3316. of the Revised Code. Expenses include, but 100750
 are not limited to, the following: duties related to the 100751
 determination or termination of fiscal watch or fiscal emergency 100752
 of municipal corporations, counties, townships, or school 100753
 districts; development of preliminary accounting reports; 100754
 performance of annual forecasts; provision of performance audits; 100755
 and supervisory, accounting, or auditing services for the 100756
 municipal corporations, counties, townships, or school districts. 100757

An amount equal to the unexpended, unencumbered portion of 100758
 appropriation item 070403, Fiscal Watch/Emergency Technical 100759
 Assistance, at the end of fiscal year 2010 is hereby 100760
 reappropriated for the same purpose in fiscal year 2011. 100761

Section 227.10. BRB BOARD OF BARBER EXAMINERS 100762

General Services Fund Group					100763
4K90 877609 Operating Expenses	\$	628,264	\$	628,264	100764
TOTAL GSF General Services Fund					100765
Group	\$	628,264	\$	628,264	100766
TOTAL ALL BUDGET FUND GROUPS	\$	628,264	\$	628,264	100767
ED JEFFERS BARBER MUSEUM					100768
Beginning October 1, 2009, or as soon as possible thereafter,					100769
the Director of Budget and Management and the Executive Director					100770
of the Barber Board shall develop a plan to distribute the amounts					100771
collected under division (C) of section 4709.12 of the Revised					100772
Code to the Ed Jeffers Barber Museum.					100773
Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT					100774
General Revenue Fund					100775
GRF 042321 Budget Development	\$	2,412,346	\$	2,350,805	100776
and Implementation					
GRF 042410 National Association	\$	30,448	\$	31,361	100777
Dues					
GRF 042412 Audit of Auditor of	\$	44,528	\$	46,309	100778
State					
GRF 042413 Payment Issuance	\$	446,968	\$	457,545	100779
GRF 042416 Medicaid Agency	\$	571,028	\$	369,298	100780
Transition					
GRF 042435 Gubernatorial	\$	0	\$	250,000	100781
Transition					
TOTAL GRF General Revenue Fund	\$	3,505,318	\$	3,505,318	100782
General Services Fund Group					100783
1050 042603 State Accounting and	\$	37,031,976	\$	41,206,060	100784
Budgeting					
5N40 042602 OAKS Project	\$	2,100,000	\$	2,100,000	100785
Implementation					

5Z80 042608	Executive Medicaid Administration	\$	57,751	\$	0	100786
TOTAL GSF	General Services Fund Group	\$	39,189,727	\$	43,306,060	100787
	Federal Special Revenue Fund Group					100788
3CM0 042606	Medicaid Transition - Federal	\$	734,979	\$	747,098	100789
TOTAL FED	Federal Special Revenue Fund Group	\$	734,979	\$	747,098	100790
	Agency Fund Group					100791
5EH0 042604	Forgery Recovery	\$	50,000	\$	50,000	100792
TOTAL AGY	Agency Fund Group	\$	50,000	\$	50,000	100793
TOTAL ALL BUDGET FUND GROUPS		\$	43,480,024	\$	47,608,476	100794
	AUDIT COSTS					100795
	Of the foregoing appropriation item 042603, State Accounting and Budgeting, not more than \$456,000 in fiscal year 2010 and not more than \$467,000 in fiscal year 2011 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state.					100796 100797 100798 100799 100800 100801
	SHARED SERVICES CENTER					100802
	The Director of Budget and Management shall use the OAKS Project Implementation Fund (Fund 5N40) and the Accounting and Budgeting Fund (Fund 1050) to implement a Shared Services Center within the Office of Budget and Management for the purpose of consolidating statewide finance functions and common transactional processes. The Director of Budget and Management shall transfer the unobligated cash balance remaining in Fund 5N40 to the General Revenue Fund before the end of fiscal year 2011.					100803 100804 100805 100806 100807 100808 100809 100810
	Effective July 1, 2009, the Director of Budget and Management shall include the recovery of costs to operate the Shared Services					100811 100812

Center in the accounting and budgeting services payroll rate and 100813
through a direct charge using intrastate transfer vouchers to 100814
agencies for services rendered. The Director of Budget and 100815
Management shall determine the cost recovery methodology. Such 100816
cost recovery revenues shall be deposited to the credit of Fund 100817
1050. 100818

Effective July 1, 2009, the Director of Budget and Management 100819
may enter into any contract or agreement necessary to carry out 100820
the director's duties set forth in this section or in division (C) 100821
of section 126.21 of the Revised Code. 100822

INTERNAL CONTROL AND AUDIT OVERSIGHT 100823

Effective July 1, 2009, the Director of Budget and Management 100824
shall include the recovery of costs to operate the Internal 100825
Control and Audit Oversight Program in the accounting and 100826
budgeting services payroll rate and through a direct charge using 100827
intrastate transfer vouchers to agencies reviewed by the program. 100828
The Director of Budget and Management, with advice from the 100829
Internal Audit Advisory Council, shall determine the cost recovery 100830
methodology. Such cost recovery revenues shall be deposited to the 100831
credit of the Accounting and Budgeting Fund (Fund 1050). 100832

FORGERY RECOVERY 100833

The foregoing appropriation item 042604, Forgery Recovery, 100834
shall be used to reissue warrants that have been certified as 100835
forgeries by the rightful recipient as determined by the Bureau of 100836
Criminal Identification and Investigation and the Treasurer of 100837
State. Upon receipt of funds to cover the reissuance of the 100838
warrant, the Director of Budget and Management shall reissue a 100839
state warrant of the same amount. 100840

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 100841

General Revenue Fund 100842

GRF 874100	Personal Services	\$	1,873,368	\$	1,873,368	100843
GRF 874320	Maintenance and Equipment	\$	752,591	\$	752,590	100844
TOTAL GRF	General Revenue Fund	\$	2,625,959	\$	2,625,958	100845
	General Services Fund Group					100846
4G50 874603	Capitol Square Education Center and Arts	\$	15,000	\$	15,000	100847
4S70 874602	Statehouse Gift Shop/Events	\$	799,995	\$	794,651	100848
TOTAL GSF	General Services Fund Group	\$	814,995	\$	809,651	100849 100850
	Underground Parking Garage					100851
2080 874601	Underground Parking Garage Operations	\$	2,923,224	\$	2,979,615	100852
TOTAL UPG	Underground Parking Garage	\$	2,923,224	\$	2,979,615	100853 100854
TOTAL ALL BUDGET FUND GROUPS		\$	6,364,178	\$	6,415,224	100855
	WAREHOUSE PAYMENTS					100856
	Of the foregoing appropriation item 874601, Underground Parking Garage Operations, \$48,000 in each fiscal year shall be used to meet all payments at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, to the Ohio Building Authority for bond service charges relating to the purchase and improvement of a warehouse acquired pursuant to section 105.41 of the Revised Code, in which to store items of the Capitol Collection Trust and, whenever necessary, equipment or other property of the Board.					100857 100858 100859 100860 100861 100862 100863 100864 100865
	Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS					100866 100867
	General Services Fund Group					100868

4K90 233601	Operating Expenses	\$	572,700	\$	572,700	100869
TOTAL GSF	General Services Fund	\$	572,700	\$	572,700	100870
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	572,700	\$	572,700	100871

Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 100873

General Services Fund Group						100874
4K90 930609	Operating Expenses	\$	551,146	\$	551,146	100875
TOTAL GSF	General Services Fund	\$	551,146	\$	551,146	100876
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	551,146	\$	551,146	100877

Section 237.10. CHR STATE CHIROPRACTIC BOARD 100879

General Services Fund Group						100880
4K90 878609	Operating Expenses	\$	621,621	\$	621,621	100881
TOTAL GSF	General Services Fund	\$	621,621	\$	621,621	100882
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	621,621	\$	621,621	100883

Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION 100885

General Revenue Fund						100886
GRF 876321	Operating Expenses	\$	6,391,317	\$	6,391,317	100887
TOTAL GRF	General Revenue Fund	\$	6,391,317	\$	6,391,317	100888
General Services Fund Group						100889
2170 876604	Operations Support	\$	8,000	\$	8,000	100890
TOTAL GSF	General Services					100891
Fund Group		\$	8,000	\$	8,000	100892
Federal Special Revenue Fund Group						100893
3340 876601	Federal Programs	\$	3,876,500	\$	3,281,500	100894
TOTAL FED	Federal Special Revenue					100895
Fund Group		\$	3,876,500	\$	3,281,500	100896
TOTAL ALL BUDGET FUND GROUPS		\$	10,275,817	\$	9,680,817	100897

Section 241.10. COM DEPARTMENT OF COMMERCE				100899
General Revenue Fund				100900
GRF	800410	Labor and Worker Safety	\$ 2,132,396 \$	2,132,396 100901
Total GRF General Revenue Fund				\$ 2,132,396 \$ 2,132,396 100902
General Services Fund Group				100903
1630	800620	Division of Administration	\$ 7,270,049 \$	7,411,286 100904
1630	800637	Information Technology	\$ 6,219,734 \$	6,137,122 100905
5430	800602	Unclaimed Funds-Operating	\$ 9,948,085 \$	9,948,085 100906
5430	800625	Unclaimed Funds-Claims	\$ 75,000,000 \$	75,000,000 100907
5F10	800635	Small Government Fire Departments	\$ 300,000 \$	300,000 100908
TOTAL GSF General Services Fund Group				\$ 98,737,868 \$ 98,796,493 100909 100910
Federal Special Revenue Fund Group				100911
3480	800622	Underground Storage Tanks	\$ 586,128 \$	585,782 100912
3480	800624	Leaking Underground Storage Tanks	\$ 1,477,606 \$	1,489,717 100913
TOTAL FED Federal Special Revenue Fund Group				\$ 2,063,734 \$ 2,075,499 100914 100915
State Special Revenue Fund Group				100916
4B20	800631	Real Estate Appraisal Recovery	\$ 35,000 \$	35,000 100917
4H90	800608	Cemeteries	\$ 273,465 \$	273,465 100918
4X20	800619	Financial Institutions	\$ 2,233,031 \$	2,221,395 100919
5440	800612	Banks	\$ 6,703,253 \$	6,753,254 100920

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

5450 800613	Savings Institutions	\$	2,286,615	\$	2,307,019	100921
5460 800610	Fire Marshal	\$	15,118,673	\$	15,191,721	100922
5460 800639	Fire Department Grants	\$	1,695,198	\$	1,698,802	100923
5470 800603	Real Estate	\$	250,000	\$	250,000	100924
	Education/Research					
5480 800611	Real Estate Recovery	\$	50,000	\$	50,000	100925
5490 800614	Real Estate	\$	3,456,405	\$	3,451,694	100926
5500 800617	Securities	\$	4,761,545	\$	4,411,545	100927
5520 800604	Credit Union	\$	3,627,390	\$	3,627,390	100928
5530 800607	Consumer Finance	\$	5,367,260	\$	5,148,702	100929
5560 800615	Industrial Compliance	\$	25,753,662	\$	26,713,417	100930
5GK0 800609	Securities Investor	\$	200,000	\$	200,000	100931
	Education/Enforcement					
5K70 800621	Penalty Enforcement	\$	150,000	\$	150,000	100932
5X60 800623	Video Service	\$	34,476	\$	34,476	100933
6530 800629	UST	\$	1,433,189	\$	1,431,831	100934
	Registration/Permit Fee					
6A40 800630	Real Estate	\$	664,006	\$	664,006	100935
	Appraiser-Operating					
TOTAL SSR State Special Revenue						100936
Fund Group		\$	74,093,168	\$	74,613,717	100937
Liquor Control Fund Group						100938
7043 800601	Merchandising	\$	472,492,696	\$	488,434,277	100939
7043 800627	Liquor Control	\$	13,776,430	\$	14,313,346	100940
	Operating					
7043 800633	Development Assistance	\$	40,565,100	\$	52,412,800	100941
	Debt Service					
7043 800636	Revitalization Debt	\$	15,632,800	\$	20,359,000	100942
	Service					
TOTAL LCF Liquor Control						100943
Fund Group		\$	542,467,026	\$	575,519,423	100944
Volunteer Firefighters' Dependents Fund Group						100945

7085	800985	Volunteer	\$	300,000	\$	300,000	100946
		Firefighters'					
		Dependents Fund					
TOTAL	085	Volunteer Firefighters'	\$	300,000	\$	300,000	100947
		Dependents Fund Group					
		Revenue Distribution Fund Group					100948
7066	800966	Undivided Liquor	\$	14,100,000	\$	14,100,000	100949
		Permits					
TOTAL	RDF	Revenue Distribution Fund	\$	14,100,000	\$	14,100,000	100950
		Group					
TOTAL	ALL BUDGET FUND GROUPS		\$	733,894,192	\$	767,537,528	100951
		SMALL GOVERNMENT FIRE DEPARTMENTS					100952
		Notwithstanding section 3737.17 of the Revised Code, the					100953
		foregoing appropriation item 800635, Small Government Fire					100954
		Departments, may be used to provide loans to private fire					100955
		departments.					100956
		UNCLAIMED FUNDS PAYMENTS					100957
		The foregoing appropriation item 800625, Unclaimed					100958
		Funds-Claims, shall be used to pay claims under section 169.08 of					100959
		the Revised Code. If it is determined that additional amounts are					100960
		necessary, the amounts are appropriated.					100961
		UNCLAIMED FUNDS TRANSFERS					100962
		Notwithstanding division (A) of section 169.05 of the Revised					100963
		Code, on or after December 1, 2009, the Director of Budget and					100964
		Management shall request the Director of Commerce to transfer to					100965
		the General Revenue Fund up to \$250,000,000 of unclaimed funds					100966
		that have been reported by holders of unclaimed funds under					100967
		section 169.05 of the Revised Code, irrespective of the allocation					100968
		of the unclaimed funds under that section. After such request has					100969
		been made, the Director of Commerce shall transfer the funds prior					100970
		to June 30, 2010.					100971

Notwithstanding division (A) of section 169.05 of the Revised Code, on or after December 1, 2010, the Director of Budget and Management shall request the Director of Commerce to transfer to the General Revenue Fund up to \$135,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. After such request has been made, the Director of Commerce shall transfer the funds prior to June 30, 2011.

FIRE DEPARTMENT GRANTS

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$760,000 in each fiscal year shall be used to make annual grants to volunteer fire departments of up to \$10,000, or up to \$25,000 if the volunteer fire department provides service for an area affected by a natural disaster. The grant program shall be administered by the Fire Marshal. The Fire Marshal shall adopt rules as are necessary for the administration and operation of the grant program.

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$887,140 in each fiscal year shall be used as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. Under rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits of the funding provided, with priority given to fire departments that serve small villages and townships.

DIVISION OF SECURITIES TECHNOLOGY UPGRADES

Of the foregoing appropriation item 800617, Securities, such

sums as are necessary shall be used over the biennium to support 101003
the development and implementation of information technology 101004
solutions designed to enable the Division of Securities to better 101005
protect the interests of investors and the public. Implementation 101006
of these solutions shall, among other things, enhance the 101007
Division's ability to monitor complaints about and actions against 101008
persons engaged in any practice prohibited by Chapter 1707. of the 101009
Revised Code or defined as fraudulent in that chapter or any other 101010
deceptive scheme or practice in connection with the sale of 101011
securities. The Director of Commerce may seek assistance from the 101012
Department of Administrative Services in relation to the 101013
development and implementation of the solutions. 101014

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 101015
EDUCATION AND ENFORCEMENT EXPENSE FUND 101016

The Director of Budget and Management, upon the request of 101017
the Director of Commerce, shall transfer up to \$200,000 in cash in 101018
each fiscal year from the Division of Securities Fund (Fund 5500) 101019
to the Division of Securities Investor Education and Enforcement 101020
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 101021
Code. 101022

CASH TRANSFERS TO THE REAL ESTATE OPERATING FUND 101023

The Director of Budget and Management, upon request of the 101024
Director of Commerce, shall transfer \$1,300,000 in cash over the 101025
FY 2010-FY 2011 biennium from the Real Estate Education and 101026
Research Fund (Fund 5470) to the Real Estate Operating Fund (Fund 101027
5490). 101028

The Director of Budget and Management, upon request of the 101029
Director of Commerce, shall transfer \$600,000 in cash over the FY 101030
2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 101031
5480) to the Real Estate Operating Fund (Fund 5490). 101032

INCREASED APPROPRIATION - MERCHANDISING 101033

The foregoing appropriation item 800601, Merchandising, shall 101034
be used under section 4301.12 of the Revised Code. If it is 101035
determined that additional expenditures are necessary, the amounts 101036
are appropriated. 101037

DEVELOPMENT ASSISTANCE DEBT SERVICE 101038

The foregoing appropriation item 800633, Development 101039
Assistance Debt Service, shall be used to pay debt service and 101040
related financing costs at the times they are required to be made 101041
during the period from July 1, 2009, to June 30, 2011, for bond 101042
service charges on obligations issued under Chapter 166. of the 101043
Revised Code. If it is determined that additional appropriations 101044
are necessary for this purpose, such amounts are appropriated, 101045
subject to the limitations set forth in section 166.11 of the 101046
Revised Code. An appropriation for this purpose is not required, 101047
but is made in this form and in this act for record purposes only. 101048
101049

REVITALIZATION DEBT SERVICE 101050

The foregoing appropriation item 800636, Revitalization Debt 101051
Service, shall be used to pay debt service and related financing 101052
costs under sections 151.01 and 151.40 of the Revised Code during 101053
the period from July 1, 2009, to June 30, 2011. If it is 101054
determined that additional appropriations are necessary for this 101055
purpose, such amounts are hereby appropriated. The General 101056
Assembly acknowledges the priority of the pledge of a portion of 101057
receipts from that source to obligations issued and to be issued 101058
under Chapter 166. of the Revised Code. 101059

ADMINISTRATIVE ASSESSMENTS 101060

Notwithstanding any other provision of law to the contrary, 101061
the Division of Administration Fund (Fund 1630) is entitled to 101062
receive assessments from all operating funds of the Department in 101063
accordance with procedures prescribed by the Director of Commerce 101064

and approved by the Director of Budget and Management. 101065

Section 241.20. ABOLISHMENT OF THE DIVISION OF LABOR AND 101066
WORKER SAFETY AND THE DIVISION OF INDUSTRIAL COMPLIANCE IN THE 101067
DEPARTMENT OF COMMERCE 101068

The Division of Labor and Worker Safety in the Department of 101069
Commerce and the Division of Industrial Compliance in the 101070
Department of Commerce are hereby abolished on the effective date 101071
of section 121.04 of the Revised Code, as amended by this act. The 101072
Division of Labor shall supersede the Division of Labor and Worker 101073
Safety and Division of Industrial Compliance, and the 101074
Superintendent of Labor shall supersede the Superintendent of 101075
Labor and Worker Safety and the Superintendent of Industrial 101076
Compliance. The Superintendent of Labor or Division of Labor, as 101077
applicable, shall succeed to and have and perform all the duties, 101078
powers, and obligations pertaining to the duties, powers, and 101079
obligations of the Superintendent and Division of Labor and Worker 101080
Safety and the Superintendent and Division of Industrial 101081
Compliance. For the purpose of the institution, conduct, and 101082
completion of matters relating to its succession, the 101083
Superintendent of Labor or the Division of Labor, as applicable, 101084
is deemed to be the continuation of and successor under law to the 101085
Superintendent and Division of Labor and Worker Safety or the 101086
Superintendent and Division of Industrial Compliance, as 101087
applicable. All rules, actions, determinations, commitments, 101088
resolutions, decisions, and agreements pertaining to those duties, 101089
powers, obligations, functions, and rights in force or in effect 101090
on the effective date of section 121.04 of the Revised Code, as 101091
amended by this act, shall continue in force and effect subject to 101092
any further lawful action thereon by the Superintendent or 101093
Division of Labor. Wherever the Superintendent of Labor and Worker 101094
Safety, Division of Labor and Worker Safety, Superintendent of 101095
Industrial Compliance, or Division of Industrial Compliance are 101096

referred to in any provision of law, or in any agreement or 101097
document that pertains to those duties, powers, obligations, 101098
functions, and rights, the reference is to the Superintendent of 101099
Labor or Division of Labor, as appropriate. 101100

All authorized obligations and supplements thereto of the 101101
Superintendent and Division of Labor and Worker Safety and the 101102
Superintendent and Division of Industrial Compliance pertaining to 101103
the duties, powers, and obligations transferred are binding on the 101104
Superintendent or Division of Labor, as applicable, and nothing in 101105
this act impairs the obligations or rights thereunder or under any 101106
contract. The abolition of the Division of Labor and Worker Safety 101107
and the Division of Industrial Compliance and the transfer of the 101108
duties, powers, and obligations of the Superintendent and Division 101109
of Labor and Worker Safety and the Superintendent and Division of 101110
Industrial Compliance do not affect the validity of agreements or 101111
obligations made by those superintendents or divisions pursuant to 101112
Chapters 121., 3703., 3781., 3791., 4104., 4105., and 4740. of the 101113
Revised Code or any other provisions of law. 101114

In connection with the transfer of duties, powers, 101115
obligations, functions, and rights and abolition of the Division 101116
of Labor and Worker Safety and the Division of Industrial 101117
Compliance, all real property and interest therein, documents, 101118
books, money, papers, records, machinery, furnishings, office 101119
equipment, furniture, and all other property over which the 101120
Superintendent and Division of Labor and Worker Safety or the 101121
Superintendent and Division of Industrial Compliance has control 101122
pertaining to the duties, powers, and obligations transferred and 101123
the rights of the Superintendent and Division of Labor and Worker 101124
Safety and the Superintendent and Division of Industrial 101125
Compliance to enforce or receive any of the aforesaid is 101126
automatically transferred to the Superintendent and Division of 101127
Labor without necessity for further action on the part of the 101128

Superintendent, Division of Labor, or the Director of Commerce. 101129
 Additionally, all appropriations or reappropriations made to the 101130
 Superintendent and Division of Labor and Worker Safety and the 101131
 Superintendent and Division of Industrial Compliance for the 101132
 purposes of the performance of their duties, powers, and 101133
 obligations, are transferred to the Superintendent and Division of 101134
 Labor to the extent of the remaining unexpended or unencumbered 101135
 balance thereof, whether allocated or unallocated, and whether 101136
 obligated or unobligated. 101137

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 101138

General Services Fund Group 101139
 5F50 053601 Operating Expenses \$ 9,543,196 \$ 9,377,610 101140
 TOTAL GSF General Services Fund \$ 9,543,196 \$ 9,377,610 101141
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 9,543,196 \$ 9,377,610 101142

Section 245.10. CEB CONTROLLING BOARD 101144

General Revenue Fund 101145
 GRF 911401 Emergency \$ 4,000,000 \$ 4,000,000 101146
 Purposes/Contingencies
 GRF 911404 Mandate Assistance \$ 545,417 \$ 545,417 101147
 GRF 911441 Ballot Advertising \$ 487,600 \$ 487,600 101148
 Costs
 TOTAL GRF General Revenue Fund \$ 5,033,017 \$ 5,033,017 101149
 TOTAL ALL BUDGET FUND GROUPS \$ 5,033,017 \$ 5,033,017 101150

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 101151

PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 101152

The Controlling Board may, at the request of any state agency 101153
 or the Director of Budget and Management, transfer all or part of 101154
 the appropriation in appropriation item 911401, Emergency 101155
 Purposes/Contingencies, for the purpose of providing disaster and 101156

emergency situation aid to state agencies and political 101157
subdivisions in the event of disasters and emergency situations or 101158
for the other purposes noted in this section, including, but not 101159
limited to, costs related to the disturbance that occurred on 101160
April 11, 1993, at the Southern Ohio Correctional Facility in 101161
Lucasville, Ohio. 101162

FEDERAL SHARE 101163

In transferring appropriations to or from appropriation items 101164
that have federal shares identified in this act, the Controlling 101165
Board shall add or subtract corresponding amounts of federal 101166
matching funds at the percentages indicated by the state and 101167
federal division of the appropriations in this act. Such changes 101168
are hereby appropriated. 101169

DISASTER ASSISTANCE 101170

Pursuant to requests submitted by the Department of Public 101171
Safety, the Controlling Board may approve transfers from 101172
appropriation item 911401, Emergency Purposes/Contingencies, to 101173
appropriation items used by the Department of Public Safety to 101174
provide funding for assistance to political subdivisions and 101175
individuals made necessary by natural disasters or emergencies. 101176
Such transfers may be requested and approved prior to or following 101177
the occurrence of any specific natural disasters or emergencies in 101178
order to facilitate the provision of timely assistance. 101179

101180

DISASTER SERVICES 101181

Pursuant to requests submitted by the Department of Public 101182
Safety, the Controlling Board may approve transfers from the 101183
Disaster Services Fund (5E20) to a fund and appropriation item 101184
used by the Department of Public Safety to provide for assistance 101185
to political subdivisions made necessary by natural disasters or 101186
emergencies. These transfers may be requested and approved prior 101187

to the occurrence of any specific natural disasters or emergencies 101188
in order to facilitate the provision of timely assistance. The 101189
Emergency Management Agency of the Department of Public Safety 101190
shall use the funding to fund the State Disaster Relief Program 101191
for disasters that have been declared by the Governor, and the 101192
State Individual Assistance Program for disasters that have been 101193
declared by the Governor and the federal Small Business 101194
Administration. The Ohio Emergency Management Agency shall publish 101195
and make available application packets outlining procedures for 101196
the State Disaster Relief Program and the State Individual 101197
Assistance Program. 101198

Fund 5E20 shall be used by the Controlling Board, pursuant to 101199
requests submitted by state agencies, to transfer cash and 101200
appropriations to any fund and appropriation item for the payment 101201
of state agency disaster relief program expenses for disasters 101202
declared by the Governor, if the Director of Budget and Management 101203
determines that sufficient funds exist. 101204

SOUTHERN OHIO CORRECTIONAL FACILITY COST 101205

The Division of Criminal Justice Services in the Department 101206
of Public Safety and the Public Defender Commission may each 101207
request, upon approval of the Director of Budget and Management, 101208
additional funds from appropriation item 911401, Emergency 101209
Purposes/Contingencies, for costs related to the disturbance that 101210
occurred on April 11, 1993, at the Southern Ohio Correctional 101211
Facility in Lucasville, Ohio. 101212

MANDATE ASSISTANCE 101213

(A) The foregoing appropriation item 911404, Mandate 101214
Assistance, shall be used to provide financial assistance to local 101215
units of government and school districts for the cost of the 101216
following two state mandates: 101217

(1) The cost to county prosecutors for prosecuting certain 101218

felonies that occur on the grounds of state institutions operated 101219
 by the Department of Rehabilitation and Correction and the 101220
 Department of Youth Services; 101221

(2) The cost to school districts of in-service training for 101222
 child abuse detection. 101223

(B) The Division of Criminal Justice Services in the 101224
 Department of Public Safety and the Department of Education may 101225
 prepare and submit to the Controlling Board one or more requests 101226
 to transfer appropriations from appropriation item 911404, Mandate 101227
 Assistance. The state agencies charged with this administrative 101228
 responsibility are listed below, as well as the estimated annual 101229
 amounts that may be used for each program of state financial 101230
 assistance. 101231

		ESTIMATED	101232
		ANNUAL	101233
PROGRAM	ADMINISTERING AGENCY	AMOUNT	101234
Prosecution Costs	Division of Criminal Justice Services	\$125,446	101235
			101236
Child Abuse Detection Training Costs	Department of Education	\$419,971	101237

(C) Subject to the total amount appropriated in each fiscal 101238
 year for appropriation item 911404, Mandate Assistance, the 101239
 Division of Criminal Justice Services and the Department of 101240
 Education may request from the Controlling Board that amounts 101241
 smaller or larger than these estimated annual amounts be 101242
 transferred to each program. 101243

(D) In addition to making the initial transfers requested by 101244
 the Division of Criminal Justice Services and the Department of 101245
 Education, the Controlling Board may transfer appropriations 101246
 received by a state agency under this section back to 101247
 appropriation item 911404, Mandate Assistance, or to the other 101248
 program of state financial assistance identified under this 101249

section. 101250

(E) It is expected that not all costs incurred by local units 101251
of government and school districts under each of the two programs 101252
of state financial assistance identified in this section will be 101253
fully reimbursed by the state. Reimbursement levels may vary by 101254
program and shall be based on: the relationship between the 101255
appropriation transfers requested by the Division of Criminal 101256
Justice Services and the Department of Education and provided by 101257
the Controlling Board for each of the programs; the rules and 101258
procedures established for each program by the administering state 101259
agency; and the actual costs incurred by local units of government 101260
and school districts. 101261

(F) Each of these programs of state financial assistance 101262
shall be carried out as follows: 101263

(1) PROSECUTION COSTS 101264

(a) Appropriations may be transferred to the Division of 101265
Criminal Justice Services to cover local prosecution costs for 101266
aggravated murder, murder, felonies of the first degree, and 101267
felonies of the second degree that occur on the grounds of 101268
institutions operated by the Department of Rehabilitation and 101269
Correction and the Department of Youth Services. 101270

(b) Upon a delinquency filing in juvenile court or the return 101271
of an indictment for aggravated murder, murder, or any felony of 101272
the first or second degree that was committed at a Department of 101273
Youth Services or a Department of Rehabilitation and Correction 101274
institution, the affected county may, in accordance with rules 101275
that the Division of Criminal Justice Services shall adopt, apply 101276
to the Division of Criminal Justice Services for a grant to cover 101277
all documented costs that are incurred by the county prosecutor's 101278
office. 101279

(c) Twice each year, the Division of Criminal Justice 101280

Services shall designate counties to receive grants from those 101281
counties that have submitted one or more applications in 101282
compliance with the rules that have been adopted by the Division 101283
of Criminal Justice Services for the receipt of such grants. In 101284
each year's first round of grant awards, if sufficient 101285
appropriations have been made, up to a total of \$100,000 may be 101286
awarded. In each year's second round of grant awards, the 101287
remaining appropriations available for this purpose may be 101288
awarded. 101289

(d) If for a given round of grants there are insufficient 101290
appropriations to make grant awards to all the eligible counties, 101291
the first priority shall be given to counties with cases involving 101292
aggravated murder and murder; second priority shall be given to 101293
counties with cases involving a felony of the first degree; and 101294
third priority shall be given to counties with cases involving a 101295
felony of the second degree. Within these priorities, the grant 101296
awards shall be based on the order in which the applications were 101297
received, except that applications for cases involving a felony of 101298
the first or second degree shall not be considered in more than 101299
two consecutive rounds of grant awards. 101300

(2) CHILD ABUSE DETECTION TRAINING COSTS 101301

Appropriations may be transferred to the Department of 101302
Education for payment to local school districts as full or partial 101303
reimbursement for the cost of providing in-service training for 101304
child abuse detection. In accordance with rules that the 101305
Department shall adopt, a local school district may apply to the 101306
Department for a grant to cover all documented costs that are 101307
incurred to provide in-service training for child abuse detection. 101308
The department shall make grants within the limits of the funding 101309
provided. 101310

(G) Any moneys allocated within appropriation item 911404, 101311
Mandate Assistance, not fully utilized may, upon application of 101312

the Ohio Public Defender Commission, and with the approval of the 101313
Controlling Board, be paid to boards of county commissioners to 101314
provide additional reimbursement for the costs incurred by 101315
counties in providing defense to indigent defendants pursuant to 101316
Chapter 120. of the Revised Code. Application for the unutilized 101317
funds shall be made by the Ohio Public Defender Commission at the 101318
first June meeting of the Controlling Board. 101319

The amount to be paid to each county shall be allocated 101320
proportionately on the basis of the total amount of reimbursement 101321
paid to each county as a percentage of the amount of reimbursement 101322
paid to all of the counties during the most recent state fiscal 101323
year for which data is available and as calculated by the Ohio 101324
Public Defender Commission. 101325

BALLOT ADVERTISING COSTS 101326

Pursuant to section 3501.17 of the Revised Code, and upon 101327
requests submitted by the Secretary of State, the Controlling 101328
Board shall approve transfers from the foregoing appropriation 101329
item 911441, Ballot Advertising Costs, to appropriation item 101330
050621, Statewide Ballot Advertising, in order to pay for the cost 101331
of public notices associated with statewide ballot initiatives. 101332
101333

Section 247.10. COS STATE BOARD OF COSMETOLOGY 101334

General Services Fund Group 101335
4K90 879609 Operating Expenses \$ 3,533,679 \$ 3,533,679 101336
TOTAL GSF General Services Fund 101337
Group \$ 3,533,679 \$ 3,533,679 101338
TOTAL ALL BUDGET FUND GROUPS \$ 3,533,679 \$ 3,533,679 101339

Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 101341
AND FAMILY THERAPIST BOARD 101342
General Services Fund Group 101343

4K90 899609	Operating Expenses	\$	1,179,774	\$	1,179,774	101344
TOTAL GSF General Services Fund						101345
Group		\$	1,179,774	\$	1,179,774	101346
TOTAL ALL BUDGET FUND GROUPS						101347

Section 251.10. CLA COURT OF CLAIMS 101349

General Revenue Fund						101350
GRF 015321	Operating Expenses	\$	2,699,369	\$	2,780,350	101351
TOTAL GRF General Revenue Fund						101352
State Special Revenue Fund Group						101353
5K20 015603	CLA Victims of Crime	\$	1,582,684	\$	1,582,684	101354
TOTAL SSR State Special Revenue						101355
Fund Group		\$	1,582,684	\$	1,582,684	101356
TOTAL ALL BUDGET FUND GROUPS						101357

Section 253.10. AFC OHIO CULTURAL FACILITIES COMMISSION 101359

General Revenue Fund						101360
GRF 371321	Operating Expenses	\$	140,909	\$	140,909	101361
GRF 371401	Lease Rental Payments	\$	26,454,900	\$	28,301,600	101362
TOTAL GRF General Revenue Fund						101363
State Special Revenue Fund Group						101364
4T80 371601	Riffe Theatre	\$	81,000	\$	81,000	101365
Equipment Maintenance						
4T80 371603	Project	\$	1,302,866	\$	1,302,866	101366
Administration						
Services						
TOTAL SSR State Special Revenue						101367
Group						
TOTAL ALL BUDGET FUND GROUPS						101368

LEASE RENTAL PAYMENTS 101369

The foregoing appropriation item 371401, Lease Rental 101370
 Payments, shall be used to meet all payments from the Ohio 101371

Cultural Facilities Commission to the Treasurer of State during 101372
the period from July 1, 2009, to June 30, 2011, under the primary 101373
leases and agreements for those arts and sports facilities made 101374
under Chapters 152. and 154. of the Revised Code. This 101375
appropriation is the source of funds pledged for bond service 101376
charges on related obligations issued under Chapters 152. and 154. 101377
of the Revised Code. 101378

OPERATING EXPENSES 101379

The foregoing appropriation item 371321, Operating Expenses, 101380
shall be used by the Ohio Cultural Facilities Commission to carry 101381
out its responsibilities under this section and Chapter 3383. of 101382
the Revised Code. 101383

By the tenth day following each calendar quarter in each 101384
fiscal year, or as soon as possible thereafter, the Director of 101385
Budget and Management shall determine the amount of cash from 101386
interest earnings to be transferred from the Cultural and Sports 101387
Facilities Building Fund (Fund 7030) to the Cultural Facilities 101388
Commission Administration Fund (Fund 4T80). 101389

As soon as possible after each bond issuance made on behalf 101390
of the Cultural Facilities Commission, the Director of Budget and 101391
Management shall determine the amount of cash from any premium 101392
paid on each issuance that is available to be transferred after 101393
all issuance costs have been paid from the Cultural and Sports 101394
Facilities Building Fund (Fund 7030) to the Cultural Facilities 101395
Commission Administration Fund (Fund 4T80). 101396

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 101397

The Executive Director of the Cultural Facilities Commission 101398
shall certify to the Director of Budget and Management the amount 101399
of cash receipts and related investment income, irrevocable 101400
letters of credit from a bank, or certification of the 101401
availability of funds that have been received from a county or a 101402

municipal corporation for deposit into the Capital Donations Fund 101403
(Fund 5A10) and that are related to an anticipated project. These 101404
amounts are hereby appropriated to appropriation item C37146, 101405
Capital Donations. Prior to certifying these amounts to the 101406
Director, the Executive Director shall make a written agreement 101407
with the participating entity on the necessary cash flows required 101408
for the anticipated construction or equipment acquisition project. 101409

Section 255.10. DEN STATE DENTAL BOARD 101410

General Services Fund Group 101411
4K90 880609 Operating Expenses \$ 1,528,749 \$ 1,528,749 101412
TOTAL GSF General Services Fund 101413
Group \$ 1,528,749 \$ 1,528,749 101414
TOTAL ALL BUDGET FUND GROUPS \$ 1,528,749 \$ 1,528,749 101415

Section 257.10. BDP BOARD OF DEPOSIT 101417

General Services Fund Group 101418
4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 101419
TOTAL GSF General Services Fund 101420
Group \$ 1,876,000 \$ 1,876,000 101421
TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 101422

BOARD OF DEPOSIT EXPENSE FUND 101423

Upon receiving certification of expenses from the Treasurer 101424
of State, the Director of Budget and Management shall transfer 101425
cash from the Investment Earnings Redistribution Fund (Fund 6080) 101426
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 101427
shall be used pursuant to section 135.02 of the Revised Code to 101428
pay for any and all necessary expenses of the Board of Deposit or 101429
for banking charges and fees required for the operation of the 101430
State of Ohio Regular Account. 101431

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 101432

		General Revenue Fund					101433
GRF	195401	Thomas Edison Program	\$	15,946,751	\$	15,946,751	101434
GRF	195404	Small Business Development	\$	1,565,770	\$	1,565,770	101435
GRF	195405	Minority Business Enterprise Division	\$	1,238,528	\$	1,238,528	101436
GRF	195407	Travel and Tourism	\$	1,399,410	\$	1,399,410	101437
GRF	195410	Defense Conversion Assistance	\$	3,000,000	\$	1,000,000	101438
GRF	195412	Rapid Outreach Grants	\$	11,000,000	\$	11,000,000	101439
GRF	195415	Strategic Business Investment Division and Regional Offices	\$	5,882,129	\$	5,882,129	101440
GRF	195416	Governor's Office of Appalachia	\$	4,508,741	\$	4,508,741	101441
GRF	195422	Technology Action	\$	3,500,000	\$	3,500,000	101442
GRF	195426	Clean Ohio Implementation	\$	168,365	\$	168,365	101443
GRF	195432	Global Markets	\$	3,889,566	\$	3,889,566	101444
GRF	195434	Industrial Training Grants	\$	20,000,000	\$	20,000,000	101445
GRF	195436	Labor/Management Cooperation	\$	752,603	\$	752,603	101446
GRF	195497	CDBG Operating Match	\$	1,056,075	\$	1,056,075	101447
GRF	195498	State Match Energy	\$	246,820	\$	246,820	101448
GRF	195501	Appalachian Local Development Districts	\$	391,482	\$	391,482	101449
GRF	195502	Appalachian Regional Commission Dues	\$	221,924	\$	221,924	101450
GRF	195507	Travel and Tourism Grants	\$	2,055,000	\$	2,055,000	101451
GRF	195520	Ohio Main Street Program	\$	575,000	\$	75,000	101452

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

GRF	195521	Discover Ohio!	\$	6,800,903	\$	6,800,903	101453
GRF	195522	Targeted Industry Training Grants	\$	3,800,000	\$	3,800,000	101454
GRF	195523	Workforce Retention & Attraction	\$	500,000	\$	500,000	101455
GRF	195524	EfficientGovNow Match	\$	1,000,000	\$	0	101456
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	20,948,300	\$	29,011,600	101457
GRF	195912	Job Ready Site Development General Obligation Debt Service	\$	5,685,400	\$	10,601,900	101458
TOTAL GRF	General Revenue Fund		\$	116,132,767	\$	125,612,567	101459
General Services Fund Group							101460
1350	195684	Supportive Services	\$	12,162,444	\$	12,184,444	101461
4W10	195646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	101462
5AD0	195677	Economic Development Contingency	\$	4,000,000	\$	4,000,000	101463
5DU0	195689	Energy Projects	\$	840,000	\$	840,000	101464
5W50	195690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000	101465
6850	195636	Direct Cost Recovery Expenditures	\$	1,000,000	\$	1,000,000	101466
TOTAL GSF	General Services Fund						101467
Group			\$	20,933,041	\$	20,955,041	101468
Federal Special Revenue Fund Group							101469
3080	195602	Appalachian Regional Commission	\$	475,000	\$	475,000	101470

3080	195603	Housing and Urban Development	\$	6,000,000	\$	6,000,000	101471
3080	195605	Federal Projects	\$	27,000,000	\$	27,000,000	101472
3080	195609	Small Business Administration	\$	5,011,381	\$	5,011,381	101473
3080	195618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	101474
3350	195610	Energy Conservation and Emerging Technology	\$	1,800,000	\$	1,100,000	101475
3AE0	195643	Workforce Development Initiatives	\$	17,000,000	\$	16,500,000	101476
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	101477
3K90	195611	Home Energy Assistance Block Grant	\$	115,743,608	\$	115,743,608	101478
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	101479
3L00	195612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	101480
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000	101481
TOTAL FED		Federal Special Revenue					101482
Fund Group			\$	328,664,989	\$	327,464,989	101483
State Special Revenue		Fund Group					101484
4440	195607	Water and Sewer Commission Loans	\$	500,000	\$	500,000	101485
4500	195624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	101486
4510	195625	Economic Development Financing Operating	\$	3,433,311	\$	3,433,311	101487
4F20	195639	State Special Projects	\$	400,000	\$	400,000	101488
4F20	195676	Marketing	\$	6,100,000	\$	6,100,000	101489

		Initiatives					
4F20	195699	Utility Provided	\$	500,000	\$	500,000	101490
		Funds					
4S00	195630	Tax Incentive	\$	650,800	\$	650,800	101491
		Programs					
5CG0	195679	Alternative Fuel	\$	1,000,000	\$	1,000,000	101492
		Transportation					
5M40	195659	Low Income Energy	\$	245,000,000	\$	245,000,000	101493
		Assistance					
5M50	195660	Advanced Energy	\$	17,000,000	\$	17,000,000	101494
		Programs					
5W60	195691	International Trade	\$	25,000	\$	0	101495
		Cooperative Projects					
5X10	195651	Exempt Facility	\$	8,000	\$	0	101496
		Inspection					
6110	195631	Water and Sewer	\$	10,000	\$	10,000	101497
		Administration					
6170	195654	Volume Cap	\$	200,000	\$	200,000	101498
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	101499
		Income Housing Trust					
		Fund					
TOTAL	SSR	State Special Revenue					101500
Fund Group			\$	327,881,078	\$	327,848,078	101501
Facilities	Establishment	Fund Group					101502
4Z60	195647	Rural Industrial Park	\$	3,000,000	\$	3,000,000	101503
		Loan					
5D20	195650	Urban Redevelopment	\$	5,000,000	\$	5,000,000	101504
		Loans					
5S80	195627	Rural Development	\$	3,000,000	\$	3,000,000	101505
		Initiative					
5S90	195628	Capital Access Loan	\$	3,000,000	\$	3,000,000	101506
		Program					

7008	195698	Logistics & Distribution Infrastructure	\$	50,000,000	\$	0	101507
7009	195664	Innovation Ohio	\$	20,000,000	\$	20,000,000	101508
7010	195665	Research and Development	\$	35,000,000	\$	35,000,000	101509
7037	195615	Facilities Establishment	\$	65,000,000	\$	65,000,000	101510
TOTAL 037 Facilities							101511
Establishment Fund Group			\$	184,000,000	\$	134,000,000	101512
Clean Ohio Revitalization Fund							101513
7003	195663	Clean Ohio Operating	\$	964,200	\$	953,300	101514
TOTAL 7003 Clean Ohio			\$	964,200	\$	953,300	101515
Revitalization Fund							
Third Frontier Research & Development Fund Group							101516
7011	195687	Third Frontier Research & Development Projects	\$	55,000,000	\$	55,000,000	101517
7014	195692	Research & Development Taxable Bond Projects	\$	6,000,000	\$	6,000,000	101518
TOTAL 011 Third Frontier Research & Development Fund Group			\$	61,000,000	\$	61,000,000	101519
Job Ready Site Development Fund Group							101520
7012	195688	Job Ready Site Operating	\$	1,246,155	\$	1,246,155	101521
TOTAL 012 Job Ready Site Development Fund Group			\$	1,246,155	\$	1,246,155	101522
Tobacco Master Settlement Agreement Fund Group							101523
5Z30	195694	Jobs Fund Bioproducts	\$	40,000,000	\$	10,000,000	101524
5Z30	195695	Jobs Fund Biomedical	\$	80,000,000	\$	20,000,000	101525
M087	195435	Biomedical Research	\$	1,257,363	\$	1,259,563	101526

and Technology

Transfer

TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$ 121,257,363	\$ 31,259,563	101527
TOTAL ALL BUDGET FUND GROUPS	\$ 1,162,079,593	\$ 1,030,339,693	101528

Section 259.10.10. THOMAS EDISON PROGRAM 101530

The foregoing appropriation item 195401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code. Of the foregoing appropriation item 195401, Thomas Edison Program, not more than ten per cent in each fiscal year shall be used for operating expenditures in administering the programs of the Technology and Innovation Division. 101531
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Notwithstanding any provision of law to the contrary, of the foregoing appropriation item 195401, Thomas Edison Program, \$75,000 in each fiscal year shall be used for the City of Cleveland and \$75,000 in each fiscal year shall be used for the City of Toledo to develop the Toledo-Cleveland Energy Corridor. These funds shall not be released unless the Department of Development first secures a commitment of matching funds from each recipient. 101538
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Section 259.10.20. SMALL BUSINESS DEVELOPMENT 101546

The foregoing appropriation item 195404, Small Business Development, shall be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. L. No. 98-395 (1984), and regulations and policy guidelines for the programs pursuant thereto. This appropriation item also may be used to provide grants to local organizations to support the operation of small business development centers and other local 101547
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economic development activities that promote small business 101555
development and entrepreneurship. 101556

Section 259.10.25. DEFENSE CONVERSION ASSISTANCE 101557

The foregoing appropriation item 195410, Defense Conversion 101558
Assistance, shall be used by Development Projects, Inc., for the 101559
creation of new jobs to leverage and support mission gains at 101560
Wright-Patterson Air Force Base in defense intelligence, aerospace 101561
research, and related areas from successful base realignment and 101562
closure efforts. 101563

Section 259.10.30. RAPID OUTREACH GRANTS 101564

The foregoing appropriation item 195412, Rapid Outreach 101565
Grants, shall be used as an incentive for attracting, expanding, 101566
and retaining business opportunities for the state. Projects 101567
offering substantial opportunities for new, expanding, or retained 101568
business operations in Ohio, are eligible for grant funding. The 101569
projects must create or retain a significant number of jobs for 101570
Ohioans. An award of grant funds is reserved for only those 101571
instances in which Ohio's ability to attract, retain, or assist 101572
with an expansion of a project depends on an award of funds from 101573
appropriation item 195412, Rapid Outreach Grants. 101574

The department's primary goal shall be to award funds 101575
directly to business entities considering Ohio for their expansion 101576
or new site location opportunities. Rapid Outreach grants shall be 101577
used by recipients to purchase equipment, make infrastructure 101578
improvements, make real property improvements, or fund other fixed 101579
assets. To meet the particular needs of economic development in a 101580
region, the department may elect to award funds directly to a 101581
political subdivision to assist with making on- or off-site 101582
infrastructure improvements to water and sewage treatment 101583
facilities, electric or gas service connections, fiber optic 101584

access, rail facilities, site preparation, and parking facilities. 101585
The Director of Development may recommend that the funds be used 101586
for alternative purposes when considered appropriate to satisfy an 101587
economic development opportunity or need deemed extraordinary in 101588
nature by the Director. 101589

The foregoing appropriation item 195412, Rapid Outreach 101590
Grants, may be expended only after the submission of a request to 101591
the Controlling Board by the Department of Development outlining 101592
the planned use of the funds, and the subsequent approval of the 101593
request by the Controlling Board. 101594

The foregoing appropriation item 195412, Rapid Outreach 101595
Grants, may be used for, but is not limited to, construction, 101596
rehabilitation, and acquisition projects for rail freight 101597
assistance as requested by the Department of Transportation. The 101598
Director of Transportation shall submit the proposed projects to 101599
the Director of Development for an evaluation of potential 101600
economic benefit. 101601

Section 259.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 101602
REGIONAL OFFICES 101603

The foregoing appropriation item 195415, Strategic Business 101604
Investment Division and Regional Offices, shall be used for the 101605
operating expenses of the Strategic Business Investment Division 101606
and the regional economic development offices and for grants for 101607
cooperative economic development ventures. 101608

Section 259.10.50. GOVERNOR'S OFFICE OF APPALACHIA 101609

The foregoing appropriation item 195416, Governor's Office of 101610
Appalachia, may be used for the administrative costs of planning 101611
and liaison activities for the Governor's Office of Appalachia, to 101612
provide financial assistance to projects in Ohio's Appalachian 101613
counties, and to match federal funds from the Appalachian Regional 101614

Commission. 101615

Section 259.10.60. TECHNOLOGY ACTION 101616

The foregoing appropriation item 195422, Technology Action, 101617
shall be used for operating expenses the Department of Development 101618
incurs for administering sections 184.10 to 184.20 of the Revised 101619
Code. If the appropriation is insufficient to cover the operating 101620
expenses, the Department may request Controlling Board approval to 101621
appropriate the additional amount needed in appropriation item 101622
195686, Third Frontier Operating. The Department shall not request 101623
an amount in excess of the amount needed. 101624
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Section 259.10.70. CLEAN OHIO IMPLEMENTATION 101626

The foregoing appropriation item 195426, Clean Ohio 101627
Implementation, shall be used to fund the costs of administering 101628
the Clean Ohio Revitalization program and other urban 101629
revitalization programs that may be implemented by the Department 101630
of Development. 101631

Section 259.10.80. GLOBAL MARKETS 101632

The foregoing appropriation item 195432, Global Markets, 101633
shall be used to administer Ohio's foreign trade and investment 101634
programs, including operation and maintenance of Ohio's 101635
out-of-state trade and investment offices. This appropriation item 101636
also shall be used to fund the Global Markets Division and to 101637
assist Ohio manufacturers, agricultural producers, and service 101638
providers in exporting to foreign countries and to assist in the 101639
attraction of foreign direct investment. 101640

Section 259.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 101641

The foregoing appropriation item 195434, Industrial Training 101642

Grants, may be used for the Ohio Workforce Guarantee Program to 101643
promote training through grants to businesses and, in the case of 101644
a business consortium, training and education providers for the 101645
reimbursement of eligible training expenses. 101646

The foregoing appropriation item 195643, Workforce 101647
Development Initiatives, shall be used to support the Ohio 101648
Workforce Guarantee Grant Program. 101649

Section 259.15.10. STATE MATCH ENERGY 101650

Of the foregoing appropriation item 195498, State Match 101651
Energy, \$150,000 in each fiscal year shall be used to support the 101652
Ross County Auditor in conducting a study of renewable energy 101653
sources for schools. The study shall investigate the feasibility 101654
of implementing bio-fuel energy sources for school heating 101655
systems. 101656

Section 259.20.10. OHIO FILM OFFICE 101657

The Ohio Film Office shall promote media productions in the 101658
state and help the industry optimize its production experience in 101659
the state by enhancing local economies through increased 101660
employment and tax revenues and ensuring an accurate portrayal of 101661
Ohio. The Office shall serve as an informational clearinghouse and 101662
provide technical assistance to the media production industry and 101663
business entities engaged in media production in the state. The 101664
Office shall promote Ohio as the ideal site for media production 101665
and help those in the industry benefit from their experience in 101666
the state. 101667

The primary objective of the Office shall be to encourage 101668
development of a strong capital base for electronic media 101669
production in order to achieve an independent, self-supporting 101670
industry in Ohio. Other objectives shall include: 101671

(A) Attracting private investment for the electronic media 101672

production industry; 101673

(B) Developing a tax infrastructure that encourages private investment; and 101674
101675

(C) Encouraging increased employment opportunities within this sector and increased competition with other states. 101676
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Section 259.20.15. TRAVEL AND TOURISM GRANTS 101678

Of the foregoing appropriation item 195507, Travel and Tourism Grants, \$650,000 in each fiscal year shall be used to support operating expenses at the National Underground Railroad Freedom Center. 101679
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Of the foregoing appropriation item 195507, Travel and Tourism Grants, \$400,000 in each fiscal year shall be used for the Great Lakes Science Center. 101683
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Of the foregoing appropriation item 195507, Travel and Tourism Grants, \$250,000 in each fiscal year shall be used for the Cleveland Zoo. 101686
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Of the foregoing appropriation item 195507, Travel and Tourism Grants, \$50,000 in each fiscal year shall be used for the Greater Cleveland Sports Commission, and \$50,000 in each fiscal year shall be used for the Greater Columbus Sports Commission. 101689
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Of the foregoing appropriation item 195507, Travel and Tourism Grants, \$50,000 in each fiscal year shall be used for the Montgomery County Youth Sports Initiative to attract Amateur Athletic Union tournaments. 101693
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Of the foregoing appropriation item 195507, Travel and Tourism Grants, \$80,000 in each fiscal year shall be used for the outdoor dramas *Tecumseh!* and *Trumpet in the Land*. 101697
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Of the foregoing appropriation item 195507, Travel and Tourism Grants, \$500,000 in each fiscal year shall be used for the 101700
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International Center for the Preservation of Wild Animals. 101702

Of the foregoing appropriation item 195507, Travel and 101703
Tourism Grants, \$25,000 in each fiscal year shall be used for 101704
Ohio's Appalachian Country to support tourism activities in 101705
Appalachian counties. 101706

Section 259.20.20. DISCOVER OHIO! 101707

The foregoing appropriation item 195521, Discover Ohio!, 101708
shall be used by the Ohio Tourism Division in the Department of 101709
Development for marketing and promoting Ohio as a tourism 101710
destination and for costs associated with operating such programs. 101711
101712

Section 259.20.25. EFFICIENTGOVNOW MATCH 101713

Of the foregoing appropriation item 195524, EfficientGovNow 101714
Match, up to \$150,000 in fiscal year 2010 shall be used to match 101715
grants awarded by EfficientGovNow in Northeast Ohio. The state 101716
shall match up to three grants, and no state matching grant shall 101717
exceed \$50,000. 101718

Of the foregoing appropriation item 195524, EfficientGovNow 101719
Match, up to \$850,000 in fiscal year 2010 shall be used to match 101720
grants awarded by EfficientGovNow if EfficientGovNow expands 101721
statewide. 101722

Any unexpended and unencumbered portion of the foregoing 101723
appropriation item 195524, EfficientGovNow Match, at the end of 101724
fiscal year 2010 is hereby appropriated for the same purpose in 101725
fiscal year 2011. 101726

Section 259.20.30. THIRD FRONTIER RESEARCH & DEVELOPMENT 101727
GENERAL OBLIGATION DEBT SERVICE 101728

The foregoing appropriation item 195905, Third Frontier 101729

Research & Development General Obligation Debt Service, shall be 101730
used to pay all debt service and related financing costs during 101731
the period from July 1, 2009, to June 30, 2011, on obligations 101732
issued for research and development purposes under sections 151.01 101733
and 151.10 of the Revised Code. 101734

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 101735

The foregoing appropriation item 195912, Job Ready Site 101736
Development General Obligation Debt Service, shall be used to pay 101737
all debt service and related financing costs during the period 101738
from July 1, 2009, to June 30, 2011, on obligations issued for job 101739
ready site development purposes under sections 151.01 and 151.11 101740
of the Revised Code. 101741

Section 259.20.40. SUPPORTIVE SERVICES 101742

The Director of Development may assess divisions of the 101743
department for the cost of central service operations. An 101744
assessment shall contain the characteristics of administrative 101745
ease and uniform application. A division's payments shall be 101746
credited to the Supportive Services Fund (Fund 1350) using an 101747
intrastate transfer voucher. 101748

ECONOMIC DEVELOPMENT CONTINGENCY 101749

The foregoing appropriation item 195677, Economic Development 101750
Contingency, may be used to award funds directly to either (1) 101751
business entities considering Ohio for expansion or new site 101752
location opportunities or (2) political subdivisions to assist 101753
with necessary costs involved in attracting a business entity. In 101754
addition, the Director of Development may award funds for 101755
alternative purposes when appropriate to satisfy an economic 101756
development opportunity or need deemed extraordinary in nature by 101757
the Director. 101758

DIRECT COST RECOVERY EXPENDITURES 101759

The foregoing appropriation item 195636, Direct Cost Recovery Expenditures, shall be used for reimbursable costs. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs.

Section 259.20.50. HEAP WEATHERIZATION

Up to fifteen per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development. Any transfers or increases in appropriation for the foregoing appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited shall be used to match federal housing grants for the homeless and to market economic development opportunities in the state. Private-sector moneys shall be deposited for use in appropriation item 195699, Utility Provided Funds, and shall be used to (1) pay the expenses of verifying the income-eligibility of HEAP applicants, (2) leverage additional federal funds, (3) fund special projects to assist homeless individuals, (4) fund special projects to assist with the energy efficiency of households eligible to participate in the Percentage of Income Payment Plan, and (5) assist with training programs for agencies that administer low-income customer assistance programs.

Section 259.20.60. TAX INCENTIVE PROGRAMS OPERATING	101790
The foregoing appropriation item 195630, Tax Incentive Programs, shall be used for the operating costs of the Office of Grants and Tax Incentives.	101791 101792 101793
Section 259.20.70. MINORITY BUSINESS ENTERPRISE LOAN	101794
All repayments from the Minority Development Financing Advisory Board Loan Program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10). All operating costs of administering the Minority Business Enterprise Loan Fund shall be paid from the Minority Business Enterprise Loan Fund (Fund 4W10).	101795 101796 101797 101798 101799 101800 101801
MINORITY BUSINESS BONDING FUND	101802
Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2010-fiscal year 2011 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code. The transfer of any cash by the Director of Budget and Management from the Department of Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of Development's Minority Business Bonding Fund (Fund 4490) shall occur, if requested by the Director of Development, only if such funds are needed for payment of losses arising from the Minority Business Bonding Program, and only after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program has been used for that purpose. Moneys transferred by the Director of Budget and Management from the Department of Commerce for this purpose may be moneys in custodial	101803 101804 101805 101806 101807 101808 101809 101810 101811 101812 101813 101814 101815 101816 101817 101818 101819

funds held by the Treasurer of State. If expenditures are required 101820
for payment of losses arising from the Minority Business Bonding 101821
Program, such expenditures shall be made from appropriation item 101822
195623, Minority Business Bonding Contingency in the Minority 101823
Business Bonding Fund, and such amounts are hereby appropriated. 101824

Section 259.20.80. ALTERNATIVE FUEL TRANSPORTATION 101825

Of the foregoing appropriation item 195679, Alternative Fuel 101826
Transportation, not more than ten per cent shall be used by the 101827
Director of Development for administrative costs associated with 101828
the program under section 122.075 of the Revised Code. 101829

ADVANCED ENERGY FUND 101830

The foregoing appropriation item 195660, Advanced Energy 101831
Programs, shall be used to provide financial assistance to 101832
customers for eligible advanced energy projects for residential, 101833
commercial, and industrial business, local government, educational 101834
institution, nonprofit, and agriculture customers, and to pay for 101835
the program's administrative costs as provided in sections 4928.61 101836
to 4928.63 of the Revised Code and rules adopted by the Director 101837
of Development. 101838

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 101839

All payments received by the state pursuant to a series of 101840
settlements with ten brokerage firms reached with the United 101841
States Securities and Exchange Commission, the National 101842
Association of Securities Dealers, the New York Stock Exchange, 101843
the New York Attorney General, and other state regulators 101844
(henceforth referred to as the "Global Analysts Settlement 101845
Agreements"), shall be deposited into the state treasury to the 101846
credit of the Economic Development Contingency Fund (Fund 5Y60). 101847
The fund shall be used by the Director of Development to support 101848
economic development projects. Moneys shall be awarded to either 101849

(1) business entities considering Ohio for expansion or new site location opportunities or (2) political subdivisions to assist with necessary costs involved in attracting a business entity. In addition, the Director of Development may award funds for alternative purposes when appropriate to satisfy an economic development opportunity or need deemed extraordinary by the Director. Grant funds may be expended only after the submission of a request to the Controlling Board by the Department outlining the planned use of the funds and the subsequent approval of the Controlling Board.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

OHIO HOUSING TRUST FUND

Notwithstanding any provision of law to the contrary, of the foregoing appropriation item 195638, Low- and Moderate-Income Housing Trust Fund, at least \$500,000 in each fiscal year shall be used for activities that provide outreach, organizational assistance, and information to tenants and residents of manufactured homes.

INNOVATION OHIO LOAN FUND

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

Section 259.20.90. LOGISTICS AND DISTRIBUTION INFRASTRUCTURE

The foregoing appropriation item 195698, Logistics and Distribution Infrastructure, shall be used for eligible logistics and distribution infrastructure projects as defined in section 166.01 of the Revised Code.

FACILITIES ESTABLISHMENT FUND

The foregoing appropriation item 195615, Facilities Establishment (Fund 7037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$2,000,000 in cash each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Economic Development Financing Operating Fund (Fund 4510). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$5,000,000 in cash each fiscal year may be transferred during the biennium from the Facilities Establishment Fund (Fund 7037) to the Urban Redevelopment Loans Fund (Fund 5D20) for the purpose of removing barriers to urban core redevelopment. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, the completion of all appropriate environmental assessments before state assistance is committed to a project. The transfers shall be subject to approval by the Controlling Board upon the submission

of a request by the Department of Development. 101910

Notwithstanding Chapter 166. of the Revised Code, an amount 101911
not to exceed \$3,000,000 in cash each fiscal year may be 101912
transferred from the Facilities Establishment Fund (Fund 7037) to 101913
the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is 101914
subject to Controlling Board approval under section 166.03 of the 101915
Revised Code. 101916

Notwithstanding Chapter 166. of the Revised Code, on the 101917
first day of July of each year of the biennium, or as soon as 101918
possible thereafter, the Director of Budget and Management, at the 101919
request of the Director of Development, shall transfer \$6,102,500 101920
in cash from the Facilities Establishment Fund (Fund 7037) to the 101921
General Revenue Fund. The amount transferred is hereby 101922
appropriated for each fiscal year in appropriation item 195412, 101923
Rapid Outreach Grants. 101924

Notwithstanding Chapter 166. of the Revised Code, on the 101925
first day of July of each year of the biennium, or as soon as 101926
possible thereafter, the Director of Budget and Management, at the 101927
request of the Director of Development, shall transfer \$4,275,000 101928
cash from the Facilities Establishment Fund (Fund 7037) to the Job 101929
Development Initiatives Fund (Fund 5AD0). The amount transferred 101930
is hereby appropriated in each fiscal year in appropriation item 101931
195677, Economic Development Contingency. 101932

Notwithstanding Chapter 166. of the Revised Code, of the 101933
foregoing appropriation item 195615, Facilities Establishment, 101934
\$100,000 in each fiscal year shall be used for the Ohio Means Jobs 101935
web site. 101936

Of the foregoing appropriation item 195615, Facilities 101937
Establishment, \$1,000,000 in each fiscal year shall be used to 101938
provide loans under the Micro-Lending Program established in 101939
division (C) of section 166.07 of the Revised Code. 101940

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 101941

Notwithstanding Chapter 166. of the Revised Code, an amount 101942
not to exceed \$1,000,000 in cash in fiscal year 2010 and \$500,000 101943
in cash in fiscal year 2011 shall be transferred from moneys in 101944
the Facilities Establishment Fund (Fund 7037) to the Alternative 101945
Fuel Transportation Grant Fund (Fund 5CG0) in the Department of 101946
Development. 101947

RURAL DEVELOPMENT INITIATIVE FUND 101948

(A)(1) The Rural Development Initiative Fund (Fund 5S80) is 101949
entitled to receive moneys from the Facilities Establishment Fund 101950
(Fund 7037). The Director of Development may make grants from the 101951
Rural Development Initiative Fund as specified in division (A)(2) 101952
of this section to eligible applicants in Appalachian counties and 101953
in rural counties in the state that are designated as distressed 101954
under section 122.25 of the Revised Code. Preference shall be 101955
given to eligible applicants located in Appalachian counties 101956
designated as distressed by the federal Appalachian Regional 101957
Commission. 101958

(2) The Director of Development shall make grants from the 101959
Rural Development Initiative Fund (Fund 5S80) only to eligible 101960
applicants who also qualify for and receive funding under the 101961
Rural Industrial Park Loan Program as specified in sections 122.23 101962
to 122.27 of the Revised Code. Eligible applicants shall use the 101963
grants for the purposes specified in section 122.24 of the Revised 101964
Code. All projects supported by grants from the fund are subject 101965
to Chapter 4115. of the Revised Code as specified in division (E) 101966
of section 166.02 of the Revised Code. The Director shall develop 101967
program guidelines for the transfer and release of funds. The 101968
release of grant moneys to an eligible applicant is subject to 101969
Controlling Board approval. 101970

(B) Notwithstanding Chapter 166. of the Revised Code, the 101971

Director of Budget and Management may transfer an amount not to 101972
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 101973
at the request of the Director of Development from the Facilities 101974
Establishment Fund (Fund 7037) to the Rural Development Initiative 101975
Fund (Fund 5S80). The transfer is subject to Controlling Board 101976
approval under section 166.03 of the Revised Code. 101977

CAPITAL ACCESS LOAN PROGRAM 101978

The foregoing appropriation item 195628, Capital Access Loan 101979
Program, shall be used for operating, program, and administrative 101980
expenses of the program. Funds of the Capital Access Loan Program 101981
shall be used to assist participating financial institutions in 101982
making program loans to eligible businesses that face barriers in 101983
accessing working capital and obtaining fixed-asset financing. 101984

Notwithstanding Chapter 166. of the Revised Code, the 101985
Director of Budget and Management may transfer an amount not to 101986
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 101987
at the request of the Director of Development from the Facilities 101988
Establishment Fund (Fund 7037) to the Capital Access Loan Program 101989
Fund (Fund 5S90). The transfer is subject to Controlling Board 101990
approval under section 166.03 of the Revised Code. 101991

Section 259.30.10. CLEAN OHIO OPERATING EXPENSES 101992

The foregoing appropriation item 195663, Clean Ohio 101993
Operating, shall be used by the Department of Development in 101994
administering sections 122.65 to 122.658 of the Revised Code. 101995

Section 259.30.20. THIRD FRONTIER RESEARCH AND DEVELOPMENT 101996
PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 101997

The foregoing appropriation items 195687, Third Frontier 101998
Research and Development Projects, and 195692, Research and 101999
Development Taxable Bond Projects, shall be used by the Department 102000
of Development to fund selected projects. Eligible costs are those 102001

costs of research and development projects to which the proceeds 102002
of the Third Frontier Research and Development Fund (Fund 7011) 102003
and the Research & Development Taxable Bond Project Fund (Fund 102004
7014) are to be applied. 102005

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 102006

The Director of Budget and Management may approve written 102007
requests from the Director of Development for the transfer of 102008
appropriations between appropriation items 195687, Third Frontier 102009
Research and Development Projects, and 195692, Research and 102010
Development Taxable Bond Projects, based upon awards recommended 102011
by the Third Frontier Commission. The transfers are subject to 102012
approval by the Controlling Board. 102013

On or before June 30, 2010, any unexpended and unencumbered 102014
portions of the foregoing appropriation items 195687, Third 102015
Frontier Research & Development Projects, and 195692, Research & 102016
Development Taxable Bond Projects, for fiscal year 2010 are hereby 102017
reappropriated to the Department of Development for the same 102018
purposes for fiscal year 2011. 102019

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 102020

The Ohio Public Facilities Commission, upon request of the 102021
Department of Development, is hereby authorized to issue and sell, 102022
in accordance with Section 2p of Article VIII, Ohio Constitution, 102023
and particularly sections 151.01 and 151.10 of the Revised Code, 102024
original obligations of the State of Ohio in an aggregate amount 102025
not to exceed \$100,000,000 in addition to the original issuance of 102026
obligations authorized by prior acts of the General Assembly. The 102027
authorized obligations shall be issued and sold from time to time 102028
and in amounts necessary to ensure sufficient moneys to the credit 102029
of the Third Frontier Research and Development Fund (Fund 7011) to 102030
pay costs of research and development projects. 102031

Section 259.30.30. JOB READY SITE OPERATING 102032

The foregoing appropriation item 195688, Job Ready Site 102033
Operating, shall be used for operating expenses incurred by the 102034
Department of Development in administering the Job Ready Sites 102035
Program authorized under sections 122.085 to 122.0820 of the 102036
Revised Code. Operating expenses include, but are not limited to, 102037
certain expenses of the District Public Works Integrating 102038
Committees, as applicable, engineering review of submitted 102039
applications by the State Architect or a third party engineering 102040
firm, audit and accountability activities, and costs associated 102041
with formal certifications verifying that site infrastructure is 102042
in place and is functional. 102043

Section 259.30.40. THIRD FRONTIER BIOMEDICAL RESEARCH AND 102044
COMMERCIALIZATION PROGRAM 102045

The General Assembly and the Governor recognize the role that 102046
the biomedical industry has in job creation, innovation, and 102047
economic development throughout Ohio. It is the intent of the 102048
General Assembly, the Governor, the Director of Development, and 102049
the Director of Budget and Management to work together in 102050
continuing to provide comprehensive state support for the 102051
biomedical industry as a whole through the Third Frontier 102052
Biomedical Research and Commercialization Program. 102053

Section 259.30.50. JOBS FUND BIOPRODUCTS AND BIOMEDICAL 102054

The foregoing appropriation item 195694, Jobs Fund 102055
Bioproducts, shall be used for the Ohio Bioproducts Development 102056
Program established in section 184.25 of the Revised Code. Of the 102057
foregoing appropriation item 195694, Jobs Fund Bioproducts, not 102058
more than five per cent in each fiscal year shall be used for 102059
operating expenditures in administering the program. 102060

The foregoing appropriation item 195695, Jobs Fund 102061
Biomedical, shall be used for the Ohio Biomedical Development 102062
Program established in section 184.26 of the Revised Code. Of the 102063
foregoing appropriation item 195695, Jobs Fund Biomedical, not 102064
more than five per cent in each fiscal year shall be used for 102065
operating expenditures in administering the program. 102066

Section 259.30.60. JOBS FUND CASH TRANSFER 102067

On June 30, 2011, or as soon as possible thereafter, the 102068
Director of Budget and Management shall transfer the unexpended 102069
and unencumbered cash balance in the Jobs Fund (Fund 5Z30) to the 102070
General Revenue Fund. Upon completion of the transfer, the Jobs 102071
Fund is abolished. 102072

Section 259.30.70. UNCLAIMED FUNDS TRANSFER 102073

(A) Notwithstanding division (A) of section 169.05 of the 102074
Revised Code, upon the request of the Director of Budget and 102075
Management, the Director of Commerce, before June 30, 2010, shall 102076
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 102077
amount not to exceed \$4,000,000 in cash of the unclaimed funds 102078
that have been reported by the holders of unclaimed funds under 102079
section 169.05 of the Revised Code, regardless of the allocation 102080
of the unclaimed funds described under that section. 102081

Notwithstanding division (A) of section 169.05 of the Revised 102082
Code, upon the request of the Director of Budget and Management, 102083
the Director of Commerce, before June 30, 2011, shall transfer to 102084
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 102085
exceed \$4,000,000 in cash of the unclaimed funds that have been 102086
reported by the holders of unclaimed funds under section 169.05 of 102087
the Revised Code, regardless of the allocation of the unclaimed 102088
funds described under that section. 102089

(B) Notwithstanding division (A) of section 169.05 of the 102090

Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, before June 30, 2010, shall transfer to the State Special Projects Fund (Fund 4F20) an amount not to exceed \$6,100,000 of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2011, shall transfer to the State Special Projects Fund (Fund 4F20) an amount not to exceed \$6,100,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Section 259.30.80. THIRD FRONTIER NEXTGEN NETWORK

Any unexpended, unencumbered amounts of the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, that were previously allocated for implementation of the NextGen Network in fiscal years 2008 and 2009 are hereby reappropriated for the same purpose in fiscal years 2010 and 2011.

Section 259.30.90. WORKFORCE DEVELOPMENT

The Director of Development and the Director of Job and Family Services may enter into one or more interagency agreements between the two departments and take other actions the directors consider appropriate to further integrate workforce development into a larger economic development strategy, to implement the recommendations of the Workforce Policy Board, and to complete activities related to the transition of the administration of

employment programs identified by the board. Subject to the 102121
approval of the Director of Budget and Management, the Department 102122
of Development and the Department of Job and Family Services may 102123
expend moneys to support the recommendations of the Workforce 102124
Policy Board in the area of integration of employment functions as 102125
described in this paragraph and to complete implementation and 102126
transition activities from the appropriations to those 102127
departments. 102128

Section 261.10. OBD OHIO BOARD OF DIETETICS 102129

General Services Fund Group 102130
4K90 860609 Operating Expenses \$ 348,964 \$ 348,964 102131
TOTAL GSF General Services Fund 102132
Group \$ 348,964 \$ 348,964 102133
TOTAL ALL BUDGET FUND GROUPS \$ 348,964 \$ 348,964 102134

Section 263.10. CDR COMMISSION ON DISPUTE RESOLUTION AND 102136
CONFLICT MANAGEMENT 102137

General Revenue Fund 102138
GRF 145401 Commission Operations \$ 349,600 \$ 349,600 102139
TOTAL GRF General Revenue Fund \$ 349,600 \$ 349,600 102140
General Services Fund Group 102141
4B60 145601 Dispute Resolution \$ 140,000 \$ 140,000 102142
Programs
TOTAL GSF General Services Fund \$ 140,000 \$ 140,000 102143
Group
TOTAL ALL BUDGET FUND GROUPS \$ 489,600 \$ 489,600 102144

Section 265.10. EDU DEPARTMENT OF EDUCATION 102146

General Revenue Fund 102147
GRF 200100 Personal Services \$ 13,103,147 \$ 13,103,147 102148
GRF 200320 Maintenance and \$ 3,495,350 \$ 3,495,350 102149

		Equipment				
GRF	200408	Early Childhood	\$	23,268,341	\$	23,268,341 102150
		Education				
GRF	200410	Educator Training	\$	8,250,000	\$	8,250,000 102151
GRF	200416	Career-Technical	\$	2,233,195	\$	2,233,195 102152
		Education Match				
GRF	200420	Computer/Application/ Network Development	\$	5,394,826	\$	5,394,826 102153
GRF	200421	Alternative Education Programs	\$	10,540,885	\$	10,640,885 102154
GRF	200422	School Management Assistance	\$	9,504,572	\$	22,490,572 102155
GRF	200424	Policy Analysis	\$	1,056,687	\$	1,056,687 102156
GRF	200425	Tech Prep Consortia Support	\$	1,594,373	\$	1,594,373 102157
GRF	200426	Ohio Educational Computer Network	\$	27,411,025	\$	27,411,025 102158
GRF	200427	Academic Standards	\$	7,289,861	\$	7,289,861 102159
GRF	200431	School Improvement Initiatives	\$	13,359,997	\$	15,359,997 102160
GRF	200433	Literacy Improvement-Professional Development	\$	1,000,000	\$	1,000,000 102161
GRF	200437	Student Assessment	\$	71,909,814	\$	71,909,814 102162
GRF	200439	Accountability/Report Cards	\$	6,828,650	\$	6,828,650 102163
GRF	200442	Child Care Licensing	\$	1,302,495	\$	1,302,495 102164
GRF	200446	Education Management Information System	\$	15,621,135	\$	15,621,135 102165
GRF	200447	GED Testing	\$	1,250,353	\$	1,250,353 102166
GRF	200448	Educator Preparation	\$	2,080,000	\$	2,080,000 102167
GRF	200455	Community Schools	\$	472,404,384	\$	512,686,539 102168
GRF	200457	STEM Initiatives	\$	2,000,000	\$	4,500,000 102169

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

GRF 200502	Pupil Transportation	\$ 448,022,619	\$ 462,822,619	102170
GRF 200503	Bus Purchase Allowance	\$ 10,850,000	\$ 10,850,000	102171
GRF 200505	School Lunch Match	\$ 11,798,025	\$ 11,798,025	102172
GRF 200511	Auxiliary Services	\$ 131,740,457	\$ 131,740,457	102173
GRF 200521	Gifted Pupil Program	\$ 1,026,017	\$ 1,026,017	102174
GRF 200532	Nonpublic	\$ 59,810,517	\$ 59,810,517	102175
	Administrative Cost			
	Reimbursement			
GRF 200540	Special Education	\$ 140,944,648	\$ 143,517,936	102176
	Enhancements			
GRF 200545	Career-Technical	\$ 7,752,662	\$ 7,802,699	102177
	Education Enhancements			
GRF 200550	Foundation Funding	\$ 4,896,732,136	\$ 4,788,353,026	102178
GRF 200551	Foundation Funding -	\$ 387,583,913	\$ 457,449,362	102179
	Federal Stimulus			
GRF 200555	Teach Ohio	\$ 6,100,000	\$ 6,100,000	102180
GRF 200578	Violence Prevention	\$ 1,384,924	\$ 1,384,924	102181
	and School Safety			
GRF 200587	National Underground	\$ 1,000,000	\$ 1,000,000	102182
	Railroad Freedom			
	Center			
GRF 200901	Property Tax	\$ 1,008,262,363	\$ 1,020,655,157	102183
	Allocation - Education			
TOTAL GRF	General Revenue Fund	\$ 7,813,907,371	\$ 7,863,077,984	102184
	General Services Fund Group			102185
1380 200606	Computer	\$ 7,600,091	\$ 7,600,091	102186
	Services-Operational			
	Support			
4520 200638	Miscellaneous	\$ 275,000	\$ 275,000	102187
	Educational Services			
4L20 200681	Teacher Certification	\$ 8,013,206	\$ 8,147,756	102188
	and Licensure			
5960 200656	Ohio Career	\$ 529,761	\$ 529,761	102189

		Information System					
5H30	200687	School District	\$	18,000,000	\$	18,000,000	102190
		Solvency Assistance					
TOTAL GSF General Services							102191
Fund Group			\$	34,418,058	\$	34,552,608	102192
Federal Special Revenue Fund Group							102193
3090	200601	Educationally Disadvantaged Programs	\$	8,405,512	\$	8,405,512	102194
3670	200607	School Food Services	\$	6,324,707	\$	6,577,695	102195
3680	200614	Veterans' Training	\$	778,349	\$	793,846	102196
3690	200616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	102197
3700	200624	Education of Exceptional Children	\$	2,664,000	\$	2,755,000	102198
3740	200647	Troops to Teachers	\$	100,000	\$	100,000	102199
3780	200660	Learn and Serve	\$	619,211	\$	619,211	102200
3AF0	200603	Schools Medicaid Administrative Claims	\$	639,000	\$	639,000	102201
3AN0	200671	School Improvement Grants	\$	17,909,676	\$	17,936,675	102202
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	102203
3BK0	200628	Longitudinal Data Systems	\$	100,000	\$	0	102204
3BV0	200636	Character Education	\$	700,000	\$	0	102205
3C50	200661	Early Childhood Education	\$	14,189,711	\$	14,554,749	102206
3CF0	200644	Foreign Language Assistance	\$	25,000	\$	0	102207
3CG0	200646	Teacher Incentive	\$	3,007,975	\$	1,157,834	102208

		Fund				
3D10	200664	Drug Free Schools	\$	13,347,966	\$	13,347,966 102209
3D20	200667	Honors Scholarship Program	\$	6,990,000	\$	6,985,000 102210
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026 102211
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737 102212
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	6,679,679	\$	6,679,679 102213
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000 102214
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	54,221,000	\$	54,221,000 102215
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 102216
3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675 102217
3L70	200618	Federal School Breakfast	\$	80,850,000	\$	84,892,500 102218
3L80	200619	Child/Adult Food Programs	\$	89,250,000	\$	93,712,500 102219
3L90	200621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701 102220
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000 102221
3M10	200678	Innovative Education	\$	1,000,000	\$	0 102222
3M20	200680	Individuals with Disabilities Education Act	\$	413,391,594	\$	421,241,163 102223
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397 102224
3T40	200613	Public Charter Schools	\$	14,275,618	\$	14,291,353 102225
3Y20	200688	21st Century	\$	36,000,000	\$	36,000,000 102226

		Community Learning Centers				
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172 102227
3Y60	200635	Improving Teacher Quality	\$	101,778,397	\$	101,778,400 102228
3Y70	200689	English Language Acquisition	\$	8,142,299	\$	8,142,299 102229
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000 102230
3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799 102231
3Z30	200645	Consolidated Federal Grant Administration	\$	8,499,279	\$	8,499,280 102232
3Z70	200697	General Supervisory Enhancement Grant	\$	887,319	\$	0 102233
TOTAL FED		Federal Special				102234
Revenue Fund Group			\$	2,238,516,279	\$	2,262,899,123 102235
State Special		Revenue Fund Group				102236
4540	200610	Guidance and Testing	\$	450,000	\$	450,000 102237
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 102238
4R70	200695	Indirect Operational Support	\$	6,050,000	\$	6,250,000 102239
4V70	200633	Interagency Operational Support	\$	1,111,838	\$	1,117,725 102240
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910 102241
5BB0	200696	State Action for Education Leadership	\$	1,250,000	\$	600,000 102242
5BJ0	200626	Half-Mill Maintenance Equalization	\$	16,100,000	\$	16,600,000 102243
5U20	200685	National Education Statistics	\$	300,000	\$	300,000 102244
5W20	200663	Early Learning Initiative	\$	2,200,000	\$	2,200,000 102245

5X90	200911	NGA STEM	\$	100,000	\$	0	102246
6200	200615	Educational	\$	3,000,000	\$	3,000,000	102247
		Improvement Grants					
TOTAL SSR State Special Revenue							102248
Fund Group			\$	55,890,748	\$	55,846,635	102249
Lottery Profits Education Fund Group							102250
7017	200612	Foundation Funding	\$	705,000,000	\$	711,000,000	102251
TOTAL LPE Lottery Profits							102252
Education Fund Group			\$	705,000,000	\$	711,000,000	102253
Revenue Distribution Fund Group							102254
7047	200909	School District	\$	1,150,207,366	\$	1,150,207,366	102255
		Property Tax					
		Replacement-Business					
7053	200900	School District	\$	91,123,523	\$	91,123,523	102256
		Property Tax					
		Replacement-Utility					
TOTAL RDF Revenue Distribution							102257
Fund Group			\$	1,241,330,889	\$	1,241,330,889	102258
TOTAL ALL BUDGET FUND GROUPS			\$	12,089,063,345	\$	12,168,707,239	102259

Section 265.10.10. PERSONAL SERVICES 102261

The foregoing appropriation item 200100, Personal Services, 102262
 may be used to pay fees for the Department's membership in the 102263
 Education Commission of the States, an interstate nonprofit, 102264
 nonpartisan organization that supports states with the development 102265
 of education policy. 102266

Of the foregoing appropriation item 200100 Personal Services, 102267
 up to \$25,000 in each fiscal year may be expended to provide for 102268
 travel expenses for the members of the State Board of Education. 102269

Of the foregoing appropriation item 200100, Personal 102270
 Services, up to \$150,000 in each fiscal year shall be used by the 102271
 Department of Education to support Ohio's Partnership for 102272

Continued Learning at the direction of the Office of the Governor. 102273
Ohio's Partnership for Continued Learning replaces and broadens 102274
the former Joint Council of the Department of Education and the 102275
Board of Regents. The Partnership shall advise and make 102276
recommendations to promote collaboration among relevant state 102277
entities in an effort to help local communities develop coherent 102278
and successful "P-16" learning systems. The Governor, or the 102279
Governor's designee, shall serve as the chairperson. 102280

Of the foregoing appropriation item 200100, Personal 102281
Services, up to \$950,000 in each fiscal year shall be used to 102282
support administration and activities including travel, contract 102283
services, and other expenses of the Governor's Closing the 102284
Achievement Gap Initiative in the Department. 102285

Of the foregoing appropriation item 200100, Personal 102286
Services, up to \$200,000 in each fiscal year shall be used to 102287
support administration and activities of the Office of Urban and 102288
Rural Student Success in the Department. 102289

Of the foregoing appropriation item 200100, Personal 102290
Services, up to \$700,000 in each fiscal year shall be used to 102291
support administration and activities of the Center for Creativity 102292
and Innovation in the Department. 102293

Section 265.10.20. EARLY CHILDHOOD EDUCATION 102294

The Department of Education shall distribute the foregoing 102295
appropriation item 200408, Early Childhood Education, to pay the 102296
costs of early childhood education programs. 102297

(A) As used in this section: 102298

(1) "Provider" means a city, local, exempted village, or 102299
joint vocational school district, or an educational service 102300
center. 102301

(2) In the case of a city, local, or exempted village school 102302

district, "new eligible provider" means a district that did not 102303
receive state funding for Early Childhood Education in the 102304
previous fiscal year or demonstrates a need for early childhood 102305
programs as defined in division (D) of this section. 102306

(3) "Eligible child" means a child who is at least three 102307
years of age as of the district entry date for kindergarten, is 102308
not of the age to be eligible for kindergarten, and whose family 102309
earns not more than two hundred per cent of the federal poverty 102310
guidelines as defined in division (A)(3) of section 5101.46 of the 102311
Revised Code. Children with an Individualized Education Program 102312
and where the Early Childhood Education program is the least 102313
restrictive environment may be enrolled on their third birthday. 102314

(B) In each fiscal year, up to two per cent of the total 102315
appropriation may be used by the Department for program support 102316
and technical assistance. The Department shall distribute the 102317
remainder of the appropriation in each fiscal year to serve 102318
eligible children. 102319

(C) The Department shall provide an annual report to the 102320
Governor, the Speaker of the House of Representatives, and the 102321
President of the Senate and post the report to the Department's 102322
web site, regarding early childhood education programs operated 102323
under this section and the early learning program guidelines. 102324

(D) After setting aside the amounts to make payments due from 102325
the previous fiscal year, in fiscal year 2010, the Department 102326
shall distribute funds first to recipients of funds for early 102327
childhood education programs under Section 269.10.20 of Am. Sub. 102328
H.B. 119 of the 127th General Assembly in the previous fiscal year 102329
and the balance to new eligible providers of early childhood 102330
education programs under this section or to existing providers to 102331
serve more eligible children or for purposes of program expansion, 102332
improvement, or special projects to promote quality and 102333
innovation. 102334

After setting aside the amounts to make payments due from the 102335
previous fiscal year, in fiscal year 2011, the Department shall 102336
distribute funds first to providers of early childhood education 102337
programs under this section in the previous fiscal year and the 102338
balance to new eligible providers or to existing providers to 102339
serve more eligible children or for purposes of program expansion, 102340
improvement, or special projects to promote quality and 102341
innovation. 102342

Awards under this section shall be distributed on a per-pupil 102343
basis, and in accordance with division (H) of this section. The 102344
Department may adjust the per-pupil amount so that the per-pupil 102345
amount multiplied by the number of eligible children enrolled and 102346
receiving services, as defined by the Department, reported on the 102347
first day of December or the first business day following that 102348
date equals the amount allocated under this section. 102349

(E) Costs for developing and administering an early childhood 102350
education program may not exceed fifteen per cent of the total 102351
approved costs of the program. 102352

All providers shall maintain such fiscal control and 102353
accounting procedures as may be necessary to ensure the 102354
disbursement of, and accounting for, these funds. The control of 102355
funds provided in this program, and title to property obtained 102356
therefrom, shall be under the authority of the approved provider 102357
for purposes provided in the program unless, as described in 102358
division (J) of this section, the program waives its right for 102359
funding or a program's funding is eliminated or reduced due to its 102360
inability to meet financial or early learning program guidelines. 102361
The approved provider shall administer and use such property and 102362
funds for the purposes specified. 102363

(F) The Department may examine a provider's financial and 102364
program records. If the financial practices of the program are not 102365
in accordance with standard accounting principles or do not meet 102366

financial standards outlined under division (E) of this section, 102367
or if the program fails to substantially meet the early learning 102368
program guidelines or exhibits below average performance as 102369
measured against the guidelines, the early childhood education 102370
program shall propose and implement a corrective action plan that 102371
has been approved by the Department. The approved corrective 102372
action plan shall be signed by the chief executive officer and the 102373
executive of the official governing body of the provider. The 102374
corrective action plan shall include a schedule for monitoring by 102375
the Department. Such monitoring may include monthly reports, 102376
inspections, a timeline for correction of deficiencies, and 102377
technical assistance to be provided by the Department or obtained 102378
by the early childhood education program. The Department may 102379
withhold funding pending corrective action. If an early childhood 102380
education program fails to satisfactorily complete a corrective 102381
action plan, the Department may deny expansion funding to the 102382
program or withdraw all or part of the funding to the program and 102383
establish a new eligible provider through a selection process 102384
established by the Department. 102385

(G) Each early childhood education program shall do all of 102386
the following: 102387

(1) Meet teacher qualification requirements prescribed by 102388
section 3301.311 of the Revised Code; 102389

(2) Align curriculum to the early learning content standards 102390
developed by the Department; 102391

(3) Meet any child or program assessment requirements 102392
prescribed by the Department; 102393

(4) Require teachers, except teachers enrolled and working to 102394
obtain a degree pursuant to section 3301.311 of the Revised Code, 102395
to attend a minimum of twenty hours every two years of 102396
professional development as prescribed by the Department; 102397

(5) Document and report child progress as prescribed by the Department; 102398
102399

(6) Meet and report compliance with the early learning program guidelines as prescribed by the Department. 102400
102401

(H) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as one-half of the statewide average length of the school day, as determined by the Department, for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the statewide average length of the school day or that exceed the minimum school year. For any provider for which a standard early childhood education does not meet the local need or creates a hardship, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department shall reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule. 102402
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(I) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program. 102421
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(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program guidelines, the provider shall transfer control of title to 102426
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property, equipment, and remaining supplies obtained through the 102430
program to providers designated by the Department and return any 102431
unexpended funds to the Department along with any reports 102432
prescribed by the Department. The funding made available from a 102433
program that waives its right for funding or has its funding 102434
eliminated or reduced may be used by the Department for new grant 102435
awards or expansion grants. The Department may award new grants or 102436
expansion grants to eligible providers who apply. The eligible 102437
providers who apply must do so in accordance with the selection 102438
process established by the Department. 102439

(K) As used in this section, "early learning program 102440
guidelines" means the guidelines established by the Department 102441
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 102442
66 of the 126th General Assembly. 102443

Section 265.10.25. EDUCATOR TRAINING 102444

The foregoing appropriation item 200410, Educator Training, 102445
shall be used by the Department of Education to provide grants to 102446
pay \$2,225 of the application fee in order to assist teachers from 102447
public and chartered nonpublic schools applying for the first time 102448
to the National Board for Professional Teaching Standards for 102449
professional teaching certificates or licenses that the board 102450
offers. These moneys shall be used to pay up to the first 400 102451
applications in each fiscal year received by the Department. This 102452
set aside shall also be used to recognize and reward teachers who 102453
become certified by the National Board for Professional Teaching 102454
Standards under section 3319.55 of the Revised Code. Up to 102455
\$300,000 in each fiscal year of this set aside may be used by the 102456
Department to pay for costs associated with activities to support 102457
candidates through the application and certification process. Up 102458
to \$39,500 of this set aside in each fiscal year may be used to 102459
support the application fee for candidates participating in the 102460

Take One program for beginning teachers in years two and three. 102461
102462

Section 265.10.30. CAREER-TECHNICAL EDUCATION MATCH 102463

The foregoing appropriation item 200416, Career-Technical 102464
Education Match, shall be used by the Department of Education to 102465
provide vocational administration matching funds under 20 U.S.C. 102466
2311. 102467

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 102468

The foregoing appropriation item 200420, 102469
Computer/Application/Network Development, shall be used to support 102470
the development and implementation of information technology 102471
solutions designed to improve the performance and services of the 102472
Department of Education. Funds may be used for personnel, 102473
maintenance, and equipment costs related to the development and 102474
implementation of these technical system projects. Implementation 102475
of these systems shall allow the Department to provide greater 102476
levels of assistance to school districts and to provide more 102477
timely information to the public, including school districts, 102478
administrators, and legislators. Funds may also be used to support 102479
data-driven decision-making and differentiated instruction, as 102480
well as to communicate academic content standards and curriculum 102481
models to schools through web-based applications. 102482

Section 265.10.40. ALTERNATIVE EDUCATION PROGRAMS 102483

Of the foregoing appropriation item 200421, Alternative 102484
Education Programs, \$100,000 in each fiscal year shall be used to 102485
support the Toledo Tech Academy. Of this amount, \$25,000 in each 102486
fiscal year shall be used by the Toledo Tech Academy to enhance 102487
and establish For Inspiration and Recognition in Science and 102488
Technology programs (F.I.R.S.T.). 102489

Of the foregoing appropriation item 200421, Alternative 102490

Education Programs, \$25,000 in each fiscal year shall be 102491
distributed to the Beaver Creek Wildlife Education Center for 102492
student field trips. 102493

Of the foregoing appropriation item 200421, Alternative 102494
Education Programs, \$50,000 in each fiscal year shall be used for 102495
the after-school programs of the Monroe Community Center in Stark 102496
County. 102497

Of the foregoing appropriation item 200421, Alternative 102498
Education Programs, \$250,000 in each fiscal year shall be provided 102499
to Kids Unlimited to support its after-school program. 102500

Of the foregoing appropriation item 200421, Alternative 102501
Education Programs, \$100,000 in fiscal year 2011 shall be used by 102502
the Green Local School District in Summit County, in partnership 102503
with The University of Akron, to create a distance learning pilot 102504
program. 102505

Of the foregoing appropriation item 200421, Alternative 102506
Education Programs, \$100,000 in each fiscal year shall be provided 102507
to the Cincinnati Arts and Technology Center to increase program 102508
support for high-risk teens and unemployed urban adults. 102509

The remainder of appropriation item 200421, Alternative 102510
Education Programs, shall be used for the renewal of successful 102511
implementation grants and for competitive matching grants to the 102512
21 urban school districts as defined in division (O) of section 102513
3317.02 of the Revised Code as it existed prior to July 1, 1998, 102514
and for the renewal of successful implementation grants and for 102515
competitive matching grants to rural and suburban school districts 102516
for alternative educational programs for existing and new at-risk 102517
and delinquent youth. Programs shall be focused on youth in one or 102518
more of the following categories: those who have been expelled or 102519
suspended, those who have dropped out of school or who are at risk 102520
of dropping out of school, those who are habitually truant or 102521

disruptive, or those on probation or on parole from a Department 102522
of Youth Services facility. Grants shall be awarded according to 102523
the criteria established by the Alternative Education Advisory 102524
Council in 1999. Grants shall be awarded only to programs in which 102525
the grant will not serve as the program's primary source of 102526
funding. These grants shall be administered by the Department of 102527
Education. 102528

The Department of Education may waive compliance with any 102529
minimum education standard established under section 3301.07 of 102530
the Revised Code for any alternative school that receives a grant 102531
under this section on the grounds that the waiver will enable the 102532
program to more effectively educate students enrolled in the 102533
alternative school. 102534

Of the foregoing appropriation item 200421, Alternative 102535
Education Programs, a portion may be used for program 102536
administration, monitoring, technical assistance, support, 102537
research, and evaluation. 102538

Section 265.10.50. SCHOOL MANAGEMENT ASSISTANCE 102539

Of the foregoing appropriation item 200422, School Management 102540
Assistance, up to \$1,000,000 in each fiscal year shall be used by 102541
the Auditor of State in consultation with the Department of 102542
Education for expenses incurred in the Auditor of State's role 102543
relating to fiscal caution, fiscal watch, and fiscal emergency 102544
activities as defined in Chapter 3316. of the Revised Code and may 102545
also be used to conduct performance audits with priority given to 102546
districts in fiscal distress. Expenses include duties related to 102547
the completion of performance audits for school districts that the 102548
Superintendent of Public Instruction determines are employing 102549
fiscal practices or experiencing budgetary conditions that could 102550
produce a state of fiscal watch or fiscal emergency. 102551

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Of the foregoing appropriation item 200422, School Management Assistance, up to \$350,000 in each fiscal year shall be used by the Department of Education to work with school districts and entities that serve school districts to develop and deploy analytical tools that allow districts and other stakeholders to analyze more thoroughly district spending patterns in order to promote more effective and efficient use of resources.

Of the foregoing appropriation item 200422, School Management Assistance, up to \$4,994,000 in fiscal year 2010 and up to \$17,980,000 in fiscal year 2011 shall be used by the Department of Education to contract with the Auditor of State or another identified vendor as determined by the Department and approved by the Controlling Board to conduct performance reviews of school districts and community schools on a five year cycle. The Office of School Resource Management in the Department shall determine the scope of reviews, not limited to operations, in consultation with the Auditor of State and the Office of Budget and Management. Priority may be given to districts in fiscal distress as determined by the Auditor of State and the Superintendent of Public Instruction. A portion of this amount in each fiscal year shall be used by the Department to contract with the Auditor of State or another identified vendor as determined by the Department and approved by the Controlling Board to conduct performance reviews of joint vocational school districts (JVSDs). The purpose of such reviews shall be to assist JVSDs in identifying and implementing operational efficiencies, setting statewide benchmarks in certain operations, evaluating quality of services provided to school districts, and using findings to inform and develop recommendations for a new JVSD funding model to be implemented in the fiscal year 2012-2013 biennium.

The remainder of foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of

Education to provide fiscal technical assistance and inservice 102585
education for school district management personnel and to 102586
administer, monitor, and implement the fiscal caution, fiscal 102587
watch, and fiscal emergency provisions under Chapter 3316. of the 102588
Revised Code. 102589

Section 265.10.60. POLICY ANALYSIS 102590

The foregoing appropriation item 200424, Policy Analysis, 102591
shall be used by the Department of Education to support a system 102592
of administrative, statistical, and legislative education 102593
information to be used for policy analysis. Staff supported by 102594
this appropriation shall administer the development of reports, 102595
analyses, and briefings to inform education policymakers of 102596
current trends in education practice, efficient and effective use 102597
of resources, and evaluation of programs to improve education 102598
results. The database shall be kept current at all times. These 102599
research efforts shall be used to supply information and analysis 102600
of data to the General Assembly and other state policymakers, 102601
including the Office of Budget and Management and the Legislative 102602
Service Commission. 102603

Of the foregoing appropriation item 200424, Policy Analysis, 102604
up to \$600,000 in each fiscal year shall be used to support the 102605
Office of School Resource Management in the Department of 102606
Education. A portion of this amount shall be used in conjunction 102607
with appropriation item 200439, Accountability/Report Cards, to 102608
develop a fiscal reporting dimension, which shall contain fiscal 102609
data reported for the prior fiscal year, to the school report card 102610
for publication beginning in fiscal year 2011. The fiscal 102611
information contained therein shall be updated and reported 102612
annually in a form and in a manner as determined by the 102613
Department. 102614

The Department of Education may use funding from this 102615

appropriation item to purchase or contract for the development of 102616
software systems or contract for policy studies that will assist 102617
in the provision and analysis of policy-related information. 102618
Funding from this appropriation item also may be used to monitor 102619
and enhance quality assurance for research-based policy analysis 102620
and program evaluation to enhance the effective use of education 102621
information to inform education policymakers. 102622

TECH PREP CONSORTIA SUPPORT 102623

The foregoing appropriation item 200425, Tech Prep Consortia 102624
Support, shall be used by the Department of Education to support 102625
state-level activities designed to support, promote, and expand 102626
tech prep programs. Use of these funds shall include, but not be 102627
limited to, administration of grants, program evaluation, 102628
professional development, curriculum development, assessment 102629
development, program promotion, communications, and statewide 102630
coordination of tech prep consortia. 102631

Section 265.10.70. OHIO EDUCATIONAL COMPUTER NETWORK 102632

The foregoing appropriation item 200426, Ohio Educational 102633
Computer Network, shall be used by the Department of Education to 102634
maintain a system of information technology throughout Ohio and to 102635
provide technical assistance for such a system in support of the 102636
P-16 State Education Technology Plan developed under section 102637
3353.09 of the Revised Code. 102638

Of the foregoing appropriation item 200426, Ohio Educational 102639
Computer Network, up to \$15,874,498 in each fiscal year shall be 102640
used by the Department of Education to support connection of all 102641
public school buildings and participating chartered nonpublic 102642
schools to the state's education network, to each other, and to 102643
the Internet. In each fiscal year the Department of Education 102644
shall use these funds to assist information technology centers or 102645
school districts with the operational costs associated with this 102646

connectivity. The Department of Education shall develop a formula 102647
and guidelines for the distribution of these funds to information 102648
technology centers or individual school districts. As used in this 102649
section, "public school building" means a school building of any 102650
city, local, exempted village, or joint vocational school 102651
district, any community school established under Chapter 3314. of 102652
the Revised Code, any educational service center building used for 102653
instructional purposes, the Ohio School for the Deaf and the Ohio 102654
School for the Blind, or high schools chartered by the Ohio 102655
Department of Youth Services and high schools operated by Ohio 102656
Department of Rehabilitation and Corrections' Ohio Central School 102657
System. 102658

Of the foregoing appropriation item 200426, Ohio Educational 102659
Computer Network, up to \$2,163,657 in each fiscal year shall be 102660
used for the Union Catalog and InfOhio Network and to support the 102661
provision of electronic resources with priority given to resources 102662
that support the teaching of state academic content standards in 102663
all public schools. Consideration shall be given by the Department 102664
of Education to coordinating the allocation of these moneys with 102665
the efforts of Libraries Connect Ohio, whose members include 102666
OhioLINK, the Ohio Public Information Network, and the State 102667
Library of Ohio. 102668

Of the foregoing appropriation item 200426, Ohio Educational 102669
Computer Network, up to \$7,942,391 in each fiscal year shall be 102670
used, through a formula and guidelines devised by the Department, 102671
to subsidize the activities of designated information technology 102672
centers, as defined by State Board of Education rules, to provide 102673
school districts and chartered nonpublic schools with 102674
computer-based student and teacher instructional and 102675
administrative information services, including approved 102676
computerized financial accounting, and to ensure the effective 102677
operation of local automated administrative and instructional 102678

systems. 102679

The remainder of appropriation item 200426, Ohio Educational 102680
Computer Network, shall be used to support development, 102681
maintenance, and operation of a network of uniform and compatible 102682
computer-based information and instructional systems. This 102683
technical assistance shall include, but not be restricted to, 102684
development and maintenance of adequate computer software systems 102685
to support network activities. In order to improve the efficiency 102686
of network activities, the Department and information technology 102687
centers may jointly purchase equipment, materials, and services 102688
from funds provided under this appropriation for use by the 102689
network and, when considered practical by the Department, may 102690
utilize the services of appropriate state purchasing agencies. 102691

Section 265.10.80. ACADEMIC STANDARDS 102692

Of the foregoing appropriation item 200427, Academic 102693
Standards, \$1,500,000 in each fiscal year shall be used for 102694
Project Lead the Way leadership and management oversight and 102695
initial and continuing support of Project Lead the Way workforce 102696
development programs in participating school districts. 102697

The remainder of appropriation item 200427, Academic 102698
Standards, shall be used by the Department of Education to 102699
develop, revise, and communicate to school districts academic 102700
content standards and curriculum models. 102701

Section 265.10.90. SCHOOL IMPROVEMENT INITIATIVES 102702

Of the foregoing appropriation item 200431, School 102703
Improvement Initiatives, up to \$510,990 in each fiscal year shall 102704
be used by the Department of Education to support educational 102705
media centers to provide Ohio public schools with instructional 102706
resources and services, with priority given to resources and 102707
services aligned with state academic content standards. 102708

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$9,349,007 in each fiscal year shall be used to support districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317.

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$2,000,000 in fiscal year 2011 shall be used by the Department of Education to fund grants to eligible school districts and community schools for the pilot subsidy program for creative and innovative classrooms. The pilot subsidy program shall be administered by the Center for Creativity and Innovation within the Department of Education following guidelines established by the Center in accordance with section 3306.57 of the Revised Code.

Of the foregoing appropriation item 200431, School Improvement Initiatives, up to \$3,500,000 in each fiscal year shall be used to create early college high schools, which are small, autonomous schools that blend high school and college into a coherent educational program. The funds for early college high schools shall be distributed according to guidelines established by the Department of Education and the Board of Regents.

Section 265.10.95. LITERACY IMPROVEMENT-PROFESSIONAL DEVELOPMENT

The foregoing appropriation item 200433, Literacy Improvement-Professional Development, shall be used by the Department of Education to fund the Reading Recovery Training Network, to cover the cost of release time for the teacher trainers.

Of the foregoing appropriation item 200433, Literacy

Improvement-Professional Development, up to \$100,000 in each 102740
fiscal year shall be used to establish a teacher leader training 102741
site at Marietta College in fiscal year 2010 and to provide 102742
training for reading recovery teachers by a teacher leader in 102743
fiscal year 2011. 102744

Section 265.20.10. STUDENT ASSESSMENT 102745

Of the foregoing appropriation item 200437, Student 102746
Assessment, up to \$212,486 in each fiscal year may be used to 102747
support the assessments required under section 3301.0715 of the 102748
Revised Code. 102749

The Superintendent of Public Instruction and the Chancellor 102750
of the Ohio Board of Regents shall determine a percentage of the 102751
foregoing appropriation item 200437, Student Assessment, that 102752
shall be used in each fiscal year to pay for all or a portion of 102753
the following: (1) a college readiness exam for high school 102754
juniors enrolled in Ohio secondary schools and (2) preparation, 102755
practice examinations, and diagnostics related to a college 102756
readiness exam, including, but not limited to, the PSAT, PLAN, and 102757
EXPLORE. The Superintendent shall develop a plan, to be approved 102758
by the Chancellor of the Board of Regents, to determine how to 102759
allocate these funds in a manner which maximizes the number of 102760
students who will be fully assessed for college readiness and in a 102761
manner which allows for pre-college level remediation at the 102762
earliest level possible. For examinations paid in whole or in part 102763
by these funds and where scores may be submitted to institutions 102764
of higher education, all students must submit their scores to the 102765
University System of Ohio. Upon approval by the Chancellor, the 102766
Superintendent shall submit the plan to the Controlling Board for 102767
approval. 102768

The Superintendent and the Chancellor jointly may negotiate 102769
terms to enter into contracts with providers of preparatory 102770

courses for the purpose of assisting students enrolled in Ohio 102771
secondary schools prepare for student assessments. 102772

Of the foregoing appropriation item 200437, Student 102773
Assessments, a portion may be used by the Superintendent of Public 102774
Instruction to reimburse public school districts for (1) a portion 102775
of costs associated with Advanced Placement testing and Advanced 102776
Placement programming, including teacher training, teaching 102777
materials, and student supplies and equipment and (2) a portion of 102778
costs associated with taking the International Baccalaureate 102779
Examination. The Superintendent shall develop a plan, to be 102780
approved by the Chancellor of the Board of Regents, to determine 102781
how to allocate these funds in a manner which maximizes the number 102782
of students who receive college credit through the Advanced 102783
Placement testing process. Upon approval by the Chancellor, the 102784
Superintendent shall submit the plan to the Controlling Board for 102785
approval. 102786

The remainder of appropriation item 200437, Student 102787
Assessment, shall be used to develop, field test, print, 102788
distribute, score, report results, and support other associated 102789
costs for the tests required under sections 3301.0710, 3301.0711, 102790
and 3301.0712 of the Revised Code and for similar purposes as 102791
required by section 3301.27 of the Revised Code. If funds remain 102792
in this appropriation after these purposes have been fulfilled, 102793
the Department may use the remainder of the appropriation to 102794
develop end-of-course exams. 102795

Section 265.20.20. ACCOUNTABILITY/REPORT CARDS 102796

Of the foregoing appropriation item 200439, 102797
Accountability/Report Cards, up to \$2,378,976 in each fiscal year 102798
shall be used to train district and regional specialists and 102799
district educators in the use of the value-added progress 102800
dimension and in the use of data as it relates to improving 102801

student achievement. This funding shall be used in consultation 102802
with a credible nonprofit organization with expertise in 102803
value-added progress dimensions. 102804

The remainder of appropriation item 200439, 102805
Accountability/Report Cards, shall be used by the Department to 102806
incorporate a statewide pilot value-added progress dimension into 102807
performance ratings for school districts and for the development 102808
of an accountability system that includes the preparation and 102809
distribution of school report cards and funding and expenditure 102810
accountability reports under sections 3302.03 and 3302.031 of the 102811
Revised Code. 102812

CHILD CARE LICENSING 102813

The foregoing appropriation item 200442, Child Care 102814
Licensing, shall be used by the Department of Education to license 102815
and to inspect preschool and school-age child care programs under 102816
sections 3301.52 to 3301.59 of the Revised Code. 102817

Section 265.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 102818

The foregoing appropriation item 200446, Education Management 102819
Information System, shall be used by the Department of Education 102820
to improve the Education Management Information System (EMIS). 102821

Of the foregoing appropriation item 200446, Education 102822
Management Information System, up to \$1,276,761 in each fiscal 102823
year shall be distributed to designated information technology 102824
centers for costs relating to processing, storing, and 102825
transferring data for the effective operation of the EMIS. These 102826
costs may include, but are not limited to, personnel, hardware, 102827
software development, communications connectivity, professional 102828
development, and support services, and to provide services to 102829
participate in the State Education Technology Plan developed under 102830
section 3353.09 of the Revised Code. 102831

Of the foregoing appropriation item 200446, Education 102832
Management Information System, up to \$7,874,541 in each fiscal 102833
year shall be distributed on a per-pupil basis to school 102834
districts, community schools established under Chapter 3314. of 102835
the Revised Code, educational service centers, joint vocational 102836
school districts, and any other education entity that reports data 102837
through EMIS. From this funding, each school district or community 102838
school established under Chapter 3314. of the Revised Code with 102839
enrollment greater than 100 students and each vocational school 102840
district shall receive a minimum of \$5,000 in each fiscal year. 102841
Each school district or community school established under Chapter 102842
3314. of the Revised Code with enrollment between one and one 102843
hundred and each educational service center and each county board 102844
of MR/DD that submits data through EMIS shall receive \$3,000 in 102845
each fiscal year. This subsidy shall be used for costs relating to 102846
reporting, processing, storing, transferring, and exchanging data 102847
necessary to meet requirements of the Department of Education's 102848
data system. 102849

The remainder of appropriation item 200446, Education 102850
Management Information System, shall be used to develop and 102851
support a common core of data definitions and standards as adopted 102852
by the Education Management Information System Advisory Board, 102853
including the ongoing development and maintenance of the data 102854
dictionary and data warehouse. In addition, such funds shall be 102855
used to support the development and implementation of data 102856
standards and the design, development, and implementation of a new 102857
data exchange system. 102858

Any provider of software meeting the standards approved by 102859
the Education Management Information System Advisory Board shall 102860
be designated as an approved vendor and may enter into contracts 102861
with local school districts, community schools, information 102862
technology centers, or other educational entities for the purpose 102863

of collecting and managing data required under Ohio's education 102864
management information system (EMIS) laws. On an annual basis, the 102865
Department of Education shall convene an advisory group of school 102866
districts, community schools, and other education-related entities 102867
to review the Education Management Information System data 102868
definitions and data format standards. The advisory group shall 102869
recommend changes and enhancements based upon surveys of its 102870
members, education agencies in other states, and current industry 102871
practices, to reflect best practices, align with federal 102872
initiatives, and meet the needs of school districts. 102873

School districts and community schools not implementing a 102874
common and uniform set of data definitions and data format 102875
standards for Education Management Information System purposes 102876
shall have all EMIS funding withheld until they are in compliance. 102877

Section 265.20.40. GED TESTING 102878

The foregoing appropriation item 200447, GED Testing, shall 102879
be used to provide General Educational Development (GED) testing 102880
at no cost to applicants, under rules adopted by the State Board 102881
of Education. The Department of Education may reimburse in fiscal 102882
year 2010 school districts and community schools, created under 102883
Chapter 3314. of the Revised Code, for a portion of the costs 102884
incurred in providing summer instructional or intervention 102885
services to students who have not graduated because of their 102886
inability to pass one or more parts of the state's Ohio Graduation 102887
Test. School districts shall also provide such services to 102888
students who are residents of the district under section 3313.64 102889
of the Revised Code, but who are enrolled in chartered, nonpublic 102890
schools. The services shall be provided in the public school, in 102891
nonpublic schools, in public centers, or in mobile units located 102892
on or off the nonpublic school premises. No school district shall 102893
provide summer instructional or intervention services to nonpublic 102894

school students as authorized by this section unless such services 102895
are available to students attending the public schools within the 102896
district. No school district shall provide services for use in 102897
religious courses, devotional exercises, religious training, or 102898
any other religious activity. Chartered, nonpublic schools shall 102899
pay for any unreimbursed costs incurred by school districts for 102900
providing summer instruction or intervention services to students 102901
enrolled in chartered, nonpublic schools. School districts may 102902
provide these services to students directly or contract with 102903
postsecondary or nonprofit community-based institutions in 102904
providing instruction. 102905

Section 265.20.50. EDUCATOR PREPARATION 102906

Of the foregoing appropriation item 200448, Educator 102907
Preparation, \$50,000 in each fiscal year shall be used for the 102908
Ohio University Leadership Project. 102909

Of the foregoing appropriation item 200448, Educator 102910
Preparation, up to \$350,000 in each fiscal year shall be used for 102911
training and professional development of school administrators, 102912
school treasurers, and school business officials. 102913

The remainder of appropriation item 200448, Educator 102914
Preparation, may be used by the Department to support the Educator 102915
Standards Board under section 3319.61 of the Revised Code as it 102916
develops and recommends to the State Board of Education standards 102917
for educator training and standards for teacher and other school 102918
leadership positions. Also, any remaining funds may be used by the 102919
Department to develop alternative preparation programs for school 102920
leaders and coordination of a career ladder for teachers. 102921

Section 265.20.60. COMMUNITY SCHOOLS 102922

Of the foregoing appropriation item 200455, Community 102923
Schools, up to \$1,308,661 in each fiscal year may be used by the 102924

Department of Education for additional services and 102925
responsibilities under section 3314.11 of the Revised Code. 102926

Of the foregoing appropriation item 200455, Community 102927
Schools, up to \$225,000 in each fiscal year may be used by the 102928
Department of Education for developing and conducting training 102929
sessions for community schools and sponsors and prospective 102930
sponsors of community schools as prescribed in division (A)(1) of 102931
section 3314.015 of the Revised Code. In developing the training 102932
sessions, the Department shall collect and disseminate examples of 102933
best practices used by sponsors of independent charter schools in 102934
Ohio and other states. 102935

STEM INITIATIVES 102936

The foregoing appropriation item 200457, STEM Initiatives, 102937
shall be used for initiatives that support innovative mathematics 102938
and science education and mathematics and science professional 102939
development for teachers. Such initiatives shall be connected to 102940
and leveraged against Ohio's portfolio of STEM education 102941
initiatives including STEM schools, STEM Programs of Excellence, 102942
and STEM Centers that are positioned to enhance teacher 102943
preparation and professional development through the use of 102944
professional practice on-site laboratories, teacher-in-residence 102945
programs, master teacher and apprentice models, and STEM teaching 102946
fellowships. 102947

Section 265.20.70. PUPIL TRANSPORTATION 102948

Of the foregoing appropriation item 200502, Pupil 102949
Transportation, up to \$838,930 in each fiscal year may be used by 102950
the Department of Education for training prospective and 102951
experienced school bus drivers in accordance with training 102952
programs prescribed by the Department. Up to \$60,469,220 in each 102953
fiscal year may be used by the Department of Education for special 102954
education transportation reimbursements to school districts and 102955

county MR/DD boards for transportation operating costs as provided 102956
in division (J) of section 3317.024 of the Revised Code. The 102957
remainder of appropriation item 200502, Pupil Transportation, 102958
shall be used for the state reimbursement of public school 102959
districts' costs in transporting pupils to and from the school 102960
they attend in accordance with the district's policy, State Board 102961
of Education standards, and division (J) of section 3306.12 of the 102962
Revised Code. 102963

Of the foregoing appropriation item 200502, Pupil 102964
Transportation, \$376,914,469 in each fiscal year shall be used to 102965
calculate the prorated portion of transportation aid to school 102966
districts and shall be distributed as provided by division (L)(1) 102967
of section 3306.12 of the Revised Code. The remainder shall be 102968
used for additional transportation aid for school districts as 102969
provided by division (L)(2) of section 3306.12 of the Revised 102970
Code. 102971

Section 265.20.80. BUS PURCHASE ALLOWANCE 102972

The foregoing appropriation item 200503, Bus Purchase 102973
Allowance, shall be distributed to school districts, educational 102974
service centers, and county MR/DD boards pursuant to rules adopted 102975
under section 3317.07 of the Revised Code. Up to 28 per cent of 102976
the amount appropriated may be used to reimburse school districts 102977
and educational service centers for the purchase of buses to 102978
transport students with disabilities and nonpublic school students 102979
and to county MR/DD boards, the Ohio School for the Deaf, and the 102980
Ohio School for the Blind for the purchase of buses to transport 102981
students with disabilities. 102982

SCHOOL LUNCH MATCH 102983

The foregoing appropriation item 200505, School Lunch Match, 102984
shall be used to provide matching funds to obtain federal funds 102985
for the school lunch program. 102986

Any remaining appropriation after providing matching funds 102987
for the school lunch program shall be used to partially reimburse 102988
school buildings within school districts that are required to have 102989
a school breakfast program under section 3313.813 of the Revised 102990
Code, at a rate decided by the Department. 102991

Section 265.20.90. AUXILIARY SERVICES 102992

The foregoing appropriation item 200511, Auxiliary Services, 102993
shall be used by the Department of Education for the purpose of 102994
implementing section 3317.06 of the Revised Code. Of the 102995
appropriation, up to \$2,121,800 in each fiscal year may be used 102996
for payment of the Post-Secondary Enrollment Options Program for 102997
nonpublic students. Notwithstanding section 3365.10 of the Revised 102998
Code, the Department shall distribute funding according to rules 102999
adopted by the Department in accordance with Chapter 119. of the 103000
Revised Code. 103001

Section 265.20.95. GIFTED PUPIL PROGRAM 103002

The foregoing appropriation item 200521, Gifted Pupil 103003
Program, shall be used by the Department of Education to fund the 103004
Summer Honors Institute, including funding for the Martin Essex 103005
Program, which shall be awarded through a request for proposals 103006
process. 103007

Section 265.30.10. NONPUBLIC ADMINISTRATIVE COST 103008
REIMBURSEMENT 103009

The foregoing appropriation item 200532, Nonpublic 103010
Administrative Cost Reimbursement, shall be used by the Department 103011
of Education for the purpose of implementing section 3317.063 of 103012
the Revised Code. 103013

Section 265.30.20. SPECIAL EDUCATION ENHANCEMENTS 103014

Of the foregoing appropriation item 200540, Special Education 103015
Enhancements, up to \$2,906,875 in each fiscal year shall be used 103016
for home instruction for children with disabilities. 103017

Of the foregoing appropriation item 200540, Special Education 103018
Enhancements, up to \$47,518,582 in fiscal year 2010 and up to 103019
\$48,421,435 in fiscal year 2011 shall be used to fund special 103020
education and related services at county boards of mental 103021
retardation and developmental disabilities for eligible students 103022
under section 3317.20 of the Revised Code and at institutions for 103023
eligible students under section 3317.201 of the Revised Code. 103024
Notwithstanding the distribution formulas under sections 3317.20 103025
and 3317.201 of the Revised Code, funding for MR/DD boards and 103026
institutions in fiscal year 2010 and fiscal year 2011 shall be 103027
determined by inflating the per pupil amount received by each 103028
MR/DD board and institution in the prior fiscal year by 1.9 per 103029
cent and providing that inflated per pupil amount for each student 103030
served in the current fiscal year. 103031

Of the foregoing appropriation item 200540, Special Education 103032
Enhancements, \$75,000 in each fiscal year shall be used for Leaf 103033
Lake/Geauga Educational Assistance Funding. 103034

Of the foregoing appropriation item 200540, Special Education 103035
Enhancements, \$500,000 in each fiscal year shall be used to 103036
support the Bellefaire Jewish Children's Bureau. 103037

Of the foregoing appropriation item 200540, Special Education 103038
Enhancements, \$650,000 in each fiscal year shall be used to 103039
support Project More for one-to-one reading mentoring. 103040

Of the foregoing appropriation item 200540, Special Education 103041
Enhancements, up to \$1,500,000 in each fiscal year shall be used 103042
for parent mentoring programs. 103043

Of the foregoing appropriation item 200540, Special Education 103044
Enhancements, up to \$2,783,396 in each fiscal year may be used for 103045

school psychology interns. 103046

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to county boards of mental retardation and developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units under section 3317.052 of the Revised Code. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers.

The Department may reimburse county MR/DD boards, educational service centers, and school districts for services provided by instructional assistants, related services as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department of Education shall require school districts, educational service centers, and county MR/DD boards serving preschool children with disabilities to document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department.

Section 265.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 103076

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,633,531 in fiscal year 2010 and up to \$2,683,568 in fiscal year 2011 shall be used to fund secondary career-technical education at institutions. Notwithstanding sections 3317.05, 3317.052, and 3317.053 of the Revised Code, the Department of Education shall distribute funding to institutions for career-technical programming on a grant basis.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,228,281 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. These grant funds shall be used to directly support expanded tech prep programs provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,890,850 in each fiscal year shall be used by the Department of Education to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Section 265.30.40. FOUNDATION FUNDING

The foregoing appropriation item 200550, Foundation Funding, includes \$75,000,000 in each fiscal year for the state education aid offset due to the change in public utility valuation as a

result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 103108
General Assembly. This amount represents the total state education 103109
aid offset due to the valuation change for school districts and 103110
joint vocational school districts from all relevant appropriation 103111
line item sources. Upon certification by the Department of 103112
Education, in consultation with the Department of Taxation, to the 103113
Director of Budget and Management of the actual state aid offset, 103114
the cash transfer from the School District Property Tax 103115
Replacement - Utility Fund (Fund 7053) to the General Revenue Fund 103116
shall be decreased or increased by the Director of Budget and 103117
Management to match the certification in accordance with section 103118
5727.84 of the Revised Code. 103119

The foregoing appropriation item 200550, Foundation Funding, 103120
includes \$106,768,866 in fiscal year 2010 and \$238,511,467 in 103121
fiscal year 2011 for the state education aid offset because of the 103122
changes in tangible personal property valuation as a result of Am. 103123
Sub. H.B. 66 of the 126th General Assembly. This amount represents 103124
the total state education aid offset because of the valuation 103125
change for school districts and joint vocational school districts 103126
from all relevant appropriation item sources. Upon certification 103127
by the Department of Education of the actual state education aid 103128
offset to the Director of Budget and Management, the cash transfer 103129
from the School District Tangible Property Tax Replacement - 103130
Business Fund (Fund 7047) to the General Revenue Fund shall be 103131
decreased or increased by the Director of Budget and Management to 103132
match the certification in accordance with section 5751.21 of the 103133
Revised Code. 103134

Of the foregoing appropriation item 200550, Foundation 103135
Funding, up to \$425,000 shall be expended in each fiscal year for 103136
court payments under section 2151.362 of the Revised Code and up 103137
to \$15,000,000 in each fiscal year shall be reserved for payments 103138
under sections 3317.026, 3317.027, and 3317.028 of the Revised 103139

Code except that the Controlling Board may increase the 103140
\$15,000,000 amount if presented with such a request from the 103141
Department of Education. 103142

Of the foregoing appropriation item 200550, Foundation 103143
Funding, up to \$18,000,000 in fiscal year 2010 and \$15,000,000 in 103144
fiscal year 2011 shall be used to provide additional state aid to 103145
school districts for special education students under division 103146
(C)(3) of section 3317.022 of the Revised Code, except that the 103147
Controlling Board may increase these amounts if presented with 103148
such a request from the Department of Education at the final 103149
meeting of the fiscal year; up to \$2,000,000 in each fiscal year 103150
shall be reserved for Youth Services tuition payments under 103151
section 3317.024 of the Revised Code; up to \$8,100,000 in each 103152
fiscal year shall be used to fund gifted education units at 103153
educational service centers under division (L) of section 3317.024 103154
of the Revised Code, notwithstanding division (D)(3) of section 103155
3317.018 of the Revised Code; and up to \$47,000,000 in each fiscal 103156
year shall be reserved to fund the state reimbursement of 103157
educational service centers under section 3317.11 of the Revised 103158
Code and the section of this act entitled "EDUCATIONAL SERVICE 103159
CENTERS FUNDING." 103160

Of the foregoing appropriation item 200550, Foundation 103161
Funding, an amount shall be available in each fiscal year to be 103162
used by the Department of Education for transitional aid for 103163
school districts under section 3306.19 of the Revised Code. 103164

Of the foregoing appropriation item 200550, Foundation 103165
Funding, up to \$1,000,000 in each fiscal year shall be used by the 103166
Department of Education for a program to pay for educational 103167
services for youth who have been assigned by a juvenile court or 103168
other authorized agency to any of the facilities described in 103169
division (A) of the section of this act entitled "PRIVATE 103170
TREATMENT FACILITY PROJECT." 103171

Of the foregoing appropriation item 200550, Foundation 103172
Funding, up to \$8,686,000 in fiscal year 2010 and up to \$8,722,860 103173
in fiscal year 2011 shall be used to operate the school choice 103174
program. 103175

Of the portion of the funds distributed to the Cleveland 103176
Municipal School District under this section, up to \$11,901,887 in 103177
each fiscal year shall be used to operate the school choice 103178
program in the Cleveland Municipal School District under sections 103179
3313.974 to 3313.979 of the Revised Code. Notwithstanding 103180
divisions (B) and (C) of section 3313.978 and division (C) of 103181
section 3313.979 of the Revised Code, up to \$1,000,000 in each 103182
fiscal year of this amount shall be used by the Cleveland 103183
Municipal School District to provide tutorial assistance as 103184
provided in division (H) of section 3313.974 of the Revised Code. 103185
The Cleveland Municipal School District shall report the use of 103186
these funds in the district's three-year continuous improvement 103187
plan as described in section 3302.04 of the Revised Code in a 103188
manner approved by the Department of Education. 103189

Of the foregoing appropriation item 200550, Foundation 103190
Funding, an amount shall be available in each fiscal year to be 103191
paid to joint vocational school districts in accordance with the 103192
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 103193
DISTRICTS." 103194

Of the foregoing appropriation item 200550, Foundation 103195
Funding, \$100,000 in each fiscal year shall be used by the 103196
American Academy of Pediatrics for the Reach Out and Read Program. 103197

Of the foregoing appropriation item 200550, Foundation 103198
Funding, up to \$500,000 shall be used in each fiscal year by the 103199
Department of Education to contract with the Children's Hunger 103200
Alliance to expand access to child nutrition programs consistent 103201
with the organization's continued ability to meet specified 103202
performance measures as detailed in the contract. 103203

Appropriation items 200455, Community Schools, 200502, Pupil Transportation, 200540, Special Education Enhancements, 200550, and Foundation Funding, 200551, Foundation Funding - Federal Stimulus, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, and joint vocational school districts under this act and Chapter 3306. of the Revised Code. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget in each fiscal year, in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department of Education's budget to meet state formula aid obligations, the Department of Education shall seek approval from the Controlling Board to transfer funds as needed.

Section 265.30.50. FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for joint vocational funding in each fiscal year to each joint vocational school district that received joint vocational funding in fiscal year 2009. The Department shall distribute to each such district joint vocational funding in an amount equal to the district's joint vocational funding from the previous fiscal year inflated by 1.9 per cent.

(B)(1) A district's fiscal year 2009 joint vocational funding equals the sum of the following, as reconciled by the Department:

103235

(a) Base-cost funding under division (B) of section 3317.16
of the Revised Code; 103236
103237

(b) Special education and related services additional 103238
weighted funding under division (D)(1) of section 3317.16 of the 103239
Revised Code; 103240

(c) Speech services funding under division (D)(2) of section 103241
3317.16 of the Revised Code; 103242

(d) Vocational education additional weighted funding under 103243
division (C) of section 3317.16 of the Revised Code; 103244

(e) GRADS funding under division (N) of section 3317.024 of 103245
the Revised Code; 103246

(f) Any transitional aid computed for the district under 103247
Section 269.30.90 of Am. Sub. H.B. 119 of the 127th General 103248
Assembly. 103249

(2) The joint vocational funding for each fiscal year for 103250
each district is the amount specified in division (A) or (B) of 103251
this section less any general revenue fund spending reductions 103252
ordered by the Governor under section 126.05 of the Revised Code. 103253

Section 265.30.60. TEACH OHIO 103254

Of the foregoing appropriation item 200555, Teach Ohio, 103255
\$1,000,000 in each fiscal year shall be used to support the 103256
program established under division (A) of section 3333.39 of the 103257
Revised Code to encourage high school students interested in 103258
entering the teaching profession. 103259

The remainder of the appropriation shall be used to support 103260
alternative teacher licensure programs under section 3319.26 and 103261
division (C) of section 3333.39 of the Revised Code developed in 103262
partnership with the Department of Education, educational service 103263

centers, and institutions of higher education. Programs shall 103264
support teacher licensure in laboratory-based science, advanced 103265
mathematics, or foreign language at the secondary education level 103266
and employment with an Ohio school district designated by the 103267
Department as a hard-to-staff school. The programs shall be 103268
consistent with the State Board of Education's alternative 103269
licensure requirements. 103270

Section 265.30.70. VIOLENCE PREVENTION AND SCHOOL SAFETY 103271

Of the foregoing appropriation item 200578, Violence 103272
Prevention and School Safety, up to \$224,250 in each fiscal year 103273
shall be used to fund a safe school center to provide resources 103274
for parents and for school and law enforcement personnel. 103275

The remainder of the appropriation shall be distributed based 103276
on guidelines developed by the Department of Education to enhance 103277
school safety. The guidelines shall provide a list of 103278
research-based best practices and programs from which local 103279
grantees shall select based on local needs. These practices shall 103280
include, but not be limited to, school resource officers and safe 103281
and drug free school coordinators and social-emotional development 103282
programs. 103283

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER 103284

The foregoing appropriation item 200587, National Underground 103285
Railroad Freedom Center, shall be used by the Center for education 103286
programs. 103287

Section 265.30.80. PROPERTY TAX ALLOCATION - EDUCATION 103288

The Superintendent of Public Instruction shall not request, 103289
and the Controlling Board shall not approve, the transfer of 103290
appropriation from appropriation item 200901, Property Tax 103291
Allocation - Education, to any other appropriation item. 103292

The appropriation item 200901, Property Tax Allocation - 103293
Education, is appropriated to pay for the state's costs incurred 103294
because of the homestead exemption, the property tax rollback, and 103295
payments required under division (C) of section 5705.2110 of the 103296
Revised Code. In cooperation with the Department of Taxation, the 103297
Department of Education shall distribute these funds directly to 103298
the appropriate school districts of the state, notwithstanding 103299
sections 321.24 and 323.156 of the Revised Code, which provide for 103300
payment of the homestead exemption and property tax rollback by 103301
the Tax Commissioner to the appropriate county treasurer and the 103302
subsequent redistribution of these funds to the appropriate local 103303
taxing districts by the county auditor. 103304

Upon receipt of these amounts, each school district shall 103305
distribute the amount among the proper funds as if it had been 103306
paid as real or tangible personal property taxes. Payments for the 103307
costs of administration shall continue to be paid to the county 103308
treasurer and county auditor as provided for in sections 319.54, 103309
321.26, and 323.156 of the Revised Code. 103310

Any sums, in addition to the amount specifically appropriated 103311
in appropriation items 200901, Property Tax Allocation - 103312
Education, for the homestead exemption and the property tax 103313
rollback payments, and payments required under division (C) of 103314
section 5705.2110 of the Revised Code, which are determined to be 103315
necessary for these purposes, are hereby appropriated. 103316

Section 265.30.90. TEACHER CERTIFICATION AND LICENSURE 103317

The foregoing appropriation item 200681, Teacher 103318
Certification and Licensure, shall be used by the Department of 103319
Education in each year of the biennium to administer and support 103320
teacher certification and licensure activities. 103321

SCHOOL DISTRICT SOLVENCY ASSISTANCE 103322

Of the foregoing appropriation item 200687, School District Solvency Assistance, \$9,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$9,000,000 in each fiscal year shall be allocated to the Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2010 and 2011. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department of Education to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director of Budget and Management shall notify the members of the Controlling Board of any such transfers.

Section 265.40.10. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS

Upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may transfer up to \$639,000 cash in each fiscal year from the General Revenue Fund to the Schools Medicaid Administrative Claims Fund (Fund 3AF0). The

transferred cash is to be used by the Department of Education to 103354
pay the expenses the Department incurs in administering the 103355
Medicaid School Component of the Medicaid program established 103356
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 103357
of each fiscal year, or as soon as possible thereafter, the 103358
Director of Budget and Management shall transfer cash from Fund 103359
3AF0 back to the General Revenue Fund in an amount equal to the 103360
total amount transferred to Fund 3AF0 in that fiscal year. 103361

The money deposited into Fund 3AF0 under division (B) of 103362
section 5111.714 of the Revised Code is hereby appropriated for 103363
fiscal years 2010 and 2011 and shall be used in accordance with 103364
division (D) of section 5111.714 of the Revised Code. 103365

Section 265.40.20. READING FIRST 103366

The foregoing appropriation item 200632, Reading First, shall 103367
be used by school districts to administer federal diagnostic tests 103368
as well as other functions permitted by federal statute. 103369
Notwithstanding section 3301.079 of the Revised Code, federal 103370
diagnostic tests may be recognized as meeting the state diagnostic 103371
testing requirements outlined in section 3301.079 of the Revised 103372
Code. 103373

HALF-MILL MAINTENANCE EQUALIZATION 103374

The foregoing appropriation item 200626, Half-Mill 103375
Maintenance Equalization, shall be used to make payments pursuant 103376
to section 3318.18 of the Revised Code. 103377

Section 265.40.30. START-UP FUNDS 103378

Funds appropriated for the purpose of providing start-up 103379
grants to Title IV-A Head Start and Title IV-A Head Start Plus 103380
agencies in fiscal year 2004 and fiscal year 2005 for the 103381
provision of services to children eligible for Title IV-A services 103382
under the Title IV-A Head Start or Title IV-A Head Start Plus 103383

programs shall be reimbursed to the General Revenue Fund as 103384
follows: 103385

(A) If, for fiscal years 2010 or 2011, an entity that was a 103386
Title IV-A Head Start or Title IV-A Head Start Plus agency will 103387
not be an early learning agency or early learning provider, the 103388
entity shall repay the entire amount of the start-up grant it 103389
received in fiscal year 2004 and fiscal year 2005 not later than 103390
June 30, 2019, in accordance with a payment schedule agreed to by 103391
the Department of Education. 103392

(B) If an entity that was a Title IV-A Head Start or Title 103393
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 103394
2005 will be an early learning agency or early learning provider 103395
in fiscal year 2010 and fiscal year 2011, the entity shall be 103396
allowed to retain any amount of the start-up grant it received, 103397
unless division (D) of this section applies to the entity. In that 103398
case, the entity shall repay the entire amount of the obligation 103399
described in that division not later than June 30, 2019. 103400

(C) Within ninety days after the closure of an early learning 103401
agency or early learning provider that was a Title IV-A Head Start 103402
Plus agency in fiscal year 2004 or fiscal year 2005, the former 103403
Title IV-A Head Start agencies, Title IV-A Head Start Plus 103404
agencies, and the Department of Education shall determine the 103405
repayment schedule for amounts owed under division (A) of this 103406
section. These amounts shall be paid to the state not later than 103407
June 30, 2019. 103408

(D) If an entity that was a Title IV-A Head Start or Title 103409
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 103410
2005 owed the state any portion of the start-up grant amount 103411
during fiscal year 2006 or fiscal year 2007 but failed to repay 103412
the entire amount of the obligation by June 30, 2007, the entity 103413
shall be given an extension for repayment through June 30, 2019, 103414
before any amounts remaining due and payable to the state are 103415

referred to the Attorney General for collection under section 103416
131.02 of the Revised Code. 103417

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 103418
start-up grants that are retained by early learning agencies or 103419
early learning providers pursuant to this section shall be 103420
reimbursed to the General Revenue Fund when the early learning 103421
program ceases or is no longer funded from Title IV-A or if an 103422
early learning agency's or early learning provider's participation 103423
in the early learning program ceases or is terminated. 103424

Section 265.40.40. AUXILIARY SERVICES REIMBURSEMENT 103425

Notwithstanding section 3317.064 of the Revised Code, if the 103426
unexpended, unencumbered cash balance is sufficient, the Treasurer 103427
of State shall transfer \$1,500,000 in fiscal year 2010 within 103428
thirty days after the effective date of this section, and 103429
\$1,500,000 in fiscal year 2011 by August 1, 2010, from the 103430
Auxiliary Services Personnel Unemployment Compensation Fund to the 103431
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 103432
Department of Education. 103433

Section 265.40.50. LOTTERY PROFITS EDUCATION FUND 103434

Appropriation item 200612, Foundation Funding (Fund 7017), 103435
shall be used in conjunction with appropriation item 200550, 103436
Foundation Funding (GRF), to provide payments to school districts 103437
under Chapter 3306. of the Revised Code. 103438

The Department of Education, with the approval of the 103439
Director of Budget and Management, shall determine the monthly 103440
distribution schedules of appropriation item 200550, Foundation 103441
Funding (GRF), and appropriation item 200612, Foundation Funding 103442
(Fund 7017). If adjustments to the monthly distribution schedule 103443
are necessary, the Department of Education shall make such 103444
adjustments with the approval of the Director of Budget and 103445

Management. 103446

Section 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND 103447

(A) There is hereby created the Lottery Profits Education 103448
Reserve Fund (Fund 7018) in the State Treasury. Investment 103449
earnings of the Lottery Profits Education Reserve Fund shall be 103450
credited to the fund. The Superintendent of Public Instruction may 103451
certify cash balances exceeding \$75,000,000 in Fund 7018 to the 103452
Director of Budget and Management in June of any given fiscal 103453
year. Prior to making the certification, the Superintendent of 103454
Public Instruction shall determine whether the funds above the 103455
\$75,000,000 threshold are needed to help pay for foundation 103456
program obligations for that fiscal year under Chapter 3306. of 103457
the Revised Code. 103458

For fiscal years 2010 and 2011, notwithstanding any 103459
provisions of law to the contrary, amounts necessary to make loans 103460
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 103461
Revised Code are hereby appropriated to Fund 7018. Loan repayments 103462
from loans made in previous years shall be deposited to the fund. 103463
103464

(B) On July 15, 2009, or as soon as possible thereafter, the 103465
Director of the Ohio Lottery Commission shall certify to the 103466
Director of Budget and Management the amount by which lottery 103467
profit transfers received by the Lottery Profits Education Fund 103468
(Fund 7017) exceeded \$667,900,000 in fiscal year 2009. The 103469
Director of Budget and Management may transfer the amount so 103470
certified, plus the cash balance in Fund 7017, to Fund 7018. 103471

(C) On July 15, 2010, or as soon as possible thereafter, the 103472
Director of the Ohio Lottery Commission shall certify to the 103473
Director of Budget and Management the amount by which lottery 103474
profit transfers received by Fund 7017 exceeded \$705,000,000 in 103475
fiscal year 2010. The Director of Budget and Management may 103476

transfer the amount so certified, plus the cash balance in Fund 103477
7017, to Fund 7018. 103478

(D) Any amounts transferred under division (B) or (C) of this 103479
section may be made available by the Controlling Board in fiscal 103480
years 2010 or 2011, at the request of the Superintendent of Public 103481
Instruction, to provide assistance and grants to school districts 103482
to enable them to remain solvent and to pay unforeseeable expenses 103483
of a temporary or emergency nature that they are unable to pay 103484
from existing resources under section 3316.20 of the Revised Code, 103485
and to provide payments to school districts under Chapter 3306. of 103486
the Revised Code. 103487

Section 265.40.70. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 103488
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 103489

Notwithstanding any provision of law to the contrary, in 103490
fiscal year 2010 and fiscal year 2011 the Director of Budget and 103491
Management may make temporary transfers between the General 103492
Revenue Fund and the School District Property Tax Replacement - 103493
Business Fund (Fund 7047) in the Department of Education to ensure 103494
sufficient balances in Fund 7047 and to replenish the General 103495
Revenue Fund for such transfers. 103496

Section 265.40.80. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 103497
BUSINESS 103498

The foregoing appropriation item 200909, School District 103499
Property Tax Replacement - Business, shall be used by the 103500
Department of Education, in consultation with the Department of 103501
Taxation, to make payments to school districts and joint 103502
vocational school districts under section 5751.21 of the Revised 103503
Code. If it is determined by the Director of Budget and Management 103504
that additional appropriations are necessary for this purpose, 103505
such amounts are hereby appropriated. 103506

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 103507

The foregoing appropriation item 200900, School District 103508
Property Tax Replacement-Utility, shall be used by the Department 103509
of Education, in consultation with the Department of Taxation, to 103510
make payments to school districts and joint vocational school 103511
districts under section 5727.85 of the Revised Code. If it is 103512
determined by the Director of Budget and Management that 103513
additional appropriations are necessary for this purpose, such 103514
amounts are hereby appropriated. 103515

DISTRIBUTION FORMULAS 103516

The Department of Education shall report the following to the 103517
Director of Budget and Management and the Legislative Service 103518
Commission: 103519

(A) Changes in formulas for distributing state 103520
appropriations, including administratively defined formula 103521
factors; 103522

(B) Discretionary changes in formulas for distributing 103523
federal appropriations; 103524

(C) Federally mandated changes in formulas for distributing 103525
federal appropriations. 103526

Any such changes shall be reported two weeks prior to the 103527
effective date of the change. 103528

Section 265.50.10. EDUCATIONAL SERVICE CENTERS FUNDING 103529

(A) As used in this section: 103530

(1) "Internet- or computer-based community school" has the 103531
same meaning as in section 3314.02 of the Revised Code. 103532

(2) "Service center ADM" has the same meaning as in section 103533
3317.11 of the Revised Code. 103534

(3) "STEM school" means a science, technology, engineering, 103535

and mathematics school established under Chapter 3326. of the 103536
Revised Code. 103537

(B) Notwithstanding division (F) of section 3317.11 of the 103538
Revised Code, no funds shall be provided under that division to an 103539
educational service center in either fiscal year for any pupils of 103540
a city or exempted village school district unless an agreement to 103541
provide services under section 3313.843 of the Revised Code was 103542
entered into by January 1, 1997, except that funds shall be 103543
provided to an educational service center for any pupils of a city 103544
school district if the agreement to provide services was entered 103545
into within one year of the date upon which such district changed 103546
from a local school district to a city school district. 103547

If an educational service center that entered into an 103548
agreement by January 1, 1997, with a city or exempted village 103549
school district to provide services under section 3313.843 of the 103550
Revised Code ceases to operate because all of the local school 103551
districts that constituted the territory of the service center 103552
have severed from the service center pursuant to section 3311.059 103553
of the Revised Code, another educational service center, by 103554
resolution of its governing board, may assume the obligations of 103555
the original service center to provide services to the city or 103556
exempted village school district under that agreement. If that 103557
other service center assumes those obligations to provide services 103558
to the city or exempted village school district, that service 103559
center shall be considered to be the service center that entered 103560
into the agreement by January 1, 1997, and, accordingly, may 103561
receive funds under division (F) of section 3317.11 of the Revised 103562
Code in accordance with this section in fiscal years 2010 and 2011 103563
for pupils of that city or exempted village school district. 103564

(C) Notwithstanding any provision of the Revised Code to the 103565
contrary, an educational service center that sponsors a community 103566
school under Chapter 3314. of the Revised Code in either fiscal 103567

year may include the students of that community school in its 103568
service center ADM for purposes of state funding under division 103569
(F) of section 3317.11 of the Revised Code, unless the community 103570
school is an Internet- or computer-based community school. A 103571
service center shall include the community school students in its 103572
service center ADM only to the extent that the students are not 103573
already so included, and only in accordance with guidelines issued 103574
by the Department of Education. If the students of a community 103575
school sponsored by an educational service center are included in 103576
the service center ADM of another educational service center, 103577
those students shall be removed from the service center ADM of the 103578
other educational service center and added to the service center 103579
ADM of the community school's sponsoring service center. The 103580
General Assembly authorizes this procedure as an incentive for 103581
educational service centers to take over sponsorship of community 103582
schools from the State Board of Education as the State Board's 103583
sponsorship is phased out in accordance with Sub. H.B. 364 of the 103584
124th General Assembly. No student of an Internet- or 103585
computer-based community school shall be counted in the service 103586
center ADM of any educational service center. The Department shall 103587
pay educational service centers under division (F) of section 103588
3317.11 of the Revised Code for community school students included 103589
in their service center ADMs under this division only if 103590
sufficient funds earmarked within appropriation item 200550, 103591
Foundation Funding, for payments under that division remain after 103592
first paying for students attributable to their local and client 103593
school districts, in accordance with divisions (B) and (E) of this 103594
section. 103595

(D) Notwithstanding division (C) of section 3326.45 of the 103596
Revised Code, the Department shall pay educational service centers 103597
under division (H) of section 3317.11 of the Revised Code for 103598
services provided to STEM schools only if sufficient funds 103599
earmarked within appropriation item 200550, Foundation Funding, 103600

for payments under that division remain after first paying for 103601
students attributable to the local and client school districts of 103602
the service centers and for community school students in their 103603
service center ADMs, in accordance with divisions (B), (C), and 103604
(E) of this section. 103605

(E) If insufficient funds are earmarked within appropriation 103606
item 200550, Foundation Funding, for payments under divisions (F) 103607
and (H) of section 3317.11 of the Revised Code and division (C) of 103608
this section in fiscal year 2010 or fiscal year 2011, the 103609
Department shall prioritize the distribution of the earmarked 103610
funds as follows: 103611

(1) The Department shall first distribute to each educational 103612
service center the per-student amount specified in division (F) of 103613
section 3317.11 of the Revised Code for each student in its 103614
service center ADM attributable to the local school districts 103615
within the service center's territory. 103616

(2) The Department shall distribute the remaining funds in 103617
each fiscal year to each educational service center for the 103618
students in its service center ADM attributable to each city and 103619
exempted village school district that had entered into an 103620
agreement with an educational service center for that fiscal year 103621
under section 3313.843 of the Revised Code by January 1, 1997, up 103622
to the per-student amount specified in division (F) of section 103623
3317.11 of the Revised Code. If insufficient funds remain to pay 103624
each service center the full amount specified in division (F) of 103625
that section for each such student, the Department shall 103626
distribute the remaining funds to each service center 103627
proportionally, on a per-student basis for each such student, 103628
unless that proportional per-student amount exceeds the amount 103629
specified in division (F)(1) of that section. In that case, the 103630
Department shall distribute the per-student amount specified in 103631
division (F)(1) of that section to each service center for each 103632

such student and shall distribute the remainder proportionally, on 103633
a per-student basis for each such student, to the multicounty 103634
service centers described in division (F)(2) of that section. 103635

(3) If the Department has paid each service center under 103636
divisions (E)(1) and (2) of this section the full amount specified 103637
in division (F) of section 3317.11 of the Revised Code for each 103638
student attributable to its local school districts and its client 103639
school districts described in division (E)(2) of this section, the 103640
Department shall distribute any remaining funds proportionally, on 103641
a per-student basis, to each service center that sponsors a 103642
community school, other than an Internet- or computer-based 103643
community school, for the students included in the service center 103644
ADM under division (C) of this section. These payments shall not 103645
exceed per student the amount specified in division (F) of section 103646
3317.11 of the Revised Code. 103647

(4) If the Department has paid each educational service 103648
center that sponsors a community school, other than an Internet- 103649
or computer-based community school, the full amount specified in 103650
division (F) of section 3317.11 of the Revised Code for each 103651
community school student included in the service center ADM under 103652
division (C) of this section, the Department shall distribute any 103653
remaining funds to each service center that is owed money under 103654
division (H) of section 3317.11 of the Revised Code for services 103655
provided to a STEM school. If insufficient funds remain to pay 103656
each service center the full amount calculated for it under 103657
division (H) of section 3317.11 of the Revised Code, the 103658
Department shall distribute the remaining funds proportionally, on 103659
a per-student basis, to each service center owed money under that 103660
division, unless that proportional per-student amount exceeds the 103661
per-student amount specified in any service center's contract 103662
entered into under section 3326.45 of the Revised Code. In that 103663
case, the Department shall distribute the lowest per-student 103664

amount specified in the service center contracts entered into 103665
under that section to each service center owed money under 103666
division (H) of section 3317.11 of the Revised Code and shall 103667
distribute the remainder proportionally, on a per-student basis, 103668
to service centers with contracts under section 3326.45 of the 103669
Revised Code that specify higher per-student amounts, but in no 103670
case shall the payments to any service center exceed the 103671
per-student amount specified in the service center's contract with 103672
the STEM school. 103673

Section 265.50.20. WAIVER OF PUPIL TO TEACHER RATIO 103674

For the school year commencing July 1, 2009, or the school 103675
year commencing July 1, 2010, or both, the Superintendent of 103676
Public Instruction may waive for the board of education of any 103677
school district the ratio of teachers to pupils in kindergarten 103678
through fourth grade required under paragraph (A)(3) of rule 103679
3301-35-05 of the Administrative Code if the following conditions 103680
apply: 103681

(A) The board of education requests the waiver. 103682

(B) After the Department of Education conducts an on-site 103683
evaluation of the district related to meeting the required ratio, 103684
the board of education demonstrates to the satisfaction of the 103685
Superintendent of Public Instruction that providing the facilities 103686
necessary to meet the required ratio during the district's regular 103687
school hours with pupils in attendance would impose an extreme 103688
hardship on the district. 103689

(C) The board of education provides assurances that are 103690
satisfactory to the Superintendent of Public Instruction that the 103691
board will act in good faith to meet the required ratio as soon as 103692
possible. 103693

Section 265.50.30. PRIVATE TREATMENT FACILITY PROJECT 103694

(A) As used in this section:	103695
(1) The following are "participating residential treatment centers":	103696 103697
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2010 or fiscal year 2011 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	103698 103699 103700 103701 103702 103703
(b) Abraxas, in Shelby;	103704
(c) Paint Creek, in Bainbridge;	103705
(d) Act One, in Akron;	103706
(e) F.I.R.S.T., in Mansfield.	103707
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	103708 103709 103710
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	103711 103712
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	103713 103714 103715 103716 103717
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	103718 103719 103720
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program	103721 103722 103723 103724

located in or near the facility. Approval of the educational 103725
program shall be contingent upon compliance with the criteria 103726
established for such programs by the Department of Education. The 103727
educational program shall be provided by a school district or 103728
educational service center, or by the residential facility itself. 103729
Maximum flexibility shall be given to the residential treatment 103730
facility to determine the provider. In the event that a voluntary 103731
agreement cannot be reached and the residential facility does not 103732
choose to provide the educational program, the educational service 103733
center in the county in which the facility is located shall 103734
provide the educational program at the treatment center to 103735
children under twenty-two years of age residing in the treatment 103736
center. 103737

(C) Any school district responsible for tuition for a 103738
residential child shall, notwithstanding any conflicting provision 103739
of the Revised Code regarding tuition payment, pay tuition for the 103740
child for fiscal year 2010 and fiscal year 2011 to the education 103741
program provider and in the amount specified in this division. If 103742
there is no school district responsible for tuition for a 103743
residential child and if the participating residential treatment 103744
center to which the child is assigned is located in the city, 103745
exempted village, or local school district that, if the child were 103746
not a resident of that treatment center, would be the school 103747
district where the child is entitled to attend school under 103748
sections 3313.64 and 3313.65 of the Revised Code, that school 103749
district, notwithstanding any conflicting provision of the Revised 103750
Code, shall pay tuition for the child for fiscal year 2010 and 103751
fiscal year 2011 under this division unless that school district 103752
is providing the educational program to the child under division 103753
(B) of this section. 103754

A tuition payment under this division shall be made to the 103755
school district, educational service center, or residential 103756

treatment facility providing the educational program to the child. 103757

The amount of tuition paid shall be: 103758

(1) The amount of tuition determined for the district under 103759
division (A) of section 3317.08 of the Revised Code; 103760

(2) In addition, for any student receiving special education 103761
pursuant to an individualized education program as defined in 103762
section 3323.01 of the Revised Code, a payment for excess costs. 103763
This payment shall equal the actual cost to the school district, 103764
educational service center, or residential treatment facility of 103765
providing special education and related services to the student 103766
pursuant to the student's individualized education program, minus 103767
the tuition paid for the child under division (C)(1) of this 103768
section. 103769

A school district paying tuition under this division shall 103770
not include the child for whom tuition is paid in the district's 103771
average daily membership certified under division (A) of section 103772
3317.03 of the Revised Code. 103773

(D) In each of fiscal years 2010 and 2011, the Department of 103774
Education shall reimburse, from appropriations made for the 103775
purpose, a school district, educational service center, or 103776
residential treatment facility, whichever is providing the 103777
service, that has demonstrated that it is in compliance with the 103778
funding criteria for each served child for whom a school district 103779
must pay tuition under division (C) of this section. The amount of 103780
the reimbursement shall be the amount appropriated for this 103781
purpose divided by the full-time equivalent number of children for 103782
whom reimbursement is to be made. 103783

(E) Funds provided to a school district, educational service 103784
center, or residential treatment facility under this section shall 103785
be used to supplement, not supplant, funds from other public 103786
sources for which the school district, service center, or 103787

residential treatment facility is entitled or eligible. 103788

(F) The Department of Education shall track the utilization 103789
of funds provided to school districts, educational service 103790
centers, and residential treatment facilities under this section 103791
and monitor the effect of the funding on the educational programs 103792
they provide in participating residential treatment facilities. 103793
The Department shall monitor the programs for educational 103794
accountability. 103795

Section 265.50.40. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 103796
ASSESSMENT OF EDUCATION PROGRESS 103797

The General Assembly intends for the Superintendent of Public 103798
Instruction to provide for school district participation in the 103799
administration of the National Assessment of Education Progress in 103800
accordance with section 3301.27 of the Revised Code. Each school 103801
and school district selected for participation by the 103802
Superintendent of Public Instruction shall participate. 103803

Section 265.50.50. DEPARTMENT OF EDUCATION APPROPRIATION 103804
TRANSFERS FOR STUDENT ASSESSMENT 103805

In fiscal year 2010 and fiscal year 2011, if the 103806
Superintendent of Public Instruction determines that additional 103807
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 103808
of the 125th General Assembly and this act for assessments of 103809
student performance, the Superintendent of Public Instruction may 103810
recommend the reallocation of unexpended and unencumbered General 103811
Revenue Fund appropriations within the Department of Education to 103812
appropriation item 200437, Student Assessment, to the Director of 103813
Budget and Management. If the Director of Budget and Management 103814
determines that such a reallocation is required, the Director of 103815
Budget and Management may transfer unexpended and unencumbered 103816
appropriations within the Department of Education as necessary to 103817

appropriation item 200437, Student Assessment. If these 103818
transferred appropriations are not sufficient to fully fund the 103819
assessment requirements in fiscal year 2010 or fiscal year 2011, 103820
the Superintendent of Public Instruction may request that the 103821
Controlling Board transfer up to \$9,000,000 cash from the Lottery 103822
Profits Education Reserve Fund (Fund 7018) to the General Revenue 103823
Fund. Upon approval of the Controlling Board, these transferred 103824
funds are hereby appropriated for the same purpose as 103825
appropriation item 200437, Student Assessment. 103826

Section 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA STATE 103827
FISCAL STABILIZATION FUND APPROPRIATIONS 103828

The Director of Budget and Management may transfer 103829
appropriation between appropriation items 200550, Foundation 103830
Funding, and 200551, Foundation Funding - Federal Stimulus, in 103831
each fiscal year, upon the written request of the Superintendent 103832
of Public Instruction, including transferring appropriation 103833
between fiscal year 2010 and fiscal year 2011. The Director shall 103834
report each transfer made under this section to the Controlling 103835
Board at its next regularly scheduled meeting after the transfer 103836
is made. 103837

Section 265.50.60. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 103838
STUDENTS 103839

(A) As used in this section: 103840

(1) "IEP" has the same meaning as in section 3323.01 of the 103841
Revised Code. 103842

(2) "SBH student" means a student receiving special education 103843
and related services for severe behavior disabilities pursuant to 103844
an IEP. 103845

(B) This section applies only to a community school 103846
established under Chapter 3314. of the Revised Code that in each 103847

of fiscal years 2010 and 2011 enrolls a number of SBH students 103848
equal to at least fifty per cent of the total number of students 103849
enrolled in the school in the applicable fiscal year. 103850

(C) In addition to any payments made under Chapter 3306. of 103851
the Revised Code, in each of fiscal years 2010 and 2011, the 103852
Department of Education shall pay to a community school to which 103853
this section applies a subsidy equal to the difference between the 103854
aggregate amount calculated and paid in fiscal year 2009 to the 103855
community school for special education and related services 103856
additional weighted costs for the SBH students enrolled in the 103857
school and the aggregate amount that would have been calculated 103858
for the school for special education and related services 103859
additional weighted costs for those same students in fiscal year 103860
2001. If the difference is a negative number, the amount of the 103861
subsidy shall be zero. 103862

(D) The amount of any subsidy paid to a community school 103863
under this section shall not be deducted from the school district 103864
in which any of the students enrolled in the community school are 103865
entitled to attend school under section 3313.64 or 3313.65 of the 103866
Revised Code. The amount of any subsidy paid to a community school 103867
under this section shall be paid from funds appropriated to the 103868
Department of Education in appropriation item 200550, Foundation 103869
Funding. 103870

Section 265.50.70. EARMARK ACCOUNTABILITY 103871

At the request of the Superintendent of Public Instruction, 103872
any entity that receives a budget earmark under the Department of 103873
Education shall submit annually to the chairpersons of the 103874
committees of the House of Representatives and the Senate 103875
primarily concerned with education and to the Department of 103876
Education a report that includes a description of the services 103877
supported by the funds, a description of the results achieved by 103878

those services, an analysis of the effectiveness of the program, 103879
and an opinion as to the program's applicability to other school 103880
districts. For an earmarked entity that received state funds from 103881
an earmark in the prior fiscal year, no funds shall be provided by 103882
the Department of Education to an earmarked entity for a fiscal 103883
year until its report for the prior fiscal year has been 103884
submitted. 103885

Section 265.50.80. PROHIBITION FROM OPERATING FROM HOME 103886

No community school established under Chapter 3314. of the 103887
Revised Code that was not open for operation as of May 1, 2005, 103888
shall operate from a home, as defined in section 3313.64 of the 103889
Revised Code. 103890

Section 265.50.90. EARLY COLLEGE START UP COMMUNITY SCHOOL 103891

(A) As used in this section: 103892

(1) "Big eight school district" has the same meaning as in 103893
section 3314.02 of the Revised Code. 103894

(2) "Early college high school" means a high school that 103895
provides students with a personalized learning plan based on an 103896
accelerated curriculum combining high school and college-level 103897
coursework. 103898

(B) Any early college high school that is operated by a big 103899
eight school district in partnership with a private university may 103900
operate as a new start-up community school under Chapter 3314. of 103901
the Revised Code beginning in the 2007-2008 school year, if all of 103902
the following conditions are met: 103903

(1) The governing authority and sponsor of the school enter 103904
into a contract in accordance with section 3314.03 of the Revised 103905
Code and, notwithstanding division (D) of section 3314.02 of the 103906
Revised Code, both parties adopt and sign the contract by July 9, 103907

2007. 103908

(2) Notwithstanding division (A) of section 3314.016 of the Revised Code, the school's governing authority enters into a contract with the private university under which the university will be the school's operator. 103909
103910
103911
103912

(3) The school provides the same educational program the school provided while part of the big eight school district. 103913
103914

Section 265.60.10. PILOT PROGRAM FOR SCHOOL SITE VISITS 103915

Notwithstanding sections 3301.83 and 3314.39 of the Revised Code, the Department of Education shall provide a pilot program of site visits both for schools operated by school districts and for community schools instead of the site visits otherwise required under those sections. The pilot program shall contain all of the elements of section 3301.83 of the Revised Code for site visits of schools operated by school districts and all of the elements of section 3314.39 of the Revised Code for site visits of community schools. Not later than December 31, 2010, the Department shall report to the Governor and the General Assembly as to the progress of the site visits conducted under the pilot program as well as recommendations to provide for full implementation of sections 3301.83 and 3314.39 of the Revised Code. 103916
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Section 265.60.20. TASK FORCE ON TEACHER COMPENSATION AND PERFORMANCE 103930
103931

(A) There is hereby established the Task Force on Teacher Compensation and Performance. The membership of the Task Force shall consist of the Superintendent of Public Instruction, or the Superintendent's designee, who shall act as chair, and the following members appointed by the Governor: 103932
103933
103934
103935
103936

(1) Two persons employed as teachers in a school district; 103937

(2) Two persons who are retired educators;	103938
(3) Two persons employed as superintendents of a school district;	103939 103940
(4) Two persons employed as treasurers of a school district;	103941
(5) Two persons employed as principals in a school district;	103942
(6) Two persons employed as faculty at a higher education institution;	103943 103944
(7) Two persons representing Ohio philanthropic organizations;	103945 103946
(8) One person representing the business community;	103947
(9) One person representing the general public.	103948
The members of the Task Force shall serve without compensation.	103949 103950
(B) Initial appointments to the Task Force shall be completed within 90 days of the effective date of this section. The Governor shall convene the Task Force not more than 30 days after the final appointment has been made.	103951 103952 103953 103954
(C) The Task Force shall examine the existing structures and systems that support compensation and retirement benefits and develop recommendations designed to improve the connections among compensation, teaching excellence, and higher levels of student learning. The Department of Education shall provide the Task Force with data and staff assistance as requested by the Task Force.	103955 103956 103957 103958 103959 103960
(D) The Task Force shall provide its recommendations in a written report to the Governor, the General Assembly, the State Board of Education, the Superintendent of Public Instruction, and the Chancellor of the Board of Regents not later than December 1, 2010. Upon completion of its report, the Task Force shall cease to exist.	103961 103962 103963 103964 103965 103966

Section 265.60.30. USE OF VOLUNTEERS 103967

The Department of Education may utilize the services of 103968
volunteers to accomplish any of the purposes of the Department. 103969
The Superintendent of Public Instruction shall approve for what 103970
purposes volunteers may be used and for these purposes may 103971
recruit, train, and oversee the services of volunteers. The 103972
Superintendent may reimburse volunteers for necessary and 103973
appropriate expenses in accordance with state guidelines and may 103974
designate volunteers as state employees for the purpose of motor 103975
vehicle accident liability insurance under section 9.83 of the 103976
Revised Code, for immunity under section 9.86 of the Revised Code, 103977
and for indemnification from liability incurred in the performance 103978
of their duties under section 9.87 of the Revised Code. 103979

Section 265.60.60. EDUCATOR STANDARDS BOARD 103980

(A) The State Board of Education shall appoint two teachers 103981
under division (A)(1)(a) of section 3319.60 of the Revised Code, 103982
as amended by this act, not later than sixty days after the 103983
effective date of this section. The term of office of the new 103984
secondary school teacher member shall expire July 1, 2011, and the 103985
term of office of the new elementary school teacher member shall 103986
expire July 1, 2012. Thereafter, the term of the additional 103987
secondary and elementary school teachers appointed to the Educator 103988
Standards Board shall be for two years. 103989

(B) The State Board of Education shall appoint a school 103990
district treasurer or business manager to the Educator Standards 103991
Board under division (A)(1)(c) of section 3319.60 of the Revised 103992
Code, as amended by this act, not later than sixty days after the 103993
effective date of this section. The term of office of that member 103994
shall expire July 1, 2012. Thereafter, the term of the school 103995
district treasurer or business manager appointed to the Educator 103996

Standards Board shall be for two years. 103997

(C) The State Board of Education shall appoint a parent to 103998
the Educator Standards Board under division (A)(1)(e) of section 103999
3319.60 of the Revised Code, as amended by this act, not later 104000
than sixty days after the effective date of this section. The term 104001
of office of that member shall expire July 1, 2011. Thereafter, 104002
the term of the parent representative appointed to the Educator 104003
Standards Board shall be for two years. 104004

(D) The higher education representatives appointed by the 104005
State Board of Education to the Educator Standards Board prior to 104006
the effective date of this section under former division (A)(5) of 104007
section 3319.60 of the Revised Code shall serve for the remainder 104008
of their terms. The Chancellor of the Ohio Board of Regents shall 104009
appoint higher education representatives to the Educator Standards 104010
Board under division (A)(2) of section 3319.60 of the Revised 104011
Code, as amended by this act, as the terms of the higher education 104012
representatives appointed under former division (A)(5) of that 104013
section expire, each for a term of two years. The Chancellor also 104014
shall fill any vacancies that occur during the term of a higher 104015
education representative appointed under former division (A)(5) of 104016
that section. 104017

Section 265.60.70. RESTRICTION OF LIABILITY FOR CERTAIN 104018
REIMBURSEMENTS 104019

(A) Except as expressly required under a court judgment not 104020
subject to further appeals or a settlement agreement with a school 104021
district, in the case of a school district for which the formula 104022
ADM for fiscal year 2005, as reported for that fiscal year under 104023
division (A) of section 3317.03 of the Revised Code, was reduced 104024
based on enrollment reports for community schools, made under 104025
section 3314.08 of the Revised Code, regarding students entitled 104026
to attend school in the district, which reduction of formula ADM 104027

resulted in a reduction of foundation funding or transitional aid 104028
funding for fiscal year 2005, 2006, or 2007, no school district, 104029
except a district named in the court's judgment or the settlement 104030
agreement, shall have a legal claim for reimbursement of the 104031
amount of such reduction in foundation funding or transitional aid 104032
funding, and the state shall not have liability for reimbursement 104033
of the amount of such reduction in foundation funding or 104034
transitional aid funding. 104035

(B) As used in this section: 104036

(1) "Community school" means a community school established 104037
under Chapter 3314. of the Revised Code. 104038

(2) "Entitled to attend school" means entitled to attend 104039
school in a school district under section 3313.64 or 3313.65 of 104040
the Revised Code. 104041

(3) "Foundation funding" means payments calculated for the 104042
respective fiscal year under Chapter 3317. of the Revised Code. 104043

(4) "Transitional aid funding" means payments calculated for 104044
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 104045
of the 125th General Assembly, as subsequently amended; and 104046
Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General 104047
Assembly, as subsequently amended. 104048

Section 265.60.80. COMMITTEE TO UPDATE STANDARDS AND 104049
CURRICULA 104050

Not later than July 15, 2009, the State Board of Education 104051
shall convene a committee of national experts, state experts, and 104052
local practitioners to provide advice and guidance in the design 104053
of the updated standards and curricula required by section 104054
3301.079 of the Revised Code, as amended by this act. 104055

Section 265.70.10. CENTER FOR EARLY CHILDHOOD DEVELOPMENT 104056

(A) The Superintendent of Public Instruction, in consultation with the Governor, shall create the Center for Early Childhood Development in the Department of Education comprised of staff from the Department of Education, the Department of Job and Family Services, the Department of Health, and any other state agency as determined necessary by the Superintendent. The Superintendent also shall hire a Director of the Center. The Center, under the supervision of the Director, shall research and make recommendations about the coordination of early childhood programs and services for children, beginning with prenatal care and continuing until entry into kindergarten, and the eventual transfer of the authority to implement those programs and services from other state agencies to the Department of Education.

(B) The Director of the Early Childhood Cabinet, in partnership with staff from the Department of Education shall submit an implementation plan to the Superintendent and the Governor not later than August 31, 2009. The implementation plan shall include research and recommendations regarding all of the following:

(1) The identification of programs, services, and funding sources to be transferred from other state agencies to the Department of Education;

(2) A new administrative structure within the Department of Education for the purpose of implementing early childhood programs and services;

(3) Statutory changes necessary to implement the new administrative structure within the Department of Education;

(4) A timeline for the transition from the current administrative structure within other state agencies to the new administrative structure within the Department of Education.

(C) The Director of Budget and Management may seek

Controlling Board approval to do any of the following to support 104088
the preparation of an implementation plan to create a new 104089
administrative structure for early childhood programs and services 104090
within the Department of Education: 104091

(1) Create new funds and non-GRF appropriation items; 104092

(2) Transfer cash between funds; 104093

(3) Transfer appropriation within the same fund used by the 104094
same state agency. 104095

Any transfers of cash approved by the Controlling Board under 104096
this section are hereby appropriated. 104097

Section 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP 104098

The Early Childhood Advisory Council shall establish an Early 104099
Childhood Financing Workgroup. The chairperson of the Early 104100
Childhood Advisory Council shall serve as chairperson of the Early 104101
Childhood Financing Workgroup. The Early Childhood Financing 104102
Workgroup shall develop recommendations that explore the 104103
implementation of a single financing system for early care and 104104
education programs that includes aligned payment mechanisms and 104105
consistent eligibility and co-payment policies. Not later than 104106
December 31, 2009, the Early Childhood Financing Workgroup shall 104107
submit its recommendations to the Governor. Upon the order of the 104108
Early Childhood Advisory Council, the Early Childhood Financing 104109
Workgroup shall cease to exist. 104110

Section 265.70.30. STUDY OF SCHOOL TIME ALLOCATION 104111

The Department of Education shall study best practices for 104112
allocating school hours, in terms of classroom instruction, 104113
competency-based evaluation, planning time, and professional 104114
development, within the learning year. As part of the study, the 104115
Department shall consult with teachers, school district 104116

superintendents, members of school district boards of education, 104117
and associations for gifted students. Not later than one year 104118
after the effective date of this section, the Department shall 104119
submit to the General Assembly, in accordance with section 101.68 104120
of the Revised Code, and the Governor a report of its findings and 104121
recommendations for allocation of hours for optimal learning in an 104122
extended learning year. 104123

Section 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT 104124
RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS 104125

Notwithstanding section 3311.059 of the Revised Code, no 104126
severance of the territory of a local school district from the 104127
educational service center to which it currently belongs and 104128
annexation of that district's territory to an adjacent educational 104129
service center, as otherwise authorized under that section, shall 104130
be effective for the period beginning on the effective date of 104131
this section and ending July 1, 2011. All resolutions proposing 104132
such severance and annexation approved by the State Board of 104133
Education but not effective prior to July 1, 2009, are hereby 104134
void. All resolutions proposing such severance and annexation 104135
pending on the effective date of this section are hereby void and 104136
shall not be considered by the State Board. If the board of 104137
education of a local school district with such a severance and 104138
annexation action pending or approved on the effective date of 104139
this section that is void under this section desires to have the 104140
action considered after July 1, 2011, the board shall adopt after 104141
that date a new resolution in the manner prescribed by section 104142
3311.059 of the Revised Code. No local school district shall adopt 104143
a severance and annexation resolution under that section during 104144
the period beginning on the effective date of this section and 104145
ending July 1, 2011. 104146

Section 265.70.50. (A) Not later than December 31, 2010, the 104147

Department of Education, in consultation with the Educator 104148
Standards Board, shall develop a model peer assistance and review 104149
program and shall develop recommendations to expand the use of 104150
peer assistance and review programs in school districts throughout 104151
the state. 104152

(B) In developing the model program required under this 104153
section, the Department shall review existing peer assistance and 104154
review programs in Ohio school districts and shall consult with 104155
the districts about the operation of those programs. The model 104156
program shall include the following elements: 104157

(1) Releasing experienced classroom teachers from 104158
instructional duties for up to three years to focus full-time on 104159
mentoring and evaluating new teachers and underperforming veteran 104160
teachers through classroom observations and follow-up meetings; 104161

(2) Professional development for new and underperforming 104162
teachers that is targeted at their instructional weaknesses; 104163

(3) A committee comprised of representatives of teachers and 104164
the employer to review teacher evaluations and make 104165
recommendations regarding the teachers' continued employment. 104166

(C) The recommendations required under this section shall 104167
include the following: 104168

(1) Identification of barriers to expansion of peer 104169
assistance and review programs, including financial constraints, 104170
labor-management relationships, and barriers unique to small 104171
school districts; 104172

(2) Legislative changes that would eliminate barriers to 104173
expansion of the programs; 104174

(3) Incentives to increase participation in the programs. 104175

(D) The Department shall provide copies of its model program 104176
and recommendations to the Governor, the President and Minority 104177

Leader of the Senate, the Speaker and Minority Leader of the House 104178
 of Representatives, and the chairpersons and ranking minority 104179
 members of the standing committees on education. The Department 104180
 also shall make the model program and recommendations available to 104181
 school districts and shall post them on its web site. 104182
 104183

Section 267.10. ELC OHIO ELECTIONS COMMISSION 104184

General Revenue Fund 104185
 GRF 051321 Operating Expenses \$ 381,578 \$ 381,578 104186
 TOTAL GRF General Revenue Fund \$ 381,578 \$ 381,578 104187
 General Services Fund Group 104188
 4P20 051601 Ohio Elections \$ 250,000 \$ 255,000 104189
 Commission Fund
 TOTAL GSF General Services Fund \$ 250,000 \$ 255,000 104190
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 631,578 \$ 636,578 104191

Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 104193

DIRECTORS 104194
 General Services Fund Group 104195
 4K90 881609 Operating Expenses \$ 646,414 \$ 646,562 104196
 TOTAL GSF General Services 104197
 Fund Group \$ 646,414 \$ 646,562 104198
 TOTAL ALL BUDGET FUND GROUPS \$ 646,414 \$ 646,562 104199

Section 271.10. PAY EMPLOYEE BENEFITS FUNDS 104201

Accrued Leave Liability Fund Group 104202
 8060 995666 Accrued Leave Fund \$ 65,200,000 \$ 67,200,000 104203
 8070 995667 Disability Fund \$ 27,400,000 \$ 28,100,000 104204
 TOTAL ALF Accrued Leave Liability 104205
 Fund Group \$ 92,600,000 \$ 95,300,000 104206

Agency Fund Group					104207
1240 995673	Payroll Deductions	\$ 881,573,000	\$ 943,283,110		104208
8080 995668	State Employee Health	\$ 551,795,580	\$ 598,643,430		104209
	Benefit Fund				
8090 995669	Dependent Care	\$ 2,969,635	\$ 2,969,635		104210
	Spending Account				
8100 995670	Life Insurance	\$ 2,229,834	\$ 2,229,834		104211
	Investment Fund				
8110 995671	Parental Leave	\$ 3,900,000	\$ 4,000,000		104212
	Benefit Fund				
8130 995672	Health Care Spending	\$ 8,977,689	\$ 12,000,000		104213
	Account				
TOTAL AGY	Agency Fund Group	\$ 1,451,445,738	\$ 1,563,126,009		104214
TOTAL ALL BUDGET FUND GROUPS		\$ 1,544,045,738	\$ 1,658,426,009		104215

ACCRUED LEAVE LIABILITY FUND 104216

The foregoing appropriation item 995666, Accrued Leave Fund, 104217
shall be used to make payments from the Accrued Leave Liability 104218
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 104219
If it is determined by the Director of Budget and Management that 104220
additional amounts are necessary, the amounts are hereby 104221
appropriated. 104222

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 104223

The foregoing appropriation item 995667, Disability Fund, 104224
shall be used to make payments from the State Employee Disability 104225
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 104226
Revised Code. If it is determined by the Director of Budget and 104227
Management that additional amounts are necessary, the amounts are 104228
hereby appropriated. 104229

PAYROLL WITHHOLDING FUND 104230

The foregoing appropriation item 995673, Payroll Deductions, 104231
shall be used to make payments from the Payroll Withholding Fund 104232

(Fund 1240). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If

it is determined by the Director of Budget and Management that 104263
additional amounts are necessary, the amounts are hereby 104264
appropriated. 104265

HEALTH CARE SPENDING ACCOUNT FUND 104266

The foregoing appropriation item 995672, Health Care Spending 104267
Account, shall be used to make payments from the Health Care 104268
Spending Account Fund (Fund 8130) for payments pursuant to state 104269
employees' participation in a flexible spending account for 104270
non-reimbursed health care expenses and section 124.821 of the 104271
Revised Code. If it is determined by the Director of 104272
Administrative Services that additional appropriation amounts are 104273
necessary, the Director of Administrative Services may request 104274
that the Director of Budget and Management increase such amounts. 104275
Such amounts are hereby appropriated. 104276

At the request of the Director of Administrative Services, 104277
the Director of Budget and Management may transfer up to \$145,000 104278
from the General Revenue Fund to the Health Care Spending Account 104279
Fund during fiscal years 2010 and 2011. This cash shall be 104280
transferred as needed to provide adequate cash flow for the Health 104281
Care Spending Account Fund during fiscal year 2010 and fiscal year 104282
2011. If funds are available at the end of fiscal years 2010 and 104283
2011, the Director of Budget and Management shall transfer cash up 104284
to the amount previously transferred in the respective year, plus 104285
interest income, from the Health Care Spending Account (Fund 8130) 104286
to the General Revenue Fund. 104287

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 104288

General Revenue Fund 104289

GRF 125321 Operating Expenses \$ 4,090,876 \$ 4,090,876 104290

TOTAL GRF General Revenue Fund \$ 4,090,876 \$ 4,090,876 104291

General Services Fund Group 104292

5720 125603	Training and Publications	\$	105,000	\$	105,000	104293
TOTAL GSF General Services						104294
Fund Group		\$	105,000	\$	105,000	104295
TOTAL ALL BUDGET FUND GROUPS						104296

Section 273.20. CONSOLIDATION OF SERVICES WITH STATE 104298
 EMPLOYMENT RELATIONS BOARD 104299

(A) Beginning on July 1, 2009, the Chairperson of the State 104300
 Employment Relations Board is the appointing authority for all 104301
 employees of the State Personnel Board of Review and the State 104302
 Employment Relations Board. After conferring with the Chairperson 104303
 of the State Personnel Board of Review, the Chairperson of the 104304
 State Employment Relations Board shall identify the employees, 104305
 equipment, assets, and records of the State Personnel Board of 104306
 Review to be transferred to the State Employment Relations Board. 104307
 The State Employment Relations Board and the State Personnel Board 104308
 of Review shall enter into an interagency agreement to transfer to 104309
 the State Employment Relations Board employees, equipment, assets, 104310
 and records of the State Personnel Board of Review by July 1, 104311
 2009, or as soon as possible thereafter. The agreement may include 104312
 provisions to transfer property and any other provisions necessary 104313
 for the continued administration of program activities. The 104314
 employees of the State Personnel Board of Review that the 104315
 Chairperson of the State Employment Relations Board identifies for 104316
 transfer, and any equipment assigned to those employees, are 104317
 hereby transferred to the State Employment Relations Board. Any 104318
 employees of the State Personnel Board of Review so transferred 104319
 shall retain the rights specified in sections 124.321 to 124.328 104320
 of the Revised Code, and any employee transferred to the State 104321
 Employment Relations Board retains the employee's respective 104322
 classification, but the Chairperson of the State Employment 104323
 Relations Board may reassign and reclassify the employee's 104324

position and compensation as the Chairperson determines to be in 104325
the interest of efficient office administration. Pursuant to 104326
division (B)(2)(b) of section 4117.02 of the Revised Code, as 104327
amended by this act, to the extent determined necessary by the 104328
Chairperson of the State Employment Relations Board, the State 104329
Personnel Board of Review shall utilize employees of the State 104330
Employment Relations Board in the exercise of the powers and the 104331
performance of the duties of the State Personnel Board of Review. 104332

(B) Effective July 1, 2009, and pursuant to section 124.03 of 104333
the Revised Code, the State Personnel Board of Review shall 104334
exercise its duties and exist as a separate entity within the 104335
State Employment Relations Board. The costs of the State Personnel 104336
Board of Review shall be supported by the foregoing appropriation 104337
item 125321, Operating Expenses. 104338

On July 1, 2009, or as soon as possible thereafter, the 104339
Director of Budget and Management shall transfer the cash balance 104340
of the Transcript and Other Documents Fund (Fund 6360) used by the 104341
State Personnel Board of Review to the Training, Publications, and 104342
Grants Fund (Fund 5720) used by the State Employment Relations 104343
Board. Upon completion of the transfer, Fund 6360 is abolished. 104344
The Director shall cancel any existing encumbrances against 104345
appropriation item 124601, Records and Reporting Support, and 104346
re-establish them against appropriation item 125603, Training and 104347
Publications. The re-established encumbrance amounts are hereby 104348
appropriated. 104349

Any business commenced but not completed under Fund 6360 by 104350
July 1, 2009, shall be completed under Fund 5720 in the same 104351
manner, and with the same effect, as if completed with regard to 104352
Fund 6360. No validation, cure, right, privilege, remedy, 104353
obligation, or liability is lost or impaired by reason of the 104354
transfer and shall be administered with regard to Fund 5720. 104355

On and after July 1, 2009, where the Transcript and Other 104356

Documents Fund is referred to in any statute, rule, contract, 104357
 grant, or other document, the reference is hereby deemed to refer 104358
 to the Training, Publications, and Grants Fund. 104359

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 104360

General Services Fund Group 104361
 4K90 892609 Operating Expenses \$ 1,058,881 \$ 1,058,881 104362
 TOTAL GSF General Services 104363
 Fund Group \$ 1,058,881 \$ 1,058,881 104364
 TOTAL ALL BUDGET FUND GROUPS \$ 1,058,881 \$ 1,058,881 104365

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 104367

General Services Fund Group 104368
 1990 715602 Laboratory Services \$ 935,907 \$ 983,929 104369
 2190 715604 Central Support \$ 16,625,314 \$ 17,282,762 104370
 Indirect
 4A10 715640 Operating Expenses \$ 3,731,000 \$ 3,731,000 104371
 TOTAL GSF General Services 104372
 Fund Group \$ 21,292,221 \$ 21,997,691 104373
 Federal Special Revenue Fund Group 104374
 3530 715612 Public Water Supply \$ 2,933,812 \$ 2,941,282 104375
 3540 715614 Hazardous Waste \$ 4,193,000 \$ 4,193,000 104376
 Management - Federal
 3570 715619 Air Pollution Control \$ 6,282,777 \$ 6,310,203 104377
 - Federal
 3620 715605 Underground Injection \$ 111,874 \$ 111,874 104378
 Control - Federal
 3BU0 715684 Water Quality \$ 5,870,000 \$ 5,825,000 104379
 Protection
 3C50 715688 Federal NRD \$ 100,000 \$ 100,000 104380
 Settlements
 3F20 715630 Revolving Loan Fund - \$ 1,129,696 \$ 907,543 104381

		Operating				
3F30	715632	Federally Supported Cleanup and Response	\$	2,159,486	\$	2,159,551 104382
3F50	715641	Nonpoint Source Pollution Management	\$	6,880,000	\$	6,095,000 104383
3K40	715634	DOD Monitoring and Oversight	\$	729,130	\$	732,280 104384
3N40	715657	DOE Monitoring and Oversight	\$	878,578	\$	884,050 104385
3T30	715669	Drinking Water State Revolving Fund	\$	2,238,848	\$	2,273,323 104386
3V70	715606	Agencywide Grants	\$	500,000	\$	500,000 104387
TOTAL FED		Federal Special Revenue				104388
Fund Group			\$	34,007,201	\$	33,033,106 104389
State Special Revenue		Fund Group				104390
4J00	715638	Underground Injection Control	\$	448,579	\$	456,714 104391
4K20	715648	Clean Air - Non Title V	\$	3,456,261	\$	3,587,176 104392
4K30	715649	Solid Waste	\$	15,819,897	\$	16,317,606 104393
4K40	715650	Surface Water Protection	\$	7,965,000	\$	8,915,000 104394
4K40	715686	Environmental Lab Service	\$	2,132,000	\$	2,132,000 104395
4K50	715651	Drinking Water Protection	\$	7,487,198	\$	7,699,007 104396
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000 104397
4R50	715656	Scrap Tire Management	\$	5,125,000	\$	5,125,000 104398
4R90	715658	Voluntary Action Program	\$	1,032,098	\$	1,032,098 104399
4T30	715659	Clean Air - Title V Permit Program	\$	17,673,097	\$	18,073,104 104400
4U70	715660	Construction and	\$	888,970	\$	885,554 104401

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

		Demolition Debris					
5000	715608	Immediate Removal	\$	643,903	\$	643,903	104402
		Special Account					
5030	715621	Hazardous Waste	\$	11,215,448	\$	11,318,132	104403
		Facility Management					
5050	715623	Hazardous Waste	\$	13,927,338	\$	14,139,930	104404
		Cleanup					
5050	715674	Clean Ohio	\$	109,725	\$	109,725	104405
		Environmental Review					
5410	715670	Site Specific Cleanup	\$	34,650	\$	34,650	104406
5420	715671	Risk Management	\$	146,188	\$	146,188	104407
		Reporting					
5920	715627	Anti Tampering	\$	6,707	\$	6,707	104408
		Settlement					
5BC0	715617	Clean Ohio	\$	741,000	\$	741,000	104409
5BC0	715622	Local Air Pollution	\$	1,827,000	\$	2,035,000	104410
		Control					
5BC0	715624	Surface Water	\$	13,034,000	\$	13,198,000	104411
5BC0	715667	Groundwater	\$	1,594,000	\$	1,594,000	104412
5BC0	715672	Air Pollution Control	\$	7,269,000	\$	7,607,000	104413
5BC0	715673	Drinking Water	\$	3,838,000	\$	3,838,000	104414
5BC0	715675	Hazardous Waste	\$	116,000	\$	116,000	104415
5BC0	715676	Assistance and	\$	775,000	\$	775,000	104416
		Prevention					
5BC0	715677	Laboratory	\$	1,454,000	\$	1,454,000	104417
5BC0	715678	Corrective Actions	\$	1,180,000	\$	1,180,000	104418
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	104419
		Agencies					
5BC0	715690	Environmental Review	\$	662,000	\$	662,000	104420
		Appeals					
5BT0	715679	C&DD Groundwater	\$	200,000	\$	203,800	104421
		Monitoring					
5BY0	715681	Auto Emissions Test	\$	14,385,892	\$	14,803,470	104422

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

5CD0	715682	Clean Diesel School Buses	\$	600,000	\$	600,000	104423
5H40	715664	Groundwater Support	\$	1,872,193	\$	1,884,247	104424
5N20	715613	Dredge and Fill	\$	45,000	\$	45,000	104425
5Y30	715685	Surface Water Improvement	\$	2,000,000	\$	500,000	104426
6440	715631	ER Radiological Safety	\$	286,114	\$	286,114	104427
6600	715629	Infectious Waste Management	\$	100,000	\$	100,000	104428
6760	715642	Water Pollution Control Loan Administration	\$	4,610,529	\$	4,832,682	104429
6780	715635	Air Toxic Release	\$	174,600	\$	179,746	104430
6790	715636	Emergency Planning	\$	2,623,395	\$	2,628,647	104431
6960	715643	Air Pollution Control Administration	\$	750,000	\$	750,000	104432
6990	715644	Water Pollution Control Administration	\$	750,000	\$	750,000	104433
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	104434
TOTAL SSR		State Special Revenue	\$	151,049,782	\$	153,436,200	104435
Fund Group							
Clean Ohio Conservation Fund Group							104436
5S10	715607	Clean Ohio - Operating	\$	291,174	\$	291,174	104437
TOTAL CLF		Clean Ohio Conservation	\$	291,174	\$	291,174	104438
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	206,640,378	\$	208,758,171	104439
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT							104440
On July 1 of each fiscal year, or as soon as possible							104441
thereafter, the Director of Budget and Management shall transfer							104442
\$14,385,892 in fiscal year 2010, and \$14,803,470 in fiscal year							104443

2011 in cash from the General Revenue Fund to the Auto Emissions Test Fund (Fund 5BY0) for the operation and oversight of the auto emissions testing program.

Effective September 30, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Motor Vehicle Inspection and Maintenance Fund (Fund 6020) to Fund 5BY0. Fund 6020 is abolished in division (D) of section 3704.14 of the Revised Code as amended by this act.

AREAWIDE PLANNING AGENCIES

The Director of Environmental Protection Agency shall award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288.

ENVIRONMENTAL REVIEW AND APPEALS

The foregoing appropriation item 715690, Environmental Review Appeals, shall be used to support the Environmental Review Appeals Commission, including the hiring of a law clerk, hearing examiner, and legal intern.

CORRECTIVE CASH TRANSFER FOR COPPERWELD BANKRUPTCY SETTLEMENT

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,323,933.19 in cash, which the Agency received from the Copperweld bankruptcy settlement, that was mistakenly deposited in the Hazardous Waste Cleanup Fund (Fund 5050) to the Environmental Protection Remediation Fund (Fund 5410).

Section 281.10. ETC ETECH OHIO

General Revenue Fund

GRF 935401 Statehouse News \$ 219,960 \$ 219,960

		Bureau					
GRF	935402	Ohio Government	\$	716,417	\$	716,417	104473
		Telecommunications					
		Services					
GRF	935408	General Operations	\$	2,150,917	\$	2,164,444	104474
GRF	935409	Technology Operations	\$	6,594,504	\$	6,602,446	104475
GRF	935410	Content Development,	\$	4,137,306	\$	4,138,244	104476
		Acquisition, and					
		Distribution					
GRF	935411	Technology	\$	6,963,226	\$	6,977,487	104477
		Integration and					
		Professional					
		Development					
GRF	935412	Information	\$	1,387,062	\$	1,350,394	104478
		Technology					
GRF	935427	Distance Learning	\$	2,000,000	\$	0	104479
		Pilot Project					
TOTAL GRF		General Revenue Fund	\$	24,169,392	\$	22,169,392	104480
		General Services Fund Group					104481
4F30	935603	Affiliate Services	\$	450,000	\$	50,000	104482
4T20	935605	Government	\$	25,000	\$	25,000	104483
		Television/Telecommunications					
		Operating					
TOTAL GSF		General Services Fund	\$	475,000	\$	75,000	104484
		Group					
		Federal Special Revenue Fund Group					104485
3S30	935606	Enhancing Education	\$	163,000	\$	163,000	104486
		Technology					
3X80	935604	IDEA	\$	18,892	\$	0	104487
TOTAL FED		Federal Special Revenue	\$	181,892	\$	163,000	104488
		Fund Group					
		State Special Revenue Fund Group					104489

4W90	935630	Telecommunity	\$	25,000	\$	25,000	104490
4X10	935634	Distance Learning	\$	23,734	\$	24,150	104491
5D40	935640	Conference/Special	\$	1,471,396	\$	1,473,527	104492
		Purposes					
5FK0	935608	Media Services	\$	300,000	\$	300,000	104493
5GP0	935609	Interactive Distance	\$	4,500,000	\$	4,500,000	104494
		Learning Program					
5T30	935607	Gates Foundation	\$	200,000	\$	200,000	104495
		Grants					
TOTAL SSR State Special Revenue			\$	6,520,130	\$	6,522,677	104496
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	31,346,414	\$	28,930,069	104497

Section 281.20. STATEHOUSE NEWS BUREAU 104499

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 104500
104501
104502

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 104503

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 104504
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TECHNOLOGY OPERATIONS 104511

Of the foregoing appropriation item 935409, Technology Operations, \$3,000,000 in each fiscal year shall be used by eTech Ohio, in fiscal year 2010, to contract with an entity to provide up to 5,000 online advanced placement courses to public school students in Ohio and, in fiscal year 2011, to maintain a clearinghouse for online advanced placement courses. School 104512
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districts that have students participating in the program shall 104518
not be charged a fee in fiscal year 2010, but may be charged a fee 104519
in fiscal year 2011 through the clearinghouse. Students 104520
participating in the program shall receive services free of 104521
charge. 104522

The remainder of appropriation item 935409, Technology 104523
Operations, shall be used by eTech Ohio to pay expenses of eTech 104524
Ohio's network infrastructure, which includes the television and 104525
radio transmission infrastructure and infrastructure that shall 104526
link all public K-12 classrooms to each other and to the Internet, 104527
and provide access to voice, video, other communication services, 104528
and data educational resources for students and teachers. 104529

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 104530

The foregoing appropriation 935410, Content Development, 104531
Acquisition, and Distribution, shall be used for the development, 104532
acquisition, and distribution of information resources by public 104533
media and radio reading services and for educational use in the 104534
classroom and online. 104535

Of the foregoing appropriation item 935410, Content 104536
Development, Acquisition, and Distribution, up to \$1,104,605 in 104537
fiscal year 2010 and up to \$1,104,905 in fiscal year 2011 shall be 104538
allocated equally among the 12 Ohio educational television 104539
stations and used with the advice and approval of eTech Ohio. 104540
Funds shall be used for the production of interactive 104541
instructional programming series with priority given to resources 104542
aligned with state academic content standards in consultation with 104543
the Ohio Department of Education and for teleconferences to 104544
support eTech Ohio. The programming shall be targeted to the needs 104545
of the poorest two hundred school districts as determined by the 104546
district's adjusted valuation per pupil as defined in former 104547
section 3317.0213 of the Revised Code as that section existed 104548
prior to June 30, 2005. 104549

Of the foregoing appropriation item 935410, Content 104550
Development, Acquisition, and Distribution, up to \$2,695,736 in 104551
fiscal year 2010 and up to \$2,696,336 in fiscal year 2011 shall be 104552
distributed by eTech Ohio to Ohio's qualified public educational 104553
television stations and educational radio stations to support 104554
their operations. The funds shall be distributed pursuant to an 104555
allocation formula used by the Ohio Educational Telecommunications 104556
Network Commission unless a substitute formula is developed by 104557
eTech Ohio in consultation with Ohio's qualified public 104558
educational television stations and educational radio stations. 104559
104560

Of the foregoing appropriation 935410, Content Development, 104561
Acquisition, and Distribution, up to \$336,965 in fiscal year 2010 104562
and up to \$337,003 in fiscal year 2011 shall be distributed by 104563
eTech Ohio to Ohio's qualified radio reading services to support 104564
their operations. The funds shall be distributed pursuant to an 104565
allocation formula used by the Ohio Educational Telecommunications 104566
Network Commission unless a substitute formula is developed by 104567
eTech Ohio in consultation with Ohio's qualified radio reading 104568
services. 104569

Section 281.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 104570
DEVELOPMENT 104571

The foregoing appropriation item 935411, Technology 104572
Integration and Professional Development, shall be used by eTech 104573
Ohio for the provision of staff development, hardware, software, 104574
telecommunications services, and information resources to support 104575
educational uses of technology in the classroom and at a distance 104576
and for professional development for teachers, administrators, and 104577
technology staff on the use of educational technology in 104578
qualifying public schools, including the State School for the 104579
Blind, the State School for the Deaf, and the Department of Youth 104580

Services. 104581

Of the foregoing appropriation item 935411, Technology 104582
Integration and Professional Development, up to \$2,575,641 in 104583
fiscal year 2010 and up to \$2,575,966 in fiscal year 2011, shall 104584
be used by eTech Ohio to contract with educational television to 104585
provide Ohio public schools with instructional resources and 104586
services with priority given to resources and services aligned 104587
with state academic content standards and such resources and 104588
services shall be based upon the advice and approval of eTech 104589
Ohio, based on a formula used by the Ohio SchoolNet Commission 104590
unless and until a substitute formula is developed by eTech Ohio 104591
in consultation with Ohio's educational technology agencies and 104592
noncommercial educational television stations. 104593

Section 281.35. DISTANCE LEARNING PILOT PROJECT 104594

The foregoing appropriation item 935427 shall be used by 104595
eTech Ohio to create a distance learning pilot project and to hire 104596
teachers to develop and teach the courses pursuant to section 104597
3353.20 of the Revised Code. Any funds remaining after these 104598
purposes are completed may be used by eTech Ohio to provide funds 104599
to assist schools to which Section 281.36 of this act does not 104600
apply for purchasing video conferencing telecommunications 104601
equipment and to upgrade Internet service pursuant to divisions 104602
(A)(3) to (5) of section 3353.20 of the Revised Code. 104603

Notwithstanding anything to the contrary in section 3353.20 104604
of the Revised Code, no school or school district to which Section 104605
281.36 of this act does not apply shall be entitled to the items 104606
specified in divisions (A)(3) to (5) of section 3353.20 of the 104607
Revised Code. 104608

Section 281.36. INTERACTIVE DISTANCE LEARNING PROGRAM 104609

(A) As used in this section, "Title I school" means a school 104610

that receives federal funds for services to disadvantaged students 104611
under Title 20 of the United States Code, Part A, Subchapter I, 104612
Chapter 70 (20 U.S.C. 6301 et seq.). 104613

(B) This section applies only to Title I schools. 104614

(C) Notwithstanding anything in section 3353.20 of the 104615
Revised Code to the contrary, the foregoing appropriation item 104616
935609, Interactive Distance Learning Program, shall be used by 104617
eTech Ohio to provide grants on a competitive basis to Title I 104618
schools for their participation in the interactive distance 104619
learning pilot project established under that section in the 104620
manner prescribed by this section. 104621

(1) The Commission shall issue a request for proposals for 104622
awards to be issued before or during the 2009-2010 academic year. 104623

(2) The Commission shall limit the number of grants so that 104624
each grant recipient receives an amount that is sufficient to 104625
ensure full participation in the program. The Commission shall 104626
endeavor to award grants in a manner that ensures diversity among 104627
grant recipients according to geographical regions, economic 104628
scale, and school district size. 104629

(3) In awarding grants under this section, the Commission 104630
shall give priority to the following: 104631

(a) School districts for which advanced placement or foreign 104632
language course offerings make up less than one per cent of the 104633
district's total course offerings; 104634

(b) Schools and school districts that without additional 104635
assistance lack the necessary connectivity to offer interactive 104636
distance learning courses; 104637

(c) Schools and school districts that demonstrate commitment 104638
to appropriately supporting distance learning offerings, as 104639
determined satisfactory by the Commission, including but not 104640

limited to: 104641

(i) Enrolling a minimum number of students to participate in the distance learning classes; 104642
104643

(ii) Committing the necessary personnel to facilitate and assist students with distance learning classes; 104644
104645

(iii) Committing the necessary personnel capable of operating distance learning equipment. 104646
104647

(d) Schools and school districts that without additional assistance lack the necessary equipment to offer interactive distance learning courses; 104648
104649
104650

(e) School districts that demonstrate that the course offerings will take place during the regular school day. 104651
104652

(D) In implementing this section, the Commission shall do all of the following: 104653
104654

(1) Solicit all Title I schools to participate in the program; 104655
104656

(2) Require twenty-five per cent of any grant award to be used for professional development. This professional development shall include at least one component of training in the classroom. It also shall include any training conducted by the Commission that the Commission deems necessary to participate in the program. 104657
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(3) Contract for the development and offering of interactive distance learning courses. The Commission shall withhold an equal proportion of each grantee's award to pay for any cost associated with the development and offering of the courses offered by the program. 104662
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104666

(4) Require each Title I school submitting proposals to specify the amount, if any, needed to purchase video conferencing telecommunications equipment and connectivity devices and the cost of upgrading the school. 104667
104668
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104670

(5) Require each Title I school submitting proposals to specify the amount needed to upgrade its Internet service, if the school currently has a connection slower than 1.544 Mbits per second;

(6) Assist schools in arranging for the purchase and installation of telecommunications equipment and connectivity devices;

(7) Retain five per cent of the appropriated funds to administer and oversee the operation of the program.

(E) In the development of, administration of, oversight of, and award of funds for the program, the Commission shall not be obligated for more than the amount appropriated in this Section and Section 281.37 of this act.

Section 281.37. TRANSFER OF CASH FROM THE TECHNOLOGY LITERACY TRANSFER FUND (FUND 3S20)

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$4,500,000 cash from the Technology Literacy Transfer Fund (Fund 3S20) used by the Department of Education to the Interactive Distance Learning Program Fund (Fund 5GP0), which is hereby created, used by eTech Ohio, to provide grants under Section 281.36 of this act.

Section 281.40. TELECOMMUNITY

The foregoing appropriation item 935630, Telecommunity, shall be distributed by eTech Ohio on a grant basis to eligible school districts to establish "distance learning" through interactive video technologies in the school district. Per agreements with eight Ohio local telephone companies, ALLTEL Ohio, CENTURY Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell Telephone Company, Orwell Telephone Company, Sprint North Central

Telephone, VERIZON, and Western Reserve Telephone Company, school 104701
districts are eligible for funds if they are within one of the 104702
listed telephone company service areas. Funds to administer the 104703
program shall be expended by eTech Ohio up to the amount specified 104704
in the agreements with the listed telephone companies. 104705
104706

Within thirty days after the effective date of this section, 104707
the Director of Budget and Management shall transfer to Fund 4W90 104708
in the State Special Revenue Fund Group any investment earnings 104709
from moneys paid by any telephone company as part of any 104710
settlement agreement between the listed companies and the Public 104711
Utilities Commission in fiscal years 1996 and beyond. 104712

DISTANCE LEARNING 104713

The foregoing appropriation item 935634, Distance Learning, 104714
shall be distributed by eTech Ohio on a grant basis to eligible 104715
school districts to establish "distance learning" in the school 104716
district. Per an agreement with Ameritech, school districts are 104717
eligible for funds if they are within an Ameritech service area. 104718
Funds to administer the program shall be expended by eTech Ohio up 104719
to the amount specified in the agreement with Ameritech. 104720

Within thirty days after the effective date of this section, 104721
the Director of Budget and Management shall transfer to Fund 4X10 104722
in the State Special Revenue Fund Group any investment earnings 104723
from moneys paid by any telephone company as part of a settlement 104724
agreement between the company and the Public Utilities Commission 104725
in fiscal year 1995. 104726

GATES FOUNDATION GRANTS 104727

The foregoing appropriation item 935607, Gates Foundation 104728
Grants, shall be used by eTech Ohio to provide professional 104729
development to school district principals, superintendents, and 104730
other administrative staff on the use of education technology. 104731

Section 283.10. ETH OHIO ETHICS COMMISSION				104732
General Revenue Fund				104733
GRF 146321	Operating Expenses	\$ 1,682,020	\$ 1,682,120	104734
TOTAL GRF General Revenue Fund				104735
General Services Fund Group				104736
4M60 146601	Operating Expenses	\$ 544,543	\$ 588,943	104737
TOTAL GSF General Services				104738
Fund Group				104739
TOTAL ALL BUDGET FUND GROUPS				104740
 Section 285.10. EXP OHIO EXPOSITIONS COMMISSION				104742
General Revenue Fund				104743
GRF 723403	Junior Fair Subsidy	\$ 360,000	\$ 360,000	104744
TOTAL GRF General Revenue Fund				104745
State Special Revenue Fund Group				104746
4N20 723602	Ohio State Fair	\$ 520,000	\$ 520,000	104747
Harness Racing				
5060 723601	Operating Expenses	\$ 13,505,000	\$ 13,505,000	104748
TOTAL SSR State Special Revenue				104749
Fund Group				104750
TOTAL ALL BUDGET FUND GROUPS				104751
STATE FAIR RESERVE				104752
The General Manager of the Expositions Commission may submit				104753
a request to the Director of Budget and Management to use				104754
available amounts in the State Fair Reserve Fund (Fund 6400) if				104755
the following conditions apply:				104756
(A) Admissions receipts for the 2009 or 2010 Ohio State Fair				104757
are less than \$1,982,000 because of inclement weather or				104758
extraordinary circumstances;				104759
(B) The Ohio Expositions Commission declares a state of				104760

fiscal exigency; and 104761

(C) The request contains a plan describing how the 104762
Expositions Commission will eliminate the cash shortage causing 104763
the request. 104764

The amount approved by the Director of Budget and Management 104765
is hereby appropriated. 104766

Section 287.10. GOV OFFICE OF THE GOVERNOR 104767

General Revenue Fund 104768

GRF 040321 Operating Expenses \$ 2,971,945 \$ 2,971,945 104769

GRF 040403 Federal Relations \$ 201,201 \$ 201,201 104770

TOTAL GRF General Revenue Fund \$ 3,173,146 \$ 3,173,146 104771

General Services Fund Group 104772

5AK0 040607 Federal Relations \$ 365,149 \$ 365,149 104773

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149 104774

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,538,295 \$ 3,538,295 104775

FEDERAL RELATIONS 104776

A portion of the foregoing appropriation items 040403, 104777
Federal Relations, and 040607, Federal Relations, may be used to 104778
support Ohio's membership in national or regional associations. 104779

The Office of the Governor may charge any state agency of the 104780
executive branch using an intrastate transfer voucher such amounts 104781
necessary to defray the costs incurred for the conduct of federal 104782
relations associated with issues that can be attributed to the 104783
agency. Amounts collected shall be deposited in the Federal 104784
Relations Fund (Fund 5AK0). 104785

Section 289.10. DOH DEPARTMENT OF HEALTH 104786

General Revenue Fund 104787

GRF 440407	Animal Borne Disease and Prevention	\$	600,000	\$	642,291	104788
GRF 440412	Cancer Incidence Surveillance System	\$	874,234	\$	874,234	104789
GRF 440413	Local Health Department Support	\$	3,301,921	\$	3,301,921	104790
GRF 440416	Mothers and Children Safety Net Services	\$	7,690,449	\$	7,690,449	104791
GRF 440418	Immunizations	\$	7,739,432	\$	7,839,432	104792
GRF 440431	Free Clinics Safety Net Services	\$	624,751	\$	624,751	104793
GRF 440437	Healthy Ohio	\$	2,569,998	\$	2,569,998	104794
GRF 440438	Breast and Cervical Cancer Screening	\$	2,500,000	\$	2,500,000	104795
GRF 440444	AIDS Prevention and Treatment	\$	6,442,314	\$	6,442,314	104796
GRF 440446	Infectious Disease Protection and Surveillance	\$	1,415,883	\$	1,415,883	104797
GRF 440451	Public Health Laboratory	\$	3,099,138	\$	3,099,138	104798
GRF 440452	Child and Family Health Services Match	\$	921,615	\$	921,615	104799
GRF 440453	Health Care Quality Assurance	\$	10,402,795	\$	10,402,795	104800
GRF 440454	Local Environmental Health	\$	1,155,219	\$	1,155,219	104801
GRF 440459	Help Me Grow	\$	36,500,000	\$	36,500,000	104802
GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	104803
GRF 440467	Access to Dental Care	\$	772,120	\$	772,120	104804
GRF 440468	Chronic Disease and Injury Prevention	\$	792,363	\$	792,363	104805

GRF 440469	Health - Federal Stimulus	\$	2,680,035	\$	2,463,903	104806
GRF 440505	Medically Handicapped Children	\$	8,762,451	\$	8,762,451	104807
GRF 440507	Targeted Health Care Services Over 21	\$	1,493,449	\$	1,493,449	104808
GRF 440511	Uncompensated Care/Emergency Medical Assistance	\$	589,738	\$	663,579	104809
GRF 440514	Katz Cord Blood Foundation	\$	100,000	\$	100,000	104810
TOTAL GRF	General Revenue Fund	\$	103,714,593	\$	103,714,593	104811
	State Highway Safety Fund Group					104812
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	104813
TOTAL HSF	State Highway Safety Fund Group	\$		\$		104814
		\$	233,894	\$	233,894	104815
	General Services Fund Group					104816
1420 440646	Agency Health Services	\$	9,876,043	\$	10,334,250	104817
2110 440613	Central Support Indirect Costs	\$	31,411,719	\$	31,902,600	104818
4730 440622	Lab Operating Expenses	\$	5,323,860	\$	5,396,471	104819
6830 440633	Employee Assistance Program	\$	1,330,947	\$	1,353,323	104820
6980 440634	Nurse Aide Training	\$	170,000	\$	170,000	104821
TOTAL GSF	General Services Fund Group	\$	48,112,569	\$	49,156,644	104822
	Federal Special Revenue Fund Group					104824
3200 440601	Maternal Child Health Block Grant	\$	29,056,772	\$	29,068,886	104825
3870 440602	Preventive Health	\$	7,826,659	\$	7,826,659	104826

		Block Grant				
3890	440604	Women, Infants, and Children	\$	298,672,689	\$	308,672,689 104827
3910	440606	Medicaid/Medicare	\$	25,891,157	\$	26,826,242 104828
3920	440618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215 104829
TOTAL FED	Federal Special Revenue					104830
Fund Group			\$	498,225,492	\$	509,172,691 104831
State Special Revenue Fund Group						104832
4700	440647	Fee Supported Programs	\$	25,905,140	\$	25,905,140 104833
4710	440619	Certificate of Need	\$	989,000	\$	1,021,753 104834
4770	440627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016 104835
4D60	440608	Genetics Services	\$	3,317,000	\$	3,317,000 104836
4F90	440610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344 104837
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000 104838
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000 104839
4L30	440609	Miscellaneous Expenses	\$	746,468	\$	746,468 104840
4P40	440628	Ohio Physician Loan Repayment	\$	476,870	\$	476,870 104841
4V60	440641	Save Our Sight	\$	2,938,649	\$	3,115,938 104842
5B50	440616	Quality, Monitoring, and Inspection	\$	1,005,699	\$	1,015,053 104843
5C00	440615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405 104844
5CJ0	440654	Sewage Treatment System Innovation	\$	250,000	\$	250,000 104845
5CN0	440645	Choose Life	\$	75,000	\$	75,000 104846

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

5D60	440620	Second Chance Trust	\$	1,054,951	\$	1,054,951	104847
5ED0	440651	Smoke Free Indoor Air	\$	189,500	\$	190,452	104848
5G40	440639	Adoption Services	\$	20,000	\$	20,000	104849
5L10	440623	Nursing Facility	\$	698,595	\$	698,595	104850
		Technical Assistance Program					
5Z70	440624	Ohio Dentist Loan	\$	140,000	\$	140,000	104851
		Repayment					
6100	440626	Radiation Emergency	\$	887,445	\$	920,372	104852
		Response					
6660	440607	Medically Handicapped	\$	17,320,687	\$	17,320,687	104853
		Children - County Assessments					
TOTAL SSR State Special Revenue							104854
Fund Group			\$	62,208,769	\$	62,462,044	104855
Holding Account Redistribution Fund Group							104856
R014	440631	Vital Statistics	\$	70,000	\$	70,000	104857
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	104858
		Reconciliation, and Audit Settlements					
TOTAL 090 Holding Account							104859
Redistribution Fund Group			\$	90,000	\$	90,000	104860
Tobacco Master Settlement Agreement Fund Group							104861
5BX0	440656	Tobacco Use	\$	6,000,000	\$	6,000,000	104862
		Prevention					
TOTAL TSF Tobacco Master Settlement							104863
Agreement Fund Group			\$	6,000,000	\$	6,000,000	104864
TOTAL ALL BUDGET FUND GROUPS			\$	718,585,317	\$	730,829,866	104865
 Section 289.20. HEALTHY OHIO							104867
Of the foregoing appropriation item 440437, Healthy Ohio,							104868
\$500,000 in each fiscal year, shall be allocated to the Activate							104869

Ohio - Diabetes Education, Support, and Self-Management Program.	104870
MOTHERS AND CHILDREN SAFETY NET SERVICES	104871
Of the foregoing appropriation item 440416, Mothers and	104872
Children Safety Net Services, the following amounts shall be	104873
allocated in each fiscal year: \$15,000 to the Jewish Family	104874
Services in Dayton, of which \$5,000 shall be used for children's	104875
health and nutrition programs; \$10,000 to the Jewish Community	104876
Center in Akron, of which \$5,000 shall be used for children's	104877
health and nutrition programs; \$10,000 to the Jewish Community	104878
Services in Sylvania, of which \$5,000 shall be used for children's	104879
health and nutrition programs; \$7,500 to the Jewish Community	104880
Center in Youngstown, of which \$5,000 shall be used for children's	104881
health and nutrition programs; \$4,500 to the Jewish Community	104882
Center in Canton, of which \$2,000 shall be used for children's	104883
health and nutrition programs; \$16,667 to the Yassenoff Jewish	104884
Community Center for children's health and nutrition camp	104885
programs; \$16,666 to the Jewish Community Center in Cleveland for	104886
children's health and nutrition camp programs; \$15,000 to the	104887
Jewish Family Services in Cleveland for interpreters for	104888
healthcare; \$16,667 to the Jewish Community Center in Cincinnati	104889
for children's health and nutrition camp programs; \$15,000 to the	104890
Jewish Family Services in Cincinnati for interpreters for	104891
healthcare; \$15,000 to the Jewish Family Services in Columbus for	104892
interpreters for healthcare; and \$10,000 to the Wexner Heritage	104893
Village for interpreters for healthcare.	104894
HIV/AIDS PREVENTION/TREATMENT	104895
The foregoing appropriation item 440444, AIDS Prevention and	104896
Treatment, shall be used to assist persons with HIV/AIDS in	104897
acquiring HIV-related medications and to administer educational	104898
prevention initiatives.	104899
INFECTIOUS DISEASE PREVENTION	104900

The foregoing appropriation item 440446, Infectious Disease Protection and Surveillance, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases.

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HELP ME GROW

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The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to counties to implement the Help Me Grow Program. Appropriation item 440459, Help Me Grow, may be used in conjunction with Early Intervention funding from the Department of Mental Retardation and Developmental Disabilities, and in conjunction with other early childhood funds and services to promote the optimal development of young children. The Department of Health shall enter into an interagency agreement with the Department of Education, Department of Mental Retardation and Developmental Disabilities, Department of Job and Family Services, and Department of Mental Health to ensure that all early childhood programs and initiatives are coordinated and school linked.

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The foregoing appropriation item 440459, Help Me Grow, shall also be used for the Autism Diagnosis Education Pilot Program.

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DEPARTMENT OF HEALTH - FEDERAL STIMULUS

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Upon the request of the Director of Health, the Director of Budget and Management may transfer appropriation from appropriation item 440469, Health - Federal Stimulus, to the following appropriation items: \$300,000 in fiscal year 2010 and \$257,709 in fiscal year 2011 to appropriation item 440407, Animal Borne Disease and Prevention; \$50,000 in each fiscal year to appropriation item 440412, Cancer Incidence Surveillance System; \$106,194 in each fiscal year to appropriation item 440413, Local Health Department Support; \$800,000 in fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation item 440418,

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Immunizations; \$200,000 in each fiscal year to appropriation item 104932
440431, Free Clinics Safety Net Services; \$200,000 in each fiscal 104933
year to appropriation item 440446, Infectious Disease Protection 104934
and Surveillance; \$100,000 in each fiscal year to appropriation 104935
item 440454, Local Environmental Health; \$50,000 in each fiscal 104936
year to appropriation item 440465, Federally Qualified Health 104937
Centers; \$100,000 in each fiscal year to appropriation item 104938
440468, Chronic Disease and Injury Prevention; and \$773,841 in 104939
fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation 104940
item 440511, Uncompensated Care/Emergency Medical Assistance. 104941

TARGETED HEALTH CARE SERVICES OVER 21 104942

The foregoing appropriation item 440507, Targeted Health Care 104943
Services Over 21, shall be used to administer the Cystic Fibrosis 104944
Program and to implement the Hemophilia Insurance Premium Payment 104945
Program. 104946

The foregoing appropriation item 440507, Targeted Health Care 104947
Services Over 21, shall also be used to provide essential 104948
medications and to pay the copayments for drugs approved by the 104949
Department of Health and covered by Medicare Part D that are 104950
dispensed to Bureau for Children with Medical Handicaps (BCMH) 104951
participants for the Cystic Fibrosis Program. 104952

These funds also may be used, to the extent that funding is 104953
available, to provide up to 18 in-patient hospital days for 104954
participants in the Cystic Fibrosis Program. 104955

The Department shall expend all of these funds. 104956

GENETICS SERVICES 104957

The foregoing appropriation item 440608, Genetics Services 104958
(Fund 4D60), shall be used by the Department of Health to 104959
administer programs authorized by sections 3701.501 and 3701.502 104960
of the Revised Code. None of these funds shall be used to counsel 104961
or refer for abortion, except in the case of a medical emergency. 104962

MEDICALLY HANDICAPPED CHILDREN AUDIT 104963

The Medically Handicapped Children Audit Fund (Fund 4770) 104964
shall receive revenue from audits of hospitals and recoveries from 104965
third-party payers. Moneys may be expended for payment of audit 104966
settlements and for costs directly related to obtaining recoveries 104967
from third-party payers and for encouraging Medically Handicapped 104968
Children's Program recipients to apply for third-party benefits. 104969
Moneys also may be expended for payments for diagnostic and 104970
treatment services on behalf of medically handicapped children, as 104971
defined in division (A) of section 3701.022 of the Revised Code, 104972
and Ohio residents who are twenty-one or more years of age and who 104973
are suffering from cystic fibrosis or hemophilia. Moneys may also 104974
be expended for administrative expenses incurred in operating the 104975
Medically Handicapped Children's Program. 104976

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 104977
PERMIT FUND 104978

The Director of Budget and Management, pursuant to a plan 104979
submitted by the Department of Health, or as otherwise determined 104980
by the Director of Budget and Management, shall set a schedule to 104981
transfer cash from the Liquor Control Fund (Fund 7043) to the 104982
Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating 104983
needs of the Alcohol Testing and Permit Program. 104984

The Director of Budget and Management may transfer to the 104985
Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor 104986
Control Fund (Fund 7043) created in section 4301.12 of the Revised 104987
Code such amounts at such times as determined by the transfer 104988
schedule. 104989

DENTIST LOAN REPAYMENT ADVISORY BOARD 104990

As specified in the amendments made by this act to section 104991
3702.92 of the Revised Code, the Governor, Speaker of the House of 104992
Representatives, and President of the Senate shall each appoint 104993

one additional member to the Dentist Loan Repayment Advisory Board. The appointments shall be made not later than sixty days after the effective date of section 3702.92 of the Revised Code. The terms of office of the additional members shall end on January 27, 2011, except that a legislative member ceases to be a member of the Board on ceasing to be a member of the General Assembly. Vacancies occurring prior to January 27, 2011, shall be filled in the manner prescribed for original appointments under this section.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE SUPPORTED PROGRAMS FUND

On July 1, 2009, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the amount of cash to be transferred from the Sewage Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund (Fund 4700) to meet the needs of the Sewage Program. The Director of Budget and Management may transfer the amount certified. The amount certified is hereby appropriated.

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer, cash from the Resident Protection Fund (Fund 4E30), which is used by the Ohio Department of Job and Family Services, to the Nursing Facility Technical Assistance Program Fund (Fund 5L10), which is used by the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall equal \$698,595 in each

fiscal year. 105025

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 105026

Agency Fund Group 105027

4610 372601 Operating Expenses \$ 40,000 \$ 40,000 105028

TOTAL AGY Agency Fund Group \$ 40,000 \$ 40,000 105029

TOTAL ALL BUDGET FUND GROUPS \$ 40,000 \$ 40,000 105030

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 105032

General Revenue Fund 105033

GRF 148100 Personal Services \$ 328,353 \$ 328,353 105034

GRF 148200 Maintenance \$ 50,000 \$ 50,000 105035

GRF 148402 Community Projects \$ 129,264 \$ 129,264 105036

TOTAL GRF General Revenue Fund \$ 507,617 \$ 507,617 105037

General Services Fund Group 105038

6010 148602 Gifts and \$ 10,000 \$ 10,000 105039

Miscellaneous

TOTAL GSF General Services 105040

Fund Group \$ 10,000 \$ 10,000 105041

TOTAL ALL BUDGET FUND GROUPS \$ 517,617 \$ 517,617 105042

Section 295.10. OHS OHIO HISTORICAL SOCIETY 105044

General Revenue Fund 105045

GRF 360501 Education and \$ 3,291,754 \$ 3,291,754 105046

Collections

GRF 360502 Site and Museum \$ 6,165,927 \$ 6,165,927 105047

Operations

GRF 360504 Ohio Preservation \$ 326,066 \$ 326,066 105048

Office

GRF 360505 National \$ 592,568 \$ 592,568 105049

Afro-American Museum

GRF 360506 Hayes Presidential \$ 401,490 \$ 401,490 105050

		Center					
GRF	360508	State Historical	\$	800,600	\$	800,600	105051
		Grants					
GRF	360509	Outreach and	\$	703,638	\$	703,638	105052
		Partnership					
TOTAL GRF		General Revenue Fund	\$	12,282,043	\$	12,282,043	105053
TOTAL ALL BUDGET FUND GROUPS			\$	12,282,043	\$	12,282,043	105054

SUBSIDY APPROPRIATION 105055

Upon approval by the Director of Budget and Management, the 105056
foregoing appropriation items shall be released to the Ohio 105057
Historical Society in quarterly amounts that in total do not 105058
exceed the annual appropriations. The funds and fiscal records of 105059
the society for fiscal year 2010 and fiscal year 2011 shall be 105060
examined by independent certified public accountants approved by 105061
the Auditor of State, and a copy of the audited financial 105062
statements shall be filed with the Office of Budget and 105063
Management. The society shall prepare and submit to the Office of 105064
Budget and Management the following: 105065

(A) An estimated operating budget for each fiscal year of the 105066
biennium. The operating budget shall be submitted at or near the 105067
beginning of each calendar year. 105068

(B) Financial reports, indicating actual receipts and 105069
expenditures for the fiscal year to date. These reports shall be 105070
filed at least semiannually during the fiscal biennium. 105071

The foregoing appropriations shall be considered to be the 105072
contractual consideration provided by the state to support the 105073
state's offer to contract with the Ohio Historical Society under 105074
section 149.30 of the Revised Code. 105075

STATE ARCHIVES 105076

Of the foregoing appropriation item 360501, Education and 105077
Collections, \$910,459 in each fiscal year shall be used for the 105078

State Archives, Library, and Artifact Collections Program. 105079

HAYES PRESIDENTIAL CENTER 105080

If a United States government agency, including, but not 105081
limited to, the National Park Service, chooses to take over the 105082
operations or maintenance of the Hayes Presidential Center, in 105083
whole or in part, the Ohio Historical Society shall make 105084
arrangements with the National Park Service or other United States 105085
government agency for the efficient transfer of operations or 105086
maintenance. 105087

Section 295.20. STATE HISTORICAL GRANTS 105088

Of the foregoing appropriation item 360508, State Historical 105089
Grants, \$200,000 in each fiscal year shall be used for the Western 105090
Reserve Historical Society. 105091

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES 105092

General Revenue Fund 105093

GRF 025321 Operating Expenses \$ 18,517,093 \$ 18,517,093 105094

TOTAL GRF General Revenue Fund \$ 18,517,093 \$ 18,517,093 105095

General Services Fund Group 105096

1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664 105097

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 105098

TOTAL GSF General Services 105099

Fund Group \$ 1,471,513 \$ 1,471,513 105100

TOTAL ALL BUDGET FUND GROUPS \$ 19,988,606 \$ 19,988,606 105101

OPERATING EXPENSES 105102

On July 1, 2009, or as soon as possible thereafter, the Clerk 105103
of the House of Representatives may certify to the Director of 105104
Budget and Management the amount of the unexpended, unencumbered 105105
balance of the foregoing appropriation item 025321, Operating 105106
Expenses, at the end of fiscal year 2009 to be reappropriated to 105107

fiscal year 2010. The amount certified is hereby reappropriated to 105108
the same appropriation item for fiscal year 2010. 105109

On July 1, 2010, or as soon as possible thereafter, the Clerk 105110
of the House of Representatives may certify to the Director of 105111
Budget and Management the amount of the unexpended, unencumbered 105112
balance of the foregoing appropriation item 025321, Operating 105113
Expenses, at the end of fiscal year 2010 to be reappropriated to 105114
fiscal year 2011. The amount certified is hereby reappropriated to 105115
the same appropriation item for fiscal year 2011. 105116

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 105117

Agency Fund Group 105118

5AZ0997601 Housing Finance Agency \$ 10,186,713 \$ 10,386,426 105119

Personal Services

TOTAL AGY Agency Fund Group \$ 10,186,713 \$ 10,386,426 105120

TOTAL ALL BUDGET FUND GROUPS \$ 10,186,713 \$ 10,386,426 105121

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 105123

General Revenue Fund 105124

GRF 965321 Operating Expenses \$ 1,164,218 \$ 1,164,218 105125

TOTAL GRF General Revenue Fund \$ 1,164,218 \$ 1,164,218 105126

General Services Fund Group 105127

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 105128

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 105129

General for BWC/OIC

TOTAL GSF General Services Fund \$ 825,000 \$ 825,000 105130

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,989,218 \$ 1,989,218 105131

Section 307.10. INS DEPARTMENT OF INSURANCE 105133

General Revenue Fund 105134

GRF	820607	State Coverage	\$	10,000,000	\$	10,000,000	105135
		Initiative					
TOTAL GRF		General Revenue Fund	\$	10,000,000	\$	10,000,000	105136
		Federal Special Revenue Fund Group					105137
3CX0	820608	State Coverage	\$	50,000,000	\$	100,000,000	105138
		Initiative - Federal					
3U50	820602	OSHIIP Operating	\$	1,770,000	\$	1,790,000	105139
		Grant					
TOTAL FED		Federal Special					105140
		Revenue Fund Group	\$	51,770,000	\$	101,790,000	105141
		State Special Revenue Fund Group					105142
5540	820601	Operating Expenses -	\$	200,000	\$	200,000	105143
		OSHIIP					
5540	820606	Operating Expenses	\$	23,105,028	\$	23,108,297	105144
5540	820609	State Coverage	\$	479,575	\$	479,575	105145
		Initiative					
		Administration					
5550	820605	Examination	\$	9,275,768	\$	9,294,668	105146
TOTAL SSR		State Special Revenue					105147
		Fund Group	\$	33,060,371	\$	33,082,540	105148
TOTAL ALL BUDGET FUND GROUPS			\$	94,830,371	\$	144,872,540	105149

STATE COVERAGE INITIATIVE 105150

Of the foregoing appropriation item 820607, State Coverage 105151
Initiative, up to \$7,000,000 in each fiscal year shall be used to 105152
support health information technology strategies. The remainder of 105153
the appropriation shall be used to support the implementation of 105154
strategies recommended by the Health Care Coverage and Quality 105155
Council established in section 3923.90 of the Revised Code. In 105156
addition to health information technology, strategies may include 105157
implementation of patient-centered medical homes, improved 105158
consumer information, and payment reform. Up to \$3,000,000 in each 105159
fiscal year may be used by the Superintendent of Insurance to 105160

transfer cash from the General Revenue Fund to another fund in the 105161
state treasury. The transfer shall be made using an intrastate 105162
transfer voucher. 105163

An amount equal to the unexpended, unencumbered portion of 105164
the foregoing appropriation item 820607, State Coverage 105165
Initiative, at the end of fiscal year 2010 is hereby 105166
reappropriated for the same purpose for fiscal year 2011. 105167

MARKET CONDUCT EXAMINATION 105168

When conducting a market conduct examination of any insurer 105169
doing business in this state, the Superintendent of Insurance may 105170
assess the costs of the examination against the insurer. The 105171
superintendent may enter into consent agreements to impose 105172
administrative assessments or fines for conduct discovered that 105173
may be violations of statutes or rules administered by the 105174
superintendent. All costs, assessments, or fines collected shall 105175
be deposited to the credit of the Department of Insurance 105176
Operating Fund (Fund 5540). 105177

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 105178

The Director of Budget and Management, at the request of the 105179
Superintendent of Insurance, may transfer funds from the 105180
Department of Insurance Operating Fund (Fund 5540), established by 105181
section 3901.021 of the Revised Code, to the Superintendent's 105182
Examination Fund (Fund 5550), established by section 3901.071 of 105183
the Revised Code, only for expenses incurred in examining domestic 105184
fraternal benefit societies as required by section 3921.28 of the 105185
Revised Code. 105186

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 105187

Not later than the thirty-first day of July each fiscal year, 105188
the Director of Budget and Management shall transfer \$5,000,000 105189
from the Department of Insurance Operating Fund (Fund 5540) to the 105190
General Revenue Fund. 105191

HEALTH INSURANCE COVERAGE OF AUTISM SPECTRUM DISORDERS				105192	
Of the foregoing appropriation item 820606, Operating				105193	
Expenses, up to \$20,000 in fiscal year 2010 shall be used by the				105194	
Department of Insurance to conduct a study on insurance rates if				105195	
health insurers are required to provide coverage for specified				105196	
services for individuals diagnosed with an autism spectrum				105197	
disorder. Not later than January 31, 2010, the study shall be				105198	
completed and copies of the study shall be provided to the				105199	
Governor, the Speaker of the House of the Representatives, the				105200	
President of the Senate, and the minority leaders in the House of				105201	
Representatives and the Senate, the Director of Budget and				105202	
Management, the Superintendent of Insurance, and the Director of				105203	
Job and Family Services.				105204	
On July 1, 2009, or as soon as possible thereafter, the				105205	
Director of Budget and Management shall transfer \$20,000 cash from				105206	
the General Revenue Fund to the Department of Insurance Operating				105207	
Fund (Fund 5540).				105208	
Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				105209	
General Revenue Fund				105210	
GRF 600321 Support Services				105211	
State	\$	52,432,042	\$	52,817,104	105212
Federal	\$	9,252,713	\$	9,320,665	105213
Support Services Total	\$	61,684,755	\$	62,137,769	105214
GRF 600410 TANF State	\$	191,607,468	\$	203,858,335	105215
GRF 600413 Child Care	\$	88,415,688	\$	93,105,300	105216
Match/Maintenance of Effort					
GRF 600416 Computer Projects				105217	
State	\$	92,734,743	\$	93,242,343	105218
Federal	\$	10,303,860	\$	10,360,260	105219
Computer Projects Total	\$	103,038,603	\$	103,602,603	105220

GRF 600417	Medicaid Provider Audits	\$	1,484,001	\$	1,497,886	105221
GRF 600420	Child Support Administration	\$	9,169,234	\$	9,231,310	105222
GRF 600421	Office of Family Stability	\$	4,653,955	\$	4,720,001	105223
GRF 600423	Office of Children and Families	\$	6,494,545	\$	6,580,782	105224
GRF 600425	Office of Ohio Health Plans					105225
	State	\$	14,688,390	\$	11,452,327	105226
	Federal	\$	15,287,916	\$	11,919,769	105227
	Office of Ohio Health Plans Total	\$	29,976,306	\$	23,372,096	105228
GRF 600502	Administration - Local	\$	23,582,308	\$	23,150,288	105229
GRF 600511	Disability Financial Assistance	\$	36,037,712	\$	38,684,457	105230
GRF 600521	Entitlement Administration - Local	\$	107,026,181	\$	100,893,286	105231
GRF 600523	Children and Families Services	\$	74,209,378	\$	74,209,378	105232
GRF 600525	Health Care/Medicaid					105233
	State	\$	2,514,349,157	\$	3,539,226,149	105234
	Federal	\$	6,355,149,581	\$	7,407,312,042	105235
	Health Care Total	\$	8,869,498,738	\$	10,946,538,191	105236
GRF 600526	Medicare Part D	\$	271,746,617	\$	287,194,790	105237
GRF 600528	Adoption Services					105238
	State	\$	38,722,700	\$	41,060,302	105239
	Federal	\$	49,792,948	\$	47,455,346	105240
	Adoption Services Total	\$	88,515,648	\$	88,515,648	105241
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	12,500,000	\$	12,500,000	105242

GRF 600534	Adult Protective Services	\$	522,040	\$	511,453	105243
GRF 600535	Early Care and Education	\$	174,000,000	\$	174,000,000	105244
GRF 600537	Children's Hospital	\$	6,000,000	\$	6,000,000	105245
GRF 600541	Kinship Permanency Incentive Program	\$	5,000,000	\$	5,000,000	105246
GRF 600661	Child Care - Federal Stimulus	\$	8,915,224	\$	13,459,664	105247
TOTAL GRF General Revenue Fund						105248
	State	\$	3,734,291,383	\$	4,792,395,155	105249
	Federal	\$	6,439,787,018	\$	7,486,368,082	105250
	GRF Total	\$	10,174,078,401	\$	12,278,763,237	105251
General Services Fund Group						105252
4A80 600658	Child Support Collections	\$	26,000,000	\$	26,000,000	105253
4R40 600665	BCII Services/Fees	\$	36,974	\$	36,974	105254
5BG0 600653	Managed Care Assessment	\$	168,914,857	\$	0	105255
5C90 600671	Medicaid Program Support	\$	69,876,838	\$	68,313,238	105256
5DL0 600639	Medicaid Revenue and Collections	\$	99,916,750	\$	63,600,000	105257
5DM0 600633	Administration & Operating	\$	19,853,583	\$	19,928,733	105258
5FX0 600638	Medicaid Payment Withholding	\$	26,000,000	\$	26,000,000	105259
5N10 600677	County Technologies	\$	1,000,000	\$	1,000,000	105260
5P50 600692	Health Care Services	\$	84,052,802	\$	226,469,478	105261
6130 600645	Training Activities	\$	110,000	\$	110,000	105262
TOTAL GSF General Services Fund Group						105263
		\$	495,761,804	\$	431,458,423	105264
Federal Special Revenue Fund Group						105265

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

3270	600606	Child Welfare	\$ 33,972,321	\$ 33,984,200	105266
3310	600686	Federal Operating	\$ 60,672,731	\$ 56,569,912	105267
3840	600610	Food Assistance and State Administration	\$ 159,109,776	\$ 159,109,427	105268
3850	600614	Refugee Services	\$ 10,497,024	\$ 11,265,511	105269
3950	600616	Special Activities/Child and Family Services	\$ 3,113,200	\$ 2,813,200	105270
3960	600620	Social Services Block Grant	\$ 120,000,000	\$ 120,000,000	105271
3970	600626	Child Support	\$ 305,830,981	\$ 305,832,341	105272
3980	600627	Adoption Maintenance/ Administration	\$ 355,345,646	\$ 352,184,668	105273
3A20	600641	Emergency Food Distribution	\$ 9,953,222	\$ 4,970,000	105274
3AW0	600675	Faith Based Initiatives	\$ 544,140	\$ 544,140	105275
3D30	600648	Children's Trust Fund Federal	\$ 2,040,524	\$ 2,040,524	105276
3F00	600623	Health Care Federal	\$3,205,010,014	\$ 2,429,425,188	105277
3F00	600650	Hospital Care Assurance Match	\$ 362,092,785	\$ 367,826,196	105278
3G50	600655	Interagency Reimbursement	\$1,703,777,044	\$ 1,666,905,912	105279
3H70	600617	Child Care Federal	\$ 241,862,780	\$ 241,862,779	105280
3N00	600628	IV-E Foster Care Maintenance	\$ 169,324,768	\$ 161,644,455	105281
3S50	600622	Child Support Projects	\$ 534,050	\$ 534,050	105282
3V00	600688	Workforce Investment Act	\$ 326,923,124	\$ 327,145,616	105283
3V40	600678	Federal Unemployment Programs	\$ 167,478,790	\$ 136,982,528	105284

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

3V40	600679	Unemployment	\$	3,487,473	\$	3,487,473	105285
		Compensation Review					
		Commission - Federal					
3V60	600689	TANF Block Grant	\$	755,528,435	\$	760,614,433	105286
TOTAL FED		Federal Special Revenue					105287
Fund Group				\$7,997,098,828	\$	7,145,742,553	105288
State Special Revenue		Fund Group					105289
1980	600647	Children's Trust Fund	\$	5,881,011	\$	5,881,011	105290
4A90	600607	Unemployment	\$	27,134,851	\$	37,772,416	105291
		Compensation					
		Administration Fund					
4A90	600694	Unemployment	\$	2,357,197	\$	2,431,133	105292
		Compensation Review					
		Commission					
4E30	600605	Nursing Home	\$	4,759,914	\$	4,759,914	105293
		Assessments					
4E70	600604	Child and Family	\$	300,000	\$	300,000	105294
		Services Collections					
4F10	600609	Foundation	\$	250,000	\$	250,000	105295
		Grants/Child & Family					
		Services					
4J50	600613	Nursing Facility Bed	\$	36,713,984	\$	36,713,984	105296
		Assessments					
4J50	600618	Residential State	\$	15,700,000	\$	15,700,000	105297
		Supplement Payments					
4K10	600621	ICF/MR Bed Assessments	\$	28,261,826	\$	29,482,434	105298
4R30	600687	Banking Fees	\$	700,000	\$	700,000	105299
4Z10	600625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	105300
5AJ0	600631	Money Follows the	\$	6,286,485	\$	6,195,163	105301
		Person					
5DB0	600637	Military Injury Grants	\$	2,000,000	\$	2,000,000	105302
5DP0	600634	Adoption Assistance	\$	500,000		500,000	105303
		Loan					

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

5ES0	600630	Food Assistance	\$	500,000	\$	500,000	105304
5F20	600667	Building Consolidation	\$	250,000	\$	250,000	105305
5F30	600668	Building Consolidation	\$	1,000,000	\$	1,000,000	105306
5GC0	600640	GOFBCI/Family Stability	\$	70,000	\$	70,000	105307
5GF0	600656	Medicaid - Hospital	\$	338,505,284	\$	370,861,816	105308
5Q90	600619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	105309
5R20	600608	Medicaid-Nursing Facilities	\$	329,947,751	\$	341,125,000	105310
5S30	600629	MR/DD Medicaid Administration and Oversight	\$	2,070,707	\$	5,493,954	105311
5U30	600654	Health Care Services Administration	\$	12,017,389	\$	14,393,903	105312
5U60	600663	Children and Family Support	\$	4,719,470	\$	4,719,470	105313
6510	600649	Hospital Care Assurance Program Fund	\$	220,612,051	\$	218,164,239	105314
TOTAL SSR State Special Revenue							105315
Fund Group			\$	1,106,663,918	\$	1,165,390,435	105316
Agency Fund Group							105317
1920	600646	Support Intercept - Federal	\$	130,000,000	\$	130,000,000	105318
5830	600642	Support Intercept - State	\$	16,000,000	\$	16,000,000	105319
5B60	600601	Food Assistance Intercept	\$	2,000,000	\$	2,000,000	105320
TOTAL AGY Agency Fund Group			\$	148,000,000	\$	148,000,000	105321
Holding Account Redistribution Fund Group							105322
R012	600643	Refunds and Audit Settlements	\$	3,600,000	\$	3,600,000	105323

R013 600644	Forgery Collections	\$	10,000	\$	10,000	105324
TOTAL 090	Holding Account	\$	3,610,000	\$	3,610,000	105325
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$19,925,212,951	\$21,172,964,648			105326

Section 309.20. SUPPORT SERVICES 105328

Section 309.20.10. AGENCY FUND GROUP 105329

The Agency Fund Group and Holding Account Redistribution Fund 105330
Group shall be used to hold revenues until the appropriate fund is 105331
determined or until the revenues are directed to the appropriate 105332
governmental agency other than the Department of Job and Family 105333
Services. If receipts credited to the Support Intercept - Federal 105334
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 105335
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 105336
Settlements Fund (Fund R012), or the Forgery Collections Fund 105337
(Fund R013) exceed the amounts appropriated from the fund, the 105338
Director of Job and Family Services may request the Director of 105339
Budget and Management to authorize expenditures from the fund in 105340
excess of the amounts appropriated. Upon the approval of the 105341
Director of Budget and Management, the additional amounts are 105342
hereby appropriated. 105343

Section 309.30. MEDICAID 105344

Section 309.30.10. HEALTH CARE/MEDICAID 105345

The foregoing appropriation item 600525, Health 105346
Care/Medicaid, shall not be limited by section 131.33 of the 105347
Revised Code. 105348

Section 309.30.15. CHILDREN'S HOSPITALS 105349

(A) As used in this section: 105350

(1) "Children's hospital" means a hospital that primarily serves patients eighteen years of age and younger and is excluded from Medicare prospective payment in accordance with 42 C.F.R. 412.23(d).

(2) "Medicaid inpatient cost-to-charge ratio" means the historic Medicaid inpatient cost-to-charge ratio applicable to a hospital as described in rules adopted by the Director of Job and Family Services in paragraph (B)(2) of rule 5101:3-2-22 of the Administrative Code.

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of the Administrative Code and except as provided in division (C) of this section, the Director of Job and Family Services shall pay a children's hospital that meets the criteria in paragraphs (E)(1) and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each cost outlier claim made in fiscal years 2010 and 2011, an amount that is the product of the hospital's allowable charges and the hospital's Medicaid inpatient cost-to-charge ratio.

(C) The Director of Job and Family Services shall cease paying a children's hospital for a cost outlier claim under the methodology in division (B) of this section and revert to paying the hospital for such a claim according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code, as applicable, when the difference between the total amount the Director has paid according to the methodology in division (B) of this section for such claims and the total amount the Director would have paid according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code for such claims, as the applicable paragraph existed on June 30, 2009, exceeds the sum of the state funds and corresponding federal match earmarked in division (F) of this section.

(D) The Director of Job and Family Services shall make

supplemental Medicaid payments to hospitals for inpatient services 105383
under a program modeled after the program the Department of Job 105384
and Family Services was required to create for fiscal years 2006 105385
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 105386
General Assembly if the difference between the total amount the 105387
Director has paid according to the methodology in division (B) of 105388
this section for cost outlier claims and the total amount the 105389
Director would have paid according to the methodology in paragraph 105390
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 105391
for such claims, as the applicable paragraph existed on June 30, 105392
2009, does not require the expenditure of all state and federal 105393
funds earmarked in division (F) of this section for the applicable 105394
fiscal year. The program may be the same as the program the 105395
Director used for making the payments to hospitals for fiscal 105396
years 2008 and 2009 under Section 309.30.13 of Am. Sub. H.B. 119 105397
of the 127th General Assembly. 105398

(E) The Director of Job and Family Services shall not adopt, 105399
amend, or rescind any rules that would result in decreasing the 105400
amount paid to children's hospitals under division (B) of this 105401
section for cost outlier claims. 105402

(F) Of the foregoing appropriation item, 600537, Children's 105403
Hospital, up to \$6 million (state share) in each fiscal year plus 105404
the corresponding federal match, if available, shall be used by 105405
the Department to pay the amounts described in division (B) of 105406
this section. 105407

Section 309.30.20. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 105408
SYSTEM FOR NURSING FACILITIES 105409

(A) As used in this section: 105410

"Franchise permit fee," "Medicaid days," "nursing facility," 105411
and "provider" have the same meanings as in section 5111.20 of the 105412
Revised Code. 105413

"Nursing facility services" means nursing facility services 105414
covered by the Medicaid program that a nursing facility provides 105415
to a resident of the nursing facility who is a Medicaid recipient 105416
eligible for Medicaid-covered nursing facility services. 105417

(B) Except as otherwise provided by this section, the 105418
provider of a nursing facility that has a valid Medicaid provider 105419
agreement on June 30, 2009, and a valid Medicaid provider 105420
agreement during fiscal year 2010 shall be paid, for nursing 105421
facility services the nursing facility provides during fiscal year 105422
2010, the rate calculated for the nursing facility under sections 105423
5111.20 to 5111.33 of the Revised Code with the following 105424
adjustments: 105425

(1) Before the further adjustments required by this section 105426
are made, the nursing facility's rate for capital costs shall be 105427
the median rate for capital costs for the nursing facilities in 105428
the nursing facility's peer group as determined under division (D) 105429
of section 5111.25 of the Revised Code. 105430

(2) The cost per case mix-unit calculated under section 105431
5111.231 of the Revised Code, the rate for ancillary and support 105432
costs calculated under section 5111.24 of the Revised Code, the 105433
rate for capital costs specified in division (B)(1) of this 105434
section, and the rate for tax costs calculated under section 105435
5111.242 of the Revised Code shall each be adjusted as follows: 105436

(a) Increase the cost and rates so calculated by two per 105437
cent; 105438

(b) Increase the cost and rates determined under division 105439
(B)(2)(a) of this section by two per cent; 105440

(c) Increase the cost and rates determined under division 105441
(B)(2)(b) of this section by one per cent. 105442

(3) The mean payment used in the calculation of the quality 105443
incentive payment made under section 5111.244 of the Revised Code 105444

shall be, weighted by Medicaid days, three dollars and three cents 105445
per Medicaid day. 105446

(4) The rate, after the adjustments under divisions (B)(1), 105447
(2), and (3) of this section are made, shall be further increased 105448
by three dollars per Medicaid day. 105449

(5) The rate, after the adjustments under divisions (B)(1), 105450
(2), (3), and (4) of this section are made, shall be further 105451
increased by five dollars per Medicaid day if the nursing facility 105452
has more than two hundred fifty beds certified for the Medicaid 105453
program. 105454

(C) If the rate determined for a nursing facility under 105455
division (B) of this section for nursing facility services 105456
provided during fiscal year 2010 is more than the rate the 105457
provider is paid for nursing facility services the nursing 105458
facility provides on June 30, 2009, the Department of Job and 105459
Family Services shall reduce the nursing facility's fiscal year 105460
2010 rate by one-half of the difference between the rate 105461
determined for the nursing facility under division (B) of this 105462
section and the nursing facility's rate for June 30, 2009. If the 105463
rate determined for a nursing facility under division (B) of this 105464
section for nursing facility services provided during fiscal year 105465
2010 is less than the rate the provider is paid for nursing 105466
facility services the nursing facility provides on June 30, 2009, 105467
the Department shall increase the nursing facility's fiscal year 105468
2010 rate by five-sixths of the difference between the rate 105469
determined for the nursing facility under division (B) of this 105470
section and the nursing facility's rate for June 30, 2009. 105471

(D) If the United States Centers for Medicare and Medicaid 105472
Services requires that the franchise permit fee be reduced or 105473
eliminated, the Department of Job and Family Services shall reduce 105474
the amount it pays providers of nursing facility services under 105475
this section as necessary to reflect the loss to the state of the 105476

revenue and federal financial participation generated from the 105477
franchise permit fee. 105478

(E) The Department of Job and Family Services shall follow 105479
this section in determining the rate to be paid to the provider of 105480
a nursing facility that has a valid Medicaid provider agreement on 105481
June 30, 2009, and a valid Medicaid provider agreement during 105482
fiscal year 2010 notwithstanding anything to the contrary in 105483
sections 5111.20 to 5111.33 of the Revised Code. 105484

Section 309.30.30. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT 105485
SYSTEM FOR NURSING FACILITIES 105486

(A) As used in this section: 105487

"Franchise permit fee," "Medicaid days," "nursing facility," 105488
and "provider" have the same meanings as in section 5111.20 of the 105489
Revised Code. 105490

"Nursing facility services" means nursing facility services 105491
covered by the Medicaid program that a nursing facility provides 105492
to a resident of the nursing facility who is a Medicaid recipient 105493
eligible for Medicaid-covered nursing facility services. 105494

(B) Except as otherwise provided by this section, the 105495
provider of a nursing facility that has a valid Medicaid provider 105496
agreement on June 30, 2010, and a valid Medicaid provider 105497
agreement during fiscal year 2011 shall be paid, for nursing 105498
facility services the nursing facility provides during fiscal year 105499
2011, the rate calculated for the nursing facility under sections 105500
5111.20 to 5111.33 of the Revised Code with the following 105501
adjustments: 105502

(1) Before the further adjustments required by this section 105503
are made, the nursing facility's rate for capital costs shall be 105504
the median rate for capital costs for the nursing facilities in 105505
the nursing facility's peer group as determined under division (D) 105506

of section 5111.25 of the Revised Code. 105507

(2) The cost per case mix-unit calculated under section 105508
5111.231 of the Revised Code, the rate for ancillary and support 105509
costs calculated under section 5111.24 of the Revised Code, the 105510
rate for capital costs specified in division (B)(1) of this 105511
section, and the rate for tax costs calculated under section 105512
5111.242 of the Revised Code shall each be adjusted as follows: 105513

(a) Increase the cost and rates so calculated by two per 105514
cent; 105515

(b) Increase the cost and rates determined under division 105516
(B)(2)(a) of this section by two per cent; 105517

(c) Increase the cost and rates determined under division 105518
(B)(2)(b) of this section by one per cent. 105519

(3) The mean payment used in the calculation of the quality 105520
incentive payment made under section 5111.244 of the Revised Code 105521
shall be, weighted by Medicaid days, three dollars and three cents 105522
per Medicaid day. 105523

(4) The rate, after the adjustments under divisions (B)(1), 105524
(2), and (3) of this section are made, shall be further increased 105525
by five dollars and thirty-five cents per Medicaid day. 105526

(5) The rate, after the adjustments under divisions (B)(1), 105527
(2), (3), and (4) of this section are made, shall be further 105528
increased by five dollars per Medicaid day if the nursing facility 105529
has more than two hundred fifty beds certified for the Medicaid 105530
program. 105531

(C) If the rate determined for a nursing facility under 105532
division (B) of this section for nursing facility services 105533
provided during fiscal year 2011 is less than the rate the 105534
provider is paid for nursing facility services the nursing 105535
facility provides on June 30, 2009, the Department of Job and 105536

Family Services shall increase the nursing facility's fiscal year 105537
2011 rate by two-thirds of the difference between the rate 105538
determined for the nursing facility under division (B) of this 105539
section and the nursing facility's rate for June 30, 2009. 105540

(D) If the United States Centers for Medicare and Medicaid 105541
Services requires that the franchise permit fee be reduced or 105542
eliminated, the Department of Job and Family Services shall reduce 105543
the amount it pays providers of nursing facility services under 105544
this section as necessary to reflect the loss to the state of the 105545
revenue and federal financial participation generated from the 105546
franchise permit fee. 105547

(E) The Department of Job and Family Services shall follow 105548
this section in determining the rate to be paid to the provider of 105549
a nursing facility that has a valid Medicaid provider agreement on 105550
June 30, 2010, and a valid Medicaid provider agreement during 105551
fiscal year 2011 notwithstanding anything to the contrary in 105552
sections 5111.20 to 5111.33 of the Revised Code. 105553

Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 105554
SYSTEM FOR ICFs/MR 105555

(A) As used in this section: 105556

"Change of operator," "entering operator," and "exiting 105557
operator" have the same meanings as in section 5111.65 of the 105558
Revised Code. 105559

"Franchise permit fee" and "provider" have the same meanings 105560
as in section 5111.20 of the Revised Code. 105561

"ICF/MR" means an intermediate care facility for the mentally 105562
retarded as defined in section 5111.20 of the Revised Code. 105563

"ICF/MR services" means services covered by the Medicaid 105564
program that an ICF/MR provides to a Medicaid recipient eligible 105565
for the services. 105566

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.

"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.

(B) This section applies to providers of ICFs/MR to which either of the following applies:

(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010.

(2) The ICF/MR undergoes a change of operator effective July 1, 2009, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010.

(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2010, the rate calculated for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

(1) If the rate determined for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code for ICF/MR services provided in fiscal year 2010 is more than one hundred eight per cent of the rate the provider or exiting operator is paid for ICF/MR services the ICF/MR provides on June 30, 2009, the Department of Job and Family Services shall reduce the ICF/MR's fiscal year 2010 rate so that the rate is not more than one

hundred eight per cent of the ICF/MR's rate for June 30, 2009. 105598

(2) If the mean total per diem rate for all ICFs/MR in this 105599
state for fiscal year 2010, weighted by May 2009 Medicaid days and 105600
calculated as of July 1, 2009, after application of division 105601
(C)(1) of this section exceeds \$277.25, the Department shall 105602
reduce the total per diem rate for each ICF/MR to which this 105603
section applies by a percentage that is equal to the percentage by 105604
which the mean total per diem rate exceeds \$277.25. 105605

(D) The rate of an ICF/MR set pursuant to this section shall 105606
not be subject to any adjustments authorized by sections 5111.20 105607
to 5111.33 of the Revised Code, or any rule authorized by those 105608
sections, during the remainder of fiscal year 2010. 105609

(E) If the United States Centers for Medicare and Medicaid 105610
Services requires that the franchise permit fee be reduced or 105611
eliminated, the Department of Job and Family Services shall reduce 105612
the amount it pays providers of ICF/MR services under this section 105613
as necessary to reflect the loss to the state of the revenue and 105614
federal financial participation generated from the franchise 105615
permit fee. 105616

(F) The Department of Job and Family Services shall follow 105617
this section in determining the rate to be paid providers of 105618
ICF/MR services subject to this section notwithstanding anything 105619
to the contrary in sections 5111.20 to 5111.33 of the Revised 105620
Code. 105621

(G) Not later than September 30, 2009, the Director of Job 105622
and Family Services shall submit an amendment to the state 105623
Medicaid plan to the United States Secretary of Health and Human 105624
Services as necessary to implement this section. On receipt of the 105625
United States Secretary's approval of the amendment to the state 105626
Medicaid plan, the Director shall implement this section 105627
retroactive to the later of the effective date of the state 105628

Medicaid plan amendment or July 1, 2009.	105629
Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT	105630
SYSTEM FOR ICFs/MR	105631
(A) As used in this section:	105632
"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.	105633 105634 105635
"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.	105636 105637
"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.	105638 105639
"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.	105640 105641 105642
"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days.	105643 105644 105645 105646 105647 105648 105649
"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code.	105650 105651
(B) This section applies to providers of ICFs/MR to which either of the following applies:	105652 105653
(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011.	105654 105655 105656
(2) The ICF/MR undergoes a change of operator effective July	105657

1, 2010, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011.

(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2011, the rate calculated for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

(1) If the rate determined for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code for ICF/MR services provided in fiscal year 2011 is more than one hundred seven per cent of the rate the provider or exiting operator is paid for ICF/MR services the ICF/MR provides on June 30, 2010, the Department of Job and Family Services shall reduce the ICF/MR's fiscal year 2011 rate so that the rate is not more than one hundred seven per cent of the ICF/MR's rate for June 30, 2010.

(2) If the mean total per diem rate for all ICFs/MR in this state for fiscal year 2011, weighted by May 2010 Medicaid days and calculated as of July 1, 2010, after application of division (C)(1) of this section exceeds \$277.25, the Department shall reduce the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate exceeds \$277.25.

(D) The rate of an ICF/MR set pursuant to this section shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code, or any rule authorized by those sections, during the remainder of fiscal year 2011.

(E) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce

the amount it pays providers of ICF/MR services under this section 105689
as necessary to reflect the loss to the state of the revenue and 105690
federal financial participation generated from the franchise 105691
permit fee. 105692

(F) The Department of Job and Family Services shall follow 105693
this section in determining the rate to be paid providers of 105694
ICF/MR services subject to this section notwithstanding anything 105695
to the contrary in sections 5111.20 to 5111.33 of the Revised 105696
Code. 105697

(G) Not later than September 30, 2010, the Director of Job 105698
and Family Services shall submit an amendment to the state 105699
Medicaid plan to the United States Secretary of Health and Human 105700
Services as necessary to implement this section. On receipt of the 105701
United States Secretary's approval of the amendment to the state 105702
Medicaid plan, the Director shall implement this section 105703
retroactive to the later of the effective date of the state 105704
Medicaid plan amendment or July 1, 2010. 105705

Section 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL 105706
INPATIENT AND OUTPATIENT SERVICES 105707

The Director of Job and Family Services shall amend rules 105708
adopted under section 5111.02 of the Revised Code as necessary to 105709
increase, for the period beginning January 1, 2010, and ending 105710
June 30, 2011, the Medicaid reimbursement rates for 105711
Medicaid-covered hospital inpatient services and hospital 105712
outpatient services to rates that result in an amount that is five 105713
per cent higher than the amount resulting from the rates in effect 105714
on December 31, 2009. 105715

Section 309.30.75. INCREASE IN MEDICAID RATES FOR COMMUNITY 105716
BEHAVIORAL HEALTH SERVICES 105717

(A) As used in this section, "community behavioral health 105718

services" means both of the following: 105719

(1) Community mental health services certified by the 105720
Director of Mental Health under section 5119.611 of the Revised 105721
Code; 105722

(2) Services provided by an alcohol and drug addiction 105723
program certified by the Department of Alcohol and Drug Addiction 105724
Services under section 3793.06 of the Revised Code. 105725

(B) The Director of Job and Family Services shall amend rules 105726
adopted under section 5111.02 of the Revised Code as necessary to 105727
do the following: 105728

(1) Increase, for fiscal year 2010, the Medicaid 105729
reimbursement rate ceilings for Medicaid-covered community 105730
behavioral health services to rate ceilings that result in an 105731
amount that is one-half of one per cent higher than the amount 105732
resulting from the rate ceilings in effect on June 30, 2009; 105733

(2) Increase, for fiscal year 2011, the Medicaid 105734
reimbursement rate ceilings for Medicaid-covered community 105735
behavioral health services to rate ceilings that result in an 105736
amount that is one-half of one per cent higher than the amount 105737
resulting from the rate ceilings in effect on June 30, 2010. 105738

Section 309.30.77. The intent of the General Assembly in 105739
enacting section 173.352 of the Revised Code is to require the 105740
Residential State Supplement Program to meet the payment level 105741
requirements under 42 U.S.C. 1382g through the use of the total 105742
expenditure method described in 20 C.F.R. 416.2096(c), rather than 105743
the payment levels method described in 20 C.F.R. 416.2096(b). 105744
105745

Section 309.30.80. RESIDENTIAL STATE SUPPLEMENT TRANSFER 105746

The Department of Aging may transfer cash from the foregoing 105747

appropriation item 490412, Residential State Supplement, and the 105748
PASSPORT/Residential State Supplement Fund (Fund 4J40), to the 105749
Home and Community-Based Services for the Aged Fund (Fund 4J50), 105750
used by the Department of Job and Family Services to make benefit 105751
payments to Residential State Supplement recipients. The transfer 105752
shall be made using an intrastate transfer voucher. 105753

Section 309.30.90. MONEY FOLLOWS THE PERSON 105754

The Director of Budget and Management may seek Controlling 105755
Board approval to do any of the following in support of any home 105756
and community-based services Medicaid waiver component: 105757

(A) Create new funds and appropriation items associated with 105758
a unified long-term care budget; 105759

(B) Transfer cash between funds used by affected agencies; 105760

(C) Transfer appropriation between appropriation items within 105761
a fund and used by the same state agency. 105762

Any transfers of cash approved by the Controlling Board under 105763
this section are hereby appropriated. 105764

Section 309.31.10. MONEY FOLLOWS THE PERSON ENHANCED 105765
REIMBURSEMENT FUND 105766

The Money Follows the Person Enhanced Reimbursement Fund is 105767
hereby created in the state treasury. This is a continuation of 105768
the fund created by Section 751.20 of Am. Sub. H.B. 562 of the 105769
127th General Assembly. The federal payments made to the state 105770
under subsection (e) of section 6071 of the "Deficit Reduction Act 105771
of 2005," Pub. L. No. 109-171, shall be deposited into the fund. 105772
The Department of Job and Family Services shall use money 105773
deposited into the fund for system reform activities related to 105774
the Money Follows the Person demonstration project. 105775

Section 309.31.20. MEDICARE PART D 105776

The foregoing appropriation item 600526, Medicare Part D, may 105777
be used by the Department of Job and Family Services for the 105778
implementation and operation of the Medicare Part D requirements 105779
contained in the "Medicare Prescription Drug, Improvement, and 105780
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 105781
the request of the Department of Job and Family Services, the 105782
Director of Budget and Management may transfer the state share of 105783
appropriations between appropriation item 600525, Health 105784
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 105785
the state share of appropriation item 600525, Health 105786
Care/Medicaid, is adjusted, the Director of Budget and Management 105787
shall adjust the federal share accordingly. 105788

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT AND 105789
IDENTIFICATION OF OVERPAYMENTS 105790

Notwithstanding any limitations in sections 3721.51 and 105791
3721.56 of the Revised Code, in each fiscal year, cash from the 105792
Home and Community-Based Services for the Aged Fund (Fund 4J50), 105793
in excess of the amounts needed for the transfers to the 105794
PASSPORT/Residential State Supplement Fund (Fund 4J40) used by the 105795
Department of Aging, may be used by the Department of Job and 105796
Family Services for the following purposes: (A) up to \$3,000,000 105797
in each fiscal year to fund the state share of audits or limited 105798
reviews of Medicaid providers; and (B) up to \$450,000 in each 105799
fiscal year to provide one-time transitional benefits under the 105800
Ohio Access Success Project that the Director of Job and Family 105801
Services may establish under section 5111.97 of the Revised Code. 105802
105803

Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF 105804
AGING 105805

The Department of Job and Family Services shall transfer 105806
\$33,263,984 cash in each fiscal year from the Home and 105807
Community-Based Services for the Aged Fund (Fund 4J50) to the 105808
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 105809
the Department of Aging. The transfer may occur on a quarterly 105810
basis or on a schedule developed and agreed to by both 105811
departments. The transfer shall be made using an intrastate 105812
transfer voucher. 105813

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS 105814

(A) At least quarterly, the Director of Job and Family 105815
Services shall certify to the Director of Budget and Management 105816
both of the following: 105817

(1) The amount of offsets withheld under section 3721.541 of 105818
the Revised Code from payments made from the General Revenue Fund. 105819

(2) The amount of offsets withheld under section 5112.341 of 105820
the Revised Code from payments made from the General Revenue Fund. 105821

(B) The Director of Budget and Management may transfer cash 105822
from the General Revenue Fund to all of the following: 105823

(1) The Home and Community Based Services for the Aged Fund 105824
(Fund 4J50), or the Nursing Facility Stabilization Fund (Fund 105825
5R20), in accordance with sections 3721.56 and 3721.561 of the 105826
Revised Code; 105827

(2) The ICF/MR Bed Assessments Fund (Fund 4K10). 105828

(C) Amounts transferred pursuant to this section are hereby 105829
appropriated. 105830

Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF 105831
MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 105832

The Department of Job and Family Services shall transfer 105833
\$12,000,000 cash in each fiscal year from the ICF/MR Bed 105834

Assessments Fund (Fund 4K10) to the Home and Community-Based 105835
Services Fund (Fund 4K80), used by the Department of Mental 105836
Retardation and Developmental Disabilities. The transfer may occur 105837
on a quarterly basis or on a schedule developed and agreed to by 105838
both departments. The transfer shall be made using an intrastate 105839
transfer voucher. 105840

Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 105841

Notwithstanding any limitations contained in sections 5112.31 105842
and 5112.37 of the Revised Code, in each fiscal year, cash from 105843
the ICF/MR Bed Assessments Fund (Fund 4K10) in excess of the 105844
amounts needed for transfers to the Home and Community-Based 105845
Services Fund (Fund 4K80), used by the Department of Mental 105846
Retardation and Developmental Disabilities, may be used by the 105847
Department of Job and Family Services to cover costs of care 105848
provided to participants in a waiver with an ICF/MR level of care 105849
requirement administered by the Department of Job and Family 105850
Services. 105851

Section 309.31.80. HOSPITAL CARE ASSURANCE MATCH 105852

The foregoing appropriation item 600650, Hospital Care 105853
Assurance Match, shall be used by the Department of Job and Family 105854
Services solely for distributing funds to hospitals under section 105855
5112.08 of the Revised Code. 105856

Section 309.31.90. HEALTH CARE SERVICES ADMINISTRATION FUND 105857

Of the amount received by the Department of Job and Family 105858
Services during fiscal year 2010 and fiscal year 2011 from the 105859
first installment of assessments paid under section 5112.06 of the 105860
Revised Code and intergovernmental transfers made under section 105861
5112.07 of the Revised Code, the Director of Job and Family 105862
Services shall deposit \$350,000 in each fiscal year into the state 105863

treasury to the credit of the Health Care Services Administration 105864
Fund (Fund 5U30). 105865

Section 309.32.10. MEDICAID PROGRAM SUPPORT FUND - STATE 105866

The foregoing appropriation item 600671, Medicaid Program 105867
Support, shall be used by the Department of Job and Family 105868
Services to pay for Medicaid services and contracts. The 105869
Department may also deposit to Fund 5C90 revenues received from 105870
other state agencies for Medicaid services under the terms of 105871
interagency agreements between the Department and other state 105872
agencies, and all funds the Department recovers because the 105873
benefits a person received under the Disability Medical Assistance 105874
Program established in section 5115.10 of the Revised Code were 105875
determined to be covered by the Medicaid Program established under 105876
Chapter 5111. of the Revised Code. 105877

Section 309.32.20. TRANSFERS OF IMD/DSH CASH TO THE 105878
DEPARTMENT OF MENTAL HEALTH 105879

The Department of Job and Family Services shall transfer cash 105880
from the Medicaid Program Support Fund (Fund 5C90), to the 105881
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 105882
Department of Mental Health, in accordance with an interagency 105883
agreement that delegates authority from the Department of Job and 105884
Family Services to the Department of Mental Health to administer 105885
specified Medicaid services. The transfer shall be made using an 105886
intrastate transfer voucher. 105887

Section 309.32.30. PRESCRIPTION DRUG REBATE FUND 105888

The foregoing appropriation item 600692, Health Care 105889
Services, shall be used by the Department of Job and Family 105890
Services to pay for Medicaid services and contracts. 105891

Section 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS' 105892
ADMINISTRATIVE COSTS 105893

The Director of Job and Family Services shall establish a 105894
system under which boards of alcohol, drug addiction, and mental 105895
health services, community mental health boards, and alcohol and 105896
drug addiction services boards obtain federal financial 105897
participation for the administrative expenditures the boards incur 105898
in administering the community behavioral health services the 105899
Medicaid program covers. The Director of Job and Family Services 105900
shall work with the Directors of Mental Health and Alcohol and 105901
Drug Addiction Services and representatives of the boards when 105902
establishing the system. The Director of Job and Family Services 105903
shall submit a state Medicaid plan amendment to the United States 105904
Secretary of Health and Human Services to obtain federal approval 105905
to implement the system. 105906

Section 309.32.50. AMYOTROPHIC LATERAL SCLEROSIS STUDY 105907

The Director of Job and Family Services shall study the issue 105908
of creating a Medicaid waiver component under which persons with 105909
amyotrophic lateral sclerosis would qualify for Medicaid 105910
regardless of their income or resources. The Director shall submit 105911
a report of the study, including any recommendations for creating 105912
such a Medicaid waiver component, to the General Assembly in 105913
accordance with section 101.68 of the Revised Code. The Director 105914
shall submit the report not later than March 1, 2010. 105915

Section 309.40. FAMILY STABILITY 105916

Section 309.40.10. FOOD STAMPS TRANSFER 105917

On July 1, 2009, or as soon as possible thereafter, the 105918
Director of Budget and Management may transfer up to \$1,000,000 105919
cash from the Food Stamp Program Fund (Fund 3840), to the Food 105920

Assistance Fund (Fund 5ES0). 105921

Section 309.40.20. NAME OF FOOD STAMP PROGRAM 105922

The Director of Job and Family Services is not required to 105923
amend rules regarding the Food Stamp Program to change the name of 105924
the program to the Supplemental Nutrition Assistance Program. The 105925
Director may refer to the program as the Food Stamp Program or the 105926
Food Assistance Program in rules and documents of the Department 105927
of Job and Family Services. 105928

Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 105929
BANKS 105930

Of the foregoing appropriation item 600410, TANF State, up to 105931
\$1,000,000 in each fiscal year shall be provided to the Ohio 105932
Association of Second Harvest Food Banks to purchase and 105933
distribute food products. 105934

In addition to funds designated for the Ohio Association of 105935
Second Harvest Food Banks in this section, in fiscal years 2010 105936
and 2011, the Director of Job and Family Services shall provide 105937
assistance from eligible funds to the Ohio Association of Second 105938
Harvest Food Banks in an amount equal to the assistance provided 105939
in state fiscal year 2009. 105940

Section 309.40.50. CHILD SUPPORT COLLECTIONS/TANF MOE 105941

The foregoing appropriation item 600658, Child Support 105942
Collections, shall be used by the Department of Job and Family 105943
Services to meet the TANF maintenance of effort requirements of 42 105944
U.S.C. 609(a)(7). When the state is assured that it will meet the 105945
maintenance of effort requirement, the Department of Job and 105946
Family Services may use funds from appropriation item 600658, 105947
Child Support Collections, to support public assistance 105948
activities. 105949

Section 309.40.60. EARLY LEARNING INITIATIVE	105950
(A) As used in this section:	105951
(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C. 604(a), except that they shall not be benefits and services included in the term "assistance" as defined in 45 C.F.R. 260.31(a) and shall be benefits and services that are excluded from the definition of the term "assistance" under 45 C.F.R. 260.31(b).	105952 105953 105954 105955 105956 105957 105958
(2) "Eligible child" means a child who is at least three years of age but not of compulsory school age or enrolled in kindergarten, is eligible for Title IV-A services, and whose family income at the time of application does not exceed two hundred per cent of the federal poverty guidelines.	105959 105960 105961 105962 105963
(3) "Early learning program" means a program for eligible children that provides Title IV-A services, according to the purposes listed in 45 C.F.R. 260.20(c), that are early learning services, as defined by pursuant to division (D)(1) of this section.	105964 105965 105966 105967 105968
(4) "Early learning provider" means an entity that operates an early learning program.	105969 105970
(5) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early learning provider requiring the early learning provider to operate an early learning program on behalf of the entity.	105971 105972 105973 105974
(6) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code.	105975 105976
(7) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	105977 105978
(B) The Early Learning Initiative is hereby established. The	105979

Department of Education and the Department of Job and Family Services shall administer the Initiative in accordance with sections 5101.80 and 5101.801 of the Revised Code. The Initiative shall provide early learning services to eligible children. Early learning services may be provided on a full-day basis, a part-day basis, or both a full-day and part-day basis.

(C) The Department of Job and Family Services shall do both of the following:

(1) Reimburse early learning agencies for services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(2) of this section;

(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include all of the following:

(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred per cent of the federal poverty guidelines but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(2) of this section;

(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred per cent of the federal poverty guideline;

(c) A definition of "enrollment" for the purpose of compensating early learning agencies;

(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children;

(e) Provisions for the completion of criminal record checks for employees of early learning agencies and early learning providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of

the Revised Code are considered applicable to these employees; 106010

(f) Provisions for the timeline of eligibility determination. 106011

(D) The Department of Education shall do all of the 106012
following: 106013

(1) Define the early learning services that will be provided 106014
to eligible children through the Early Learning Initiative; 106015

(2) In consultation with the Department of Job and Family 106016
Services, develop an application form and criteria for the 106017
selection of early learning agencies. The criteria shall require 106018
an early learning agency, or each early learning provider with 106019
which the agency has entered into an agreement for the operation 106020
of an early learning program on the agency's behalf, to be 106021
licensed by the Department of Education under sections 3301.52 to 106022
3301.59 of the Revised Code or by the Department of Job and Family 106023
Services under Chapter 5104. of the Revised Code; 106024

(3) Establish early learning program guidelines for school 106025
readiness to assess the operation of early learning programs. 106026

(E) Any entity that seeks to be an early learning agency 106027
shall apply to the Department of Education by a deadline 106028
established by the Department. The Department of Education shall 106029
select entities that meet the criteria established under division 106030
(D)(2) of this section to be early learning agencies. Upon 106031
selection of an entity to be an early learning agency, the 106032
Department of Education shall designate the number of eligible 106033
children the agency may enroll. The Department of Education shall 106034
notify the Department of Job and Family Services of the number so 106035
designated. 106036

(F) The Department of Education and the Department of Job and 106037
Family Services shall enter into a contract with each early 106038
learning agency selected under division (E) of this section. The 106039
requirements of section 127.16 of the Revised Code do not apply to 106040

contracts entered into under this section. The contract shall 106041
outline the terms and conditions applicable to the provision of 106042
Title IV-A services for eligible children and shall include at 106043
least the following: 106044

(1) The respective duties of the early learning agency, the 106045
Department of Education, and the Department of Job and Family 106046
Services; 106047

(2) Requirements applicable to the allowable use of and 106048
accountability for compensation paid under the contract; 106049

(3) Reporting requirements, including a requirement that the 106050
early learning provider inform the Department of Education when 106051
the provider learns that a kindergarten eligible child will not be 106052
enrolled in kindergarten; 106053

(4) The compensation schedule payable under the contract; 106054

(5) Audit requirements; 106055

(6) Provisions for suspending, modifying, or terminating the 106056
contract. 106057

(G) If an early learning agency, or an early learning 106058
provider operating an early learning program on the agency's 106059
behalf, substantially fails to meet the early learning program 106060
guidelines for school readiness or exhibits substandard 106061
performance, as determined by the Department of Education, the 106062
agency shall develop and implement a corrective action plan. The 106063
Department of Education shall approve the corrective action plan 106064
prior to implementation. 106065

(H) If an early learning agency fails to implement a 106066
corrective action plan under division (G) of this section, the 106067
Department of Education may direct the Department of Job and 106068
Family Services to either withhold funding or request that the 106069
Department of Job and Family Services suspend or terminate the 106070

contract with the agency. 106071

(I) Each early learning program shall do all of the 106072
following: 106073

(1) Meet teacher qualification requirements prescribed by 106074
section 3301.311 of the Revised Code; 106075

(2) Align curriculum to the early learning content standards; 106076

(3) Meet any assessment requirements prescribed by section 106077
3301.0715 of the Revised Code that apply to the program; 106078

(4) Require teachers, except teachers enrolled and working to 106079
obtain a degree pursuant to section 3301.311 of the Revised Code, 106080
to attend a minimum of twenty hours per biennium of professional 106081
development as prescribed by the Department of Education regarding 106082
the implementation of early learning program guidelines for school 106083
readiness; 106084

(5) Document and report child progress; 106085

(6) Meet and report compliance with the early learning 106086
program guidelines for school success; 106087

(7) Participate in early language and literacy classroom 106088
observation evaluation studies. 106089

(J) Each county Department of Job and Family Services shall 106090
determine eligibility for Title IV-A services for children seeking 106091
to enroll in an early learning program within fifteen days after 106092
receipt of a completed application in accordance with rules 106093
adopted under this section. 106094

(K) The provision of early learning services in an early 106095
learning program shall not prohibit or otherwise prevent an 106096
individual from obtaining certificates for payment under division 106097
(C) of section 5104.32 of the Revised Code. 106098

(L) Notwithstanding section 126.07 of the Revised Code: 106099

(1) Any fiscal year 2010 contract executed prior to July 1, 2009, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2009, shall be deemed to be effective as of July 1, 2009, upon issuance of a state purchase order, even if the purchase order is approved at some later date.

(2) Any fiscal year 2010 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2009, shall be deemed to be effective as of July 1, 2009, upon the issuance of a state purchase order, even if the purchase order is approved at some later date.

(3) Any fiscal year 2011 contract executed prior to July 1, 2010, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2010, shall be deemed to be effective as of July 1, 2010, upon issuance of a state purchase order, even if the purchase order is approved at some later date.

(4) Any fiscal year 2011 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2010, shall be deemed to be effective as of July 1, 2010, upon the issuance of a state purchase order, even if the purchase order is approved at some later date.

(M) The Departments of Job and Family Services and Education shall contract for up to 12,000 enrollment slots for eligible children in each fiscal year through the Early Learning Initiative.

(N) Eligible expenditures for the Early Learning Initiative shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public

Instruction and the Director of Job and Family Services shall 106131
enter into an interagency agreement to carry out the requirements 106132
under this division, which shall include developing reporting 106133
guidelines for these expenditures. 106134

Section 309.45. CHILD WELFARE 106135

Section 309.45.10. ALTERNATIVE RESPONSE 106136

The Department of Job and Family Services shall develop, 106137
implement, oversee, and evaluate a pilot program based on an 106138
"Alternative Response" approach to reports of child abuse, 106139
neglect, and dependency. The pilot program shall be implemented in 106140
not more than ten counties that are selected by the Department and 106141
that agree to participate in the pilot program. The pilot program 106142
shall last eighteen months, not including time expended in 106143
preparation for the implementation of the pilot program and any 106144
post-pilot program evaluation activity. After the eighteen-month 106145
period, the ten sites may continue to administer the Alternative 106146
Response approach uninterrupted, unless the Department determines 106147
otherwise. 106148

The Department shall assure that the Alternative Response 106149
pilot program is independently evaluated with respect to outcomes 106150
for children and families, costs, worker satisfaction, and any 106151
other criteria the Department determines will be useful in the 106152
consideration of statewide implementation of an Alternative 106153
Response approach to child protection. The measure associated with 106154
the eighteen-month pilot program shall, for the purposes of the 106155
evaluation, be compared with those same measures in the pilot 106156
counties during the eighteen-month period immediately preceding 106157
the beginning of the pilot program period. If the independent 106158
evaluation of the pilot program recommends statewide 106159
implementation of an Alternative Response approach to child 106160

protection, the Department may expand the Alternative Response 106161
approach statewide through a schedule determined by the 106162
Department. 106163

Section 309.45.20. BIG BROTHERS BIG SISTERS 106164

Of the foregoing appropriation item 600535, Early Care and 106165
Education, \$1,000,000 in each fiscal year shall be provided to Big 106166
Brothers Big Sisters of Central Ohio. 106167

Section 309.45.30. KINSHIP PERMANENCY INCENTIVE PROGRAM 106168

The foregoing appropriation item 600541, Kinship Permanency 106169
Incentive Program, shall be used to support the Kinship Permanency 106170
Incentive Program created under section 5101.802 of the Revised 106171
Code. 106172

Section 309.45.40. CHILDREN'S HUNGER ALLIANCE 106173

Of the foregoing appropriation item 600535, Early Care and 106174
Education, up to \$1,500,000 in each fiscal year shall be provided 106175
to the Children's Hunger Alliance for Child Nutrition Program 106176
outreach efforts. The Departments of Job and Family Services and 106177
Education shall enter into a grant agreement with the Children's 106178
Hunger Alliance and agree upon annual reporting requirements, 106179
including statements of planned uses of state funds, expected 106180
performance outcomes, and an evaluation of success in achieving 106181
those outcomes. As soon as possible after entering into a grant 106182
agreement at the beginning of each fiscal year, the Department of 106183
Job and Family Services may advance grant funds to the grantee 106184
under section 5101.10 of the Revised Code. 106185

Section 309.45.50. SUMMER AND AFTER-SCHOOL PROGRAMS 106186

Of the foregoing appropriation item 600535, Early Care and 106187
Education, up to \$10,000,000 in each fiscal year shall be provided 106188

to the Ohio Child Care Resource and Referral Association for the 106189
distribution of funds for summer and after-school programs for 106190
TANF eligible youth served through community-based organizations, 106191
faith-based organizations, and schools to provide academic support 106192
not available during the regular school day, nutrition, 106193
transportation, youth development activities, drug and violence 106194
prevention, counseling, technology education, and character 106195
education. 106196

Section 309.45.60. CHILD, FAMILY, AND ADULT COMMUNITY AND 106197
PROTECTIVE SERVICES 106198

(A) The foregoing appropriation item 600533, Child, Family, 106199
and Adult Community & Protective Services, shall be distributed to 106200
each county department of job and family services using the 106201
formula the Department of Job and Family Services uses when 106202
distributing Title XX funds to county departments of job and 106203
family services under section 5101.46 of the Revised Code. County 106204
departments shall use the funds distributed to them under this 106205
section as follows, in accordance with the written plan of 106206
cooperation entered into under section 307.983 of the Revised 106207
Code: 106208

(1) To assist individuals achieve or maintain 106209
self-sufficiency, including by reducing or preventing dependency 106210
among individuals with family income not exceeding two hundred per 106211
cent of the federal poverty guidelines; 106212

(2) Subject to division (B) of this section, to respond to 106213
reports of abuse, neglect, or exploitation of children and adults, 106214
including through the alternative approach pilot program developed 106215
under Section 309.40.40 of this act; 106216

(3) To provide outreach and referral services regarding home 106217
and community-based services to individuals at risk of placement 106218
in a group home or institution, regardless of the individuals' 106219

family income and without need for a written application; 106220

(4) To provide outreach, referral, application assistance, 106221
and other services to assist individuals receive assistance, 106222
benefits, or services under Medicaid; Title IV-A programs, as 106223
defined in section 5101.80 of the Revised Code; the Supplemental 106224
Nutrition Assistance Program; and other public assistance 106225
programs. 106226

(B) Protective services may be provided to a child or adult 106227
as part of a response, under division (A)(2) of this section, to a 106228
report of abuse, neglect, or exploitation without regard to a 106229
child or adult's family income and without need for a written 106230
application. The protective services may be provided if the case 106231
record documents circumstances of actual or potential abuse, 106232
neglect, or exploitation. 106233

Section 309.50. UNEMPLOYMENT COMPENSATION 106234

Section 309.50.10. EMPLOYER SURCHARGE 106235

The surcharge and the interest on the surcharge amounts due 106236
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 106237
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 106238
118th General Assembly, and section 4141.251 of the Revised Code 106239
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 106240
General Assembly, again shall be assessed and collected by, 106241
accounted for, and made available to the Department of Job and 106242
Family Services in the same manner as set forth in section 106243
4141.251 of the Revised Code as it existed prior to its repeal by 106244
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 106245
repeal of the surcharge for calendar years after 1990, pursuant to 106246
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 106247
received by the Director on or after July 1, 2001, shall be 106248
deposited into the Unemployment Compensation Special 106249

Administrative Fund (Fund 4A90) established pursuant to section 106250
4141.11 of the Revised Code. 106251

Section 309.50.20. FEDERAL UNEMPLOYMENT PROGRAMS 106252

All unexpended funds remaining at the end of fiscal year 2009 106253
that were appropriated and made available to the state under 106254
section 903(d) of the Social Security Act, as amended, in the 106255
foregoing appropriation item 600678, Federal Unemployment Programs 106256
(Fund 3V40), are hereby appropriated to the Department of Job and 106257
Family Services. Upon the request of the Director of Job and 106258
Family Services, the Director of Budget and Management may 106259
increase the appropriation for fiscal year 2010 by the amount 106260
remaining unspent from the fiscal year 2009 appropriation and may 106261
increase the appropriation for fiscal year 2011 by the amount 106262
remaining unspent from the fiscal year 2010 appropriation. The 106263
appropriation shall be used under the direction of the Department 106264
of Job and Family Services to pay for administrative activities 106265
for the Unemployment Insurance Program, employment services, and 106266
other allowable expenditures under section 903(d) of the Social 106267
Security Act, as amended. 106268

The amounts obligated pursuant to this section shall not 106269
exceed at any time the amount by which the aggregate of the 106270
amounts transferred to the account of the state under section 106271
903(d) of the Social Security Act, as amended, exceeds the 106272
aggregate of the amounts obligated for administration and paid out 106273
for benefits and required by law to be charged against the amounts 106274
transferred to the account of the state. 106275

Section 309.50.30. REMOVAL OF UNEMPLOYMENT COMPENSATION 106276
ADVISORY COUNCIL MEMBERS 106277

The intent of the General Assembly in the amendments made in 106278
this act to section 145.012 is to provide that service as a member 106279

of the Unemployment Compensation Advisory Council on or after the 106280
effective date of this section shall not be service as a public 106281
employee for purposes of Chapter 145. of the Revised Code. The 106282
amendments are not intended to prohibit the use of such service 106283
for calculation of benefits under Chapter 145. of the Revised Code 106284
for service prior to the effective date of this section. 106285
106286

Section 309.60. WORKFORCE DEVELOPMENT 106287

Section 309.60.10. AMERICAN RED CROSS-GREATER CLEVELAND 106288
CHAPTER AND THE BEREA CHILDREN'S HOME AND FAMILY SERVICES 106289

Of the foregoing appropriation item 600688, Workforce 106290
Investment Act, up to \$1,000,000 in each fiscal year shall be used 106291
to reimburse the American Red Cross-Greater Cleveland Chapter and 106292
the Berea Children's Home and Family Services for the Northeast 106293
Ohio Nurse Assistant Training Program. Any amount of this earmark 106294
that remains unspent at the end of fiscal year 2010 is hereby 106295
reappropriated in fiscal year 2011 for the same purpose. The 106296
opportunity for reimbursement for the purposes for which this 106297
earmark is intended expires June 30, 2011. 106298

Section 309.60.20. NURSE EDUCATION ASSISTANCE 106299

Of the foregoing appropriation item 600688, Workforce 106300
Investment Act, up to \$700,000 in each fiscal year shall be used 106301
to support the Nurse Education Assistance program described in 106302
division (C)(1)(a) of section 3333.28 of the Revised Code. Any 106303
amount of this earmark that remains unspent at the end of fiscal 106304
year 2010 is hereby reappropriated in fiscal year 2011 for the 106305
same purpose. 106306

Section 309.60.30. ACCOUNTABILITY AND CREDIBILITY TOGETHER 106307

Of the foregoing appropriation item 600688, Workforce 106308
Investment Act (Fund 3V00), up to \$2,000,000 in fiscal year 2010 106309
shall be provided to Accountability and Credibility Together (ACT) 106310
for its welfare diversion program. Any amount of this earmark that 106311
remains unspent at the end of fiscal year 2010 is hereby 106312
reappropriated in fiscal year 2011 for the same purpose. 106313

Section 309.60.40. WORKFORCE INVESTMENT ACT TRANSFER 106314

By July 1 of each fiscal year, or as soon as possible 106315
thereafter, the Director of Budget and Management shall transfer 106316
\$8,665,106 in cash from the Workforce Investment Act Fund (Fund 106317
3V00) to the General Revenue Fund for use in appropriation item 106318
195434, Industrial Training Grants, in the Department of 106319
Development. 106320

Section 310.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 106321

General Revenue Fund 106322
GRF 029321 Operating Expenses \$ 483,520 \$ 483,520 106323
TOTAL GRF General Revenue Fund \$ 483,520 \$ 483,520 106324
TOTAL ALL BUDGET FUND GROUPS \$ 483,520 \$ 483,520 106325

OPERATING 106326

The Chief Administrative Officer of the House of 106327
Representatives and the Clerk of the Senate shall determine, by 106328
mutual agreement, which of them shall act as fiscal agent for the 106329
Joint Committee on Agency Rule Review. Members of the Committee 106330
shall be paid in accordance with section 101.35 of the Revised 106331
Code. 106332

OPERATING EXPENSES 106333

On July 1, 2009, or as soon as possible thereafter, the 106334
Executive Director of the Joint Committee on Agency Rule Review 106335
may certify to the Director of Budget and Management the amount of 106336

the unexpended, unencumbered balance of the foregoing 106337
appropriation item 029321, Operating Expenses, at the end of 106338
fiscal year 2009 to be reappropriated to fiscal year 2010. The 106339
amount certified is hereby reappropriated to the same 106340
appropriation item for fiscal year 2010. 106341

On July 1, 2010, or as soon as possible thereafter, the 106342
Executive Director of the Joint Committee on Agency Rule Review 106343
may certify to the Director of Budget and Management the amount of 106344
the unexpended, unencumbered balance of the foregoing 106345
appropriation item 029321, Operating Expenses, at the end of 106346
fiscal year 2010 to be reappropriated to fiscal year 2011. The 106347
amount certified is hereby reappropriated to the same 106348
appropriation item for fiscal year 2011. 106349

Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO 106350

General Revenue Fund 106351

GRF 018321	Operating Expenses	\$	1,034,281	\$	1,065,281	106352
TOTAL GRF	General Revenue Fund	\$	1,034,281	\$	1,065,281	106353

General Services Fund Group 106354

4030 018601	Ohio Jury	\$	350,000	\$	350,000	106355
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Instructions

TOTAL GSF	General Services Fund	\$	350,000	\$	350,000	106356
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,384,281	\$	1,415,281	106357
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STATE COUNCIL OF UNIFORM STATE LAWS 106358

Notwithstanding section 105.26 of the Revised Code, of the 106359
foregoing appropriation item 018321, Operating Expenses, up to 106360
\$97,000 in fiscal year 2010 and up to \$101,000 in fiscal year 2011 106361
may be used to pay the expenses of the State Council of Uniform 106362
State Laws, including membership dues to the National Conference 106363
of Commissioners on Uniform State Laws, and other expenses under 106364

sections 105.25 and 105.26 of the Revised Code. 106365

OHIO JURY INSTRUCTIONS FUND 106366

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 106367
 grants, royalties, dues, conference fees, bequests, devises, and 106368
 other gifts received for the purpose of supporting costs incurred 106369
 by the Judicial Conference of Ohio in dispensing educational and 106370
 informational data to the state's judicial system. Fund 4030 shall 106371
 be used by the Judicial Conference of Ohio to pay expenses 106372
 incurred in dispensing educational and informational data to the 106373
 state's judicial system. All moneys accruing to Fund 4030 in 106374
 excess of \$350,000 in fiscal year 2010 and in excess of \$350,000 106375
 in fiscal year 2011 are hereby appropriated for the purposes 106376
 authorized. 106377

No money in Fund 4030 shall be transferred to any other fund 106378
 by the Director of Budget and Management or the Controlling Board. 106379

Section 313.10. JSC THE JUDICIARY/SUPREME COURT 106380

General Revenue Fund 106381

GRF 005321 Operating Expenses - \$ 133,144,970 \$ 133,144,970 106382
 Judiciary/Supreme
 Court

GRF 005401 State Criminal \$ 336,770 \$ 336,770 106383
 Sentencing Council

GRF 005406 Law-Related Education \$ 236,172 \$ 236,172 106384

GRF 005409 Ohio Courts \$ 4,850,000 \$ 4,850,000 106385
 Technology Initiative

GRF 005502 Legal Education \$ 350,000 \$ 350,000 106386
 Opportunity

TOTAL GRF General Revenue Fund \$ 138,917,912 \$ 138,917,912 106387

General Services Fund Group 106388

6720 005601 Continuing Judicial \$ 300,000 \$ 300,000 106389

Education

TOTAL GSF General Services Fund	\$	300,000	\$	300,000	106390
Group					
Federal Special Revenue Fund Group					106391
3J00 005603 Federal Grants	\$	2,137,866	\$	1,917,081	106392
TOTAL FED Federal Special Revenue	\$	2,137,866	\$	1,917,081	106393
Fund Group					
State Special Revenue Fund Group					106394
4C80 005605 Attorney Services	\$	3,704,659	\$	3,704,659	106395
5T80 005609 Grants and Awards	\$	50,000	\$	50,000	106396
6A80 005606 Supreme Court	\$	1,284,142	\$	1,284,142	106397

Admissions

TOTAL SSR State Special Revenue	\$	5,038,801	\$	5,038,801	106398
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	146,394,579	\$	146,173,794	106399

LAW-RELATED EDUCATION 106400

The foregoing appropriation item 005406, Law-Related 106401
 Education, shall be distributed directly to the Ohio Center for 106402
 Law-Related Education for the purposes of providing continuing 106403
 citizenship education activities to primary and secondary 106404
 students, expanding delinquency prevention programs, increasing 106405
 activities for at-risk youth, and accessing additional public and 106406
 private money for new programs. 106407

OHIO COURTS TECHNOLOGY INITIATIVE 106408

The foregoing appropriation item 005409, Ohio Courts 106409
 Technology Initiative, shall be used to fund an initiative by the 106410
 Supreme Court to facilitate the exchange of information and 106411
 warehousing of data by and between Ohio courts and other justice 106412
 system partners through the creation of an Ohio Courts Network, 106413
 the delivery of technology services to courts throughout the 106414
 state, including the provision of hardware, software, and the 106415

development and implementation of educational and training 106416
programs for judges and court personnel, and operation of the 106417
Commission on Technology and the Courts by the Supreme Court for 106418
the promulgation of statewide rules, policies, and uniform 106419
standards, and to aid in the orderly adoption and comprehensive 106420
use of technology in Ohio courts. 106421

LEGAL EDUCATION OPPORTUNITY 106422

The foregoing appropriation item 005502 shall be used to fund 106423
activities undertaken at the direction of the Chief Justice of the 106424
Supreme Court for purposes of introducing minority, low-income, 106425
and educationally disadvantaged Ohio students to the legal system 106426
and providing educational opportunities to those same students who 106427
are preparing for college and interested in the pursuit of a legal 106428
career. The foregoing appropriation item 005502 may be used by the 106429
Supreme Court, in cooperation with other entities, to establish 106430
and provide programs, courses, and activities consistent with the 106431
purposes set forth in this paragraph and to pay the associated 106432
administrative costs. 106433

CONTINUING JUDICIAL EDUCATION 106434

The Continuing Judicial Education Fund (Fund 6720) shall 106435
consist of fees paid by judges and court personnel for attending 106436
continuing education courses and other gifts and grants received 106437
for the purpose of continuing judicial education. The foregoing 106438
appropriation item 005601, Continuing Judicial Education, shall be 106439
used to pay expenses for continuing education courses for judges 106440
and court personnel. If it is determined by the Administrative 106441
Director of the Supreme Court that additional appropriations are 106442
necessary, the amounts are hereby appropriated. 106443

No money in Fund 6720 shall be transferred to any other fund 106444
by the Director of Budget and Management or the Controlling Board. 106445
Interest earned on moneys in Fund 6720 shall be credited to the 106446

fund. 106447

FEDERAL GRANTS 106448

The Federal Grants Fund (Fund 3J00) shall consist of grants 106449
and other moneys awarded to the Supreme Court (The Judiciary) by 106450
the United States Government or other entities that receive the 106451
moneys directly from the United States Government and distribute 106452
those moneys to the Supreme Court (The Judiciary). The foregoing 106453
appropriation item 005603, Federal Grants, shall be used in a 106454
manner consistent with the purpose of the grant or award. If it is 106455
determined by the Administrative Director of the Supreme Court 106456
that additional appropriations are necessary, the amounts are 106457
hereby appropriated. 106458

No money in Fund 3J00 shall be transferred to any other fund 106459
by the Director of Budget and Management or the Controlling Board. 106460
However, interest earned on moneys in Fund 3J00 shall be credited 106461
or transferred to the General Revenue Fund. 106462

ATTORNEY SERVICES 106463

The Attorney Services Fund (Fund 4C80), formerly known as the 106464
Attorney Registration Fund, shall consist of moneys received by 106465
the Supreme Court (The Judiciary) pursuant to the Rules for the 106466
Government of the Bar of Ohio. In addition to funding other 106467
activities considered appropriate by the Supreme Court, the 106468
foregoing appropriation item 005605, Attorney Services, may be 106469
used to compensate employees and to fund appropriate activities of 106470
the following offices established by the Supreme Court: the Office 106471
of Disciplinary Counsel, the Board of Commissioners on Grievances 106472
and Discipline, the Clients' Security Fund, and the Attorney 106473
Services Division. If it is determined by the Administrative 106474
Director of the Supreme Court that additional appropriations are 106475
necessary, the amounts are hereby appropriated. 106476

No moneys in Fund 4C80 shall be transferred to any other fund 106477

by the Director of Budget and Management or the Controlling Board. 106478
Interest earned on moneys in Fund 4C80 shall be credited to the 106479
fund. 106480

GRANTS AND AWARDS 106481

The Grants and Awards Fund (Fund 5T80) shall consist of 106482
grants and other moneys awarded to the Supreme Court (The 106483
Judiciary) by the State Justice Institute, the Division of 106484
Criminal Justice Services, or other entities. The foregoing 106485
appropriation item 005609, Grants and Awards, shall be used in a 106486
manner consistent with the purpose of the grant or award. If it is 106487
determined by the Administrative Director of the Supreme Court 106488
that additional appropriations are necessary, the amounts are 106489
hereby appropriated. 106490

No moneys in Fund 5T80 shall be transferred to any other fund 106491
by the Director of Budget and Management or the Controlling Board. 106492
However, interest earned on moneys in Fund 5T80 shall be credited 106493
or transferred to the General Revenue Fund. 106494

SUPREME COURT ADMISSIONS 106495

The foregoing appropriation item 005606, Supreme Court 106496
Admissions, shall be used to compensate Supreme Court employees 106497
who are primarily responsible for administering the attorney 106498
admissions program under the Rules for the Government of the Bar 106499
of Ohio, and to fund any other activities considered appropriate 106500
by the court. Moneys shall be deposited into the Supreme Court 106501
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 106502
Government of the Bar of Ohio. If it is determined by the 106503
Administrative Director of the Supreme Court that additional 106504
appropriations are necessary, the amounts are hereby appropriated. 106505

No moneys in Fund 6A80 shall be transferred to any other fund 106506
by the Director of Budget and Management or the Controlling Board. 106507
Interest earned on moneys in Fund 6A80 shall be credited to the 106508

fund.					106509
Section 313.20. SUPREME COURT FILING FEE					106510
The General Assembly hereby respectfully requests the Supreme					106511
Court to modify Rule XV of the Rules of Practice of the Supreme					106512
Court of Ohio pursuant to its authority under the Ohio					106513
Constitution to make that Rule consistent with the amendments made					106514
by this act to section 2503.17 of the Revised Code.					106515
Section 315.10. LEC LAKE ERIE COMMISSION					106516
State Special Revenue Fund Group					106517
4C00 780601 Lake Erie Protection	\$	450,000	\$	450,000	106518
Fund					
5D80 780602 Lake Erie Resources	\$	380,000	\$	383,000	106519
Fund					
TOTAL SSR State Special Revenue					106520
Fund Group	\$	830,000	\$	833,000	106521
TOTAL ALL BUDGET FUND GROUPS	\$	830,000	\$	833,000	106522
Section 317.10. LRS LEGAL RIGHTS SERVICE					106524
General Revenue Fund					106525
GRF 054321 Support Services	\$	142,614	\$	142,614	106526
GRF 054401 Ombudsman	\$	209,698	\$	209,698	106527
TOTAL GRF General Revenue Fund	\$	352,312	\$	352,312	106528
General Services Fund Group					106529
5M00 054610 Settlements	\$	81,352	\$	81,352	106530
TOTAL GSF General Services					106531
Fund Group	\$	81,352	\$	81,352	106532
Federal Special Revenue Fund Group					106533
3050 054602 Protection and	\$	1,500,000	\$	1,500,000	106534
Advocacy -					

		Developmentally Disabled				
3AG0	054613	Protection and Advocacy - Voter Accessibility	\$	135,000	\$	135,000 106535
3B80	054603	Protection and Advocacy - Mentally Ill	\$	1,100,000	\$	1,100,000 106536
3CA0	054615	Work Incentives Planning and Assistance	\$	355,000	\$	355,000 106537
3N30	054606	Protection and Advocacy - Individual Rights	\$	570,000	\$	570,000 106538
3N90	054607	Assistive Technology	\$	160,000	\$	160,000 106539
3R90	054604	Family Support Collaborative	\$	12,500	\$	0 106540
3R90	054616	Developmental Disability Publications	\$	130,000	\$	130,000 106541
3T20	054609	Client Assistance Program	\$	435,000	\$	435,000 106542
3X10	054611	Protection and Advocacy - Beneficiaries of Social Security	\$	235,000	\$	235,000 106543
3Z60	054612	Protection and Advocacy - Traumatic Brain Injury	\$	70,000	\$	70,000 106544
TOTAL FED		Federal Special Revenue				106545
Fund Group			\$	4,702,500	\$	4,690,000 106546
State Special Revenue		Fund Group				106547
5AE0	054614	Grants and Contracts	\$	100,000	\$	100,000 106548

TOTAL SSR State Special Revenue	\$	100,000	\$	100,000	106549
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,236,164	\$	5,223,664	106550

Section 317.20. LEGAL RIGHTS SERVICE NONPROFIT TRANSITION 106552

STUDY 106553

(A) The Legal Rights Service Commission shall conduct a study 106554
concerning a potential transition from a public entity to a 106555
nonprofit organization effective July 1, 2011. The study shall 106556
include an analysis of all of the following: 106557

(1) The feasibility of a transition to a nonprofit 106558
organization; 106559

(2) The potential effects on service delivery, including 106560
client service and access to required resources, and any other 106561
service delivery advantages or disadvantages that might result 106562
from the transition to a nonprofit organization; 106563

(3) Potential organizational effects, including cost savings 106564
and non-state funding sources, and any other organizational 106565
advantages or disadvantages that might result from the transition 106566
to a nonprofit organization; 106567

(4) The approximate amount of time necessary to achieve a 106568
transition to nonprofit status. 106569

(B) The Legal Rights Service Commission shall develop a 106570
process plan by which a transition to a nonprofit organization 106571
could be implemented not later than July 1, 2011. 106572

(C) Not later than six months after the effective date of 106573
this section, a written report of the results of the study and a 106574
copy of the process plan shall be submitted to the Governor, the 106575
Speaker and the Minority Leader of the House of Representatives, 106576
and the President and the Minority Leader of the Senate. 106577

Section 319.10.				JLE JOINT LEGISLATIVE ETHICS COMMITTEE	106578
General Revenue Fund					106579
GRF	028321	Legislative Ethics Committee	\$ 550,000	\$ 550,000	106580
TOTAL GRF General Revenue Fund				\$ 550,000	\$ 550,000 106581
General Services Fund Group					106582
4G70	028601	Joint Legislative Ethics Committee	\$ 100,000	\$ 100,000	106583
TOTAL GSF General Services Fund Group				\$ 100,000	\$ 100,000 106584
TOTAL ALL BUDGET FUND GROUPS				\$ 650,000	\$ 650,000 106585
 Section 321.10.				LSC LEGISLATIVE SERVICE COMMISSION	106586
General Revenue Fund					106587
GRF	035321	Operating Expenses	\$ 15,117,700	\$ 15,117,700	106588
GRF	035402	Legislative Interns	\$ 1,022,120	\$ 1,022,120	106589
GRF	035404	Legislative Office of Education Oversight	\$ 500,000	\$ 500,000	106590
GRF	035405	Correctional Institution Inspection Committee	\$ 438,900	\$ 438,900	106591
GRF	035407	Legislative Task Force on Redistricting	\$ 750,000	\$ 750,000	106592
GRF	035409	National Associations	\$ 460,560	\$ 460,560	106593
GRF	035410	Legislative Information Systems	\$ 3,661,250	\$ 3,661,250	106594
TOTAL GRF General Revenue Fund				\$ 21,950,530	\$ 21,950,530 106595
General Services Fund Group					106596
4100	035601	Sale of Publications	\$ 25,250	\$ 25,250	106597
4F60	035603	Legislative Budget	\$ 154,025	\$ 154,025	106598

		Services				
5EF0	035607	House and Senate	\$	30,000	\$	30,000 106599
		Telephone Usage				
		TOTAL GSF General Services				106600
		Fund Group	\$	209,275	\$	209,275 106601
		TOTAL ALL BUDGET FUND GROUPS	\$	22,159,805	\$	22,159,805 106602
		Section 323.10. LIB STATE LIBRARY BOARD				106604
		General Revenue Fund				106605
GRF	350321	Operating Expenses	\$	5,477,369	\$	5,477,369 106606
GRF	350401	Ohioana Rental	\$	128,560	\$	128,560 106607
		Payments				
GRF	350502	Regional Library	\$	832,099	\$	832,099 106608
		Systems				
		TOTAL GRF General Revenue Fund	\$	6,438,028	\$	6,438,028 106609
		General Services Fund Group				106610
1390	350602	Intra-Agency Service	\$	9,000	\$	9,000 106611
		Charges				
4590	350603	Library Service	\$	2,895,592	\$	3,039,342 106612
		Charges				
4S40	350604	Ohio Public Library	\$	5,702,150	\$	5,702,150 106613
		Information Network				
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194 106614
5GG0	350606	Gates Foundation	\$	500,000	\$	0 106615
		Grants				
		TOTAL GSF General Services				106616
		Fund Group	\$	10,380,936	\$	10,024,686 106617
		Federal Special Revenue Fund Group				106618
3130	350601	LSTA Federal	\$	5,543,747	\$	5,543,747 106619
		TOTAL FED Federal Special Revenue				106620
		Fund Group	\$	5,543,747	\$	5,543,747 106621
		TOTAL ALL BUDGET FUND GROUPS	\$	22,362,711	\$	22,006,461 106622

OHIOANA RENTAL PAYMENTS	106623
The foregoing appropriation item 350401, Ohioana Rental	106624
Payments, shall be used to pay the rental expenses of the Martha	106625
Kinney Cooper Ohioana Library Association under section 3375.61 of	106626
the Revised Code.	106627
REGIONAL LIBRARY SYSTEMS	106628
The foregoing appropriation item 350502, Regional Library	106629
Systems, shall be used to support regional library systems	106630
eligible for funding under sections 3375.83 and 3375.90 of the	106631
Revised Code.	106632
OHIO PUBLIC LIBRARY INFORMATION NETWORK	106633
(A) The foregoing appropriation item 350604, Ohio Public	106634
Library Information Network, shall be used for an information	106635
telecommunications network linking public libraries in the state	106636
and such others as may participate in the Ohio Public Library	106637
Information Network (OPLIN).	106638
The Ohio Public Library Information Network Board of Trustees	106639
created under section 3375.65 of the Revised Code may make	106640
decisions regarding use of the foregoing appropriation item	106641
350604, Ohio Public Library Information Network.	106642
(B) Of the foregoing appropriation item 350604, Ohio Public	106643
Library Information Network, up to \$81,000 in each fiscal year	106644
shall be used to help local libraries use filters to screen out	106645
obscene and illegal internet materials.	106646
The OPLIN Board shall research and assist or advise local	106647
libraries with regard to emerging technologies and methods that	106648
may be effective means to control access to obscene and illegal	106649
materials. The OPLIN Executive Director shall provide biannual	106650
written reports to the Governor, the Speaker and Minority Leader	106651
of the House of Representatives, and the President and Minority	106652

Leader of the Senate on any steps being taken by OPLIN and public 106653
libraries in the state to limit and control such improper usage as 106654
well as information on technological, legal, and law enforcement 106655
trends nationally and internationally affecting this area of 106656
public access and service. 106657

(C) The Ohio Public Library Information Network, INFOhio, and 106658
OhioLINK shall, to the extent feasible, coordinate and cooperate 106659
in their purchase or other acquisition of the use of electronic 106660
databases for their respective users and shall contribute funds in 106661
an equitable manner to such effort. 106662

LIBRARY FOR THE BLIND 106663

The foregoing appropriation item 350605, Library for the 106664
Blind, shall be used for the statewide Talking Book Program to 106665
assist the blind and disabled. 106666

TRANSFER TO OPLIN TECHNOLOGY FUND 106667

Notwithstanding sections 5747.03 and 5747.47 of the Revised 106668
Code and any other provision of law to the contrary, in accordance 106669
with a schedule established by the Director of Budget and 106670
Management, the Director of Budget and Management shall transfer 106671
\$3,702,150 cash in each fiscal year from the Public Library Fund 106672
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 106673

TRANSFER TO LIBRARY FOR THE BLIND FUND 106674

Notwithstanding sections 5747.03 and 5747.47 of the Revised 106675
Code and any other provision of law to the contrary, in accordance 106676
with a schedule established by the Director of Budget and 106677
Management, the Director of Budget and Management shall transfer 106678
\$1,274,194 cash in each fiscal year from the Public Library Fund 106679
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 106680

Section 325.10. LCO LIQUOR CONTROL COMMISSION 106681

Liquor Control Fund Group 106682

7043 970321	Operating Expenses	\$	772,524	\$	797,524	106683
TOTAL LCF	Liquor Control Fund Group	\$	772,524	\$	797,524	106684
TOTAL ALL BUDGET FUND GROUPS		\$	772,524	\$	797,524	106685

Section 327.10. LOT STATE LOTTERY COMMISSION 106687

State Lottery Fund Group						106688
2310 950604	Charitable Gaming	\$	2,378,000	\$	2,378,000	106689
	Oversight					
7044 950100	Personal Services	\$	31,487,285	\$	31,237,206	106690
7044 950200	Maintenance	\$	14,578,155	\$	14,652,155	106691
7044 950300	Equipment	\$	4,058,420	\$	3,603,920	106692
7044 950402	Advertising Contracts	\$	23,548,000	\$	23,548,000	106693
7044 950403	Gaming Contracts	\$	47,978,749	\$	48,756,010	106694
7044 950500	Problem Gambling	\$	350,000	\$	350,000	106695
	Subsidy					
7044 950601	Direct Prize Payments	\$	124,426,168	\$	124,884,039	106696
8710 950602	Annuity Prizes	\$	89,935,565	\$	89,415,976	106697
TOTAL SLF State Lottery Fund						106698
Group		\$	338,740,342	\$	338,825,306	106699
TOTAL ALL BUDGET FUND GROUPS		\$	338,740,342	\$	338,825,306	106700

OPERATING EXPENSES 106701

Notwithstanding sections 127.14 and 131.35 of the Revised 106702
 Code, the Controlling Board may, at the request of the State 106703
 Lottery Commission, authorize expenditures from the State Lottery 106704
 Fund in excess of the amounts appropriated, up to a maximum of 15 106705
 per cent of anticipated total revenue accruing from the sale of 106706
 lottery tickets. Upon the approval of the Controlling Board, the 106707
 additional amounts are hereby appropriated. 106708

DIRECT PRIZE PAYMENTS 106709

Any amounts, in addition to the amounts appropriated in 106710
 appropriation item 950601, Direct Prize Payments, that the 106711
 Director of the State Lottery Commission determines to be 106712

necessary to fund prizes, bonuses, and commissions are hereby 106713
 appropriated. 106714

ANNUITY PRIZES 106715

Upon request of the State Lottery Commission, the Director of 106716
 Budget and Management may transfer cash from the State Lottery 106717
 Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 106718
 an amount sufficient to fund deferred prizes. The Treasurer of 106719
 State, from time to time, shall credit the Deferred Prizes Trust 106720
 Fund (Fund 8710) the pro rata share of interest earned by the 106721
 Treasurer of State on invested balances. 106722

Any amounts, in addition to the amounts appropriated in 106723
 appropriation item 950602, Annuity Prizes, that the Director of 106724
 the State Lottery Commission determines to be necessary to fund 106725
 deferred prizes and interest earnings are hereby appropriated. 106726

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 106727

The Director of Budget and Management shall transfer an 106728
 amount greater than or equal to \$705,000,000 in fiscal year 2010 106729
 and \$711,000,000 in fiscal year 2011 from the State Lottery Fund 106730
 to the Lottery Profits Education Fund (Fund 7017). Transfers from 106731
 the State Lottery Fund to the Lottery Profits Education Fund shall 106732
 represent the estimated net income from operations for the 106733
 Commission in fiscal year 2010 and fiscal year 2011. Transfers by 106734
 the Director of Budget and Management to the Lottery Profits 106735
 Education Fund shall be administered as the statutes direct. 106736

Section 329.10. MHC MANUFACTURED HOMES COMMISSION 106737

General Services Fund Group				106738
4K90 996609 Operating Expenses	\$	434,671	\$ 434,671	106739
TOTAL GSF General Services				106740
Fund Group	\$	434,671	\$ 434,671	106741
TOTAL ALL BUDGET FUND GROUPS	\$	434,671	\$ 434,671	106742

Section 331.10. MED STATE MEDICAL BOARD				106744
General Services Fund Group				106745
5C60 883609	Operating Expenses	\$ 8,341,545	\$ 8,341,545	106746
TOTAL GSF General Services				106747
Fund Group		\$ 8,341,545	\$ 8,341,545	106748
TOTAL ALL BUDGET FUND GROUPS				106749
 Section 333.10. AMB MEDICAL TRANSPORTATION BOARD				106751
General Services Fund Group				106752
4K90 915604	Operating Expenses	\$ 473,450	\$ 473,450	106753
TOTAL GSF General Services				106754
Fund Group		\$ 473,450	\$ 473,450	106755
TOTAL ALL BUDGET FUND GROUPS				106756
 Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH				106758
General Revenue Fund				106759
GRF 332401	Forensic Services	\$ 3,904,972	\$ 3,904,972	106760
GRF 333321	Central Administration	\$ 19,204,000	\$ 17,204,000	106761
GRF 333402	Resident Trainees	\$ 637,460	\$ 637,460	106762
GRF 333403	Pre-Admission Screening Expenses	\$ 650,135	\$ 650,135	106763
GRF 333415	Lease-Rental Payments	\$ 21,626,800	\$ 22,360,300	106764
GRF 333416	Research Program Evaluation	\$ 701,086	\$ 701,086	106765
GRF 334408	Community and Hospital Mental Health Services	\$ 383,724,688	\$ 383,724,688	106766
GRF 334506	Court Costs	\$ 781,322	\$ 781,322	106767
GRF 335404	Behavioral Health Services-Children	\$ 7,460,800	\$ 7,460,800	106768

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

GRF	335405	Family & Children First	\$	2,322,000	\$	2,322,000	106769
GRF	335419	Community Medication Subsidy	\$	9,959,798	\$	9,959,798	106770
GRF	335505	Local Mental Health Systems of Care	\$	85,510,483	\$	65,097,856	106771
GRF	335636	Local MH Subsidy - Federal Stimulus	\$	0	\$	27,697,699	106772
TOTAL GRF		General Revenue Fund	\$	597,350,115	\$	622,247,385	106773
		General Services Fund Group					106774
1490	333609	Central Office Operating	\$	1,350,000	\$	1,350,000	106775
1490	334609	Hospital - Operating Expenses	\$	28,700,000	\$	29,200,000	106776
1500	334620	Special Education	\$	150,000	\$	150,000	106777
4P90	335604	Community Mental Health Projects	\$	250,000	\$	250,000	106778
1510	336601	Office of Support Services	\$	159,279,140	\$	170,258,490	106779
TOTAL GSF		General Services Fund Group	\$	189,729,140	\$	201,208,490	106780
		Federal Special Revenue Fund Group					106781
3240	333605	Medicaid/Medicare	\$	154,500	\$	154,500	106782
3A60	333608	Community and Hospital Services	\$	140,000	\$	140,000	106783
3A70	333612	Social Services Block Grant	\$	25,000	\$	25,000	106784
3A80	333613	Federal Grant - Administration	\$	4,888,105	\$	4,888,105	106785
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	106786

3B10	333635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	106787
3240	334605	Medicaid/Medicare	\$	25,200,000	\$	30,200,000	106788
3A60	334608	Federal Miscellaneous	\$	586,224	\$	586,224	106789
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	106790
3B00	334617	Elementary/Secondary Education Act	\$	182,334	\$	182,334	106791
3A60	335608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	106792
3A70	335612	Social Services Block Grant	\$	8,632,288	\$	8,632,288	106793
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,595,040	\$	2,595,040	106794
3A90	335614	Mental Health Block Grant	\$	14,220,930	\$	14,220,930	106795
3B10	335635	Community Medicaid Expansion	\$	362,770,242	\$	345,067,320	106796
TOTAL FED	FED	Federal Special Revenue Fund Group	\$	436,213,514	\$	423,510,592	106797
		State Special Revenue Fund Group					106798
2320	333621	Family and Children First Administration	\$	725,000	\$	725,000	106799
4850	333632	Mental Health Operating	\$	134,233	\$	134,233	106800
4X50	333607	Behavioral Health Medicaid Services	\$	3,000,624	\$	3,000,624	106801
5V20	333611	Non-Federal Miscellaneous	\$	560,000	\$	560,000	106802
4850	334632	Mental Health Operating	\$	2,400,000	\$	2,400,000	106803
6920	334636	Community Mental Health Board Risk	\$	80,000	\$	80,000	106804

	Fund				
5AU0	335615	Behavioral Healthcare	\$	6,690,000	\$ 6,690,000 106805
5CH0	335622	Residential Support	\$	1,500,000	\$ 1,500,000 106806
		Service			
6320	335616	Community Capital	\$	700,000	\$ 700,000 106807
		Replacement			
TOTAL SSR		State Special Revenue	\$	15,789,857	\$ 15,789,857 106808
		Fund Group			
TOTAL ALL BUDGET		FUND GROUPS	\$	1,239,082,626	\$ 1,262,756,324 106809

Section 335.10.10. FORENSIC SERVICES 106811

The foregoing appropriation item 332401, Forensic Services, 106812
shall be used to provide psychiatric services to courts of common 106813
pleas. The appropriation shall be allocated through community 106814
mental health boards to certified community agencies and shall be 106815
distributed according to the criteria delineated in rule 106816
5122:32-01 of the Administrative Code. These community forensic 106817
funds may also be used to provide forensic training to community 106818
mental health boards and to forensic psychiatry residency programs 106819
in hospitals operated by the Department of Mental Health and to 106820
provide evaluations of patients of forensic status in facilities 106821
operated by the Department of Mental Health prior to conditional 106822
release to the community. 106823

In addition, appropriation item 332401, Forensic Services, 106824
may be used to support projects involving mental health or 106825
substance abuse, to assist courts and law enforcement to identify 106826
and develop appropriate alternative services to incarceration for 106827
nonviolent mentally ill offenders, and to provide specialized 106828
re-entry services to offenders leaving prisons and jails. Funds 106829
may also be used to provide forensic monitoring and tracking in 106830
addition to community programs serving persons of forensic status 106831
on conditional release or probation. 106832

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 106833

The foregoing appropriation item 333402, Resident Trainees, 106834
shall be used to fund training agreements entered into by the 106835
Director of Mental Health for the development of curricula and the 106836
provision of training programs to support public mental health 106837
services. 106838

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 106839

The foregoing appropriation item 333403, Pre-Admission 106840
Screening Expenses, shall be used to ensure that uniform statewide 106841
methods for pre-admission screening are in place for persons who 106842
have severe mental illness and are referred for long-term Medicaid 106843
certified nursing facility placement. Pre-admission screening 106844
includes the following activities: pre-admission assessment, 106845
consideration of continued stay requests, discharge planning and 106846
referral, and adjudication of appeals and grievance procedures. 106847
106848

Section 335.20.30. LEASE-RENTAL PAYMENTS 106849

The foregoing appropriation item 333415, Lease-Rental 106850
Payments, shall be used to meet all payments during the period 106851
from July 1, 2009, to June 30, 2011, by the Department of Mental 106852
Health under leases and agreements made under section 154.20 of 106853
the Revised Code. These appropriations are the source of funds 106854
pledged for bond service charges on obligations issued pursuant to 106855
Chapter 154. of the Revised Code. 106856

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 106857

The Department of Mental Health shall administer specified 106858
Medicaid services as delegated by the Department of Job and Family 106859
Services in an interagency agreement. The foregoing appropriation 106860

item 333607, Behavioral Health Medicaid Services, may be used to 106861
make payments for free-standing psychiatric hospital inpatient 106862
services as defined in an interagency agreement with the 106863
Department of Job and Family Services. 106864

Section 335.30.10. COMMUNITY MENTAL HEALTH BOARD RISK FUND 106865

The foregoing appropriation item 334636, Community Mental 106866
Health Board Risk Fund, shall be used to make payments under 106867
section 5119.62 of the Revised Code. 106868

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN 106869

The foregoing appropriation item 335404, Behavioral Health 106870
Services-Children, shall be used to provide behavioral health 106871
services for children and their families. Behavioral health 106872
services include mental health and alcohol and other drug 106873
treatment services and other necessary supports. 106874

The foregoing appropriation item 335404, Behavioral Health 106875
Services-Children, shall be distributed to boards of alcohol, drug 106876
addiction, and mental health services, including community mental 106877
health boards and alcohol and drug addiction boards, based upon a 106878
distribution formula approved by the Director of Mental Health. 106879
These moneys shall be used in accordance with the board's 106880
applicable plan or plans developed under sections 340.03 and 106881
340.033 of the Revised Code and in collaboration with the local 106882
family and children first council. Collaboration with the local 106883
council shall be conducted through a process defined by a system 106884
of care guidance as approved by the Ohio Family and Children First 106885
Cabinet Council. 106886

Section 335.40.15. FAMILY AND CHILDREN FIRST 106887

(A) As used in this section: 106888

(1) "At-risk individual" means an individual at great risk of 106889

not being able to access available health and social services due 106890
to barriers such as poverty, inadequate transportation, culture, 106891
and priorities of basic survival. 106892

(2) "Care coordination agency" means a person or government 106893
entity that assists at-risk individuals access available health 106894
and social services the at-risk individuals need. 106895

(3) "Regional care coordination hub" means each of the 106896
following: 106897

(a) Toledo/Lucas County CareNet; 106898

(b) Health Care Access Now in Cincinnati; 106899

(c) Community Health Access Project in Richland County. 106900

(B) Of the foregoing appropriation item 335405, Family & 106901
Children First, \$130,000 in each fiscal year shall be provided to 106902
Toledo/Lucas County CareNet; \$130,000 in each fiscal year shall be 106903
provided to Health Care Access Now in Cincinnati; and, \$130,000 in 106904
each fiscal year shall be provided to the Community Health Access 106905
Project in Richland County. Each regional care coordination hub 106906
shall use the money to do all of the following: 106907

(1) Help a care coordination agency that volunteers to work 106908
with the regional care coordination hub do both of the following: 106909

(a) Identify at-risk individuals; 106910

(b) Eliminate duplicate care coordination services provided 106911
to at-risk individuals the hub helps the care coordination agency 106912
identify. 106913

(2) Collect the following information from a care 106914
coordination agency for each at-risk individual the hub helps the 106915
agency identify: 106916

(a) Whether the agency succeeded in enrolling the at-risk 106917
individual in the agency's care coordination services; 106918

(b) The duplicate care coordination services for the at-risk individual that were eliminated;	106919 106920
(c) The health and social services the at-risk individual needs;	106921 106922
(d) The barriers the at-risk individual has to accessing the health and social services the individual needs;	106923 106924
(e) Whether the agency succeeded in helping the at-risk individual access the health and social services the individual needs;	106925 106926 106927
(f) The outcomes of the health and social services the at risk individual accessed.	106928 106929
(3) Compile the information collected under division (B)(2) of this section and provide it to the regional care coordination hub's governing board and the Ohio Children and Family First Cabinet Council.	106930 106931 106932 106933
(C) Of the foregoing appropriation item 335405, Family & Children First, \$124,000 in each fiscal year shall be used by the Ohio Family and Children First Cabinet Council to provide support services to the three regional care coordination hubs, to facilitate the delivery of information from the regional care coordination hubs to the Ohio Family and Children First Cabinet Council, and to help improve care coordination services based on information from the regional care coordination hubs.	106934 106935 106936 106937 106938 106939 106940 106941
Section 335.40.20. COMMUNITY MEDICATION SUBSIDY	106942
The foregoing appropriation item 335419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs.	106943 106944 106945 106946 106947

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE				106948
Of the foregoing appropriation item 335505, Local Mental				106949
Health Systems of Care, \$669,912 in fiscal year 2010 and \$791,286				106950
in fiscal year 2011 shall be provided to alcohol, drug addiction,				106951
and mental health services boards and community mental health				106952
boards to pay the nonfederal share of the one-half of one per cent				106953
increase in the Medicaid reimbursement rate ceilings for				106954
Medicaid-covered community behavioral health services provided for				106955
under the section of this act titled "INCREASE IN MEDICAID RATES				106956
FOR COMMUNITY BEHAVIORAL HEALTH SERVICES."				106957
The remainder of foregoing appropriation item 335505, Local				106958
Mental Health Systems of Care, shall be used for mental health				106959
services provided by community mental health boards in accordance				106960
with a community mental health plan submitted under section 340.03				106961
of the Revised Code and as approved by the Department of Mental				106962
Health.				106963
 Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND				106964
DEVELOPMENTAL DISABILITIES				106965
General Revenue Fund				106966
GRF	320321	Central	\$ 5,485,500 \$ 5,485,500	106967
Administration				
GRF	320412	Protective Services	\$ 2,558,619 \$ 2,558,619	106968
GRF	320415	Lease-Rental Payments	\$ 21,626,800 \$ 22,360,300	106969
GRF	322413	Residential and	\$ 5,854,555 \$ 5,854,555	106970
Support Services				
GRF	322416	Medicaid Waiver -	\$ 76,940,156 \$ 96,995,649	106971
State Match				
GRF	322451	Family Support	\$ 6,591,953 \$ 6,591,953	106972
Services				
GRF	322501	County Boards	\$ 82,093,807 \$ 49,338,483	106973

		Subsidies				
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000 106974
GRF	322504	Martin Settlement	\$	36,841,819	\$	36,841,819 106975
GRF	322646	MR/DD Subsidy -	\$	0	\$	23,185,824 106976
		Federal Stimulus				
GRF	322647	ICF/MR Franchise Fee	\$	5,600,000	\$	7,500,000 106977
		- Developmental				
		Centers				
GRF	323321	Developmental Center	\$	72,874,333	\$	80,147,778 106978
		and Residential				
		Facilities Operation				
		Expenses				
TOTAL GRF		General Revenue Fund	\$	330,467,542	\$	350,860,480 106979
		General Services Fund Group				106980
4880	322603	Provider Audit	\$	10,000	\$	10,000 106981
		Refunds				
1520	323609	Developmental Center	\$	2,500,000	\$	2,600,000 106982
		and Residential				
		Operating Services				
TOTAL GSF		General Services Fund	\$	2,510,000	\$	2,610,000 106983
		Group				
		Federal Special Revenue Fund Group				106984
3A50	320613	DD Council	\$	2,891,473	\$	2,963,760 106985
3250	322612	Community Social	\$	10,494,451	\$	10,494,451 106986
		Service Programs				
3G60	322639	Medicaid Waiver -	\$	759,888,829	\$	745,540,748 106987
		Federal				
3M70	322650	CAFS Medicaid	\$	28,465,980	\$	29,349,502 106988
3A40	323605	Developmental Center	\$	167,503,941	\$	162,857,712 106989
		and Residential				
		Facility Services and				
		Support				

TOTAL FED Federal Special Revenue	\$	969,244,674	\$	951,206,173	106990
Fund Group					
State Special Revenue Fund Group					106991
5GE0 320606 Operating and	\$	3,760,504	\$	7,521,008	106992
Services					
2210 322620 Supplement Service	\$	150,000	\$	150,000	106993
Trust					
4K80 322604 Medicaid Waiver -	\$	12,000,000	\$	12,000,000	106994
State Match					
5CT0 322632 Intensive Behavioral	\$	1,000,000	\$	1,000,000	106995
Needs					
5DJ0 322625 Targeted Case	\$	14,881,985	\$	13,716,454	106996
Management Match					
5DJ0 322626 Targeted Case	\$	29,926,640	\$	31,123,705	106997
Management Services					
5DK0 322629 Capital Replacement	\$	750,000	\$	750,000	106998
Facilities					
5EV0 322627 Program Fees	\$	700,000	\$	700,000	106999
5H00 322619 Medicaid Repayment	\$	150,000	\$	150,000	107000
5Z10 322624 County Board Waiver	\$	158,648,995	\$	169,754,424	107001
Match					
4890 323632 Developmental Center	\$	15,395,774	\$	15,395,684	107002
Direct Care Support					
5S20 590622 Medicaid	\$	17,585,557	\$	18,214,835	107003
Administration &					
Oversight					
TOTAL SSR State Special Revenue	\$	254,949,455	\$	270,476,110	107004
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,557,171,671	\$	1,575,152,763	107005

Section 337.20.10. LEASE-RENTAL PAYMENTS 107007

The foregoing appropriation item 320415, Lease-Rental 107008

Payments, shall be used to meet all payments at the time they are 107009

required to be made during the period from July 1, 2009, to June 30, 2011, by the Department of Mental Retardation and Developmental Disabilities under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code.

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES

The Department of Mental Retardation and Developmental Disabilities may designate a portion of appropriation item 322413, Residential and Support Services, for Sermak Class Services used to implement the requirements of the agreement settling the consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division.

Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS

The foregoing appropriation item 322413, Residential Support Services, may be used for residential and support service programs, developed by the Department of Mental Retardation and Developmental Disabilities, that enable persons with mental retardation and developmental disabilities to live in the community.

Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF)

Except as otherwise provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 322416, Medicaid Waiver - State Match, shall be used include the following:

(A) Home and community-based waiver services under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301,

as amended. 107039

(B) To pay the nonfederal share of the cost of one or more 107040
new intermediate care facilities for the mentally retarded 107041
certified beds, if the Director of Mental Retardation and 107042
Developmental Disabilities is required by this act to transfer to 107043
the Director of Job and Family Services funds to pay such 107044
nonfederal share. 107045

Section 337.30.40. FISCAL PLAN FOR HOME AND COMMUNITY-BASED 107046
WAIVER SERVICES 107047

Not later than December 31, 2009, the Director of Mental 107048
Retardation and Developmental Disabilities shall submit a plan to 107049
the Director of Job and Family Services with recommendations for 107050
actions to be taken addressing the fiscal sustainability of home 107051
and community-based services as defined in section 5123.01 of the 107052
Revised Code. The plan may include recommendations for all of the 107053
following: 107054

(A) Changing the ranges in the amount the Medicaid program 107055
will pay per individual for the home and community-based services; 107056

(B) Establishing one or more maximum amounts that the 107057
Medicaid program will pay per individual for the home and 107058
community-based services; 107059

(C) Modifying the methodology used in establishing payment 107060
rates for providers, including the methodology's component that 107061
reflects wages and benefits for persons providing direct care and 107062
the component that reflects training and direct supervision of 107063
those persons. 107064

Section 337.30.50. STATE SUBSIDY TO COUNTY MR/DD BOARDS 107065

Except as otherwise provided in the section of this act 107066
titled "Nonfederal Share of New ICF/MR Beds," the Director of 107067

Mental Retardation and Developmental Disabilities, in consultation 107068
with the county boards of mental retardation and developmental 107069
disabilities, shall develop a formula for allocating the foregoing 107070
appropriation item 322501, County Boards Subsidies, to each board. 107071
The Department shall distribute this subsidy to county boards in 107072
quarterly installments. 107073

Except as otherwise provided in section 5126.0511 of the 107074
Revised Code, county boards shall use the subsidy for early 107075
childhood services and adult services provided under section 107076
5126.05 of the Revised Code, service and support administration 107077
provided under section 5126.15 of the Revised Code, and supported 107078
living as defined in section 5126.01 of the Revised Code. 107079

Section 337.30.60. COUNTY BOARD SHARE OF WAIVER SERVICES 107080

As used in this section, "home and community-based services" 107081
has the same meaning as in section 5123.01 of the Revised Code. 107082

The Director of Mental Retardation and Developmental 107083
Disabilities shall establish a methodology to be used in state 107084
fiscal years 2010 and 2011 to estimate the quarterly amount each 107085
county board of mental retardation and developmental disabilities 107086
is to pay of the nonfederal share of home and community-based 107087
services that section 5126.0510 of the Revised Code requires 107088
county boards to pay. Each quarter, the Director shall submit to a 107089
county board written notice of the amount the county board is to 107090
pay for that quarter. The notice shall specify when the payment is 107091
due. 107092

If a county board fails to make the full payment by the time 107093
it is due, the Director of Mental Retardation and Developmental 107094
Disabilities may withhold the amount the county board fails to pay 107095
from one or more of the state subsidies that the Department of 107096
Mental Retardation and Developmental Disabilities would otherwise 107097
provide to the county board. Each quarter, the Director may use 107098

one or more of the following appropriation items to transfer cash 107099
from the General Revenue Fund to the County Board Waiver Match 107100
Fund (Fund 5Z10) equal to the amount the county board failed to 107101
pay: 107102

(A) Appropriation item 322413, Residential and Support 107103
Services; 107104

(B) Appropriation item 322451, Family Support Services; 107105

(C) Appropriation item 322501, County Boards Subsidies; 107106

(D) Appropriation item 322503, Tax Equity. 107107

Transfers shall be made using an intrastate transfer voucher. 107108

Section 337.30.70. TAX EQUITY 107109

Notwithstanding section 5126.18 of the Revised Code, if the 107110
Director of Mental Retardation and Developmental Disabilities 107111
determines that there is sufficient appropriation available, the 107112
foregoing appropriation item 322503, Tax Equity, shall be used to 107113
pay each county board of mental retardation and developmental 107114
disabilities an amount that is equal to the amount the board 107115
received for fiscal year 2009. If the Director determines that 107116
there is not sufficient appropriation available for this purpose, 107117
the Department shall pay to each county board an amount that is 107118
proportionate to the amount the board received for fiscal year 107119
2009. Proportionality shall be determined by dividing the total 107120
tax equity payments distributed to county boards for fiscal year 107121
2009 by the tax equity payment a county board received for fiscal 107122
year 2009. 107123

Section 337.30.80. MEDICAID WAIVER - STATE MATCH (FUND 4K80) 107124

The foregoing appropriation item 322604, Medicaid Waiver - 107125
State Match (Fund 4K80), shall be used as state matching funds for 107126
home and community-based waivers. 107127

Section 337.30.85. ICF/MR CONVERSION 107128

(A) As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 107129
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(B) For each quarter of the biennium, the Director of Mental Retardation and Developmental Disabilities shall certify to the Director of Budget and Management the estimated amount needed to fund the provision of home and community-based services made available by the slots sought under section 5111.877 of the Revised Code. On receipt of certification, the Director of Budget and Management shall transfer the estimated amount in cash from the General Revenue Fund to the Home and Community-Based Services/Mental Retardation Fund (Fund 4K80), used by the Department of Mental Retardation and Developmental Disabilities. Upon completion of the transfer, appropriation item 600525, Health Care/Medicaid, is hereby reduced by the amount transferred under this section plus the corresponding federal share. The amount transferred to Fund 4K80 is hereby appropriated to appropriation item 322604, Medicaid Waiver - State Match. 107132
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(C) If receipts credited to the Medicaid Waiver Fund (Fund 3G60) exceed the amounts appropriated from the fund, the Director of Mental Retardation and Developmental Disabilities may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 107147
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(D) If receipts credited to the Interagency Reimbursement Fund (Fund 3G50) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the 107154
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Director of Budget and Management, the additional amounts are 107159
hereby appropriated. 107160

Section 337.30.90. TARGETED CASE MANAGEMENT SERVICES 107161

County boards of mental retardation and developmental 107162
disabilities shall pay the nonfederal portion of targeted case 107163
management costs to the Department of Mental Retardation and 107164
Developmental Disabilities. The Director of Mental Retardation and 107165
Developmental Disabilities shall withhold any amount owed to the 107166
Department from subsequent payments from any appropriation item or 107167
money otherwise due to a nonpaying county. 107168

The Directors of Mental Retardation and Developmental 107169
Disabilities and Job and Family Services may enter into an 107170
interagency agreement under which the Department of Mental 107171
Retardation and Developmental Disabilities shall transfer cash to 107172
the Department of Job and Family Services equal to the nonfederal 107173
portion of the cost of targeted case management services paid by 107174
county boards and the Department of Job and Family Services shall 107175
pay the total cost of targeted case management claims. The 107176
transfer shall be made using an intrastate transfer voucher. 107177

Section 337.31.10. TRANSFER TO PROGRAM FEE FUND 107178

On July 1, 2009, or as soon as possible thereafter, the 107179
Director of Mental Retardation and Developmental Disabilities 107180
shall request that the Director of Budget and Management transfer 107181
the cash balance in the Conference/Training Fund (Fund 4B50) to 107182
the Program Fee Fund (Fund 5EV0). Upon completion of the transfer, 107183
Fund 4B50 is abolished. The Director of Mental Retardation and 107184
Developmental Disabilities shall cancel any existing encumbrances 107185
against appropriation item 320640, Training and Service 107186
Development, and re-establish them against appropriation item 107187
322627, Program Fees. The re-established encumbrances are hereby 107188

appropriated.	107189
Section 337.31.20. DEVELOPMENTAL CENTER BILLING FOR SERVICES	107190
Developmental centers of the Department of Mental Retardation	107191
and Developmental Disabilities may provide services to persons	107192
with mental retardation or developmental disabilities living in	107193
the community or to providers of services to these persons. The	107194
Department may develop a method for recovery of all costs	107195
associated with the provisions of these services.	107196
Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER	107197
PHARMACY PROGRAMS	107198
The Director of Mental Retardation and Developmental	107199
Disabilities shall transfer cash to the Department of Job and	107200
Family Services quarterly, in an amount equal to the nonfederal	107201
share of Medicaid prescription drug claim costs for all	107202
developmental centers paid by the Department of Job and Family	107203
Services. The quarterly transfer shall be made using an intrastate	107204
transfer voucher.	107205
Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT	107206
SERVICES	107207
Any county funds received by the Department of Mental	107208
Retardation and Developmental Disabilities from county boards for	107209
active treatment shall be deposited in the Mental Retardation	107210
Operating Fund (Fund 4890).	107211
Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS	107212
(A) As used in this section, "intermediate care facility for	107213
the mentally retarded" has the same meaning as in section 5111.20	107214
of the Revised Code.	107215
(B) If one or more new beds obtain certification as an	107216

intermediate care facility for the mentally retarded bed on or 107217
after July 1, 2009, the Director of Mental Retardation and 107218
Developmental Disabilities shall transfer cash to the Department 107219
of Job and Family Services to pay the nonfederal share of the cost 107220
under the Medicaid Program for those beds. The transfer shall be 107221
made using an intrastate transfer voucher. Except as otherwise 107222
provided in section 5123.0416 of the Revised Code, the Director 107223
shall use only the following appropriation items for the transfer: 107224

(1) Appropriation item 322416, Medicaid Waiver - State Match; 107225
107226

(2) Appropriation item 322501, County Boards Subsidies. 107227

(C) If the beds are located in a county served by a county 107228
board of mental retardation and developmental disabilities that 107229
initiates or supports the beds' certification, the cash that the 107230
Director transfers under division (B) of this section shall be 107231
moneys that the Director has allocated to the county board serving 107232
the county in which the beds are located unless the amount of the 107233
allocation is insufficient to pay the entire nonfederal share of 107234
the cost under the Medicaid Program for those beds. If the 107235
allocation is insufficient, the Director shall use as much of such 107236
moneys allocated to other counties as is needed to make up the 107237
difference. 107238

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 107239

General Revenue Fund 107240

GRF 149321 Operating Expenses \$ 740,998 \$ 749,998 107241

GRF 149501 Minority Health \$ 1,250,440 \$ 1,241,440 107242

Grants

GRF 149502 Lupus Program \$ 364,632 \$ 364,632 107243

TOTAL GRF General Revenue Fund \$ 2,356,070 \$ 2,356,070 107244

Federal Special Revenue Fund Group 107245

3J90 149602	Federal Grants	\$	179,250	\$	179,250	107246
TOTAL FED Federal Special Revenue						107247
Fund Group		\$	179,250	\$	179,250	107248
State Special Revenue Fund Group						107249
4C20 149601	Minority Health	\$	47,500	\$	47,500	107250
Conference						
TOTAL SSR State Special Revenue						107251
Fund Group		\$	47,500	\$	47,500	107252
TOTAL ALL BUDGET FUND GROUPS						107253
LUPUS PROGRAM						107254
Of the foregoing appropriation item 149502, Lupus Program,						107255
\$250,000 in each fiscal year shall be used for additional lupus						107256
education and awareness activities.						107257
Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR						107258
REGISTRATION BOARD						107259
General Service Fund Group						107260
4K90 865601	Operating Expenses	\$	334,995	\$	334,995	107261
TOTAL GSF General Services						107262
Fund Group		\$	334,995	\$	334,995	107263
TOTAL ALL BUDGET FUND GROUPS						107264
Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES						107266
General Revenue Fund						107267
GRF 725401	Wildlife-GRF Central	\$	2,300,000	\$	2,300,000	107268
Support						
GRF 725413	Lease Rental Payments	\$	21,417,400	\$	21,556,500	107269
GRF 725423	Stream and Ground	\$	175,000	\$	175,000	107270
Water Gauging						
GRF 725456	Canal Lands	\$	300,000	\$	300,000	107271
GRF 725502	Soil and Water	\$	4,500,000	\$	900,000	107272
Districts						

GRF	725652	Natural Resources Operations	\$	4,886,947	\$	4,492,839	107273
GRF	725903	Natural Resources General Obligation Debt Service	\$	26,334,400	\$	26,549,400	107274
GRF	727321	Division of Forestry	\$	6,906,376	\$	6,906,376	107275
GRF	728321	Division of Geological Survey	\$	1,550,000	\$	1,550,000	107276
GRF	729321	Office of Information Technology	\$	350,000	\$	350,000	107277
GRF	730321	Division of Parks and Recreation	\$	36,119,971	\$	36,119,971	107278
GRF	736321	Division of Engineering	\$	3,000,000	\$	3,000,000	107279
GRF	737321	Division of Soil and Water Resources	\$	6,628,562	\$	6,628,562	107280
GRF	738321	Division of Real Estate and Land Management	\$	2,000,000	\$	2,000,000	107281
GRF	741321	Division of Natural Areas and Preserves	\$	2,339,873	\$	2,333,981	107282
GRF	744321	Division of Mineral Resources Management	\$	5,029,708	\$	4,152,364	107283
TOTAL GRF		General Revenue Fund	\$	123,838,237	\$	119,314,993	107284
		General Services Fund Group					107285
1550	725601	Departmental Projects	\$	2,235,462	\$	2,319,955	107286
1570	725651	Central Support Indirect	\$	6,500,000	\$	6,500,000	107287
2040	725687	Information Services	\$	4,200,000	\$	4,400,448	107288
2070	725690	Real Estate Services	\$	130,000	\$	132,000	107289
2230	725665	Law Enforcement Administration	\$	2,062,410	\$	2,062,410	107290
2270	725406	Parks Projects	\$	250,000	\$	250,000	107291

		Personnel				
4300	725671	Canal Lands	\$	916,541	\$	922,424 107292
4D50	725618	Recycled Materials	\$	100,000	\$	100,000 107293
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740 107294
4X80	725662	Water Resources	\$	138,900	\$	138,900 107295
		Council				
5080	725684	Natural Resources	\$	221,607	\$	177,295 107296
		Publications				
5100	725631	Maintenance -	\$	303,611	\$	303,611 107297
		State-owned				
		Residences				
5160	725620	Water Management	\$	2,931,513	\$	2,931,513 107298
6350	725664	Fountain Square	\$	3,715,398	\$	3,715,398 107299
		Facilities Management				
6970	725670	Submerged Lands	\$	1,072,011	\$	772,011 107300
		TOTAL GSF General Services				107301
		Fund Group	\$	25,190,193	\$	25,138,705 107302
		Federal Special Revenue Fund Group				107303
3320	725669	Federal Mine Safety	\$	258,102	\$	258,102 107304
		Grant				
3B30	725640	Federal Forest	\$	600,000	\$	600,000 107305
		Pass-Thru				
3B40	725641	Federal Flood	\$	700,000	\$	700,000 107306
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	14,307,667	\$	14,307,667 107307
		Mine Lands				
3B60	725653	Federal Land and	\$	2,000,000	\$	2,000,000 107308
		Water Conservation				
		Grants				
3B70	725654	Reclamation -	\$	2,394,565	\$	2,388,775 107309
		Regulatory				
3P00	725630	Natural Areas and	\$	215,000	\$	215,000 107310
		Preserves - Federal				

3P10	725632	Geological Survey - Federal	\$	689,506	\$	692,401	107311
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509	107312
3P30	725650	Coastal Management - Federal	\$	1,711,237	\$	1,711,237	107313
3P40	725660	Federal - Soil and Water Resources	\$	316,734	\$	316,734	107314
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	2,025,001	\$	2,025,001	107315
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	107316
TOTAL FED Federal Special Revenue							107317
Fund Group			\$	27,299,268	\$	27,299,426	107318
State Special Revenue Fund Group							107319
4J20	725628	Injection Well Review	\$	119,895	\$	119,996	107320
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	107321
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	107322
5090	725602	State Forest	\$	6,211,924	\$	6,211,924	107323
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	107324
5120	725605	State Parks Operations	\$	29,885,528	\$	29,885,528	107325
5140	725606	Lake Erie Shoreline	\$	1,074,113	\$	974,113	107326
5180	725643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,574,378	107327
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	107328
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	107329
5220	725656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	107330
5260	725610	Strip Mining Administration Fee	\$	3,267,587	\$	3,364,361	107331

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591	107332
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831	107333
5310	725648	Reclamation Forfeiture	\$	2,062,237	\$	2,062,237	107334
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	107335
5860	725633	Scrap Tire Program	\$	1,500,000	\$	1,500,000	107336
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	15,104,906	107337
5B30	725674	Mining Regulation	\$	28,850	\$	28,850	107338
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923	107339
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	107340
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	107341
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	107342
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	107343
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	107344
6150	725661	Dam Safety	\$	807,403	\$	807,403	107345
TOTAL SSR State Special Revenue							107346
Fund Group			\$	75,179,290	\$	79,552,897	107347
Clean Ohio Conservation Fund Group							107348
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000	107349
TOTAL CLF Clean Ohio Conservation							107350
Fund Group			\$	310,000	\$	310,000	107350
Wildlife Fund Group							107351
5P20	725634	Wildlife Boater Angler Administration	\$	2,000,000	\$	2,000,000	107352
7015	740401	Division of Wildlife	\$	58,614,436	\$	54,906,000	107353

		Conservation					
8150	725636	Cooperative	\$	120,449	\$	120,449	107354
		Management Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	107355
8170	725655	Wildlife Conservation	\$	2,800,000	\$	2,800,000	107356
		Checkoff Fund					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	107357
		Research					
8190	725685	Ohio River Management	\$	128,584	\$	128,584	107358
TOTAL WLF		Wildlife Fund Group	\$	66,130,354	\$	62,421,918	107359
		Waterways Safety Fund Group					107360
7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575	107361
7086	725418	Buoy Placement	\$	52,182	\$	52,182	107362
7086	725501	Waterway Safety	\$	137,867	\$	137,867	107363
		Grants					
7086	725506	Watercraft Marine	\$	576,153	\$	576,153	107364
		Patrol					
7086	725513	Watercraft	\$	366,643	\$	366,643	107365
		Educational Grants					
7086	739401	Division of	\$	19,949,181	\$	19,949,181	107366
		Watercraft					
TOTAL WSF		Waterways Safety Fund					107367
Group			\$	25,347,601	\$	25,347,601	107368
		Accrued Leave Liability Fund Group					107369
4M80	725675	FOP Contract	\$	20,844	\$	20,844	107370
TOTAL ALF		Accrued Leave					107371
Liability Fund Group			\$	20,844	\$	20,844	107372
		Holding Account Redistribution Fund Group					107373
R017	725659	Performance Cash Bond	\$	296,263	\$	296,263	107374
		Refunds					
R043	725624	Forestry	\$	2,000,000	\$	2,000,000	107375
TOTAL 090		Holding Account					107376

Redistribution Fund Group	\$	2,296,263	\$	2,296,263	107377
TOTAL ALL BUDGET FUND GROUPS	\$	345,612,050	\$	341,702,647	107378

Section 343.20. CENTRAL SUPPORT INDIRECT 107380

With the exception of the Division of Wildlife, whose direct 107381
and indirect central support charges shall be paid out of the 107382
General Revenue Fund from the foregoing appropriation item 725401, 107383
Wildlife-GRF Central Support, the Department of Natural Resources, 107384
with approval of the Director of Budget and Management, shall 107385
utilize a methodology for determining each division's payments 107386
into the Central Support Indirect Fund (Fund 1570). The 107387
methodology used shall contain the characteristics of 107388
administrative ease and uniform application in compliance with 107389
federal grant requirements. It may include direct cost charges for 107390
specific services provided. Payments to Fund 1570 shall be made 107391
using an intrastate transfer voucher. 107392

Section 343.20.10. FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 107393

The foregoing appropriation item 725652, Natural Resources 107394
Operations, shall be used to support services of the Department of 107395
Natural Resources consistent with funds received from the federal 107396
government for fiscal stabilization and recovery purposes. 107397
107398

Section 343.20.20. WELL LOG FILING FEES 107399

The Chief of the Division of Water shall deposit fees 107400
forwarded to the Division pursuant to section 1521.05 of the 107401
Revised Code into the Departmental Services - Intrastate Fund 107402
(Fund 1550) for the purposes described in that section. 107403

Section 343.30. LEASE RENTAL PAYMENTS 107404

The foregoing appropriation item 725413, Lease Rental 107405

Payments, shall be used to meet all payments at the times they are 107406
required to be made during the period from July 1, 2009, to June 107407
30, 2011, by the Department of Natural Resources pursuant to 107408
leases and agreements made under section 154.22 of the Revised 107409
Code. These appropriations are the source of funds pledged for 107410
bond service charges or obligations issued pursuant to Chapter 107411
154. of the Revised Code. 107412

CANAL LANDS 107413

The foregoing appropriation item 725456, Canal Lands, shall 107414
be used to transfer funds to the Canal Lands Fund (Fund 4300) to 107415
provide operating expenses for the State Canal Lands Program. The 107416
transfer shall be made using an intrastate transfer voucher and 107417
shall be subject to the approval of the Director of Budget and 107418
Management. 107419

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 107420

The foregoing appropriation item 725903, Natural Resources 107421
General Obligation Debt Service, shall be used to pay all debt 107422
service and related financing costs during the period July 1, 107423
2009, to June 30, 2011, on obligations issued under sections 107424
151.01 and 151.05 of the Revised Code. 107425

Section 343.30.10. FOUNTAIN SQUARE 107426

The foregoing appropriation item 725664, Fountain Square 107427
Facilities Management, shall be used for payment of repairs, 107428
renovation, utilities, property management, and building 107429
maintenance expenses for the Fountain Square complex. Cash 107430
transferred by intrastate transfer vouchers from various 107431
department funds and rental income received by the Department of 107432
Natural Resources shall be deposited into the Fountain Square 107433
Facilities Management Fund (Fund 6350). 107434

Section 343.40. SOIL AND WATER DISTRICTS 107435

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may use appropriation item 725502, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

The foregoing appropriation item 725683, Soil and Water Districts, shall be expended for the purposes described above, except that the funding source for this appropriation shall be fees applied on the disposal of construction and demolition debris and municipal solid waste as provided in section 1515.14 of the Revised Code.

OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

LITTER CONTROL AND RECYCLING

Of the foregoing appropriation item 725644, Litter Control and Recycling, up to \$1,500,000 may be used in each fiscal year

for the administration of the Recycling and Litter Prevention Program. 107467
107468

Section 343.40.10. CLEAN OHIO OPERATING EXPENSES 107469

The foregoing appropriation item 725405, Clean Ohio Operating, shall be used by the Department of Natural Resources in administering section 1519.05 of the Revised Code. 107470
107471
107472

Section 343.50. WATERCRAFT MARINE PATROL 107473

Of the foregoing appropriation item 739401, Division of Watercraft, up to \$200,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol. 107474
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Section 343.60. PARKS CAPITAL EXPENSES FUND 107484

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects. If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from appropriation item C725E6, Project Planning, in the Parks and Recreation Improvement Fund (Fund 7035), for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 107485
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7035 using an intrastate transfer voucher.					107496
NATUREWORKS CAPITAL EXPENSES FUND					107497
The Department of Natural Resources shall periodically					107498
prepare and submit to the Director of Budget and Management the					107499
estimated design, planning, and engineering costs of					107500
capital-related work to be done by Department of Natural Resources					107501
staff for each capital improvement project within the Ohio Parks					107502
and Natural Resources Fund (Fund 7031). If the Director of Budget					107503
and Management approves the estimated costs, the Director may					107504
release appropriations from appropriation item C725E5, Project					107505
Planning, in fund 7031, for those purposes. Upon release of the					107506
appropriations, the Department of Natural Resources shall pay for					107507
these expenses from the Capital Expenses Fund (Fund 4S90).					107508
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by					107509
using an intrastate transfer voucher.					107510
Section 345.10. NUR STATE BOARD OF NURSING					107511
General Services Fund Group					107512
4K90 884609 Operating Expenses	\$	5,661,280	\$	5,661,280	107513
5AC0 884602 Nurse Education Grant	\$	1,450,000	\$	1,450,000	107514
Program					
5P80 884601 Nursing Special	\$	5,000	\$	5,000	107515
Issues					
TOTAL GSF General Services					107516
Fund Group	\$	7,116,280	\$	7,116,280	107517
TOTAL ALL BUDGET FUND GROUPS	\$	7,116,280	\$	7,116,280	107518
NURSING SPECIAL ISSUES					107519
The foregoing appropriation item 884601, Nursing Special					107520
Issues (Fund 5P80), shall be used to pay the costs the Board of					107521
Nursing incurs in implementing section 4723.062 of the Revised					107522
Code.					107523

Section 347.10.	PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,				107524
	AND ATHLETIC TRAINERS BOARD				107525
	General Services Fund Group				107526
4K90 890609	Operating Expenses	\$	963,984	\$	963,984 107527
TOTAL GSF	General Services Fund	\$	963,984	\$	963,984 107528
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	963,984	\$	963,984 107529
Section 348.10.	OLA OHIOANA LIBRARY ASSOCIATION				107531
	General Revenue Fund				107532
GRF 355501	Library Subsidy	\$	160,000	\$	160,000 107533
TOTAL GRF	General Revenue Fund	\$	160,000	\$	160,000 107534
TOTAL ALL BUDGET FUND GROUPS		\$	160,000	\$	160,000 107535
Section 349.10.	ODB OHIO OPTICAL DISPENSERS BOARD				107537
	General Services Fund Group				107538
4K90 894609	Operating Expenses	\$	345,324	\$	345,324 107539
TOTAL GSF	General Services				107540
	Fund Group	\$	345,324	\$	345,324 107541
TOTAL ALL BUDGET FUND GROUPS		\$	345,324	\$	345,324 107542
Section 351.10.	OPT STATE BOARD OF OPTOMETRY				107544
	General Services Fund Group				107545
4K90 885609	Operating Expenses	\$	351,071	\$	351,071 107546
TOTAL GSF	General Services				107547
	Fund Group	\$	351,071	\$	351,071 107548
TOTAL ALL BUDGET FUND GROUPS		\$	351,071	\$	351,071 107549
Section 353.10.	OPP STATE BOARD OF ORTHOTICS, PROSTHETICS,				107551
	AND PEDORTHICS				107552
	General Services Fund Group				107553

4K90 973609	Operating Expenses	\$	116,260	\$	116,260	107554
TOTAL GSF General Services						107555
Fund Group		\$	116,260	\$	116,260	107556
TOTAL ALL BUDGET FUND GROUPS						107557

Section 355.10. UST PETROLEUM UNDERGROUND STORAGE TANK 107558

Agency Fund Group						107559
6910 810632	PUSTRCB Staff	\$	1,134,860	\$	1,144,627	107560
TOTAL AGY Agency Fund Group						107561
TOTAL ALL BUDGET FUND GROUPS						107562

Section 357.10. PRX STATE BOARD OF PHARMACY 107564

General Services Fund Group						107565
4A50 887605	Drug Law Enforcement	\$	75,500	\$	75,500	107566
4K90 887609	Operating Expenses	\$	5,251,032	\$	5,251,032	107567
TOTAL GSF General Services Fund						107568
Group						
Federal Special Revenue Fund Group						107569
3BC0 887604	Dangerous Drugs	\$	493,164	\$	500,891	107570
Database						
TOTAL FED Federal Special Revenue						107571
Fund Group						
TOTAL ALL BUDGET FUND GROUPS						107572

Section 359.10. PSY STATE BOARD OF PSYCHOLOGY 107574

General Services Fund Group						107575
4K90 882609	Operating Expenses	\$	566,000	\$	586,000	107576
TOTAL GSF General Services						107577
Fund Group		\$	566,000	\$	586,000	107578
TOTAL ALL BUDGET FUND GROUPS						107579

Section 361.10. PUB OHIO PUBLIC DEFENDER COMMISSION 107581

General Revenue Fund				107582
GRF	019321	Public Defender	\$ 772,500 \$ 612,600	107583
Administration				
GRF	019401	State Legal Defense	\$ 4,377,500 \$ 3,471,400	107584
Services				
GRF	019403	Multi-County: State	\$ 1,308,201 \$ 1,456,835	107585
Share				
GRF	019404	Trumbull County -	\$ 430,217 \$ 467,727	107586
State Share				
GRF	019405	Training Account	\$ 50,000 \$ 50,000	107587
GRF	019501	County Reimbursement	\$ 22,767,720 \$ 17,898,638	107588
TOTAL GRF	General Revenue Fund		\$ 29,706,138 \$ 23,957,200	107589
General Services Fund Group				107590
4070	019604	County Representation	\$ 196,650 \$ 207,143	107591
4080	019605	Client Payments	\$ 865,798 \$ 886,500	107592
5CX0	019617	Civil Case Filing Fee	\$ 743,076 \$ 772,121	107593
TOTAL GSF	General Services			107594
Fund Group			\$ 1,805,524 \$ 1,865,764	107595
Federal Special Revenue Fund Group				107596
3S80	019608	Federal	\$ 202,347 \$ 212,303	107597
Representation				
TOTAL FED	Federal Special Revenue			107598
Fund Group			\$ 202,347 \$ 212,303	107599
State Special Revenue Fund Group				107600
4C70	019601	Multi-County: County	\$ 2,227,056 \$ 2,384,210	107601
Share				
4X70	019610	Trumbull County -	\$ 732,393 \$ 765,467	107602
County Share				
5740	019606	Civil Legal Aid	\$ 30,000,000 \$ 30,000,000	107603
5DY0	019618	Indigent Defense	\$ 27,783,000 \$ 37,044,000	107604
Support - County				
Share				

5DY0 019619	Indigent Defense	\$	3,087,000	\$	4,116,000	107605
	Support Fund - State					
	Office					
TOTAL SSR	State Special Revenue					107606
Fund Group		\$	63,829,449	\$	74,309,677	107607
TOTAL ALL BUDGET FUND GROUPS		\$	95,543,458	\$	100,344,944	107608
	INDIGENT DEFENSE OFFICE					107609
	The foregoing appropriation items 019404, Trumbull County -					107610
	State Share, and 019610, Trumbull County - County Share, shall be					107611
	used to support an indigent defense office for Trumbull County.					107612
	MULTI-COUNTY OFFICE					107613
	The foregoing appropriation items 019403, Multi-County: State					107614
	Share, and 019601, Multi-County: County Share, shall be used to					107615
	support the Office of the Ohio Public Defender's Multi-County					107616
	Branch Office Program.					107617
	TRAINING ACCOUNT					107618
	The foregoing appropriation item 019405, Training Account,					107619
	shall be used by the Ohio Public Defender to provide legal					107620
	training programs at no cost for private appointed counsel who					107621
	represent at least one indigent defendant at no cost and for state					107622
	and county public defenders and attorneys who contract with the					107623
	Ohio Public Defender to provide indigent defense services.					107624
	FEDERAL REPRESENTATION					107625
	The foregoing appropriation item 019608, Federal					107626
	Representation, shall be used to receive reimbursements from the					107627
	federal courts when the Ohio Public Defender provides					107628
	representation in federal court cases and to support					107629
	representation in such cases.					107630
	Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO					107631
	General Services Fund Group					107632

5F60	870622	Utility and Railroad Regulation	\$	34,455,627	\$	34,455,627	107633
5F60	870624	NARUC/NRRI Subsidy	\$	158,000	\$	158,000	107634
5F60	870625	Motor Transportation Regulation	\$	6,071,829	\$	6,071,829	107635
5Q50	870626	Telecommunications Relay Service	\$	5,000,000	\$	5,000,000	107636
TOTAL GSF General Services							107637
Fund Group			\$	45,685,456	\$	45,685,456	107638
Federal Special Revenue Fund Group							107639
3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	107640
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	107641
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	107642
TOTAL FED Federal Special Revenue							107643
Fund Group			\$	8,049,619	\$	8,049,619	107644
State Special Revenue Fund Group							107645
4A30	870614	Grade Crossing Protection Devices-State	\$	1,349,757	\$	1,349,757	107646
4L80	870617	Pipeline Safety-State	\$	187,621	\$	187,621	107647
4S60	870618	Hazardous Material Registration	\$	464,325	\$	464,325	107648
4S60	870621	Hazardous Materials Base State Registration	\$	373,346	\$	373,346	107649
4U80	870620	Civil Forfeitures	\$	284,986	\$	284,986	107650
5590	870605	Public Utilities Territorial Administration	\$	4,000	\$	4,000	107651
5600	870607	Special Assessment	\$	100,000	\$	100,000	107652

5610	870606	Power Siting Board	\$	647,893	\$	647,893	107653
5BP0	870623	Wireless 9-1-1 Administration	\$	34,417,000	\$	36,443,000	107654
6380	870611	Biofuels/Municipal Waste Technology	\$	40,000	\$	40,000	107655
6610	870612	Hazardous Materials Transportation	\$	900,000	\$	900,000	107656
TOTAL SSR State Special Revenue							107657
Fund Group			\$	38,768,928	\$	40,794,928	107658
TOTAL ALL BUDGET FUND GROUPS			\$	92,504,003	\$	94,530,003	107659
 Section 365.10. PWC PUBLIC WORKS COMMISSION							107661
General Revenue Fund							107662
GRF	150904	Conservation General Obligation Debt Service	\$	20,711,100	\$	25,684,900	107663
GRF	150907	State Capital Improvements General Obligation Debt Service	\$	148,331,900	\$	163,443,500	107664
TOTAL GRF General Revenue Fund							107665
			\$	169,043,000	\$	189,128,400	107666
Local Infrastructure Improvements Fund Group							107667
7039	150909	Local Infrastructure Development	\$	261,027	\$	269,555	107668
TOTAL LIF Local Infrastructure Improvements Fund Group							107669
			\$	261,027	\$	269,555	107669
Clean Ohio Conservation Fund Group							107670
7056	150403	Clean Ohio Operating Expenses	\$	304,332	\$	311,509	107671
TOTAL 056 Clean Ohio Conservation Fund Group							107672
			\$	304,332	\$	311,509	107672
TOTAL ALL BUDGET FUND GROUPS			\$	169,608,359	\$	189,709,464	107673

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 107674

The foregoing appropriation item 150904, Conservation General 107675
Obligation Debt Service, shall be used to pay all debt service and 107676
related financing costs during the period from July 1, 2009, 107677
through June 30, 2011, at the times they are required to be made 107678
for obligations issued under sections 151.01 and 151.09 of the 107679
Revised Code. 107680

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 107681

The foregoing appropriation item 150907, State Capital 107682
Improvements General Obligation Debt Service, shall be used to pay 107683
all debt service and related financing costs during the period 107684
from July 1, 2009, to June 30, 2011, at the times they are 107685
required to be made for obligations issued under sections 151.01 107686
and 151.08 of the Revised Code. 107687

CLEAN OHIO OPERATING EXPENSES 107688

The foregoing appropriation item 150403, Clean Ohio Operating 107689
Expenses, shall be used by the Ohio Public Works Commission in 107690
administering sections 164.20 to 164.27 of the Revised Code. 107691
107692

REIMBURSEMENT TO THE GENERAL REVENUE FUND 107693

(A) On or before July 15, 2011, the Director of the Public 107694
Works Commission shall certify to the Director of Budget and 107695
Management the following: 107696

(1) The total amount disbursed from appropriation item 107697
700409, Farmland Preservation, during the FY 2010-FY 2011 107698
biennium; and 107699

(2) The amount of interest earnings that have been credited 107700
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess 107701
of the amount needed for other purposes as calculated by the 107702
Director of the Public Works Commission. 107703

(B) If the Director of Budget and Management determines under 107704
division (A)(2) of this section that there are excess interest 107705
earnings, the Director of Budget and Management shall, on or 107706
before July 15, 2011, transfer the excess interest earnings to the 107707
General Revenue Fund in an amount equal to the total amount 107708
disbursed under division (A)(1) of this section from the Clean 107709
Ohio Conservation Fund. 107710

Section 367.10. RAC STATE RACING COMMISSION 107711

State Special Revenue Fund Group 107712

5620 875601 Thoroughbred Race \$ 2,300,000 \$ 2,300,000 107713
Fund

5630 875602 Standardbred \$ 1,900,000 \$ 1,900,000 107714
Development Fund

5640 875603 Quarterhorse \$ 1,000 \$ 1,000 107715
Development Fund

5650 875604 Racing Commission \$ 3,742,342 \$ 3,758,818 107716
Operating

5C40 875607 Simulcast Horse \$ 14,000,000 \$ 14,000,000 107717
Racing Purse

TOTAL SSR State Special Revenue 107718

Fund Group \$ 21,943,342 \$ 21,959,818 107719

Holding Account Redistribution Fund Group 107720

R021 875605 Bond Reimbursements \$ 145,000 \$ 145,000 107721

TOTAL 090 Holding Account 107722

Redistribution

Fund Group \$ 145,000 \$ 145,000 107723

TOTAL ALL BUDGET FUND GROUPS \$ 22,088,342 \$ 22,104,818 107724

Section 371.10. BOR BOARD OF REGENTS 107726

General Revenue Fund 107727

GRF 235321 Operating Expenses \$ 2,439,835 \$ 2,439,835 107728

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

GRF 235401	Lease Rental Payments	\$	124,461,100	\$	107,897,100	107729
GRF 235402	Sea Grants	\$	300,000	\$	300,000	107730
GRF 235406	Articulation and Transfer	\$	2,610,000	\$	2,610,000	107731
GRF 235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	107732
GRF 235409	Information System	\$	966,804	\$	966,804	107733
GRF 235414	State Grants and Scholarship Administration	\$	1,458,109	\$	1,458,109	107734
GRF 235415	Jobs Challenge	\$	4,967,492	\$	4,967,492	107735
GRF 235417	Ohio Learning Network	\$	2,807,546	\$	2,807,546	107736
GRF 235428	Appalachian New Economy Partnership	\$	981,887	\$	981,887	107737
GRF 235433	Economic Growth Challenge	\$	527,541	\$	527,541	107738
GRF 235434	College Readiness and Access	\$	4,240,000	\$	4,240,000	107739
GRF 235435	Teacher Improvement Initiatives	\$	204,000	\$	204,000	107740
GRF 235438	Choose Ohio First Scholarship	\$	13,125,000	\$	16,125,000	107741
GRF 235441	Co-Op/Internship Program	\$	49,000,000	\$	50,000,000	107742
GRF 235442	Teacher Fellowship	\$	0	\$	2,500,000	107743
GRF 235443	Adult Basic and Literacy Education - State	\$	7,650,264	\$	7,650,264	107744
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,791,288	\$	15,791,286	107745
GRF 235474	Area Health Education Centers Program	\$	1,091,833	\$	1,091,833	107746

	Support				
GRF 235501	State Share of Instruction	\$ 1,672,708,351	\$ 1,675,554,971	107747	
GRF 235502	Student Support Services	\$ 714,406	\$ 714,406	107748	
GRF 235504	War Orphans Scholarships	\$ 4,331,089	\$ 4,331,089	107749	
GRF 235507	OhioLINK	\$ 6,632,281	\$ 6,632,281	107750	
GRF 235508	Air Force Institute of Technology	\$ 1,840,659	\$ 1,840,659	107751	
GRF 235509	Women In Transition	\$ 125,000	\$ 125,000	107752	
GRF 235510	Ohio Supercomputer Center	\$ 3,834,386	\$ 3,834,386	107753	
GRF 235511	Cooperative Extension Service	\$ 23,518,608	\$ 22,467,678	107754	
GRF 235513	Ohio University Voinovich School	\$ 484,630	\$ 484,630	107755	
GRF 235514	Central State Supplement	\$ 12,384,106	\$ 12,384,106	107756	
GRF 235515	Case Western Reserve University School of Medicine	\$ 2,603,096	\$ 2,603,096	107757	
GRF 235519	Family Practice	\$ 3,840,127	\$ 3,840,127	107758	
GRF 235520	Shawnee State Supplement	\$ 2,577,393	\$ 2,577,393	107759	
GRF 235521	The Ohio State University John Glenn School of Public Affairs	\$ 286,082	\$ 286,082	107760	
GRF 235524	Police and Fire Protection	\$ 123,498	\$ 123,498	107761	
GRF 235525	Geriatric Medicine	\$ 633,294	\$ 633,294	107762	
GRF 235526	Primary Care	\$ 1,895,962	\$ 1,895,962	107763	

	Residencies				
GRF 235527	Ohio Aerospace Institute	\$	1,468,104	\$	1,468,104 107764
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,000,000	\$	34,000,000 107765
GRF 235536	The Ohio State University Clinical Teaching	\$	11,727,036	\$	11,727,036 107766
GRF 235537	University of Cincinnati Clinical Teaching	\$	9,645,328	\$	9,645,328 107767
GRF 235538	University of Toledo Clinical Teaching	\$	7,518,011	\$	7,518,011 107768
GRF 235539	Wright State University Clinical Teaching	\$	3,652,395	\$	3,652,395 107769
GRF 235540	Ohio University Clinical Teaching	\$	3,530,882	\$	3,530,882 107770
GRF 235541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	3,631,508	\$	3,631,508 107771
GRF 235552	Capital Component	\$	20,382,568	\$	20,382,568 107772
GRF 235553	Dayton Area Graduate Studies Institute	\$	300,000	\$	300,000 107773
GRF 235555	Library Depositories	\$	1,522,963	\$	1,522,963 107774
GRF 235556	Ohio Academic Resources Network	\$	3,354,501	\$	3,354,501 107775
GRF 235558	Long-term Care Research	\$	223,711	\$	223,711 107776
GRF 235563	Ohio College Opportunity Grant	\$	120,000,000	\$	135,000,000 107777

GRF 235567	Central State University Speed to Scale	\$	1,775,254	\$	0	107778
GRF 235572	The Ohio State University Clinic Support	\$	929,591	\$	929,591	107779
GRF 235576	Nonpublic Need-Based Financial Aid	\$	70,000,000	\$	70,000,000	107780
GRF 235579	Bliss Institute	\$	313,984	\$	313,984	107781
GRF 235580	Entrepreneurship Education Program	\$	50,000	\$	50,000	107782
GRF 235583	Urban University Program	\$	3,336,857	\$	3,336,857	107783
GRF 235587	Rural University Projects	\$	708,693	\$	708,693	107784
GRF 235596	Hazardous Materials Program	\$	373,858	\$	373,858	107785
GRF 235599	National Guard Scholarship Program	\$	14,912,271	\$	14,912,271	107786
GRF 235644	State Share of Instruction - Federal Stimulus - Education	\$	309,874,026	\$	308,802,662	107787
GRF 235646	SSI - Federal Stimulus - Government Services	\$	87,955,700	\$	103,302,363	107788
GRF 235909	Higher Education General Obligation Debt Service	\$	85,317,700	\$	89,480,300	107789
TOTAL GRF	General Revenue Fund	\$	2,767,755,608	\$	2,791,149,941	107790
	General Services Fund Group					107791
2200 235614	Program Approval and Reauthorization	\$	3,000,000	\$	3,000,000	107792
4560 235603	Sales and Services	\$	700,000	\$	700,000	107793
TOTAL GSF	General Services					107794

Fund Group		\$	3,700,000	\$	3,700,000	107795
Federal Special Revenue Fund Group						107796
3120 235609	Tech Prep	\$	183,849	\$	183,849	107797
3120 235611	Gear-up Grant	\$	3,900,000	\$	3,900,000	107798
3120 235612	Carl D. Perkins Grant/Plan Administration	\$	912,961	\$	912,961	107799
3120 235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	107800
3120 235641	Adult Basic Literacy Education - Federal	\$	17,869,546	\$	17,869,546	107801
3BE0 235636	Adult Education and Family Literacy Act Incentive Grant	\$	1,783,583	\$	1,783,583	107802
3BG0 235626	Star Schools	\$	250,000	\$	0	107803
3H20 235608	Human Services Project	\$	3,500,000	\$	3,500,000	107804
3N60 235605	State Student Incentive Grants	\$	2,533,339	\$	2,533,339	107805
3N60 235638	College Access Challenge Grant	\$	2,268,044	\$	2,268,044	107806
TOTAL FED	Federal Special Revenue					107807
Fund Group		\$	36,401,322	\$	36,151,322	107808
State Special Revenue Fund Group						107809
4E80 235602	Higher Educational Facility Commission Administration	\$	45,000	\$	45,000	107810
6490 235607	The Ohio State University Highway/Transportation Research	\$	600,000	\$	600,000	107811
6820 235606	Nursing Loan Program	\$	893,000	\$	893,000	107812

TOTAL SSR State Special Revenue				107813	
Fund Group	\$	1,538,000	\$	1,538,000	107814
Third Frontier Research & Development Fund Group				107815	
7011 235634 Research Incentive	\$	10,000,000	\$	10,000,000	107816
Third Frontier Fund					
TOTAL 7011 Third Frontier Research & Development Fund Group	\$	10,000,000	\$	10,000,000	107817
TOTAL ALL BUDGET FUND GROUPS	\$	2,819,394,930	\$	2,842,539,263	107818

Section 371.10.10. LEASE RENTAL PAYMENTS 107820

The foregoing appropriation item 235401, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, by the Chancellor of the Board of Regents under leases and agreements made under section 154.21 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code.

Section 371.10.15. SEA GRANTS 107829

The foregoing appropriation item 235402, Sea Grants, shall be disbursed to The Ohio State University and shall be used to conduct research on fish in Lake Erie.

Section 371.10.20. ARTICULATION AND TRANSFER 107833

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of the Board of Regents to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary

duplication or institutional barriers under sections 3333.16, 107841
3333.161, and 3333.162 of the Revised Code. 107842

Section 371.10.30. MIDWEST HIGHER EDUCATION COMPACT 107843

The foregoing appropriation item 235408, Midwest Higher 107844
Education Compact, shall be distributed by the Chancellor of the 107845
Board of Regents under section 3333.40 of the Revised Code. 107846

Section 371.10.40. INFORMATION SYSTEM 107847

The foregoing appropriation item 235409, Information System, 107848
shall be used by the Chancellor of the Board of Regents to support 107849
the development and implementation of information technology 107850
solutions designed to improve the performance and services of the 107851
Chancellor of the Board of Regents and the University System of 107852
Ohio. 107853

Section 371.10.50. STATE GRANTS AND SCHOLARSHIP 107854
ADMINISTRATION 107855

The foregoing appropriation item 235414, State Grants and 107856
Scholarship Administration, shall be used by the Chancellor of the 107857
Board of Regents to administer the following student financial aid 107858
programs: Ohio College Opportunity Grant, Nonpublic Need-Based 107859
Financial Aid, Ohio War Orphans' Scholarship, Nurse Education 107860
Assistance Loan Program, Ohio Safety Officers College Memorial 107861
Fund, and any other student financial aid programs created by the 107862
General Assembly. The appropriation item also shall be used to 107863
administer the federal Leveraging Educational Assistance 107864
Partnership (LEAP) program, Special Leveraging Educational 107865
Assistance Partnership (SLEAP) program, the federal College Access 107866
Challenge Grant (CACG), and other student financial aid programs 107867
created by Congress and to provide fiscal services for the Ohio 107868
National Guard Scholarship Program. 107869

Section 371.10.60. JOBS CHALLENGE 107870

Except as provided in the sections of this act entitled 107871
"Statewide Workforce Development Initiatives" and "Fiscal Year 107872
2011 Plan for Adult Workforce Training Programs," funds 107873
appropriated to the foregoing appropriation item 235415, Jobs 107874
Challenge, shall be used by the Chancellor of the Board of Regents 107875
to support state-assisted community and technical colleges, 107876
regional campuses of state-assisted universities, and other 107877
organizationally distinct and identifiable member campuses of the 107878
Workforce training network in support of noncredit job-related 107879
training. 107880

Support may include the promotion and delivery of coordinated 107881
assessment and comprehensive training to local employers. The 107882
Chancellor shall develop a formula for the distribution of funds. 107883

Section 371.10.70. OHIO LEARNING NETWORK 107884

The foregoing appropriation item 235417, Ohio Learning 107885
Network, shall be used by the Chancellor of the Board of Regents 107886
to support the continued implementation of the Ohio Learning 107887
Network, a consortium organized under division (U) of section 107888
3333.04 of the Revised Code to expand access to adult and higher 107889
education opportunities through technology. The funds shall be 107890
used by the Ohio Learning Network to develop and promote learning 107891
and assessment through the use of technology, to test and provide 107892
advice on emerging learning-directed technologies, and to 107893
facilitate cost-effectiveness through shared educational 107894
technology investments. 107895

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 107896

The foregoing appropriation item 235428, Appalachian New 107897
Economy Partnership, shall be distributed to Ohio University to 107898

continue a multi-campus and multi-agency coordinated effort to 107899
link Appalachia to the new economy. Ohio University shall use 107900
these funds to provide leadership in the development and 107901
implementation of initiatives in the areas of entrepreneurship, 107902
management, education, and technology. 107903

Section 371.10.90. ECONOMIC GROWTH CHALLENGE 107904

The foregoing appropriation item 235433, Economic Growth 107905
Challenge, shall be used for administrative expenses of the 107906
Research Incentive Program and other economic advancement 107907
initiatives undertaken by the Chancellor of the Board of Regents. 107908

The Chancellor of the Board of Regents shall use any 107909
appropriation transfer to the foregoing appropriation item 235433, 107910
Economic Growth Challenge, to enhance the basic research 107911
capabilities of public colleges and universities and accredited 107912
Ohio institutions of higher education holding certificates of 107913
authorization issued under section 1713.02 of the Revised Code, in 107914
order to strengthen academic research for pursuing Ohio's economic 107915
development goals. The Chancellor shall give priority 107916
consideration to projects that are eligible to receive federal 107917
stimulus funds. 107918

Section 371.20.06. COLLEGE READINESS AND ACCESS 107919

Of the foregoing appropriation item 235434, College Readiness 107920
and Access, \$1,000,000 in each fiscal year shall be distributed to 107921
the Ohio College Access Network. 107922

Of the foregoing appropriation item 235434, College Readiness 107923
and Access, \$600,000 in each fiscal year shall be distributed to 107924
the Ohio Appalachian Center for Higher Education at Shawnee State 107925
University. The board of directors of the Center shall consist of 107926
the presidents of Shawnee State University, Belmont Technical 107927
College, Hocking College, Jefferson Community College, Zane State 107928

College, Rio Grande Community College, Southern State Community College, and Washington State Community College; the President of Ohio University or a designee of the president; the dean of one of the Salem, Tuscarawas, and East Liverpool regional campuses of Kent State University, as designated by the President of Kent State University; and a representative of the Board of Regents designated by the Chancellor.

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Of the foregoing appropriation item 235434, College Readiness and Access, \$140,000 in each fiscal year shall be distributed to Miami University for the Student Achievement in Research and Scholarship (STARS) Program.

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Of the foregoing appropriation item 235434, College Readiness and Access, \$2,500,000 in each fiscal year shall be used to support the Early College High School Program. The funds shall be distributed according to guidelines established by the Department of Education and the Chancellor of the Board of Regents.

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Section 371.20.08. TEACHER IMPROVEMENT INITIATIVES

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The foregoing appropriation item 235435, Teacher Improvement Initiatives, shall be distributed to the Porter Center for Science and Mathematics in Lake County.

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Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP

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Of the foregoing appropriation item 235438, Choose Ohio First Scholarship, up to \$3,000,000 in each fiscal year shall be used by the Chancellor of the Board of Regents to support the Ohio Woodrow Wilson STEM Teaching Fellows Program, a program designed to attract students with high potential and strong backgrounds in science, technology, engineering, mathematics, and medical disciplines to graduate programs specially designed for teacher

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preparation in those disciplines. 107959

The Chancellor shall establish a competitive process for 107960
making awards under the Ohio Woodrow Wilson STEM Teaching Fellows 107961
Program to Ohio institutions of higher education that develop, 107962
transform, and implement science, technology, engineering, 107963
mathematics, and medical teacher preparation programs. 107964
Institutions shall be chosen based on a determination that they 107965
have the leadership, commitment, and capacity to meet criteria as 107966
set forth in a request for proposals issued by the Chancellor. The 107967
request for proposals shall include criteria developed by the 107968
Woodrow Wilson Foundation and an advisory panel of experts in 107969
education and science, technology, engineering, mathematics, and 107970
medical disciplines. Awards made under the Ohio Woodrow Wilson 107971
STEM Teaching Fellows Program shall not be subject to sections 107972
3333.60 to 3333.70 of the Revised Code or any rule adopted 107973
pursuant to those sections. 107974

Of the foregoing appropriation item 235438, Choose Ohio First 107975
Scholarship, \$125,000 in each fiscal year shall be used to support 107976
University Circle, Inc. 107977

The remainder of the foregoing appropriation item 235438, 107978
Choose Ohio First Scholarship, shall be used to operate the 107979
program prescribed in sections 3333.60 to 3333.70 of the Revised 107980
Code. Amounts disbursed to institutions shall be paid on a 107981
reimbursement basis. 107982

An amount equal to the unexpended, unencumbered portion of 107983
the foregoing appropriation item 235438, Choose Ohio First 107984
Scholarship, at the end of fiscal year 2010 is hereby 107985
reappropriated to the Board of Regents for the same purpose for 107986
fiscal year 2011. 107987

Section 371.20.20. CO-OP/INTERNSHIP PROGRAM 107988

(A) Except as otherwise provided in this section, the 107989
foregoing appropriation item, 235441, Co-op/Internship Program, 107990
shall be used by the Chancellor of the Board of Regents to operate 107991
the Co-op/Internship Program under sections 3333.71 to 3333.80 of 107992
the Revised Code. Funding for eligible institutions shall be 107993
disbursed in accordance with the terms of the agreements entered 107994
into under section 3333.75 of the Revised Code. 107995

(B) Of the foregoing appropriation item 235441, 107996
Co-op/Internship Program, up to \$250,000 in each fiscal year shall 107997
be used by the Chancellor of the Board of Regents to establish and 107998
administer a competition for the development of successful 107999
business plans for students enrolled at Ohio institutions of 108000
higher education. Winners of the competition shall receive an 108001
award of \$50,000 for the development and submission of a business 108002
plan that leads to the establishment of a business in the State of 108003
Ohio. Prior to making awards, the Chancellor may convene a panel 108004
of experts to evaluate submitted business plans and make 108005
recommendations or the Chancellor may seek collaboration with the 108006
Department of Development in the administration of the 108007
competition. Awards shall not be distributed to a student until 108008
the student provides documentation to the Chancellor that a 108009
business has been established using the student's business plan. 108010
Documentation may include a certified copy of the articles of 108011
incorporation or other business filing with the Ohio Secretary of 108012
State. Awards made under this division are not subject to sections 108013
3333.71 to 3333.80 of the Revised Code or to any rule adopted 108014
pursuant to those sections. 108015

Any funds earmarked under this division that are unawarded or 108016
unencumbered at the end of fiscal year 2010 are hereby 108017
reappropriated for the same purpose in fiscal year 2011. 108018

(C) Of the foregoing appropriation item 235441, 108019
Co-op/Internship Program, up to \$1,000,000 in each fiscal year may 108020

be used by the Chancellor of the Board of Regents to support 108021
programs at institutions of higher education that collaborate with 108022
and provide interns to businesses that have been in operation for 108023
not more than three years. The Chancellor shall establish a 108024
competitive process for making awards under this division. 108025
Institutions shall be chosen based on a determination that they 108026
have the leadership, commitment, and capacity to meet criteria as 108027
set forth in a request for proposals issued by the Chancellor. 108028
Prior to issuing a request for proposals and prior to making an 108029
award under this division, the Chancellor shall seek the advice of 108030
the Co-op/Internship Advisory Committee. An institution receiving 108031
an award under this division shall enter into an agreement with 108032
the Chancellor governing the use of the funds and setting forth 108033
reporting requirements. Awards made under this division are not 108034
subject to sections 3333.71 to 3333.80 of the Revised Code or to 108035
any rule adopted pursuant to those sections. 108036

(D) Of the foregoing appropriation item 235441, 108037
Co-op/Internship Program, \$5,000,000 in each fiscal year shall be 108038
used for the grant program for employee training in the fields of 108039
biotechnology and bioscience or other field under section 3333.91 108040
of the Revised Code. 108041

(E) At the request of the Chancellor of the Board of Regents, 108042
the Director of Budget and Management may transfer any unexpended, 108043
unencumbered appropriation in fiscal year 2010 or fiscal year 2011 108044
as well as any appropriation repaid by eligible institutions 108045
pursuant to the terms of the grant agreement from appropriation 108046
item 235441, Co-op/Internship Program, to appropriation item 108047
235433, Economic Growth Challenge. Any appropriation so 108048
transferred shall be used to strengthen academic research for 108049
pursuing Ohio's economic development goals under the Section of 108050
this act entitled "Economic Growth Challenge". 108051

Section 371.20.30. ADULT BASIC AND LITERACY EDUCATION 108052

Except as provided in the Sections of this act entitled 108053
"Statewide Workforce Development Initiatives" and "Fiscal Year 108054
2011 Plan for Adult Workforce Training Programs", the foregoing 108055
appropriation item 235443, Adult Basic and Literacy Education - 108056
State, shall be used to support adult basic and literacy education 108057
instructional programs and for the operation of an adult basic and 108058
literacy education instructional grant program. The supported 108059
programs shall satisfy the state match and maintenance of effort 108060
requirements for the state-administered grant program. 108061

Of the foregoing appropriation item 235443, Adult Basic and 108062
Literacy Education - State, up to \$507,558 in fiscal year 2010 108063
shall be used for the support and operation of the State Literacy 108064
Resource Center Program. 108065

Of the foregoing appropriation item 235443, Adult Basic and 108066
Literacy Education - State, \$122,000 in each fiscal year shall be 108067
used to support initiatives for English as a Second Language 108068
programs. Funding shall be distributed as follows: \$60,000 in each 108069
fiscal year for Jewish Community Federation of Cleveland, \$25,000 108070
in each fiscal year for Yassenoff Jewish Community Center of 108071
Columbus, \$30,000 in each fiscal year for Jewish Family Services 108072
of Cincinnati, and \$7,000 in each fiscal year for Jewish Family 108073
Services of Dayton. 108074

On or before August 31, 2009, the Chancellor of the Board of 108075
Regents shall submit a funding formula to the Controlling Board 108076
for the allocation of the foregoing appropriation item 235443, 108077
Adult Basic and Literacy Education - State, in fiscal year 2010. 108078

Section 371.20.40. POST-SECONDARY ADULT CAREER-TECHNICAL 108079
EDUCATION 108080

Except as provided in the Sections of this act entitled 108081

"Statewide Workforce Development Initiatives" and "Fiscal Year 2011 Plan for Adult Workforce Training Programs", the foregoing appropriation item 235444, Post-Secondary Adult Career-Technical Education, shall be used by the Chancellor of the Board of Regents in each fiscal year to provide post-secondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

On or before August 31, 2009, the Chancellor of the Board of Regents shall submit a funding formula to the Controlling Board for the allocation of funds in fiscal year 2010.

Section 371.20.50. STATEWIDE WORKFORCE DEVELOPMENT INITIATIVES

The Chancellor may identify amounts of the foregoing appropriation items 235415, Jobs Challenge, 235443, Adult Basic and Literacy Education - State, and 235444, Post-Secondary Adult Career-Technical Education, to be used to support the Ohio Skills Bank Program and the Stackable Certificates Program. The Ohio Skills Bank Program seeks to align the education of Ohio's workforce with industry needs. The Stackable Certificates Program consists of competency-based, low-cost, noncredit and credit-bearing modules and courses in communications, mathematics, information technology, and other fields selected by the Chancellor. The program culminates in a certificate and provides recipients with a foundation for additional post-secondary education.

Section 371.20.60. FISCAL YEAR 2011 PLAN FOR ADULT WORKFORCE TRAINING PROGRAMS

Notwithstanding the Sections of this act entitled "Jobs Challenge," "Adult Basic and Literacy Education," and "Post-Secondary Adult Career-Technical Education," not later than

June 1, 2010, the Chancellor of the Board of Regents shall submit 108112
for approval of the Controlling Board a plan for the integration 108113
of funding support for the state's adult workforce training and 108114
development programs, beginning in fiscal year 2011. Funding 108115
support in the plan shall include appropriation items 235415, Jobs 108116
Challenge, 235443, Adult Basic and Literacy Education - State, and 108117
235444, Post-Secondary Adult Career-Technical Education. 108118

The plan shall clearly define the formulas, or competitive 108119
process, to be used for funding the activities of adult basic and 108120
literacy education program providers, state literacy resource 108121
centers, post-secondary adult career-technical education 108122
providers, and community colleges. The plan may propose the 108123
creation of new appropriation items as necessary to support its 108124
implementation. 108125

Section 371.20.70. AREA HEALTH EDUCATION CENTERS 108126

The foregoing appropriation item 235474, Area Health 108127
Education Centers Program Support, shall be used by the Chancellor 108128
of the Board of Regents to support the medical school regional 108129
area health education centers' educational programs for the 108130
continued support of medical and other health professions 108131
education and for support of the Area Health Education Center 108132
Program. 108133

Of the foregoing appropriation item 235474, Area Health 108134
Education Centers Program Support, \$200,000 in each fiscal year 108135
shall be disbursed to the Ohio University College of Osteopathic 108136
Medicine to operate a mobile health care unit to serve the 108137
southeastern area of the state. 108138

Section 371.20.80. STATE SHARE OF INSTRUCTION FORMULAS 108139

On or before August 31, 2009, the Chancellor of the Board of 108140
Regents shall submit to the Controlling Board funding formulas for 108141

the allocation of the foregoing appropriation item 235501, State 108142
Share of Instruction, in each fiscal year. The funding formulas 108143
shall consider the September 2008 university and community college 108144
recommendations submitted to the fiscal year 2009 state share of 108145
instruction consultation, and shall include separate formulas for 108146
state-assisted university main campuses, regional campuses of 108147
state-assisted universities, and state-assisted community and 108148
technical colleges. 108149

The state share of instruction formula for state-assisted 108150
university main campuses shall support graduate and medical 108151
education, reward course and degree completion, and reward the 108152
achievement of mission-specific goals. The state share of 108153
instruction formula for regional campuses of the state-assisted 108154
universities shall reward course completion and the achievement of 108155
mission-specific goals. The state share of instruction formula for 108156
state-assisted community and technical colleges shall be based on 108157
enrollments, achievement of mission-specific goals, and measures 108158
of student success appropriate to institutional missions. 108159

Student-specific components of the formulas shall be weighted 108160
for at-risk students as measured using the student's eligibility 108161
for support from state need-based aid programs. The state share of 108162
instruction formulas shall include allocations of Success 108163
Challenge, Access Challenge, and any other tuition subsidy 108164
provided in Am. Sub. H.B. 119 of the 127th General Assembly. The 108165
state share of instruction funding formulas shall be designed to 108166
phase in components over time. 108167

Section 371.20.90. STATE SHARE OF INSTRUCTION FOR FISCAL 108168
YEARS 2010 AND 2011 108169

The boards of trustees of state-assisted institutions of 108170
higher education shall restrain increases in in-state 108171
undergraduate instructional and general fees. For the 2009-2010 108172

academic year, each state-assisted institution shall not increase 108173
its in-state undergraduate instructional and general fees over 108174
what the institution charged for the 2008-2009 academic year. For 108175
the 2010-2011 academic year, each state-assisted community 108176
college, state community college, technical college, and regional 108177
campus of a state-assisted university shall not increase its 108178
in-state undergraduate instructional and general fees over what 108179
the institution charged for the 2009-2010 academic year. 108180

These limitations shall not apply to increases required to 108181
comply with institutional covenants related to their obligations 108182
or to meet unfunded legal mandates or legally binding obligations 108183
incurred or commitments made prior to the effective date of this 108184
section with respect to which the institution had identified such 108185
fee increases as the source of funds. Any increase required by 108186
such covenants and any such mandates, obligations, or commitments 108187
shall be reported by the Chancellor of the Board of Regents to the 108188
Controlling Board. These limitations may also be modified by the 108189
Chancellor of the Board of Regents, with the approval of the 108190
Controlling Board, to respond to exceptional circumstances as 108191
identified by the Chancellor of the Board of Regents. 108192

Section 371.30.10. HIGHER EDUCATION - BOARD OF TRUSTEES 108193

(A) Funds appropriated for instructional subsidies at 108194
colleges and universities may be used to provide such branch or 108195
other off-campus undergraduate courses of study and such master's 108196
degree courses of study as may be approved by the Chancellor of 108197
the Board of Regents. 108198

(B) In providing instructional and other services to 108199
students, boards of trustees of state-assisted institutions of 108200
higher education shall supplement state subsidies with income from 108201
charges to students. Except as otherwise provided in this Section, 108202
each board shall establish the fees to be charged to all students, 108203

including an instructional fee for educational and associated 108204
operational support of the institution and a general fee for 108205
noninstructional services, including locally financed student 108206
services facilities used for the benefit of enrolled students. The 108207
instructional fee and the general fee shall encompass all charges 108208
for services assessed uniformly to all enrolled students. Each 108209
board may also establish special purpose fees, service charges, 108210
and fines as required; such special purpose fees and service 108211
charges shall be for services or benefits furnished individual 108212
students or specific categories of students and shall not be 108213
applied uniformly to all enrolled students. A tuition surcharge 108214
shall be paid by all students who are not residents of Ohio. 108215

The board of trustees of a state-assisted institution of 108216
higher education shall not authorize a waiver or nonpayment of 108217
instructional fees or general fees for any particular student or 108218
any class of students other than waivers specifically authorized 108219
by law or approved by the Chancellor. This prohibition is not 108220
intended to limit the authority of boards of trustees to provide 108221
for payments to students for services rendered the institution, 108222
nor to prohibit the budgeting of income for staff benefits or for 108223
student assistance in the form of payment of such instructional 108224
and general fees. 108225

Each state-assisted institution of higher education in its 108226
statement of charges to students shall separately identify the 108227
instructional fee, the general fee, the tuition charge, and the 108228
tuition surcharge. Fee charges to students for instruction shall 108229
not be considered to be a price of service but shall be considered 108230
to be an integral part of the state government financing program 108231
in support of higher educational opportunity for students. 108232

(C) Notwithstanding any provision of law to the contrary, if 108233
the Chancellor of the Board of Regents intends to work with a 108234
state-assisted institution of higher education to adjust the 108235

instructional and general fee amounts charged for an associate 108236
degree program at the institution for the 2009-2010 academic year 108237
or the 2010-2011 academic year, the Chancellor shall proceed as 108238
follows: 108239

(1) Notify the institution's board of trustees of the 108240
Chancellor's intent to work with the institution to adjust the 108241
instructional and general fee amounts charged for an associate 108242
degree program for the applicable academic year; 108243

(2) Request the board of trustees to do both of the 108244
following: 108245

(a) Provide access to data and to administrators and other 108246
employees of the institution, as specified by the Chancellor, for 108247
the purpose of analyzing the instructional and general fee 108248
amounts; 108249

(b) Prepare and submit to the Chancellor, within thirty days 108250
after the request, a report justifying the current instructional 108251
and general fee amounts or proposing an adjustment to those 108252
amounts. 108253

The board of trustees shall comply with each request of the 108254
Chancellor under division (C)(2) of this section. 108255

(3) Convene a meeting with the board of trustees to reach an 108256
agreement on adjusting the instructional and general fee amounts 108257
and on a plan to implement the adjustments. The Chancellor or the 108258
board of trustees may designate employees of the institution to 108259
participate in the meeting. If an agreement is reached, the board 108260
of trustees shall take action to implement the plan to adjust the 108261
fee amounts. 108262

(4) If no agreement is reached under division (C)(3) of this 108263
section, make a recommendation to the board of trustees for an 108264
adjustment to the instructional and general fee amounts. In making 108265
the recommendation, the Chancellor shall specify the actions that 108266

should be taken to make the adjustment viable and shall 108267
demonstrate that the adjustment will not adversely impact the 108268
financial or educational condition of the institution. The 108269
Chancellor shall not make a recommendation that, if implemented, 108270
would cause the composite result of the ratio analysis performed 108271
of the financial condition of the institution under paragraph 108272
(A)(4) of rule 126:3-1-01 of the Ohio Administrative Code to place 108273
the institution in fiscal watch under paragraph (B) of that rule. 108274
Not later than ten days after receipt of the Chancellor's 108275
recommendation, the board of trustees shall act either to adopt 108276
the recommendation or to reject the recommendation. 108277

(5) If the board of trustees rejects the recommendation made 108278
under division (C)(4) of this section, determine whether to submit 108279
the recommendation to the Controlling Board for approval. If the 108280
Chancellor elects to submit the recommendation to the Controlling 108281
Board and the Controlling Board approves the recommendation, the 108282
board of trustees shall implement the recommendation and shall 108283
adjust the instructional and general fee amounts accordingly. 108284

Unless a law enacted after the effective date of this section 108285
requires otherwise, any restriction on tuition increases for an 108286
associate degree program applicable to a state-assisted 108287
institution of higher education in fiscal year 2012 or fiscal year 108288
2013 shall be applied to the instructional and general fee amounts 108289
charged for the program immediately prior to any adjustment under 108290
division (C) of this section. 108291

(D) The boards of trustees of state-assisted institutions of 108292
higher education shall ensure that faculty members devote a proper 108293
and judicious part of their work week to the actual instruction of 108294
students. Total class credit hours of production per quarter per 108295
full-time faculty member is expected to meet the standards set 108296
forth in the budget data submitted by the Chancellor of the Board 108297
of Regents. 108298

(E) The authority of government vested by law in the boards 108299
of trustees of state-assisted institutions of higher education 108300
shall in fact be exercised by those boards. Boards of trustees may 108301
consult extensively with appropriate student and faculty groups. 108302
Administrative decisions about the utilization of available 108303
resources, about organizational structure, about disciplinary 108304
procedure, about the operation and staffing of all auxiliary 108305
facilities, and about administrative personnel shall be the 108306
exclusive prerogative of boards of trustees. Any delegation of 108307
authority by a board of trustees in other areas of responsibility 108308
shall be accompanied by appropriate standards of guidance 108309
concerning expected objectives in the exercise of such delegated 108310
authority and shall be accompanied by periodic review of the 108311
exercise of this delegated authority to the end that the public 108312
interest, in contrast to any institutional or special interest, 108313
shall be served. 108314

Section 371.30.20. STUDENT SUPPORT SERVICES 108315

The foregoing appropriation item 235502, Student Support 108316
Services, shall be distributed by the Chancellor of the Board of 108317
Regents to Ohio's state-assisted colleges and universities that 108318
incur disproportionate costs in the provision of support services 108319
to disabled students. 108320

Section 371.30.30. WAR ORPHANS SCHOLARSHIPS 108321

The foregoing appropriation item 235504, War Orphans 108322
Scholarships, shall be used to reimburse state-assisted 108323
institutions of higher education for waivers of instructional fees 108324
and general fees provided by them, to provide grants to 108325
institutions that have received a certificate of authorization 108326
from the Chancellor of the Board of Regents under Chapter 1713. of 108327
the Revised Code, in accordance with the provisions of section 108328

5910.04 of the Revised Code, and to fund additional scholarship 108329
benefits provided by section 5910.032 of the Revised Code. 108330

An amount equal to the unexpended, unencumbered portion of 108331
the foregoing appropriation item 235504, War Orphans Scholarships, 108332
at the end of fiscal year 2010 is hereby reappropriated to the 108333
Board of Regents for the same purpose for fiscal year 2011. 108334

Section 371.30.40. OHIOLINK 108335

The foregoing appropriation item 235507, OhioLINK, shall be 108336
used by the Chancellor of the Board of Regents to support 108337
OhioLINK, a consortium organized under division (U) of section 108338
3333.04 of the Revised Code to serve as the state's electronic 108339
library information and retrieval system, which provides access 108340
statewide to an extensive set of electronic databases and 108341
resources and the library holdings of Ohio's public and 108342
participating private nonprofit colleges and universities, and the 108343
State Library of Ohio. 108344

Section 371.30.50. AIR FORCE INSTITUTE OF TECHNOLOGY 108345

The foregoing appropriation item 235508, Air Force Institute 108346
of Technology, shall be used to strengthen the research and 108347
educational linkages between the Wright Patterson Air Force Base 108348
and institutions of higher education in Ohio. Of the foregoing 108349
appropriation item 235508, Air Force Institute of Technology, 108350
\$1,227,106 in each fiscal year shall be used for research projects 108351
that connect the Air Force Research Laboratories with university 108352
partners. The institute shall provide annual reports to the Third 108353
Frontier Commission that discuss existing, planned, or possible 108354
collaborations between programs and funding recipients related to 108355
technology, research development, commercialization, and support 108356
for Ohio's economic development. 108357

Of the foregoing appropriation item 235508, Air Force 108358

Institute of Technology, \$613,553 in each fiscal year shall be 108359
used to match federal dollars to support technology 108360
commercialization and job creation. The Development Research 108361
Corporation shall use the funds to create or expand Ohio-based 108362
technology and commercial development collaborations in areas that 108363
are a priority in Ohio's third frontier initiative between 108364
industry, academia, and government. 108365

Section 371.30.55. WOMEN IN TRANSITION 108366

The foregoing appropriation item 235509, Women in Transition, 108367
shall be used to support Women in Transition programs at Ohio 108368
institutions of higher education. 108369

Section 371.30.60. OHIO SUPERCOMPUTER CENTER 108370

The foregoing appropriation item 235510, Ohio Supercomputer 108371
Center, shall be used by the Chancellor of the Board of Regents to 108372
support the operation of the Ohio Supercomputer Center, a 108373
consortium organized under division (U) of section 3333.04 of the 108374
Revised Code, located at The Ohio State University. The Ohio 108375
Supercomputer Center is a statewide resource available to Ohio 108376
research universities both public and private. It is also intended 108377
that the center be made accessible to private industry as 108378
appropriate. 108379

Funds shall be used, in part, to support the Ohio 108380
Supercomputer Center's Computational Science Initiative, which 108381
includes its industrial outreach program, Blue Collar Computing, 108382
and its School of Computational Science. These collaborations 108383
between the Ohio Supercomputer Center and Ohio's colleges and 108384
universities shall be aimed at making Ohio a leader in using 108385
computer modeling to promote economic development. 108386

Section 371.30.70. COOPERATIVE EXTENSION SERVICE 108387

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 371.30.80. OHIO UNIVERSITY VOINOVICH SCHOOL 108393

The foregoing appropriation item 235513, Ohio University Voinovich School, shall be used by the Chancellor of the Board of Regents to support the operations of Ohio University's Voinovich School.

Section 371.30.90. CENTRAL STATE SUPPLEMENT 108398

The foregoing appropriation item 235514, Central State Supplement, shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

Section 371.40.10. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 108405
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The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of the Board of Regents in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

Section 371.40.20. FAMILY PRACTICE 108414

The Chancellor of the Board of Regents shall develop plans 108415

consistent with existing criteria and guidelines as may be 108416
required for the distribution of appropriation item 235519, Family 108417
Practice. 108418

Section 371.40.30. SHAWNEE STATE SUPPLEMENT 108419

The foregoing appropriation item 235520, Shawnee State 108420
Supplement, shall be used by Shawnee State University as detailed 108421
by both of the following: 108422

(A) To allow Shawnee State University to keep its 108423
undergraduate fees below the statewide average, consistent with 108424
its mission of service to an economically depressed Appalachian 108425
region; 108426

(B) To allow Shawnee State University to employ new faculty 108427
to develop and teach in new degree programs that meet the needs of 108428
Appalachians. 108429

Section 371.40.40. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS 108430

The foregoing appropriation item 235521, The Ohio State 108431
University John Glenn School of Public Affairs, shall be used by 108432
the Chancellor of the Board of Regents to support the operations 108433
of The Ohio State University's John Glenn School of Public 108434
Affairs. 108435

Section 371.40.50. POLICE AND FIRE PROTECTION 108436

The foregoing appropriation item 235524, Police and Fire 108437
Protection, shall be used for police and fire services in the 108438
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 108439
Portsmouth, Xenia Township (Greene County), Rootstown Township, 108440
and the City of Nelsonville that may be used to assist these local 108441
governments in providing police and fire protection for the 108442
central campus of the state-affiliated university located therein. 108443

Section 371.40.60. GERIATRIC MEDICINE 108444

The Chancellor of the Board of Regents shall develop plans 108445
consistent with existing criteria and guidelines as may be 108446
required for the distribution of appropriation item 235525, 108447
Geriatric Medicine. 108448

Section 371.40.70. PRIMARY CARE RESIDENCIES 108449

The Chancellor of the Board of Regents shall develop plans 108450
consistent with existing criteria and guidelines as may be 108451
required for the distribution of appropriation item 235526, 108452
Primary Care Residencies. 108453

The foregoing appropriation item 235526, Primary Care 108454
Residencies, shall be distributed in each fiscal year of the 108455
biennium, based on whether or not the institution has submitted 108456
and gained approval for a plan. If the institution does not have 108457
an approved plan, it shall receive five per cent less funding per 108458
student than it would have received from its annual allocation. 108459
The remaining funding shall be distributed among those 108460
institutions that meet or exceed their targets. 108461

Section 371.40.75. OHIO AEROSPACE INSTITUTE 108462

The foregoing appropriation item 235527, Ohio Aerospace 108463
Institute, shall be distributed by the Chancellor of the Board of 108464
Regents under section 3333.042 of the Revised Code. 108465

The Board of Regents, in consultation with the Third Frontier 108466
Commission, shall develop a plan for providing for appropriate, 108467
value-added participation of the Ohio Aerospace Institute in Third 108468
Frontier Project proposals and grants. 108469

Section 371.40.80. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 108470
CENTER 108471

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2011, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

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The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

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Section 371.40.90. STATE UNIVERSITY CLINICAL TEACHING

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The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeastern Ohio Universities College of Medicine Clinical Teaching, shall be distributed through the Chancellor of the Board of Regents.

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Section 371.50.10. CAPITAL COMPONENT 108502

The foregoing appropriation item 235552, Capital Component, 108503
shall be used by the Chancellor of the Board of Regents to 108504
implement the capital funding policy for state-assisted colleges 108505
and universities established in Am. H.B. 748 of the 121st General 108506
Assembly. Appropriations from this item shall be distributed to 108507
all campuses for which the estimated campus debt service 108508
attributable to new qualifying capital projects is less than the 108509
campus's formula-determined capital component allocation. Campus 108510
allocations shall be determined by subtracting the estimated 108511
campus debt service attributable to new qualifying capital 108512
projects from the campus's formula-determined capital component 108513
allocation. Moneys distributed from this appropriation item shall 108514
be restricted to capital-related purposes. 108515

Any campus for which the estimated campus debt service 108516
attributable to qualifying capital projects is greater than the 108517
campus's formula-determined capital component allocation shall 108518
have the difference subtracted from its State Share of Instruction 108519
allocation in each fiscal year. Appropriation equal to the sum of 108520
all such amounts except that of the Ohio Agricultural Research and 108521
Development Center shall be transferred from appropriation item 108522
235501, State Share of Instruction, to appropriation item 235552, 108523
Capital Component. Appropriation equal to any estimated Ohio 108524
Agricultural Research and Development Center debt service 108525
attributable to qualifying capital projects that is greater than 108526
the Center's formula-determined capital component allocation shall 108527
be transferred from appropriation item 235535, Ohio Agricultural 108528
Research and Development Center, to appropriation item 235552, 108529
Capital Component. 108530

Section 371.50.15. DAYTON AREA GRADUATE STUDIES INSTITUTE 108531

The foregoing appropriation item 235553, Dayton Area Graduate Studies Institute, shall be used by the Board of Regents to support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of three universities in the Dayton area: Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 371.50.20. LIBRARY DEPOSITORIES

The foregoing appropriation item, 235555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The depositories shall be administrated by the Chancellor of the Board of Regents.

Section 371.50.30. OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235556, Ohio Academic Resources Network, shall be used by the Chancellor of the Board of Regents to support the operations of the Ohio Academic Resources Network, a consortium organized under division (U) of section 3333.04 of the Revised Code, which shall include support for Ohio's colleges and universities in maintaining and enhancing network connections, using new network technologies to improve research, education, and economic development programs, and sharing information technology services. The network shall give priority to supporting the Third Frontier Network and allocating bandwidth to programs directly supporting Ohio's economic development.

Section 371.50.40. LONG-TERM CARE RESEARCH

The foregoing appropriation item 235558, Long-term Care

Research, shall be disbursed to Miami University for long-term 108561
care research. 108562

Section 371.50.50. OHIO COLLEGE OPPORTUNITY GRANT 108563

The foregoing appropriation item 235563, Ohio College 108564
Opportunity Grant, shall be used by the Chancellor of the Board of 108565
Regents to award needs-based financial aid to students enrolled in 108566
eligible public institutions of higher education, excluding early 108567
college high school and post-secondary enrollment option 108568
participants. 108569

An amount equal to the unexpended, unencumbered portion of 108570
the foregoing appropriation item 235563, Ohio College Opportunity 108571
Grant, at the end of fiscal year 2010 is hereby reappropriated to 108572
the Board of Regents for the same purpose for fiscal year 2011. 108573

On or before August 31, 2009, the Chancellor of the Board of 108574
Regents shall submit funding formulas to the Controlling Board for 108575
the 2009-2010 academic year and allocations of Ohio College 108576
Opportunity Grant awards not already specified in section 3333.122 108577
of the Revised Code. 108578

Section 371.50.60. CENTRAL STATE UNIVERSITY SPEED TO SCALE 108579

The foregoing appropriation 235567, Central State University 108580
Speed to Scale, shall be used to achieve the goals of the Speed to 108581
Scale Plan, which include increasing student enrollment through 108582
freshman recruitment and transferred students, increasing the 108583
proportion of in-state students to 80 per cent of the total 108584
student population, and increasing the student retention rates 108585
between the first and second year of college by two per cent each 108586
year. The goals shall be accomplished by the targeting of student 108587
retention, improved articulation agreements with two-year 108588
campuses, increased use of alternative course options, including 108589
online coursework and Ohio Learning Network resources, College 108590

Tech Prep, Post Secondary Enrollment Options, and other 108591
dual-credit programs, and strategic partnerships with research 108592
institutions to improve the quality of Central State University's 108593
offering of science, technology, engineering, mathematics, and 108594
medical instruction. In fiscal year 2010, the disbursement of 108595
these funds shall be contingent upon Central State University 108596
meeting the annual goals for the student enrollment and retention 108597
rate increases. 108598

The Speed to Scale Task Force shall meet not less than 108599
quarterly to discuss progress of the plan, including performance 108600
on accountability metrics and issues experienced in planned 108601
efforts, and to monitor and support the creation of partnerships 108602
with other state institutions of higher education. The Task Force 108603
shall consist of the president of Central State University or the 108604
president's designee, the president of Sinclair Community College 108605
or the president's designee, the president of Cincinnati State 108606
Technical and Community College or the president's designee, the 108607
president of Cuyahoga Community College or the president's 108608
designee, the president of The Ohio State University or the 108609
president's designee, the president of the University of 108610
Cincinnati or the president's designee, the president of Wright 108611
State University or the president's designee, one representative 108612
from the Board of Regents, one member of the House of 108613
Representatives appointed by the Speaker of the House of 108614
Representatives, one member of the Senate appointed by the 108615
President of the Senate, the Director of Budget and Management or 108616
the director's designee, and a representative of the Governor's 108617
Office appointed by the Governor. 108618

On the thirtieth day of June of each fiscal year, Central 108619
State University and the Speed to Scale Task Force shall jointly 108620
submit to the Governor, the Director of Budget and Management, the 108621
Speaker of the House of Representatives, the President of the 108622

Senate, and the Board of Regents a report describing the status of 108623
their progress on the accountability metrics included in the Speed 108624
to Scale Plan. 108625

Section 371.50.70. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 108626

The foregoing appropriation item 235572, The Ohio State 108627
University Clinic Support, shall be distributed through the 108628
Chancellor of the Board of Regents to The Ohio State University 108629
for support of dental and veterinary medicine clinics. 108630

Section 371.50.80. NONPUBLIC NEED-BASED FINANCIAL AID 108631

The foregoing appropriation item 235576, Nonpublic Need-Based 108632
Financial Aid, shall be used to support need-based financial aid 108633
block grants under division (D) of section 3333.122 of the Revised 108634
Code. 108635

Of the foregoing appropriation item 235576, Nonpublic 108636
Need-Based Financial Aid, \$60,000,000 in each fiscal year shall be 108637
used to support the block grant for private, nonprofit 108638
institutions of higher education. 108639

Of the foregoing appropriation item 235576, Nonpublic 108640
Need-Based Financial Aid, \$10,000,000 in each fiscal year shall be 108641
used to support the block grant for proprietary post-secondary 108642
institutions of higher education. 108643

Section 371.50.82. ALLOCATION OF NEED-BASED BLOCK GRANT FOR 108644
NONPROFIT PRIVATE INSTITUTIONS 108645

(A) As used in this section: 108646

(1) "Eligible institution" means a nonprofit private 108647
institution in this state that holds a certificate of 108648
authorization pursuant to Chapter 1713. of the Revised Code to 108649
award degrees at the associate degree or higher. 108650

(2) "First-year student" means an undergraduate student who 108651
has earned not more than 29 semester hour credits or 44 quarter 108652
hour credits. 108653

(3) "Sophomore" means an undergraduate student who, at an 108654
institution authorized to award bachelor's degrees or higher, has 108655
earned between 30 and 59 semester hour credits or 45 to 89 quarter 108656
hour credits or who, at an institution authorized to issue 108657
associate degrees only, has earned 30 or more semester hour 108658
credits or 45 or more quarter hour credits. 108659

(4) "Junior" means an undergraduate who, at an institution 108660
authorized to award bachelor's degrees or higher, has earned 108661
between 60 and 89 semester hour credits or between 90 and 134 108662
quarter hour credits. 108663

(5) "Senior" means an undergraduate student who, at an 108664
institution authorized to award bachelor's degrees or higher, has 108665
earned 90 or more semester hour credits or 135 or more quarter 108666
hour credits. 108667

(6) "Pell-eligible student" means a full-time equivalent 108668
undergraduate Ohio resident enrolled in an eligible institution 108669
and who is eligible for a Pell grant under 20 U.S.C. 1070a. 108670

(B) The Chancellor of the Ohio Board of Regents shall 108671
allocate funds for the Private Higher Education Financial Aid 108672
Needs-Based Block Grant under division (C) of section 3333.122 of 108673
the Revised Code to eligible institutions in the amounts 108674
calculated as follows: 108675

(1) For fiscal year 2010, each eligible institution shall 108676
receive 90% of the amounts the eligible institution received in 108677
fiscal year 2008 under the Ohio Instructional Grant and Ohio 108678
College Opportunity Grant programs, under sections 3333.12 and 108679
3333.122 of the Revised Code, respectively, plus a percentage of 108680
the remaining appropriation for the Private Higher Education 108681

Needs-Based Financial Aid Block Grant, if any, equal to the 108682
percentage that the weighted Pell-eligible students enrolled at 108683
the institution in academic year 2008-2009 represents of the total 108684
number of weighted Pell-eligible students attending all eligible 108685
institutions that academic year. Weights shall be determined as 108686
provided in division (C)(1) of this section. 108687

(2) In fiscal year 2011, each eligible institution shall be 108688
allocated a percentage of the appropriation for the Private Higher 108689
Education Needs-Based Financial Aid Block Grant equal to the 108690
percentage that the weighted Pell-eligible students enrolled at 108691
the eligible institution in academic year 2009-2010 represents of 108692
the total number of weighted Pell-eligible students enrolled in 108693
all eligible institutions in that academic year. Weights shall be 108694
determined as provided in division (C) of this section. 108695

(C) For purposes of division (B) of this section, students 108696
shall be weighted by grade level as follows: 108697

(1) 1.0 for full-time equivalent enrollment of first-year 108698
students; 108699

(2) 1.1 for full-time equivalent enrollment of sophomores; 108700

(3) 1.2 for full-time equivalent enrollment of juniors; 108701

(4) 1.3 for full-time equivalent enrollment of seniors. 108702

(D) Each eligible institution shall report the number and 108703
level of students enrolled at the institution that are 108704
Pell-eligible for the academic year prior to the fiscal year of 108705
block grant funding. For any institution not reporting the number 108706
and level of Pell-eligible students in a timely manner, the 108707
Chancellor shall instead use in the distribution formula such 108708
institution's total number of state need-based aid eligible 108709
students for the academic year two years prior to the fiscal year 108710
of block grant funding. In such cases, all numbers shall be 108711
weighted by a factor of 1.00. 108712

Section 371.50.83. BLISS INSTITUTE 108713

The foregoing appropriation item 235579, Bliss Institute, 108714
shall be used to support the Bliss Institute of Applied Politics 108715
at the University of Akron. 108716

Section 371.50.84. ENTREPRENEURSHIP EDUCATION PROGRAM 108717

The foregoing appropriation item 235580, Entrepreneurship 108718
Education Program, shall be used to develop an entrepreneurship 108719
education program at North Central State College. The program 108720
shall serve as a source of entrepreneurial learning practices and 108721
innovation across the North Central State College curriculum and 108722
in Mansfield. The program may include collaboration and 108723
partnerships with local businesses and government entities. 108724

Section 371.50.85. URBAN UNIVERSITY PROGRAM 108725

Universities receiving funds from the foregoing appropriation 108726
item 235583, Urban University Program, that are used to support an 108727
ongoing university unit shall certify periodically in a manner 108728
approved by the Board of Regents that program funds are being 108729
matched on a one-to-one basis with equivalent resources. Overhead 108730
support may not be used to meet this requirement. If Urban 108731
University Program funds are being used to support an ongoing 108732
university unit, matching funds shall come from continuing rather 108733
than one-time sources. At each participating state-assisted 108734
institution of higher education, matching funds shall be within 108735
the substantial control of the individual designated by the 108736
institution's president as the Urban University Program 108737
Representative. 108738

Of the foregoing appropriation item 235583, Urban University 108739
Program, \$71,618 in each fiscal year shall be used to support the 108740
Center for the Interdisciplinary Study of Education and the Urban 108741

Child at Cleveland State University. These funds shall be 108742
distributed according to rules adopted by the Board of Regents and 108743
shall be used by the center. The center shall target funds toward 108744
increasing the chance for lifetime success of the urban child, 108745
including interventions beginning with the prenatal period. The 108746
primary purpose of the center is to study issues in urban 108747
education and to systematically map directions for new approaches 108748
and new solutions by bringing together a cadre of researchers, 108749
scholars, and professionals representing the social, behavioral, 108750
educational, and health disciplines. 108751

Of the foregoing appropriation item 235583, Urban University 108752
Program, \$875,586 in each fiscal year shall be distributed by the 108753
Board of Regents to Cleveland State University in support of the 108754
Maxine Goodman Levin College of Urban Affairs. 108755

Of the foregoing appropriation item 235583, Urban University 108756
Program, \$875,586 in each fiscal year shall be distributed to the 108757
Northeast Ohio Research Consortium, the Urban Linkages Program, 108758
and the Urban Research Technical Assistance Grant Program. The 108759
distribution among the three programs shall be determined by the 108760
chairperson of the Urban University Program. 108761

Of the foregoing appropriation item 235583, Urban University 108762
Program, \$151,194 in each fiscal year shall be used to support a 108763
public communication outreach program (WCPN). The primary purpose 108764
of the program shall be to develop a relationship between 108765
Cleveland State University and nonprofit communications entities. 108766

Of the foregoing appropriation item 235583, Urban University 108767
Program, \$169,310 in each fiscal year shall be used to support the 108768
Kent State University Learning and Technology Project. This 108769
project is a kindergarten through university collaboration between 108770
schools surrounding Kent State University's eight campuses in 108771
northeast Ohio and corporate partners who assist in development 108772
and delivery. 108773

The Kent State University Learning and Technology Project 108774
shall provide a faculty member who has a full-time role in the 108775
development of collaborative activities and teacher instructional 108776
programming between Kent State University and the K-12th grade 108777
schools that surround its eight campuses; appropriate student 108778
support staff to facilitate these programs and joint activities; 108779
and hardware and software to schools that will make possible the 108780
delivery of instruction to pre-service and in-service teachers, 108781
and their students, in their own classrooms or school buildings. 108782
The latter shall involve the delivery of low-bandwidth streaming 108783
video and web-based technologies in a distributed instructional 108784
model. 108785

Of the foregoing appropriation item 235583, Urban University 108786
Program, \$65,119 in each fiscal year shall be used to support the 108787
Ameritech Classroom/Center for Research at Kent State University. 108788

Of the foregoing appropriation item 235583, Urban University 108789
Program, \$442,087 in each fiscal year shall be used to support the 108790
Polymer Distance Learning Project at the University of Akron. 108791

Of the foregoing appropriation item 235583, Urban University 108792
Program, \$19,894 in each fiscal year shall be distributed to the 108793
Kent State University/Cleveland Design Center Program. 108794

Of the foregoing appropriation item 235583, Urban University 108795
Program, \$6,630 in each fiscal year shall be used for the 108796
Advancing-Up Program at the University of Akron. 108797

Of the foregoing appropriation item 235583, Urban University 108798
Program, \$85,404 in each fiscal year shall be used to support the 108799
Strategic Economic Research Collaborative at the University of 108800
Toledo Urban Affairs Center. 108801

Of the foregoing appropriation item 235583, Urban University 108802
Program, \$100,679 in each fiscal year shall be used to support the 108803
Institute for Collaborative Research and Public Humanities at The 108804

Ohio State University.	108805
Of the foregoing appropriation item 235583, Urban University Program, \$259,900 in each fiscal year shall be used to support the Medina County University Center.	108806 108807 108808
Of the foregoing appropriation item 235583, Urban University Program, \$91,650 in each fiscal year shall be used to support The Ohio State University African American and African Studies Community Extension Center.	108809 108810 108811 108812
Of the foregoing appropriation item 235583, Urban University Program, \$122,200 in each fiscal year shall be used to support the Cleveland Institute of Art.	108813 108814 108815
Section 371.50.86. RURAL UNIVERSITY PROJECTS	108816
Of the foregoing appropriation item 235587, Rural University Projects, Bowling Green State University shall receive \$161,171 in each fiscal year, Miami University shall receive \$149,891 in each fiscal year, and Ohio University shall receive \$351,334 in each fiscal year. These funds shall be used to support the Institute for Local Government Administration and Rural Development at Ohio University, the Center for Public Management and Regional Affairs at Miami University, and the Center for Regional Development at Bowling Green State University.	108817 108818 108819 108820 108821 108822 108823 108824 108825
Of the foregoing appropriation item 235587, Rural University Projects, \$9,741 in each fiscal year shall be used to support the Washington State Community College day care center.	108826 108827 108828
Of the foregoing appropriation item 235587, Rural University Projects, \$36,556 in each fiscal year shall be used to support the COAD/ILGARD/GOA Appalachian Leadership Initiative.	108829 108830 108831
Section 371.50.90. HAZARDOUS MATERIALS PROGRAM	108832
The foregoing appropriation item 235596, Hazardous Materials	108833

Program, shall be used by the Chancellor of the Board of Regents 108834
to make awards for the establishment or continued development and 108835
support of hazardous materials education, studies, or programs at 108836
Ohio institutions of higher education. 108837

Of the foregoing appropriation item 235596, Hazardous 108838
Materials Program, \$115,000 in each fiscal year shall be used to 108839
support the Center for the Interdisciplinary Study of Education 108840
and Leadership in Public Service at Cleveland State University 108841
which was created with the cooperation of the Ohio Professional 108842
Fire Fighters Association. These funds shall be distributed by the 108843
Chancellor of the Board of Regents and shall be used by the center 108844
and targeted toward increasing the role of special populations in 108845
public service and not-for-profit organizations. The primary 108846
purpose of the center is to study issues in public service and to 108847
guide strategies for attracting new communities into public 108848
service occupations by bringing together a cadre of researchers, 108849
scholars, and professionals representing the public 108850
administration, social behavioral, and education disciplines. 108851

Section 371.60.10. NATIONAL GUARD SCHOLARSHIP PROGRAM 108852

The Chancellor of the Board of Regents shall disburse funds 108853
from appropriation item 235599, National Guard Scholarship 108854
Program, at the direction of the Adjutant General. During each 108855
fiscal year, the Chancellor of the Board of Regents, within ten 108856
days of cancellation, may certify to the Director of Budget and 108857
Management the amount of canceled prior-year encumbrances in 108858
appropriation item 235599, National Guard Scholarship Program. 108859
Upon receipt of the certification, the Director of Budget and 108860
Management may transfer cash in an amount up to the amount 108861
certified from the General Revenue Fund to the National Guard 108862
Scholarship Reserve Fund (Fund 5BM0). Upon the request of the 108863
Adjutant General, the Chancellor of the Board of Regents shall 108864

seek Controlling Board approval to authorize additional 108865
expenditures for appropriation item 235623, National Guard 108866
Scholarship Reserve Fund. Upon approval of the Controlling Board, 108867
the additional amounts are hereby appropriated. The Chancellor of 108868
the Board of Regents shall disburse funds from appropriation item 108869
235623, National Guard Scholarship Reserve Fund, at the direction 108870
of the Adjutant General. 108871

Section 371.60.20. PLEDGE OF FEES 108872

Any new pledge of fees, or new agreement for adjustment of 108873
fees, made in the biennium ending June 30, 2011, to secure bonds 108874
or notes of a state-assisted institution of higher education for a 108875
project for which bonds or notes were not outstanding on the 108876
effective date of this section shall be effective only after 108877
approval by the Chancellor of the Board of Regents, unless 108878
approved in a previous biennium. 108879

Section 371.60.30. HIGHER EDUCATION GENERAL OBLIGATION DEBT 108880
SERVICE 108881

The foregoing appropriation item 235909, Higher Education 108882
General Obligation Debt Service, shall be used to pay all debt 108883
service and related financing costs at the times they are required 108884
to be made for obligations issued during the period from July 1, 108885
2009, to June 30, 2011, under sections 151.01 and 151.04 of the 108886
Revised Code. 108887

Section 371.60.40. SALES AND SERVICES 108888

The Chancellor of the Board of Regents is authorized to 108889
charge and accept payment for the provision of goods and services. 108890
Such charges shall be reasonably related to the cost of producing 108891
the goods and services. No charges may be levied for goods or 108892
services that are produced as part of the routine responsibilities 108893

or duties of the Chancellor. All revenues received by the 108894
Chancellor of the Board of Regents shall be deposited into Fund 108895
4560, and may be used by the Chancellor of the Board of Regents to 108896
pay for the costs of producing the goods and services. 108897
108898

Section 371.60.50. HIGHER EDUCATIONAL FACILITY COMMISSION 108899
ADMINISTRATION 108900

The foregoing appropriation item 235602, Higher Educational 108901
Facility Commission Administration, shall be used by the 108902
Chancellor of the Board of Regents for operating expenses related 108903
to the Chancellor of the Board of Regents' support of the 108904
activities of the Ohio Higher Educational Facility Commission. 108905
Upon the request of the Chancellor, the Director of Budget and 108906
Management shall transfer up to \$45,000 cash in fiscal year 2010 108907
and up to \$45,000 cash in fiscal year 2011 from the HEFC Operating 108908
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 108909
4E80). 108910

Section 371.60.60. NURSING LOAN PROGRAM 108911

The foregoing appropriation item 235606, Nursing Loan 108912
Program, shall be used to administer the nurse education 108913
assistance program. Up to \$167,580 in each fiscal year may be used 108914
for operating expenses associated with the program. Any additional 108915
funds needed for the administration of the program are subject to 108916
Controlling Board approval. 108917

Section 371.60.70. VETERANS PREFERENCES 108918

The Chancellor of the Board of Regents shall work with the 108919
Department of Veterans Services to develop specific veterans 108920
preference guidelines for higher education institutions. These 108921
guidelines shall ensure that the institutions' hiring practices 108922

are in accordance with the intent of Ohio's veterans preference 108923
laws. 108924

Section 371.60.80. STATE NEED-BASED FINANCIAL AID 108925
RECONCILIATION 108926

By the first day of August in each fiscal year, or as soon as 108927
possible thereafter, the Chancellor of the Ohio Board of Regents 108928
shall certify to the Director of Budget and Management the amount 108929
necessary to pay any outstanding prior year obligations to higher 108930
education institutions for the state's need-based financial aid 108931
programs. The amounts certified are hereby appropriated to 108932
appropriation item 235618, State Need-based Financial Aid 108933
Reconciliation, from revenues received in the State Need-based 108934
Financial Aid Reconciliation Fund (Fund 5Y50). 108935

Section 371.60.90. TRANSFERS TO STATE NEED-BASED FINANCIAL 108936
AID PROGRAMS 108937

In each fiscal year of the biennium, if the Chancellor of the 108938
Board of Regents determines that additional funds are needed to 108939
support the distribution of state need-based financial aid in 108940
accordance with section 3333.122 of the Revised Code, the 108941
Chancellor shall recommend the reallocation of the unexpended, 108942
unencumbered portions of General Revenue Fund appropriation items 108943
in the Board of Regents to appropriation item 235563, Ohio College 108944
Opportunity Grant. If the Director of Budget and Management 108945
determines that such a reallocation is required, the Director may 108946
transfer appropriation in an amount not to exceed those 108947
unexpended, unencumbered General Revenue Fund appropriations in 108948
the Board of Regents as necessary to appropriation item 235563, 108949
Ohio College Opportunity Grant. 108950

If those transferred appropriations are not sufficient to 108951
support the distribution of state need-based financial aid in 108952

accordance with section 3333.122 of the Revised Code in each 108953
fiscal year, the Director of Budget and Management may authorize 108954
expenditures in excess of the amounts appropriated, but not to 108955
exceed \$5,000,000 in each fiscal year from appropriation item 108956
235563, Ohio College Opportunity Grant. Upon approval of the 108957
Director of Budget and Management, the additional amounts are 108958
hereby appropriated. 108959

Section 371.60.93. GENERAL REVENUE FUND TRANSFER 108960

On July 1 of each fiscal year, or as soon as possible 108961
thereafter, the Director of Budget and Management shall transfer 108962
\$2,000,000 cash from the General Revenue Fund to the Third 108963
Frontier Research and Development Fund (Fund 7011). 108964

Section 371.60.95. TRANSFER AND ADJUSTMENT OF ARRA STATE 108965
FISCAL STABILIZATION FUND APPROPRIATIONS 108966

The Director of Budget and Management may transfer 108967
appropriation between appropriation items 200550, Foundation 108968
Funding, and 200551, Foundation Funding - Federal Stimulus, in 108969
each fiscal year, upon the written request of the Superintendent 108970
of Public Instruction, including transferring appropriation 108971
between fiscal year 2010 and fiscal year 2011. The Director shall 108972
report each transfer made under this section to the Controlling 108973
Board at its next regularly scheduled meeting after the transfer 108974
is made. 108975

Section 371.70.10. EFFICIENCY SAVINGS 108976

Each state-assisted institution of higher education, as 108977
defined in section 3345.011 of the Revised Code, shall demonstrate 108978
at least a three per cent savings through internal efficiencies in 108979
each fiscal year. Institutions shall identify savings to the 108980
Chancellor of the Board of Regents, who shall certify the amount 108981

of savings of each institution. 108982

Section 371.70.20. OHIO TUITION TRUST AUTHORITY BECOMES 108983
ADVISORY BOARD TO CHANCELLOR 108984

(A) On and after the effective date of this section: 108985

(1) The Ohio Tuition Trust Authority, as established by 108986
former section 3334.03 of the Revised Code, shall become the Ohio 108987
Tuition Trust Advisory Board charged with the duty to advise the 108988
Chancellor of the Ohio Board of Regents in carrying out the 108989
Chancellor's duties. 108990

(2) The Chancellor of the Ohio Board of Regents shall have 108991
the powers and duties formerly prescribed to and duties of the 108992
Ohio Tuition Trust Authority and any other powers and duties 108993
granted to the Chancellor by law enacted after the effective date 108994
of this section. 108995

(3) The Chancellor is thereupon and thereafter successor to, 108996
assumes obligations of, and otherwise constitutes the continuation 108997
of the Ohio Tuition Trust Authority. 108998

(4) Any business commenced but not completed by the Ohio 108999
Tuition Trust Authority shall be completed by the Chancellor in 109000
the same manner, with the same effect, as if completed by the 109001
Authority. No validation, cure, right, privilege, remedy, 109002
obligation, or liability is lost or impaired by reason of the 109003
change in powers and duties prescribed in the provisions amended 109004
and enacted by this act. 109005

(5) All rules of the Ohio Tuition Trust Authority continue in 109006
effect as rules of the Chancellor, until amended or rescinded by 109007
the Chancellor. 109008

(6) Except as otherwise specified in section 3334.031 of the 109009
Revised Code or another provision of law enacted after the 109010
effective date of this section, when the Ohio Tuition Trust 109011

Authority is referred to in any statute, rule, contract, grant, or 109012
other document, the reference shall be construed to refer to the 109013
Chancellor. 109014

(B) No judicial or administrative action or proceeding in 109015
which the Ohio Tuition Trust Authority is a party that is pending 109016
on the effective date of this section, is affected by the change 109017
in powers and duties prescribed in the provisions amended and 109018
enacted by this act. Such action or proceeding shall be prosecuted 109019
or defended in the name of the Chancellor. On application to the 109020
court or other tribunal, the Chancellor shall be substituted for 109021
the Ohio Tuition Trust Authority as a party to such action or 109022
proceeding. 109023

(C) Subject to division (C) of section 3334.08 of the Revised 109024
Code, personnel of the Ohio Tuition Trust Authority remain subject 109025
to the appointment by and continue to serve at the pleasure of the 109026
Chancellor. 109027

(D) On the effective date of this section, all books, 109028
records, documents, files, transcripts, equipment, furniture, 109029
supplies, and other materials assigned to or in the possession of 109030
the Ohio Tuition Trust Authority shall be transferred to the 109031
Chancellor. 109032

Section 375.10.	DRC DEPARTMENT OF REHABILITATION AND				109033	
	CORRECTION				109034	
	General Revenue Fund				109035	
GRF 501321	Institutional	\$	928,188,147	\$	903,630,244	109036
	Operations					
GRF 501403	Prisoner Compensation	\$	8,599,255	\$	8,599,255	109037
GRF 501405	Halfway House	\$	41,054,799	\$	42,286,443	109038
GRF 501406	Lease Rental Payments	\$	101,578,100	\$	98,080,200	109039
GRF 501407	Community	\$	21,925,802	\$	22,431,567	109040
	Nonresidential					

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

		Programs					
GRF	501408	Community Misdemeanor	\$	11,092,468	\$	11,380,242	109041
		Programs					
GRF	501501	Community Residential	\$	62,517,256	\$	64,281,774	109042
		Programs - CBCF					
GRF	501620	Institutional	\$	0	\$	34,200,000	109043
		Operations - Federal					
		Stimulus					
GRF	502321	Mental Health Services	\$	80,844,321	\$	84,462,467	109044
GRF	503321	Parole and Community	\$	75,785,243	\$	77,326,155	109045
		Operations					
GRF	504321	Administrative	\$	26,388,606	\$	27,069,477	109046
		Operations					
GRF	505321	Institution Medical	\$	252,462,498	\$	251,763,268	109047
		Services					
GRF	506321	Institution Education	\$	22,730,539	\$	23,183,959	109048
		Services					
GRF	507321	Institution Recovery	\$	5,025,028	\$	5,899,110	109049
		Services					
TOTAL GRF		General Revenue Fund	\$	1,638,192,062	\$	1,654,594,161	109050
		General Services Fund Group					109051
1480	501602	Services and	\$	108,290,058	\$	111,062,533	109052
		Agricultural					
2000	501607	Ohio Penal Industries	\$	40,845,414	\$	40,845,414	109053
4830	501605	Property Receipts	\$	255,015	\$	261,315	109054
4B00	501601	Sewer Treatment	\$	2,467,630	\$	2,529,828	109055
		Services					
4D40	501603	Prisoner Programs	\$	14,600,000	\$	14,800,000	109056
4L40	501604	Transitional Control	\$	2,042,548	\$	2,051,451	109057
4S50	501608	Education Services	\$	2,800,000	\$	3,000,000	109058
5710	501606	Training Academy	\$	75,190	\$	75,190	109059
		Receipts					
5930	501618	Laboratory Services	\$	6,476,314	\$	6,740,260	109060

5AF0	501609	State and Non-Federal Awards	\$	262,718	\$	262,718	109061
5H80	501617	Offender Financial Responsibility	\$	3,000,000	\$	3,000,000	109062
5L60	501611	Information Technology Services	\$	1,000,000	\$	1,000,000	109063
TOTAL GSF		General Services Fund Group	\$	182,114,887	\$	185,628,709	109064
		Federal Special Revenue Fund Group					109065
3230	501619	Federal Grants	\$	12,198,353	\$	12,198,353	109066
3S10	501615	Truth-In-Sentencing Grants	\$	8,251,241	\$	0	109067
TOTAL FED		Federal Special Revenue Fund Group	\$	20,449,594	\$	12,198,353	109068
TOTAL ALL BUDGET FUND GROUPS			\$	1,840,756,543	\$	1,852,421,223	109069
		UNIT MANAGEMENT MODEL IMPLEMENTATION					109070
		The Department of Rehabilitation and Correction shall implement the unit management model at the Mansfield Correctional Institution, including the filling of all authorized unit management staff positions.					109071
		UNIT MANAGEMENT MODEL IMPLEMENTATION					109072
		The Department of Rehabilitation and Correction shall implement the unit management model at the Southern Ohio Correctional Facility, including the filling of all authorized unit management staff positions.					109073
		OHIO BUILDING AUTHORITY LEASE PAYMENTS					109074
		The foregoing appropriation item 501406, Lease Rental Payments, shall be used to meet all payments during the period from July 1, 2009, to June 30, 2011, under the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code. These appropriations are the source of funds pledged					109075

for bond service charges or obligations issued pursuant to Chapter	109087
152. of the Revised Code.	109088
PRISONER COMPENSATION	109089
Money from the foregoing appropriation item 501403, Prisoner	109090
Compensation, shall be transferred on a quarterly basis by	109091
intrastate transfer voucher to the Services and Agricultural Fund	109092
(Fund 1480) for the purposes of paying prisoner compensation.	109093
JUSTICE REINVESTMENT STUDY	109094
Of the foregoing appropriation item 504321, Administrative	109095
Operations, \$100,000 in fiscal year 2010 shall be provided to the	109096
Council of State Governments to fund the Justice Reinvestment	109097
Study. The Council of State Governments shall report its findings	109098
to the Governor and the General Assembly not later than July 1,	109099
2010.	109100
OSU MEDICAL CHARGES	109101
Notwithstanding section 341.192 of the Revised Code, at the	109102
request of the Department of Rehabilitation and Correction, The	109103
Ohio State University Medical Center, including the James Cancer	109104
Hospital and Solove Research Institute and the Richard M. Ross	109105
Heart Hospital, shall provide necessary care to persons who are	109106
confined in state adult correctional facilities. The provision of	109107
necessary care shall be billed to the Department at a rate not to	109108
exceed the authorized reimbursement rate for the same service	109109
established by the Department of Job and Family Services under the	109110
Medical Assistance Program.	109111
Section 377.10. RSC REHABILITATION SERVICES COMMISSION	109112
General Revenue Fund	109113
GRF 415402 Independent Living \$ 360,000 \$ 360,000	109114
Council	
GRF 415406 Assistive Technology \$ 38,025 \$ 38,025	109115

GRF	415431	Office for People with Brain Injury	\$	180,810	\$	180,810	109116
GRF	415506	Services for People with Disabilities	\$	18,738,043	\$	18,738,043	109117
GRF	415508	Services for the Deaf	\$	100,000	\$	100,000	109118
TOTAL GRF	General Revenue Fund		\$	19,416,878	\$	19,416,878	109119
General Services Fund Group							109120
4670	415609	Business Enterprise Operating Expenses	\$	1,393,002	\$	1,389,851	109121
TOTAL GSF	General Services						109122
Fund Group			\$	1,393,002	\$	1,389,851	109123
Federal Special Revenue Fund Group							109124
3170	415620	Disability Determination	\$	81,685,226	\$	83,498,461	109125
3790	415616	Federal - Vocational Rehabilitation	\$	130,057,624	\$	131,132,654	109126
3L10	415601	Social Security Personal Care Assistance	\$	3,000,000	\$	2,700,000	109127
3L10	415605	Social Security Community Centers for the Deaf	\$	750,000	\$	750,000	109128
3L10	415608	Social Security Special Programs/Assistance	\$	1,752,714	\$	1,884,714	109129
3L40	415612	Federal Independent Living Centers or Services	\$	620,880	\$	620,880	109130
3L40	415615	Federal - Supported Employment	\$	883,214	\$	839,054	109131
3L40	415617	Independent Living/Vocational	\$	1,951,862	\$	1,953,293	109132

Rehabilitation				
Programs				
TOTAL FED Federal Special				109133
Revenue Fund Group	\$	220,701,520	\$ 223,379,056	109134
State Special Revenue Fund Group				109135
4680 415618 Third Party Funding	\$	5,008,974	\$ 5,008,974	109136
4L10 415619 Services for	\$	4,067,773	\$ 3,994,154	109137
Rehabilitation				
4W50 415606 Program Management	\$	15,620,782	\$ 15,767,803	109138
Expenses				
TOTAL SSR State Special				109139
Revenue Fund Group	\$	24,697,529	\$ 24,770,931	109140
TOTAL ALL BUDGET FUND GROUPS	\$	266,208,929	\$ 268,956,716	109141
INDEPENDENT LIVING COUNCIL				109142
The foregoing appropriation item 415402, Independent Living				109143
Council, shall be used to fund the operations of the State				109144
Independent Living Council and shall be used to support state				109145
independent living centers and independent living services under				109146
Title VII of the Independent Living Services and Centers for				109147
Independent Living of the Rehabilitation Act Amendments of 1992,				109148
106 Stat. 4344, 29 U.S.C. 796d.				109149
ASSISTIVE TECHNOLOGY				109150
The foregoing appropriation item 415406, Assistive				109151
Technology, shall be provided to Assistive Technology of Ohio and				109152
used to provide grants and assistive technology services under the				109153
program for people with disabilities in the State of Ohio.				109154
OFFICE FOR PEOPLE WITH BRAIN INJURY				109155
The foregoing appropriation item 415431, Office for People				109156
with Brain Injury, shall be used to plan and coordinate				109157
head-injury-related services provided by state agencies and other				109158
government or private entities, to assess the needs for such				109159

services, and to set priorities in this area. 109160

VOCATIONAL REHABILITATION SERVICES 109161

The foregoing appropriation item 415506, Services for People 109162
with Disabilities, shall be used as state matching funds to 109163
provide vocational rehabilitation services to eligible consumers. 109164

SERVICES FOR THE DEAF 109165

Of the foregoing appropriation item 415508, Services for the 109166
Deaf, \$60,000 in each fiscal year shall be used as state matching 109167
funds to provide vocational rehabilitation services to eligible 109168
consumers who are deaf or hard of hearing. 109169

The remainder of foregoing appropriation item 415508, 109170
Services for the Deaf, shall be used to provide grants to 109171
community centers for the deaf. These funds shall not be provided 109172
in lieu of Social Security reimbursement funds. 109173

FEDERAL - VOCATIONAL REHABILITATION 109174

Of the foregoing appropriation item 415616, Federal - 109175
Vocational Rehabilitation, \$222,000 shall be used to provide 109176
vocational rehabilitation services to eligible consumers who are 109177
deaf or hard of hearing. 109178

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 109179

The foregoing appropriation item 415617, Independent 109180
Living/Vocational Rehabilitation Programs, shall be used to 109181
support vocational rehabilitation programs. 109182

SOCIAL SECURITY REIMBURSEMENT FUNDS 109183

Reimbursement funds received from the Social Security 109184
Administration, United States Department of Health and Human 109185
Services, for the costs of providing services and training to 109186
return disability recipients to gainful employment shall be 109187
expended from the Social Security Reimbursement Fund (Fund 3L10), 109188
to the extent funds are available, as follows: 109189

(A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code; 109190
 109191
 109192

(B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and 109193
 109194
 109195
 109196

(C) Appropriation item 415608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item shall also be used to pay a portion of indirect costs of the Personal Care Assistance Program and the Independent Living Programs as mandated by federal OMB Circular A-87. 109197
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PROGRAM MANAGEMENT EXPENSES 109205

The foregoing appropriation item 415606, Program Management Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs. 109206
 109207
 109208
 109209
 109210

Section 379.10. RCB RESPIRATORY CARE BOARD 109211

General Services Fund Group					109212
4K90 872609 Operating Expenses	\$	495,689	\$	495,689	109213
TOTAL GSF General Services Fund Group					109214
	\$	495,689	\$	495,689	109215
TOTAL ALL BUDGET FUND GROUPS	\$	495,689	\$	495,689	109216

Section 381.10. RDF REVENUE DISTRIBUTION FUNDS 109218

Volunteer Firefighters' Dependents Fund 109219

7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	109220
		Dependents Fund					
TOTAL	085	Volunteer Firefighters'					109221
		Dependents Fund	\$	300,000	\$	300,000	109222
		Agency Fund Group					109223
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	109224
		Improvement Fund					
6080	001699	Investment Earnings	\$	250,000,000	\$	250,000,000	109225
7062	110962	Resort Area Excise	\$	1,000,000	\$	1,000,000	109226
		Tax					
7063	110963	Permissive Tax	\$	1,849,000,000	\$	1,849,000,000	109227
		Distribution					
7067	110967	School District	\$	350,000,000	\$	350,000,000	109228
		Income Tax					
TOTAL	AGY	Agency Fund Group	\$	2,453,100,000	\$	2,453,100,000	109229
		Holding Account Redistribution					109230
R045	110617	International Fuel	\$	50,000,000	\$	50,000,000	109231
		Tax Distribution					
TOTAL	090	Holding Account	\$	50,000,000	\$	50,000,000	109232
		Redistribution Fund					
		Revenue Distribution Fund Group					109233
7049	038900	Indigent Drivers	\$	1,832,000	\$	1,832,000	109234
		Alcohol Treatment					
7050	762900	International	\$	30,000,000	\$	30,000,000	109235
		Registration Plan					
		Distribution					
7051	762901	Auto Registration	\$	539,000,000	\$	539,000,000	109236
		Distribution					
7054	110954	Local Government	\$	95,125,000	\$	95,125,000	109237
		Property Tax					
		Replacement - Utility					
7060	110960	Gasoline Excise Tax	\$	375,000,000	\$	375,000,000	109238
		Fund					

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

7065	110965	Public Library Fund	\$ 403,600,000	\$ 404,900,000	109239
7066	800966	Undivided Liquor Permits	\$ 13,500,000	\$ 13,500,000	109240
7068	110968	State and Local Government Highway Distribution	\$ 242,500,000	\$ 242,500,000	109241
7069	110969	Local Government Fund	\$ 673,700,000	\$ 676,000,000	109242
7081	110981	Local Government Property Tax Replacement-Business	\$ 366,800,000	\$ 378,000,000	109243
7082	110982	Horse Racing Tax	\$ 130,000	\$ 130,000	109244
7083	700900	Ohio Fairs Fund	\$ 2,325,000	\$ 2,325,000	109245
TOTAL RDF Revenue Distribution					109246
Fund Group			\$ 2,743,512,000	\$ 2,758,312,000	109247
TOTAL ALL BUDGET FUND GROUPS			\$ 5,246,912,000	\$ 5,261,712,000	109248

ADDITIONAL APPROPRIATIONS

109249

Appropriation items in this section shall be used for the 109250
 purpose of administering and distributing the designated revenue 109251
 distribution funds according to the Revised Code. If it is 109252
 determined that additional appropriations are necessary for this 109253
 purpose, such amounts are hereby appropriated. 109254

GENERAL REVENUE FUND TRANSFERS

109255

Notwithstanding any provision of law to the contrary, in 109256
 fiscal year 2010 and fiscal year 2011, the Director of Budget and 109257
 Management may transfer from the General Revenue Fund to the Local 109258
 Government Tangible Property Tax Replacement Fund (Fund 7081) in 109259
 the Revenue Distribution Fund Group, those amounts necessary to 109260
 reimburse local taxing units under section 5751.22 of the Revised 109261
 Code. Also, in fiscal year 2010 and fiscal year 2011, the Director 109262
 of Budget and Management may make temporary transfers from the 109263
 General Revenue Fund to ensure sufficient balances in the Local 109264
 Government Tangible Property Tax Replacement Fund (Fund 7081) and 109265

to replenish the General Revenue Fund for such transfers.				109266
				109267
On July 1 of each fiscal year, or as soon as possible				109268
thereafter, the Director of Budget and Management shall transfer				109269
\$2,500,000 cash from the General Revenue Fund to the Public				109270
Library Fund (Fund 7065).				109271
On July 1, 2010, or as soon as possible thereafter, the				109272
Director of Budget and Management shall transfer \$11,200,000 cash				109273
from the General Revenue Fund to the Local Government Property Tax				109274
Replacement-Business Fund (Fund 7081).				109275
Section 383.10. SAN BOARD OF SANITARIAN REGISTRATION				109276
General Services Fund Group				109277
4K90 893609 Operating Expenses	\$	138,551	\$ 138,551	109278
TOTAL GSF General Services				109279
Fund Group	\$	138,551	\$ 138,551	109280
TOTAL ALL BUDGET FUND GROUPS	\$	138,551	\$ 138,551	109281
Section 384.10. OSB OHIO STATE SCHOOL FOR THE BLIND				109283
General Revenue Fund				109284
GRF 226100 Personal Services	\$	7,326,155	\$ 7,326,155	109285
GRF 226200 Maintenance	\$	688,363	\$ 688,363	109286
GRF 226300 Equipment	\$	72,783	\$ 72,783	109287
TOTAL GRF General Revenue Fund	\$	8,087,301	\$ 8,087,301	109288
General Services Fund Group				109289
4H80 226602 Education Reform	\$	61,000	\$ 61,000	109290
Grants				
TOTAL GSF General Services				109291
Fund Group	\$	61,000	\$ 61,000	109292
Federal Special Revenue Fund Group				109293
3100 226626 Coordinating Unit	\$	2,527,105	\$ 2,527,105	109294

3P50 226643	Medicaid Professional Services Reimbursement	\$	50,000	\$	50,000	109295
TOTAL FED Federal Special						109296
Revenue Fund Group		\$	2,577,105	\$	2,577,105	109297
State Special Revenue Fund Group						109298
4M50 226601	Work Study and Technology Investment	\$	250,000	\$	250,000	109299
TOTAL SSR State Special Revenue						109300
Fund Group		\$	250,000	\$	250,000	109301
TOTAL ALL BUDGET FUND GROUPS						109302
Section 384.50. OSD OHIO SCHOOL FOR THE DEAF						109304
General Revenue Fund						109305
GRF 221100	Personal Services	\$	8,713,704	\$	8,713,704	109306
GRF 221200	Maintenance	\$	905,035	\$	905,035	109307
GRF 221300	Equipment	\$	78,650	\$	78,650	109308
TOTAL GRF General Revenue Fund						109309
General Services Fund Group						109310
4M10 221602	Education Reform Grants	\$	76,000	\$	76,000	109311
TOTAL GSF General Services						109312
Fund Group		\$	76,000	\$	76,000	109313
Federal Special Revenue Fund Group						109314
3110 221625	Coordinating Unit	\$	2,460,135	\$	2,460,135	109315
3AD0 221604	VREAL Ohio	\$	25,000	\$	25,000	109316
3R00 221684	Medicaid Professional Services Reimbursement	\$	35,000	\$	35,000	109317
3Y10 221686	Early Childhood Grant	\$	300,000	\$	300,000	109318
TOTAL FED Federal Special						109319
Revenue Fund Group		\$	2,820,135	\$	2,820,135	109320

State Special Revenue Fund Group				109321
4M00 221601 Educational Program	\$	190,000	\$ 190,000	109322
Expenses				
5H60 221609 Even Start Fees and	\$	250,716	\$ 250,716	109323
Gifts				
TOTAL SSR State Special Revenue				109324
Fund Group	\$	440,716	\$ 440,716	109325
TOTAL ALL BUDGET FUND GROUPS	\$	13,034,240	\$ 13,034,240	109326

Section 385.10. SFC SCHOOL FACILITIES COMMISSION 109328

General Revenue Fund				109329
GRF 230908 Common Schools	\$	192,559,200	\$ 165,510,500	109330
General Obligation				
Debt Service				
TOTAL GRF General Revenue Fund	\$	192,559,200	\$ 165,510,500	109331
State Special Revenue Fund Group				109332
5E30 230644 Operating Expenses	\$	9,885,436	\$ 10,132,034	109333
TOTAL SSR State Special Revenue				109334
Fund Group	\$	9,885,436	\$ 10,132,034	109335
TOTAL ALL BUDGET FUND GROUPS	\$	202,444,636	\$ 175,642,534	109336

Section 385.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT 109338

SERVICE 109339

The foregoing appropriation item 230908, Common Schools 109340
 General Obligation Debt Service, shall be used to pay all debt 109341
 service and related financing costs at the times they are required 109342
 to be made for obligations issued during the period from July 1, 109343
 2009, through June 30, 2011, under sections 151.01 and 151.03 of 109344
 the Revised Code. 109345

OPERATING EXPENSES 109346

The foregoing appropriation item 230644, Operating Expenses, 109347
 shall be used by the Ohio School Facilities Commission to carry 109348

out its responsibilities under this section and Chapter 3318. of 109349
the Revised Code. 109350

In both fiscal years 2010 and 2011, the Executive Director of 109351
the Ohio School Facilities Commission shall certify on a quarterly 109352
basis to the Director of Budget and Management the amount of cash 109353
from interest earnings to be transferred from the School Building 109354
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 109355
7021), and the Educational Facilities Trust Fund (Fund N087) to 109356
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 109357
transferred from the School Building Assistance Fund (Fund 7032) 109358
may not exceed investment earnings credited to the fund, less any 109359
amount required to be paid for federal arbitrage rebate purposes. 109360
109361

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 109362

At the request of the Executive Director of the Ohio School 109363
Facilities Commission, the Director of Budget and Management may 109364
cancel encumbrances for school district projects from a previous 109365
biennium if the district has not raised its local share of project 109366
costs within one year of receiving Controlling Board approval 109367
under section 3318.05 of the Revised Code. The Executive Director 109368
of the Ohio School Facilities Commission shall certify the amounts 109369
of the canceled encumbrances to the Director of Budget and 109370
Management on a quarterly basis. The amounts of the canceled 109371
encumbrances are hereby appropriated. 109372

Section 385.30. AMENDMENT TO PROJECT AGREEMENT FOR 109373
MAINTENANCE LEVY 109374

The Ohio School Facilities Commission shall amend the project 109375
agreement between the Commission and a school district that is 109376
participating in the Accelerated Urban School Building Assistance 109377
Program on the effective date of this section, if the Commission 109378
determines that it is necessary to do so in order to comply with 109379

division (B)(3)(c) of section 3318.38 of the Revised Code, as 109380
amended by this act. 109381

Section 385.40. STUDY OF COMMUNITY SPACE 109382

The Executive Director of the Ohio School Facilities 109383
Commission shall conduct a study of spaces included in classroom 109384
facilities projects financed by the Commission under Chapter 3318. 109385
of the Revised Code that are used for activities, services, and 109386
programs shared between schools and other public and private 109387
entities in their communities. The study shall identify and 109388
describe such spaces included in current or completed projects and 109389
shall recommend best practices for enhancing opportunities for 109390
including shared community spaces in future projects. The 109391
Executive Director shall submit a written report of the results 109392
and recommendations of the study to the Commission not later than 109393
December 31, 2009. 109394

**Section 385.50. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 109395
FACILITIES** 109396

Notwithstanding any other provision of law to the contrary, 109397
the Ohio School Facilities Commission may provide assistance under 109398
the Exceptional Needs School Facilities Program established in 109399
section 3318.37 of the Revised Code to any school district, and 109400
not exclusively to a school district in the lowest seventy-five 109401
per cent of adjusted valuation per pupil on the current ranking of 109402
school districts established under section 3318.011 of the Revised 109403
Code, for the purpose of the relocation or replacement of school 109404
facilities required as a result of extreme environmental 109405
contamination. 109406

The school district's portion of a project to replace a 109407
contaminated facility undertaken pursuant to this section shall 109408
not exceed seventy-five per cent of the cost of the project. This 109409

paragraph does not affect the district's portion of the cost of 109410
subsequent classroom facilities projects the district may 109411
undertake under Chapter 3318. of the Revised Code. 109412

The Ohio School Facilities Commission shall contract with an 109413
independent environmental consultant to conduct a study and to 109414
report to the Commission as to the seriousness of the 109415
environmental contamination, whether the contamination violates 109416
applicable state and federal standards, and whether the facilities 109417
are no longer suitable for use as school facilities. The 109418
Commission then shall make a determination regarding funding for 109419
the relocation or replacement of the school facilities. If the 109420
federal government or other public or private entity provides 109421
funds for restitution of costs incurred by the state or school 109422
district in the relocation or replacement of the school 109423
facilities, the school district shall use such funds in excess of 109424
the school district's share to refund the state for the state's 109425
contribution to the environmental contamination portion of the 109426
project. The school district may apply an amount of such 109427
restitution funds up to an amount equal to the school district's 109428
portion of the project, as defined by the Commission, toward 109429
paying its portion of that project to reduce the amount of bonds 109430
the school district otherwise must issue to receive state 109431
assistance under sections 3318.01 to 3318.20 of the Revised Code. 109432

Section 385.60. CANTON CITY SCHOOL DISTRICT PROJECT 109433

(A) The Ohio School Facilities Commission may commit up to 109434
thirty-five million dollars to the Canton City School District for 109435
construction of a facility described in this section, in lieu of a 109436
high school that would otherwise be authorized under Chapter 3318. 109437
of the Revised Code. The Commission shall not commit funds under 109438
this section unless all of the following conditions are met: 109439

(1) The District has entered into a cooperative agreement 109440

with a state-assisted technical college; 109441

(2) The District has received an irrevocable commitment of 109442
additional funding from nonpublic sources; and 109443

(3) The facility is intended to serve both secondary and 109444
postsecondary instructional purposes. 109445

(B) The Commission shall enter into an agreement with the 109446
District for the construction of the facility authorized under 109447
this section that is separate from and in addition to the 109448
agreement required for the District's participation in the 109449
Classroom Facilities Assistance Program under section 3318.08 of 109450
the Revised Code. Notwithstanding that section and sections 109451
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 109452
agreement shall provide, but not be limited to, the following: 109453

(1) The Commission shall not have any oversight 109454
responsibilities over the construction of the facility. 109455

(2) The facility need not comply with the specifications for 109456
plans and materials for high schools adopted by the Commission. 109457

(3) The Commission may decrease the basic project cost that 109458
would otherwise be calculated for a high school under Chapter 109459
3318. of the Revised Code. 109460

(4) The state shall not share in any increases in the basic 109461
project cost for the facility above the amount authorized under 109462
this section. 109463

All other provisions of Chapter 3318. of the Revised Code 109464
apply to the approval and construction of a facility authorized 109465
under this section. 109466

The state funds committed to the facility authorized by this 109467
section shall be part of the total amount the state commits to the 109468
Canton City School District under Chapter 3318. of the Revised 109469
Code. All additional state funds committed to the Canton City 109470

School District for classroom facilities assistance shall be 109471
subject to all provisions of Chapter 3318. of the Revised Code. 109472

Section 385.70. Notwithstanding section 3318.05 of the 109473
Revised Code, for each school district whose project under 109474
sections 3318.01 to 3318.20 of the Revised Code was conditionally 109475
approved by the Ohio School Facilities Commission in July 2008, 109476
that conditional approval shall lapse and the amount reserved and 109477
encumbered for the project shall be released on December 31, 2009. 109478

Section 385.80. Notwithstanding any provision of Chapter 109479
3318. of the Revised Code to the contrary, and notwithstanding the 109480
agreement between the Cincinnati City School District and the Ohio 109481
School Facilities Commission under section 3318.08 of the Revised 109482
Code, the Commission shall encumber and pay state funds to the 109483
District in the amount of \$4,000,000, in addition to the amount 109484
prescribed in that agreement, for the purpose of dedicating 109485
additional state funding toward the acquisition of the School for 109486
the Creative and Performing Arts, as that building is included in 109487
the District's project under section 3318.38 of the Revised Code. 109488
The District shall use the funds paid under this section solely 109489
for that purpose. The School for the Creative and Performing Arts 109490
need not comply with the specifications included in the Ohio 109491
Design Manual adopted by the Commission to implement classroom 109492
facilities projects under Chapter 3318. of the Revised Code. This 109493
section shall not affect any other building included in the 109494
District's project under section 3318.38 of the Revised Code, nor 109495
shall it affect the state's portion of funding for the remainder 109496
of that project. 109497

The Commission shall use funds appropriated to it for 109498
classroom facilities projects to pay the funds required under this 109499
section. The Commission shall encumber the funds required under 109500
this section in accordance with section 3318.11 of the Revised 109501

Code.	109502
Section 385.90. (A) As used in this section:	109503
(1) "Basic project cost," "percentile," and "project" have the same meanings as in section 3318.01 of the Revised Code.	109504 109505
(2) "Equity list" means the school district percentile rankings calculated under section 3318.011 of the Revised Code.	109506 109507
(3) A school district's "portion of the basic project cost" means the amount calculated under section 3318.032 of the Revised Code.	109508 109509 109510
(B) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, in the case of a school district that received in fiscal year 2008 elector approval for a bond issue for its portion of the basic project cost of a project under sections 3118.01 to 3318.20 of the Revised Code, based on a preliminary estimated equity list projecting rankings of school districts if amendments to section 3318.011 of the Revised Code enacted by Am. Sub. H.B. 119 of the 127th General Assembly had been effective for projects in that fiscal year, and which district on the alternate equity list for fiscal year 2009 funding required by Section 733.13 of Am. Sub. H.B. 562 of the 127th General Assembly, retroactively applying those amendments, was ranked one percentile higher than on the preliminary estimated equity list, resulting in the district's calculated portion being one per cent higher than the amount projected at the time of the bond issue election, the Ohio School Facilities Commission shall reduce the district's portion to that projected on the preliminary estimated equity list.	109511 109512 109513 109514 109515 109516 109517 109518 109519 109520 109521 109522 109523 109524 109525 109526 109527 109528
Section 387.10. SOS SECRETARY OF STATE	109529
General Revenue Fund	109530

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

GRF	050321	Operating Expenses	\$	2,540,508	\$	2,290,508	109531
GRF	050407	Pollworkers Training	\$	250,197	\$	250,197	109532
TOTAL GRF	General Revenue Fund		\$	2,790,705	\$	2,540,705	109533
General Services Fund Group							109534
4120	050609	Notary Commission	\$	565,000	\$	565,000	109535
4130	050601	Information Systems	\$	75,000	\$	50,000	109536
4140	050602	Citizen Education	\$	55,712	\$	55,712	109537
Fund							
4S80	050610	Board of Voting	\$	7,200	\$	7,200	109538
Machine Examiners							
5FG0	050620	BOE Reimbursement and	\$	100,000	\$	100,000	109539
Education							
5FH0	050621	Statewide Ballot	\$	487,600	\$	487,600	109540
Advertising							
5FJ0	050622	County Voting Machine	\$	500,000	\$	500,000	109541
Revolving Lease/Loan							
Fund							
TOTAL	General Services Fund Group		\$	1,790,512	\$	1,790,512	109542
Federal Special Revenue Fund Group							109543
3AH0	050614	Election	\$	800,000	\$	800,000	109544
Reform/Health and							
Human Services							
3AS0	050616	2005 HAVA Voting	\$	3,000,000	\$	3,000,000	109545
Machines							
TOTAL FED	Federal Special Revenue						109546
Fund Group		\$	3,800,000	\$	3,800,000	109547	
State Special Revenue Fund Group							109548
5990	050603	Business Services	\$	14,186,100	\$	14,345,400	109549
Operating Expenses							
5N90	050607	Technology	\$	180,000	\$	180,000	109550
Improvements							
TOTAL SSR	State Special Revenue						109551

Fund Group	\$	14,366,100	\$	14,525,400	109552
Holding Account Redistribution Fund Group					109553
R001 050605 Uniform Commercial	\$	30,000	\$	30,000	109554
Code Refunds					
R002 050606 Corporate/Business	\$	85,000	\$	85,000	109555
Filing Refunds					
TOTAL 090 Holding Account					109556
Redistribution Fund Group	\$	115,000	\$	115,000	109557
TOTAL ALL BUDGET FUND GROUPS	\$	22,862,317	\$	22,746,617	109558
EXPEDITED BUSINESS FILINGS					109559
Of the foregoing appropriation item 050321, Operating					109560
Expenses, \$250,000 shall be used in fiscal year 2010 to pay the					109561
costs of all expedited business filings that are filed through					109562
December 31, 2009. The Secretary of State shall not charge a new					109563
expedited business filing fee until after December 31, 2009.					109564
BOARD OF VOTING MACHINE EXAMINERS					109565
The foregoing appropriation item 050610, Board of Voting					109566
Machine Examiners, shall be used to pay for the services and					109567
expenses of the members of the Board of Voting Machine Examiners,					109568
and for other expenses that are authorized to be paid from the					109569
Board of Voting Machine Examiners Fund, which is created in					109570
section 3506.05 of the Revised Code. Moneys not used shall be					109571
returned to the person or entity submitting equipment for					109572
examination. If it is determined that additional appropriations					109573
are necessary, such amounts are hereby appropriated.					109574
BUSINESS SERVICES FUND TRANSFER TO THE COUNTY VOTING MACHINE					109575
REVOLVING LEASE/LOAN FUND					109576
Not later than the first day of June of each fiscal year, the					109577
Director of Budget and Management shall transfer \$500,000 cash					109578
from the Business Services Fund (Fund 5990) to the County Voting					109579
Machine Revolving Lease/Loan Fund (Fund 5FJ0).					109580

HAVA FUNDS 109581

An amount equal to the unexpended, unencumbered portion of 109582
appropriation item 050616, 2005 HAVA Voting Machines, at the end 109583
of fiscal year 2010 is reappropriated for the same purpose in 109584
fiscal year 2011. 109585

An amount equal to the unexpended, unencumbered portion of 109586
appropriation item 050614, Election Reform/Health and Human 109587
Services, at the end of fiscal year 2010 is reappropriated for the 109588
same purpose in fiscal year 2011. 109589

On July 1, 2009, or as soon as possible thereafter, the 109590
Director of Budget and Management shall transfer from the General 109591
Revenue Fund to the credit of the Election Data Collection Grant 109592
Fund (Fund 3AC0), all investment earnings and amounts equal to the 109593
interest earnings attributable to Fund 3AC0 in each quarter of 109594
fiscal year 2009 to Fund 3AC0. An amount equal to the unexpended, 109595
unencumbered portion of appropriation item 050619, Election Data 109596
Collection Grant, at the end of fiscal year 2009 is reappropriated 109597
in fiscal year 2010 for the same purpose. 109598

The Director of Budget and Management shall credit the 109599
ongoing interest earnings from the Election Reform/Health and 109600
Human Services Fund (Fund 3AH0), the 2005 HAVA Voting Machines 109601
Fund (Fund 3AS0), and the Election Data Collection Grant Fund 109602
(Fund 3AC0) to the respective funds and distribute these earnings 109603
in accordance with the terms of the grant under which the money is 109604
received. 109605

HOLDING ACCOUNT REDISTRIBUTION GROUP 109606

The foregoing appropriation items 050605, Uniform Commercial 109607
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 109608
be used to hold revenues until they are directed to the 109609
appropriate accounts or until they are refunded. If it is 109610
determined that additional appropriations are necessary, such 109611

amounts are hereby appropriated. 109612

CASH TRANSFER TO THE CORPORATE AND UNIFORM COMMERCIAL CODE 109613

FILING FUND 109614

On July 1, 2009, or as soon as possible thereafter, the 109615

Director of Budget and Management shall transfer \$53,915.40 cash 109616

from the Public Utility Territorial Administration Fund (Fund 109617

5590) to the Corporate and Uniform Commercial Code Filing Fund 109618

(Fund 5990). 109619

Section 389.10. SEN THE OHIO SENATE 109620

General Revenue Fund 109621

GRF 020321 Operating Expenses \$ 12,123,439 \$ 12,123,439 109622

TOTAL GRF General Revenue Fund \$ 12,123,439 \$ 12,123,439 109623

General Services Fund Group 109624

1020 020602 Senate Reimbursement \$ 448,465 \$ 448,465 109625

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 109626

TOTAL GSF General Services 109627

Fund Group \$ 482,962 \$ 482,962 109628

TOTAL ALL BUDGET FUND GROUPS \$ 12,606,401 \$ 12,606,401 109629

OPERATING EXPENSES 109630

On July 1, 2009, or as soon as possible thereafter, the Clerk 109631

of the Senate may certify to the Director of Budget and Management 109632

the amount of the unexpended, unencumbered balance of the 109633

foregoing appropriation item 020321, Operating Expenses, at the 109634

end of fiscal year 2009 to be reappropriated to fiscal year 2010. 109635

The amount certified is hereby reappropriated to the same 109636

appropriation item for fiscal year 2010. 109637

On July 1, 2010, or as soon as possible thereafter, the Clerk 109638

of the Senate may certify to the Director of Budget and Management 109639

the amount of the unexpended, unencumbered balance of the 109640

foregoing appropriation item 020321, Operating Expenses, at the 109641

end of fiscal year 2010 to be reappropriated to fiscal year 2011. 109642
 The amount certified is hereby reappropriated to the same 109643
 appropriation item for fiscal year 2011. 109644

Section 391.10. CSF COMMISSIONERS OF THE SINKING FUND 109645

Debt Service Fund Group 109646

7070155905 Third Frontier \$ 20,948,300 \$ 29,011,600 109647
 Research and
 Development Bond
 Retirement Fund

7072155902 Highway Capital \$ 202,074,000 \$ 203,434,200 109648
 Improvement Bond
 Retirement Fund

7073155903 Natural Resources Bond \$ 26,334,400 \$ 26,549,400 109649
 Retirement Fund

7074155904 Conservation Projects \$ 20,711,100 \$ 25,684,900 109650
 Bond Service Fund

7076155906 Coal Research and \$ 9,968,400 \$ 10,947,000 109651
 Development Bond
 Retirement Fund

7077155907 State Capital \$ 148,331,900 \$ 163,443,500 109652
 Improvement Bond
 Retirement Fund

7078155908 Common Schools Bond \$ 192,559,200 \$ 165,510,500 109653
 Retirement Fund

7079155909 Higher Education Bond \$ 85,317,700 \$ 89,480,300 109654
 Retirement Fund

7090155912 Job Ready Site \$ 5,685,400 \$ 10,601,900 109655
 Development Bond
 Retirement Fund

TOTAL DSF Debt Service Fund Group \$ 711,930,400 \$ 724,663,300 109656

TOTAL ALL BUDGET FUND GROUPS \$ 711,930,400 \$ 724,663,300 109657

ADDITIONAL APPROPRIATIONS				109658
Appropriation items in this section are for the purpose of				109659
paying debt service and financing costs on bonds or notes of the				109660
state issued under the Ohio Constitution and acts of the General				109661
Assembly. If it is determined that additional amounts are				109662
necessary for this purpose, such amounts are hereby appropriated.				109663
Section 393.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				109664
DEVELOPMENT FOUNDATION				109665
General Revenue Fund				109666
5M90 945601 Operating Expenses	\$	475,220	\$ 475,220	109667
TOTAL TMF Tobacco Master Settlement	\$	475,220	\$ 475,220	109668
Agreement Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	475,220	\$ 475,220	109669
Section 395.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &				109671
AUDIOLOGY				109672
General Services Fund Group				109673
4K90 886609 Operating Expenses	\$	453,000	\$ 453,000	109674
TOTAL GSF General Services				109675
Fund Group	\$	453,000	\$ 453,000	109676
TOTAL ALL BUDGET FUND GROUPS	\$	453,000	\$ 453,000	109677
Section 397.10. BTA BOARD OF TAX APPEALS				109679
General Revenue Fund				109680
GRF 116321 Operating Expenses	\$	2,192,450	\$ 2,317,450	109681
TOTAL GRF General Revenue Fund	\$	2,192,450	\$ 2,317,450	109682
TOTAL ALL BUDGET FUND GROUPS	\$	2,192,450	\$ 2,317,450	109683
Section 399.10. TAX DEPARTMENT OF TAXATION				109685
General Revenue Fund				109686

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

GRF 110321	Operating Expenses	\$	81,441,056	\$	81,441,055	109687
GRF 110404	Tobacco Settlement	\$	295,231	\$	295,231	109688
	Enforcement					
GRF 110412	Child Support	\$	19,512	\$	19,512	109689
	Administration					
GRF 110901	Property Tax	\$	569,917,420	\$	577,463,014	109690
	Allocation - Taxation					
TOTAL GRF	General Revenue Fund	\$	651,673,219	\$	659,218,812	109691
	General Services Fund Group					109692
2280 110628	Tax Reform System	\$	13,600,000	\$	13,600,000	109693
	Implementation					
4330 110602	Tape File Account	\$	125,000	\$	125,000	109694
5AP0 110632	Discovery Project	\$	2,000,000	\$	2,000,000	109695
5CZ0 110631	Vendor's License	\$	250,000	\$	250,000	109696
	Application					
5N50 110605	Municipal Income Tax	\$	600,000	\$	600,000	109697
	Administration					
5N60 110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	109698
	Administration					
5V80 110623	Property Tax	\$	12,000,000	\$	12,000,000	109699
	Administration					
5W40 110625	Centralized Tax	\$	200,000	\$	200,000	109700
	Filing and Payment					
5W70 110627	Exempt Facility	\$	60,000	\$	60,000	109701
	Administration					
TOTAL GSF	General Services					109702
Fund Group		\$	28,935,000	\$	28,935,000	109703
	State Special Revenue Fund Group					109704
4350 110607	Local Tax	\$	18,000,000	\$	18,000,000	109705
	Administration					
4360 110608	Motor Vehicle Audit	\$	1,000,000	\$	1,000,000	109706
4370 110606	Income Tax	\$	200,000	\$	200,000	109707

		Contribution					
		Administration					
4380	110609	School District Income	\$	5,500,000	\$	5,500,000	109708
		Tax					
4C60	110616	International	\$	706,855	\$	706,855	109709
		Registration Plan					
4R60	110610	Tire Tax	\$	200,000	\$	200,000	109710
		Administration					
5V70	110622	Motor Fuel Tax	\$	4,700,000	\$	4,700,000	109711
		Administration					
6390	110614	Cigarette Tax	\$	1,900,000	\$	1,900,000	109712
		Enforcement					
6420	110613	Ohio Political Party	\$	500,000	\$	500,000	109713
		Distributions					
6880	110615	Local Excise Tax	\$	800,000	\$	800,000	109714
		Administration					
TOTAL SSR State Special Revenue							109715
Fund Group			\$	33,506,855	\$	33,506,855	109716
Agency Fund Group							109717
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	109718
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	109719
TOTAL AGY Agency Fund Group			\$	1,567,800,000	\$	1,567,800,000	109720
Holding Account Redistribution Fund Group							109721
R010	110611	Tax Distributions	\$	50,000	\$	50,000	109722
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000	109723
		Tax Receipts					
TOTAL 090 Holding Account							109724
Redistribution Fund Group			\$	100,000	\$	100,000	109725
TOTAL ALL BUDGET FUND GROUPS			\$	2,282,015,074	\$	2,289,560,667	109726
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX							109727
EXEMPTION							109728
The foregoing appropriation item 110901, Property Tax							109729

Allocation - Taxation, is hereby appropriated to pay for the 109730
state's costs incurred due to the Homestead Exemption, the 109731
Manufactured Home Property Tax Rollback, and the Property Tax 109732
Rollback. The Tax Commissioner shall distribute these funds 109733
directly to the appropriate local taxing districts, except for 109734
school districts, notwithstanding the provisions in sections 109735
321.24 and 323.156 of the Revised Code, which provide for payment 109736
of the Homestead Exemption, the Manufactured Home Property Tax 109737
Rollback, and Property Tax Rollback by the Tax Commissioner to the 109738
appropriate county treasurer and the subsequent redistribution of 109739
these funds to the appropriate local taxing districts by the 109740
county auditor. 109741

Upon receipt of these amounts, each local taxing district 109742
shall distribute the amount among the proper funds as if it had 109743
been paid as real property taxes. Payments for the costs of 109744
administration shall continue to be paid to the county treasurer 109745
and county auditor as provided for in sections 319.54, 321.26, and 109746
323.156 of the Revised Code. 109747

Any sums, in addition to the amounts specifically 109748
appropriated in appropriation item 110901, Property Tax Allocation 109749
- Taxation, for the Homestead Exemption, the Manufactured Home 109750
Property Tax Rollback, and the Property Tax Rollback payments, 109751
which are determined to be necessary for these purposes, are 109752
hereby appropriated. 109753

MUNICIPAL INCOME TAX 109754

The foregoing appropriation item 110995, Municipal Income 109755
Tax, shall be used to make payments to municipal corporations 109756
under section 5745.05 of the Revised Code. If it is determined 109757
that additional appropriations are necessary to make such 109758
payments, such amounts are hereby appropriated. 109759

TAX REFUNDS 109760

The foregoing appropriation item 110635, Tax Refunds, shall 109761
be used to pay refunds under section 5703.052 of the Revised Code. 109762
If it is determined that additional appropriations are necessary 109763
for this purpose, such amounts are hereby appropriated. 109764

INTERNATIONAL REGISTRATION PLAN AUDIT 109765

The foregoing appropriation item 110616, International 109766
Registration Plan, shall be used under section 5703.12 of the 109767
Revised Code for audits of persons with vehicles registered under 109768
the International Registration Plan. 109769

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 109770

Of the foregoing appropriation item 110607, Local Tax 109771
Administration, the Tax Commissioner may disburse funds, if 109772
available, for the purposes of paying travel expenses incurred by 109773
members of Ohio's delegation to the Streamlined Sales Tax Project, 109774
as appointed under section 5740.02 of the Revised Code. Any travel 109775
expense reimbursement paid for by the Department of Taxation shall 109776
be done in accordance with applicable state laws and guidelines. 109777

CENTRALIZED TAX FILING AND PAYMENT FUND 109778

The Director of Budget and Management, under a plan submitted 109779
by the Tax Commissioner, or as otherwise determined by the 109780
Director of Budget and Management, shall set a schedule to 109781
transfer cash from the General Revenue Fund to the credit of the 109782
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers 109783
of cash shall not exceed \$400,000 in the biennium. 109784

TOBACCO SETTLEMENT ENFORCEMENT 109785

The foregoing appropriation item 110404, Tobacco Settlement 109786
Enforcement, shall be used by the Tax Commissioner to pay costs 109787
incurred in the enforcement of divisions (F) and (G) of section 109788
5743.03 of the Revised Code. 109789

LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS 109790

Notwithstanding section 5751.22(A)(1)(b) of the Revised Code, 109791
payments to local taxing units by May 31, 2011, required by 109792
section 5751.22(C) of the Revised Code shall be in an amount equal 109793
to each of the losses determined under division (D) of section 109794
5751.20 of the Revised Code multiplied by one hundred per cent. 109795

Section 399.20. COMMERCIAL ACTIVITY TAX 109796

(A) Any term used in this section has the same meaning as in 109797
section 5751.01 of the Revised Code. 109798

(B) A person is not required to pay the annual minimum 109799
commercial activity tax due for calendar year 2005 or 2006 under 109800
Chapter 5751. of the Revised Code if the person satisfies all of 109801
the following: 109802

(1) The person was not subject to the tax for those years 109803
because the person did not have nexus with this state or was an 109804
excluded person under division (E)(1) of section 5751.01 of the 109805
Revised Code; 109806

(2) The person erroneously registered for the tax and failed 109807
to cancel the registration before May 10, 2006; 109808

(3) The person canceled its commercial activity tax 109809
registration before February 10, 2007, and was not required to 109810
file the returns and pay the annual minimum tax due February 9, 109811
2007, February 9, 2008, or February 9, 2009. 109812

(C) The Tax Commissioner shall cancel the registration of 109813
each such person for which the registration has not yet been 109814
canceled. 109815

(D) If such a person paid the tax due for calendar year 2005 109816
or 2006 after being contacted by the Department of Taxation, the 109817
person may request a refund of the amount paid for such a year or 109818
years under section 5751.08 of the Revised Code, notwithstanding 109819
division (E) of that section. 109820

Section 401.10.				DOT DEPARTMENT OF TRANSPORTATION	109821
				Transportation Modes	109822
				General Revenue Fund	109823
GRF	775451	Public Transportation	\$ 19,965,606	\$ 20,049,147	109824
				- State	
GRF	776465	Ohio Rail Development	\$ 3,071,771	\$ 3,090,162	109825
				Commission	
GRF	776668	Transportation	\$ 1,352,403	\$ 1,243,338	109826
				Operating - Federal	
				Stimulus	
GRF	777471	Airport Improvements	\$ 1,191,876	\$ 1,199,009	109827
				- State	
TOTAL GRF General Revenue Fund			\$ 25,581,656	\$ 25,581,656	109828
TOTAL ALL BUDGET FUND GROUPS			\$ 25,581,656	\$ 25,581,656	109829
 Section 403.10.				TOS TREASURER OF STATE	109831
				General Revenue Fund	109832
GRF	090321	Operating Expenses	\$ 8,381,875	\$ 8,381,875	109833
GRF	090401	Office of the Sinking	\$ 537,223	\$ 537,223	109834
				Fund	109835
GRF	090402	Continuing Education	\$ 403,959	\$ 403,959	109836
GRF	090524	Police and Fire	\$ 8,000	\$ 7,500	109837
				Disability Pension	109838
				Fund	
GRF	090534	Police and Fire Ad Hoc	\$ 95,000	\$ 90,000	109839
				Cost	
				of Living	109840
GRF	090554	Police and Fire	\$ 720,000	\$ 680,000	109841
				Survivor	
				Benefits	109842
GRF	090575	Police and Fire Death	\$ 20,000,000	\$ 20,000,000	109843

	Benefits				109844
TOTAL GRF	General Revenue Fund	\$	30,146,057	\$	30,100,557 109845
	General Services Fund Group				109846
4E90 090603	Securities Lending	\$	4,492,622	\$	4,492,622 109847
	Income				
5770 090605	Investment Pool	\$	550,000	\$	550,000 109848
	Reimbursement				109849
5C50 090602	County Treasurer	\$	150,000	\$	150,000 109850
	Education				
6050 090609	Treasurer of State	\$	185,000	\$	185,000 109851
	Administrative Fund				109852
TOTAL GSF	General Services				109853
Fund Group		\$	5,377,622	\$	5,377,622 109854
	Agency Fund Group				109855
4250 090635	Tax Refunds	\$	31,000,000	\$	31,000,000 109856
TOTAL Agency	Fund Group	\$	31,000,000	\$	31,000,000 109857
TOTAL ALL BUDGET	FUND GROUPS	\$	66,523,679	\$	66,478,179 109858

Section 403.20. OFFICE OF THE SINKING FUND 109860

The foregoing appropriation item 090401, Office of the 109861
 Sinking Fund, shall be used for costs incurred by or on behalf of 109862
 the Commissioners of the Sinking Fund and the Ohio Public 109863
 Facilities Commission with respect to State of Ohio general 109864
 obligation bonds or notes, and the Treasurer of State with respect 109865
 to State of Ohio general obligation and special obligation bonds 109866
 or notes, including, but not limited to, printing, advertising, 109867
 delivery, rating fees and the procurement of ratings, professional 109868
 publications, membership in professional organizations, and other 109869
 services referred to in division (D) of section 151.01 of the 109870
 Revised Code. The General Revenue Fund shall be reimbursed for 109871
 such costs relating to the issuance and administration of Highway 109872
 Capital Improvement bonds or notes authorized under Ohio 109873

Constitution, Article VIII, Section 2m and Chapter 151. of the 109874
Revised Code. That reimbursement shall be made from appropriation 109875
item 155902, Highway Capital Improvement Bond Retirement Fund, by 109876
intrastate transfer voucher pursuant to a certification by the 109877
Office of the Sinking Fund of the actual amounts used. The amounts 109878
necessary to make such a reimbursement are hereby appropriated 109879
from the Highway Capital Improvement Bond Retirement Fund created 109880
in section 151.06 of the Revised Code. 109881

POLICE AND FIRE DEATH BENEFIT FUND 109882

The foregoing appropriation item 090575, Police and Fire 109883
Death Benefits, shall be disbursed quarterly by the Treasurer of 109884
State at the beginning of each quarter of each fiscal year to the 109885
Board of Trustees of the Ohio Police and Fire Pension Fund. The 109886
Treasurer of State shall certify such amounts quarterly to the 109887
Director of Budget and Management. By the twentieth day of June of 109888
each fiscal year, the Board of Trustees of the Ohio Police and 109889
Fire Pension Fund shall certify to the Treasurer of State the 109890
amount disbursed in the current fiscal year to make the payments 109891
required by section 742.63 of the Revised Code and shall return to 109892
the Treasurer of State moneys received from this appropriation 109893
item but not disbursed. 109894

TAX REFUNDS 109895

The foregoing appropriation item 090635, Tax Refunds, shall 109896
be used to pay refunds under section 5703.052 of the Revised Code. 109897
If the Director of Budget and Management determines that 109898
additional amounts are necessary for this purpose, such amounts 109899
are hereby appropriated. 109900

Section 405.10. TTA OHIO TUITION TRUST 109901

State Special Revenue Fund Group 109902

5P30 095602 Variable Savings \$ 6,175,707 \$ 6,156,515 109903

		Plans					
6450	095601	Guaranteed Savings	\$	842,959	\$	862,150	109904
		Plan					
		TOTAL SSR State Special Revenue					109905
		Fund Group	\$	7,018,666	\$	7,018,665	109906
		TOTAL ALL BUDGET FUND GROUPS	\$	7,018,666	\$	7,018,665	109907
		FUND ABOLITION					109908
		On July 1, 2009, or as soon as possible thereafter, the					109909
		Director of Budget and Management shall transfer the cash balance					109910
		in the Index Savings Plan Fund (Fund 5AM0) to the Variable Savings					109911
		Fund (Fund 5P30). The Director shall cancel any existing					109912
		encumbrances against appropriation item 095603, Index Savings					109913
		Plan, and re-establish them against appropriation item 095602,					109914
		Variable Savings Plans. The re-established encumbrance amounts are					109915
		hereby appropriated. Upon completion of these transfers, Fund 5AM0					109916
		is hereby abolished.					109917
		On July 1, 2009, or as soon as possible thereafter, the					109918
		Director of Budget and Management shall transfer the cash balance					109919
		in the Banking Products Fund (Fund 5DC0) to the Variable College					109920
		Savings Fund (Fund 5P30). The Director shall cancel any existing					109921
		encumbrances against appropriation item 095604, Banking Products,					109922
		and re-establish them against appropriation item 095602, Variable					109923
		Savings Plans. The re-established encumbrance amounts are hereby					109924
		appropriated. Upon completion of these transfers, Fund 5DC0 is					109925
		hereby abolished.					109926
		Section 407.10. VTO VETERANS' ORGANIZATIONS					109927
		General Revenue Fund					109928
		VAP AMERICAN EX-PRISONERS OF WAR					109929
GRF	743501	State Support	\$	27,533	\$	27,533	109930
		VAN ARMY AND NAVY UNION, USA, INC.					109931
GRF	746501	State Support	\$	60,513	\$	60,513	109932

		VKW KOREAN WAR VETERANS				109933
GRF	747501	State Support	\$	54,398	\$	54,398 109934
		VJW JEWISH WAR VETERANS				109935
GRF	748501	State Support	\$	32,687	\$	32,687 109936
		VCW CATHOLIC WAR VETERANS				109937
GRF	749501	State Support	\$	63,789	\$	63,789 109938
		VPH MILITARY ORDER OF THE PURPLE HEART				109939
GRF	750501	State Support	\$	62,015	\$	62,015 109940
		VVV VIETNAM VETERANS OF AMERICA				109941
GRF	751501	State Support	\$	204,549	\$	204,549 109942
		VAL AMERICAN LEGION OF OHIO				109943
GRF	752501	State Support	\$	332,561	\$	332,561 109944
		VII AMVETS				109945
GRF	753501	State Support	\$	316,711	\$	316,711 109946
		VAV DISABLED AMERICAN VETERANS				109947
GRF	754501	State Support	\$	237,939	\$	237,939 109948
		VMC MARINE CORPS LEAGUE				109949
GRF	756501	State Support	\$	127,569	\$	127,569 109950
		V37 37TH DIVISION AEF VETERANS' ASSOCIATION				109951
GRF	757501	State Support	\$	6,541	\$	6,541 109952
		VFW VETERANS OF FOREIGN WARS				109953
GRF	758501	State Support	\$	271,277	\$	271,277 109954
TOTAL GRF		General Revenue Fund	\$	1,798,082	\$	1,798,082 109955
TOTAL ALL BUDGET FUND GROUPS			\$	1,798,082	\$	1,798,082 109956
		RELEASE OF FUNDS				109957
		The Director of Budget and Management may release the				109958
		foregoing appropriation items 743501, 746501, 747501, 748501,				109959
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				109960
		and 758501, State Support.				109961
		Section 409.10. DVS DEPARTMENT OF VETERANS SERVICES				109962
		General Revenue Fund				109963

GRF	900100	Personal Services	\$	25,219,282	\$	25,219,282	109964
GRF	900200	Maintenance	\$	4,427,264	\$	4,427,264	109965
GRF	900402	Hall of Fame	\$	118,750	\$	118,750	109966
GRF	900403	Veteran Record	\$	40,631	\$	40,631	109967
		Conversion					
GRF	900408	Department of	\$	2,283,100	\$	2,283,100	109968
		Veterans Services					
TOTAL GRF	General Revenue Fund		\$	32,089,027	\$	32,089,027	109969
	General Services Fund Group						109970
4840	900603	Veterans Home	\$	770,000	\$	850,000	109971
		Services					
TOTAL GSF	General Services Fund		\$	770,000	\$	850,000	109972
	Group						
	Federal Special Revenue Fund Group						109973
3680	900614	Veterans Training	\$	745,892	\$	745,892	109974
3740	900606	Troops to Teachers	\$	100,000	\$	100,000	109975
3BX0	900609	Medicare Services	\$	2,000,000	\$	2,200,000	109976
3L20	900601	Veterans Home	\$	16,979,245	\$	17,454,046	109977
		Operations - Federal					
TOTAL FED	Federal Special Revenue						109978
	Fund Group		\$	19,825,137	\$	20,499,938	109979
	State Special Revenue Fund Group						109980
4E20	900602	Veterans Home	\$	9,314,438	\$	9,780,751	109981
		Operating					
6040	900604	Veterans Home	\$	1,541,020	\$	1,700,000	109982
		Improvement					
TOTAL SSR	State Special Revenue						109983
	Fund Group		\$	10,855,458	\$	11,480,751	109984
TOTAL ALL BUDGET FUND GROUPS			\$	63,539,622	\$	64,919,716	109985

Section 411.10. DVM STATE VETERINARY MEDICAL BOARD 109987

General Services Fund Group 109988

4K90	888609	Operating Expenses	\$	327,312	\$	327,312	109989
TOTAL GSF General Services							109990
Fund Group			\$	327,312	\$	327,312	109991
TOTAL ALL BUDGET FUND GROUPS							109992
Section 413.10. DYS DEPARTMENT OF YOUTH SERVICES							109994
General Revenue Fund							109995
GRF	470401	RECLAIM Ohio	\$	201,695,971	\$	192,963,840	109996
GRF	470412	Lease Rental Payments	\$	23,460,900	\$	26,043,900	109997
GRF	470510	Youth Services	\$	18,558,587	\$	18,558,587	109998
GRF	470640	RECLAIM - Federal	\$	3,767,869	\$	0	109999
Stimulus							
GRF	472321	Parole Operations	\$	13,400,020	\$	13,400,020	110000
GRF	477321	Administrative	\$	14,754,419	\$	14,754,419	110001
Operations							
TOTAL GRF General Revenue Fund							110002
General Services Fund Group							110003
1750	470613	Education	\$	11,000,000	\$	11,000,000	110004
Reimbursement							
4790	470609	Employee Food Service	\$	200,000	\$	150,000	110005
4A20	470602	Child Support	\$	450,000	\$	450,000	110006
4G60	470605	General Operational	\$	250,000	\$	250,000	110007
Funds							
5BN0	470629	E-Rate Program	\$	35,000	\$	35,000	110008
TOTAL GSF General Services							110009
Fund Group			\$	11,935,000	\$	11,885,000	110010
Federal Special Revenue Fund Group							110011
3210	470601	Education	\$	6,531,076	\$	5,455,413	110012
3210	470603	Juvenile Justice	\$	300,000	\$	300,000	110013
Prevention							
3210	470606	Nutrition	\$	2,750,000	\$	2,750,000	110014
3210	470610	Rehabilitation	\$	36,000	\$	36,000	110015

Of the foregoing appropriation item 470401, RECLAIM Ohio, 110035
\$2,500,000 in each fiscal year shall be used to support Behavioral 110036
Health/Juvenile Justice programs. 110037

OHIO BUILDING AUTHORITY LEASE PAYMENTS 110038

The foregoing appropriation item 470412, Lease Rental 110039
Payments, shall be used to meet all payments to the Ohio Building 110040
Authority for the period from July 1, 2009, to June 30, 2011, 110041
under the leases and agreements for facilities made under Chapter 110042
152. of the Revised Code. This appropriation is the source of 110043
funds pledged for bond service charges on related obligations 110044
issued pursuant to Chapter 152. of the Revised Code. 110045

EDUCATION REIMBURSEMENT 110046

The foregoing appropriation item 470613, Education 110047
Reimbursement, shall be used to fund the operating expenses of 110048
providing educational services to youth supervised by the 110049
Department of Youth Services. Operating expenses include, but are 110050
not limited to, teachers' salaries, maintenance costs, and 110051
educational equipment. This appropriation item may be used for 110052
capital expenses related to the education program. 110053

EMPLOYEE FOOD SERVICE AND EQUIPMENT 110054

Notwithstanding section 125.14 of the Revised Code, the 110055
foregoing appropriation item 470609, Employee Food Service, may be 110056
used to purchase any food operational items with funds received 110057
into the fund from reimbursements for state surplus property. 110058

Section 503.10. PERSONAL SERVICE EXPENSES 110059

Unless otherwise prohibited by law, any appropriation from 110060
which personal service expenses are paid shall bear the employer's 110061
share of public employees' retirement, workers' compensation, 110062
disabled workers' relief, and all group insurance programs; the 110063
costs of centralized accounting, centralized payroll processing, 110064

and related personnel reports and services; the cost of the Office 110065
of Collective Bargaining; the cost of the Employee Assistance 110066
Program; the cost of the affirmative action and equal employment 110067
opportunity programs administered by the Department of 110068
Administrative Services; the costs of interagency information 110069
management infrastructure; and the cost of administering the state 110070
employee merit system as required by section 124.07 of the Revised 110071
Code. These costs shall be determined in conformity with the 110072
appropriate sections of law and paid in accordance with procedures 110073
specified by the Office of Budget and Management. Expenditures 110074
from appropriation item 070601, Public Audit Expense - Local 110075
Government, may be exempted from the requirements of this section. 110076

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 110077
AGAINST THE STATE 110078

Except as otherwise provided in this section, an 110079
appropriation in this act or any other act may be used for the 110080
purpose of satisfying judgments, settlements, or administrative 110081
awards ordered or approved by the Court of Claims or by any other 110082
court of competent jurisdiction in connection with civil actions 110083
against the state. This authorization does not apply to 110084
appropriations to be applied to or used for payment of guarantees 110085
by or on behalf of the state, or for payments under lease 110086
agreements relating to, or debt service on, bonds, notes, or other 110087
obligations of the state. Notwithstanding any other statute to the 110088
contrary, this authorization includes appropriations from funds 110089
into which proceeds of direct obligations of the state are 110090
deposited only to the extent that the judgment, settlement, or 110091
administrative award is for, or represents, capital costs for 110092
which the appropriation may otherwise be used and is consistent 110093
with the purpose for which any related obligations were issued or 110094
entered into. Nothing contained in this section is intended to 110095
subject the state to suit in any forum in which it is not 110096

otherwise subject to suit, and is not intended to waive or 110097
compromise any defense or right available to the state in any suit 110098
against it. 110099

Section 503.30. CAPITAL PROJECT SETTLEMENTS 110100

This section specifies an additional and supplemental 110101
procedure to provide for payments of judgments and settlements if 110102
the Director of Budget and Management determines, pursuant to 110103
division (C)(4) of section 2743.19 of the Revised Code, that 110104
sufficient unencumbered moneys do not exist in the fund to support 110105
a particular appropriation to pay the amount of a final judgment 110106
rendered against the state or a state agency, including the 110107
settlement of a claim approved by a court, in an action upon and 110108
arising out of a contractual obligation for the construction or 110109
improvement of a capital facility if the costs under the contract 110110
were payable in whole or in part from a state capital projects 110111
appropriation. In such a case, the Director may either proceed 110112
pursuant to division (C)(4) of section 2743.19 of the Revised Code 110113
or apply to the Controlling Board to increase an appropriation or 110114
create an appropriation out of any unencumbered moneys in the 110115
state treasury to the credit of the capital projects fund from 110116
which the initial state appropriation was made. The amount of an 110117
increase in appropriation or new appropriation approved by the 110118
Controlling Board is hereby appropriated from the applicable 110119
capital projects fund and made available for the payment of the 110120
judgment or settlement. 110121

If the Director does not make the application authorized by 110122
this section or the Controlling Board disapproves the application, 110123
and the Director does not make application under division (C)(4) 110124
of section 2743.19 of the Revised Code, the Director shall for the 110125
purpose of making that payment make a request to the General 110126
Assembly as provided for in division (C)(5) of that section. 110127

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 110128

In order to provide funds for the reissuance of voided 110129
warrants under section 117.47 of the Revised Code, there is hereby 110130
appropriated, out of moneys in the state treasury from the fund 110131
credited as provided in section 117.47 of the Revised Code, that 110132
amount sufficient to pay such warrants when approved by the Office 110133
of Budget and Management. 110134

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 110135
BALANCES OF OPERATING APPROPRIATIONS 110136

(A) An unexpended balance of an operating appropriation or 110137
reappropriation that a state agency lawfully encumbered prior to 110138
the close of a fiscal year is hereby reappropriated for the 110139
following fiscal year from the fund from which it was originally 110140
appropriated or reappropriated for the following period and shall 110141
remain available only for the purpose of discharging the 110142
encumbrance: 110143

(1) For an encumbrance for personal services, maintenance, 110144
equipment, or items for resale, other than an encumbrance for an 110145
item of special order manufacture not available on term contract 110146
or in the open market or for reclamation of land or oil and gas 110147
wells, for a period of not more than five months from the end of 110148
the fiscal year; 110149

(2) For an encumbrance for an item of special order 110150
manufacture not available on term contract or in the open market, 110151
for a period of not more than five months from the end of the 110152
fiscal year or, with the written approval of the Director of 110153
Budget and Management, for a period of not more than twelve months 110154
from the end of the fiscal year; 110155

(3) For an encumbrance for reclamation of land or oil and gas 110156
wells, for a period ending when the encumbered appropriation is 110157

expended or for a period of two years, whichever is less; 110158

(4) For an encumbrance for any other expense, for such period 110159
as the Director approves, provided such period does not exceed two 110160
years. 110161

(B) For an encumbrance described in division (A)(1) of this 110162
section to remain available for more than five months from the end 110163
of the fiscal year, an agency shall, not later than November 1 of 110164
each fiscal year, make a request in writing to the Director of 110165
Budget and Management to maintain the encumbrance. The Director 110166
may exempt the encumbrance from cancellation for a specified 110167
period deemed appropriate. The exempted encumbrance is hereby 110168
reappropriated. If the request is not received by November 1, or 110169
if the request is not approved, the Director shall cancel the 110170
encumbrance. 110171

(C) Any operating appropriations for which unexpended 110172
balances are reappropriated beyond a five-month period from the 110173
end of the fiscal year by division (A)(2) of this section shall be 110174
reported to the Controlling Board by the Director of Budget and 110175
Management by the thirty-first day of December of each year. The 110176
report on each such item shall include the item, the cost of the 110177
item, and the name of the vendor. The report shall be updated on a 110178
quarterly basis for encumbrances remaining open. 110179

(D) Except as provided in division (E) of this section, upon 110180
the expiration of the reappropriation period set out in division 110181
(A) or (B) of this section, a reappropriation made by this section 110182
lapses, and the Director of Budget and Management shall cancel the 110183
encumbrance of the unexpended reappropriation not later than the 110184
end of the weekend following the expiration of the reappropriation 110185
period. 110186

(E) With the approval of the Director of Budget and 110187
Management, an unexpended balance of an encumbrance that was 110188

reappropriated by this section for a period specified in division 110189
(A)(3) or (4) of this section and that remains encumbered at the 110190
close of the fiscal biennium is hereby reappropriated for the 110191
following fiscal biennium from the fund from which it was 110192
originally appropriated or reappropriated for the applicable 110193
period specified in division (A)(3) or (4) of this section and 110194
shall remain available only for the purpose of discharging the 110195
encumbrance. 110196

(F) The Director of Budget and Management may correct 110197
accounting errors committed by the staff of the Office of Budget 110198
and Management, such as re-establishing encumbrances or 110199
appropriations cancelled in error, during the cancellation of 110200
operating encumbrances in November and of nonoperating 110201
encumbrances in December. 110202

(G) If the Controlling Board approved a purchase, that 110203
approval remains in effect so long as the appropriation used to 110204
make that purchase remains encumbered. 110205

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 110206
RE-ESTABLISHMENT OF ENCUMBRANCES 110207

Any cash transferred by the Director of Budget and Management 110208
under section 126.15 of the Revised Code is hereby appropriated. 110209
Any amounts necessary to re-establish appropriations or 110210
encumbrances under section 126.15 of the Revised Code are hereby 110211
appropriated. 110212

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES 110213

There are hereby appropriated out of any moneys in the state 110214
treasury to the credit of the General Revenue Fund, which are not 110215
otherwise appropriated, funds sufficient to make any payment 110216
required by division (B)(2) of section 5747.03 of the Revised 110217
Code. 110218

Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES	110219
APPROVED BY THE CONTROLLING BOARD	110220
Any money that the Controlling Board approves for expenditure	110221
or any increase in appropriation that the Controlling Board	110222
approves under sections 127.14, 131.35, and 131.39 of the Revised	110223
Code or any other provision of law is hereby appropriated for the	110224
period ending June 30, 2011.	110225
Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S	110226
RESIDENCE	110227
If the Governor's Residence Fund (Fund 4H20) receives payment	110228
for use of the residence pursuant to section 107.40 of the Revised	110229
Code, the amounts so received are hereby appropriated to	110230
appropriation item 100604, Governor's Residence Gift.	110231
Section 503.95. SOUTHEASTERN OHIO PORT AUTHORITY	110232
CONTAINER-ON-BARGE STUDY	110233
Of appropriation item 771411, Planning and Research - State,	110234
appropriated in the transportation budget act, H.B. 2 of the 128th	110235
General Assembly, for fiscal years 2010 and 2011, \$100,000 in	110236
fiscal year 2010 shall be used for the Southeastern Ohio Port	110237
Authority to complete a study of and to implement	110238
container-on-barge service on the Ohio River. The study shall take	110239
into account cargo origin and destinations, cost comparisons,	110240
target cargoes, and required infrastructure.	110241
Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS	110242
Unless the agency and nuclear electric utility mutually agree	110243
to a higher amount by contract, the maximum amounts that may be	110244
assessed against nuclear electric utilities under division (B)(2)	110245
of section 4937.05 of the Revised Code and deposited into the	110246

specified funds are as follows:				110247
<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	110248
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631	110249
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372	110250
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114	110251
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,413,889	\$ 1,415,945	110252

Section 506.20. On July 1, 2009, and on the first day of the month for each month thereafter, the Treasurer of State, before making any of the distributions specified in sections 5735.23, 5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit the first 2 per cent of the amount of motor fuel tax received for the preceding calendar month to the credit of the Highway Operating Fund (Fund 7002). Upon the written request of the Director of Public Safety, the Director of Budget and Management may make periodic transfers of cash totaling \$16,220,000 in each fiscal year from Fund 7002 to the State Highway Safety Fund (Fund 7036).

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2011, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat.

1058 (1990), 31 U.S.C. 6501 et seq., as amended. 110272

Section 512.20. CASH TRANSFERS FROM REPARATIONS FUND (Fund 110273
4020) TO DISASTER PREPAREDNESS FUND (Fund 5EX0) 110274

Notwithstanding any provision of law to the contrary, on July 110275
1 of each fiscal year, or as soon as possible thereafter, the 110276
Director of Budget and Management shall transfer \$350,000 cash 110277
from the Reparations Fund (Fund 4020) to the Disaster Preparedness 110278
Fund (Fund 5EX0). 110279

Section 512.30. GRF TRANSFER TO THE OAKS PROJECT 110280
IMPLEMENTATION FUND 110281

On July 1 of each fiscal year, or as soon as possible 110282
thereafter, the Director of Budget and Management shall transfer 110283
an amount not to exceed \$2,100,000 cash from the General Revenue 110284
Fund to the OAKS Project Implementation Fund (Fund 5N40). 110285

Section 512.40. TRANSFERS FROM THE BUDGET STABILIZATION FUND 110286

Notwithstanding any provision of law to the contrary, the 110287
Director of Budget and Management, in either year of the biennium, 110288
may transfer cash from the Budget Stabilization Fund to the 110289
General Revenue Fund in order to balance General Revenue Fund 110290
revenues with General Revenue Fund expenditures. Within ten days 110291
of any such transfer, the Director shall notify the Governor, the 110292
Speaker of the House of Representatives, the President of the 110293
Senate, and the Minority Leaders of the House of Representatives 110294
and the Senate of the date and amount of the transfer and the cash 110295
balance remaining in the Budget Stabilization Fund. 110296

Section 512.50. TRANSFER FROM EDUCATION FACILITIES TRUST FUND 110297
TO GRF 110298

Notwithstanding section 183.26 of the Revised Code, the 110299

Director of Budget and Management shall transfer \$200,000,000 cash 110300
in either fiscal year 2010 or fiscal year 2011 from the Education 110301
Facilities Trust Fund (Fund N087), which is used by the School 110302
Facilities Commission, to the General Revenue Fund. Not later than 110303
June 30, 2013, \$200,000,000 cash shall be deposited into Fund 110304
N087, or another fund of the Commission, for the purpose of 110305
constructing or renovating school facilities pursuant to Chapter 110306
3318. of the Revised Code. 110307

Section 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND 110308
FROM NON-GRF FUNDS 110309

Notwithstanding any provision of law to the contrary, during 110310
fiscal years 2010 and 2011, the Director of Budget and Management 110311
may transfer cash from non-General Revenue Funds that are not 110312
constitutionally restricted to the General Revenue Fund in order 110313
to ensure that available General Revenue Fund receipts and 110314
balances are sufficient to support General Revenue Fund 110315
appropriations in each fiscal year. 110316

Before September 1 of each fiscal year, the Director of 110317
Budget and Management shall prepare quarterly estimates 110318
identifying funds in the state treasury from which cash transfers 110319
are to be made and the anticipated amount of these cash transfers. 110320
Beginning with the quarter ending September 30, 2009, and on a 110321
quarterly basis thereafter, the Director of Budget and Management 110322
shall prepare a summary comparing the estimated and actual amounts 110323
of these cash transfers by fund. This quarterly summary shall be 110324
included in the report required under section 126.05 of the 110325
Revised Code. 110326

Section 512.75. GRF TRANSFER TO THE ENVIRONMENTAL JUSTICE 110327
FUND 110328

On July 1 of each fiscal year, or as soon as possible 110329

thereafter, the Director of Budget and Management may transfer up 110330
to \$260,000 from the General Revenue Fund to the Environmental 110331
Justice Fund created in section 3745.58 of the Revised Code as 110332
enacted by this act. 110333

Section 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 110334
INTRA-STATE FUND 110335

On July 1, 2009, or as soon as possible thereafter, the 110336
Director of Budget and Management shall transfer \$400,900 cash 110337
from the General Revenue Fund to the Public Audit Expense 110338
Intra-State Fund (Fund 1090). The amounts transferred are hereby 110339
appropriated to help pay for expenses incurred in the Auditor of 110340
State's role relating to fiscal caution, fiscal watch, and fiscal 110341
emergency activities as defined in Chapter 3316. of the Revised 110342
Code and for performance audits for school districts in fiscal 110343
distress. 110344

Section 512.90. STATE AGENCY ADMINISTRATIVE COST SAVINGS AND 110345
EFFICIENCY 110346

Notwithstanding any provision of law to the contrary, a state 110347
agency may enter into one or more agreements with another state 110348
agency or agencies to achieve administrative cost savings and 110349
greater efficiency. Subject to sections 124.321 to 124.328 of the 110350
Revised Code, a state agency may identify employees who may be 110351
transferred to another agency for the purpose of consolidating 110352
finance, human resources, legal, or other administrative 110353
functions. In addition, state agencies may share office equipment, 110354
office space, or other agency assets to the extent such an 110355
arrangement would create savings in rental, lease, or other 110356
contractual expenses. The Director of Budget and Management, in 110357
accordance with section 126.21 of the Revised Code, may take any 110358
actions with regard to state agency budget changes, program 110359

transfers, the creation of new funds, or the consolidation of 110360
funds as necessary due to the administrative reorganization or 110361
consolidation for purposes of cost savings and greater efficiency 110362
pursuant to this section. 110363

Section 515.10. On and after the effective date of section 110364
3354.24 of the Revised Code as enacted by Sub. H.B. 1 of the 128th 110365
General Assembly: 110366

(A) The board of trustees of the Eastern Gateway Community 110367
College District (the District) shall have the powers and duties 110368
formerly prescribed as powers and duties of the board of trustees 110369
of the Jefferson County Community College District and any 110370
additional powers and duties granted or imposed by law. 110371

(B) The board of trustees of the District assumes the 110372
obligations of, and is the successor to and continuation of, the 110373
board of trustees of the Jefferson County Community College 110374
District. 110375

(C) Any business commenced but not completed by the board of 110376
trustees of the Jefferson County Community College District shall 110377
be completed by the board of trustees of the District in the same 110378
manner, and with the same effect, as if completed by the board of 110379
trustees of the Jefferson County Community College District. No 110380
validation, cure, right, privilege, remedy, obligation, or 110381
liability is lost or impaired by reason of the enactment by this 110382
act of this section and section 3354.24 of the Revised Code. 110383

(D) Rules of the board of trustees of the Jefferson County 110384
Community College District shall continue as rules for the board 110385
of trustees of the District until amended or rescinded by the 110386
board of trustees of the District. 110387

(E) Any reference in statute, rule, contract, grant, or other 110388
document to the board of trustees of the Jefferson County 110389

Community College District shall be construed to refer to the 110390
board of trustees of the District. 110391

(F) No judicial, administrative, or other proceeding to which 110392
the board of trustees of the Jefferson County Community College 110393
District is a party and that is pending on the effective date of 110394
this section shall be affected by the enactment by this act of 110395
this section and section 3354.24 of the Revised Code. Upon 110396
application to the court or other tribunal, the board of trustees 110397
of the District shall be substituted for the board of trustees of 110398
the Jefferson County Community College District as a party to the 110399
action or proceeding, and the action shall be prosecuted or 110400
defended in the name of the board of trustees of the District. 110401

(G) All books, records, documents, files, transcripts, 110402
equipment, furniture, supplies, and other materials assigned to or 110403
possessed by the board of trustees of the Jefferson County 110404
Community College District shall be transferred to the board of 110405
trustees of the District. 110406

(H) The employees of the board of trustees of the Jefferson 110407
County Community College District shall be employees of the board 110408
of trustees of the District. 110409

Section 515.20. On the effective date of this section, the 110410
duties, responsibilities, and functions of the Ohio Board of 110411
Regents under sections 4741.41, 4741.44, 4741.45, and 4741.46 of 110412
the Revised Code and its assets and liabilities under those 110413
sections are transferred to the State Veterinary Medical Licensing 110414
Board. The State Veterinary Medical Licensing Board assumes the 110415
obligations and authority of the Ohio Board of Regents with regard 110416
to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the Revised 110417
Code. No right, privilege, or remedy, and no duty, liability, or 110418
obligation, accrued by the Ohio Board of Regents under sections 110419
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code is 110420

impaired or lost by reason of the transfer and shall be 110421
recognized, administered, performed, or enforced by the State 110422
Veterinary Medical Licensing Board. 110423

Business commenced but not completed by the Ohio Board of 110424
Regents with regard to sections 4741.41, 4741.44, 4741.45, and 110425
4741.46 of the Revised Code shall be completed by the State 110426
Veterinary Medical Licensing Board in the same manner, and with 110427
the same effect, as if completed by the Ohio Board of Regents. 110428

All determinations of the Ohio Board of Regents that are made 110429
pursuant to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 110430
Revised Code continue in effect as determinations of the State 110431
Veterinary Medical Licensing Board until modified or rescinded by 110432
the State Veterinary Medical Licensing Board. 110433

Whenever the Ohio Board of Regents is referred to in statute, 110434
contract, or other instrument for the purposes of sections 110435
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code, the 110436
reference is deemed to refer to the State Veterinary Medical 110437
Licensing Board. 110438

No pending action or proceeding being prosecuted or defended 110439
in court or before any agency by the Ohio Board of Regents for the 110440
purposes of sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 110441
Revised Code is affected by the transfer and shall be prosecuted 110442
or defended in the name of the State Veterinary Medical Licensing 110443
Board. Upon application to the court or agency, the State 110444
Veterinary Medical Licensing Board shall be substituted as a 110445
party. 110446

Section 515.30. On the effective date of this section, the 110447
Division of Soil and Water Conservation in the Department of 110448
Natural Resources is renamed the Division of Soil and Water 110449
Resources. The Division of Soil and Water Conservation's 110450

functions, and its assets and liabilities, are transferred to the 110451
Division of Soil and Water Resources. The Division of Soil and 110452
Water Resources is successor to, assumes the obligations and 110453
authority of, and otherwise continues the Division of Soil and 110454
Water Conservation. No right, privilege, or remedy, and no duty, 110455
liability, or obligation, accrued under the Division of Soil and 110456
Water Conservation is impaired or lost by reason of the renaming 110457
and shall be recognized, administered, performed, or enforced by 110458
the Division of Soil and Water Resources. 110459

Business commenced but not completed by the Division of Soil 110460
and Water Conservation or by the Chief of the Division of Soil and 110461
Water Conservation shall be completed by the Division of Soil and 110462
Water Resources or the Chief of the Division of Soil and Water 110463
Resources in the same manner, and with the same effect, as if 110464
completed by the Division of Soil and Water Conservation or the 110465
Chief of the Division of Soil and Water Conservation. 110466

All of the Division of Soil and Water Conservation's rules, 110467
orders, and determinations continue in effect as rules, orders, 110468
and determinations of the Division of Soil and Water Resources 110469
until modified or rescinded by the Division of Soil and Water 110470
Resources. 110471

Subject to the layoff provisions of sections 124.321 to 110472
124.382 of the Revised Code, all employees of the Division of Soil 110473
and Water Conservation continue with the Division of Soil and 110474
Water Resources and retain their positions and all benefits 110475
accruing thereto. 110476

The Director of Budget and Management shall determine the 110477
amount of unexpended balances in the appropriation accounts that 110478
pertain to the Division of Soil and Water Conservation and shall 110479
recommend to the Controlling Board their transfer to the 110480
appropriation accounts that pertain to the Division of Soil and 110481
Water Resources. The Chief of the Division of Soil and Water 110482

Conservation shall provide full and timely information to the 110483
Controlling Board to facilitate the transfer. 110484

Whenever the Division of Soil and Water Conservation or the 110485
Chief of the Division of Soil and Water Conservation is referred 110486
to in a statute, contract, or other instrument, the reference is 110487
deemed to refer to the Division of Soil and Water Resources or to 110488
the Chief of the Division of Soil and Water Resources, whichever 110489
is appropriate in context. 110490

No pending action or proceeding being prosecuted or defended 110491
in court or before an agency by the Division of Soil and Water 110492
Conservation or the Chief of the Division of Soil and Water 110493
Conservation is affected by the renaming and shall be prosecuted 110494
or defended in the name of the Division of Soil and Water 110495
Resources or the Chief of the Division of Soil and Water 110496
Resources, whichever is appropriate. Upon application to the court 110497
or agency, the Division of Soil and Water Resources or the Chief 110498
of the Division of Soil and Water Resources shall be substituted. 110499

Section 515.40. On the effective date of this section, the 110500
Division of Water in the Department of Natural Resources is 110501
abolished and its functions, and its assets and liabilities, are 110502
transferred to the Division of Soil and Water Resources and the 110503
Division of Parks and Recreation, as applicable, in the Department 110504
of Natural Resources. The Division of Soil and Water Resources and 110505
the Division of Parks and Recreation, as applicable, are 110506
successors to, assume the obligations and authority of, and 110507
otherwise continue the Division of Water. No right, privilege, or 110508
remedy, and no duty, liability, or obligation, accrued under the 110509
Division of Water is impaired or lost by reason of the abolishment 110510
and shall be recognized, administered, performed, or enforced by 110511
the Division of Soil and Water Resources or the Division of Parks 110512
and Recreation, whichever is applicable. 110513

Business commenced but not completed by the Division of Water 110514
or by the Chief of the Division of Water shall be completed by the 110515
Division of Soil and Water Resources or the Chief of the Division 110516
of Soil and Water Resources or by the Division of Parks and 110517
Recreation or the Chief of the Division of Parks and Recreation, 110518
whichever is applicable, in the same manner, and with the same 110519
effect, as if completed by the Division of Water or the Chief of 110520
the Division of Water. 110521

All of the Division of Water's rules, orders, and 110522
determinations continue in effect as rules, orders, and 110523
determinations of the Division of Soil and Water Resources or the 110524
Division of Parks and Recreation, whichever is applicable, until 110525
modified or rescinded by the Division of Soil and Water Resources 110526
or the Division of Parks and Recreation, as applicable. If 110527
necessary to ensure the integrity of the numbering of the 110528
Administrative Code, the Director of the Legislative Service 110529
Commission shall renumber the Division of Water's rules to reflect 110530
their transfer to the Division of Soil and Water Resources or to 110531
the Division of Parks and Recreation, as applicable. 110532

Subject to the layoff provisions of sections 124.321 to 110533
124.382 of the Revised Code, all employees of the Division of 110534
Water are transferred to the Division of Soil and Water Resources 110535
or to the Division of Parks and Recreation, as applicable, and 110536
retain their positions and all benefits accruing thereto. 110537

The Director of Budget and Management shall determine the 110538
amount of unexpended balances in the appropriation accounts that 110539
pertain to the Division of Water and shall recommend to the 110540
Controlling Board their transfer to the appropriation accounts 110541
that pertain to the Division of Soil and Water Resources or the 110542
Division of Parks and Recreation, as applicable. The Chief of the 110543
Division of Water shall provide full and timely information to the 110544
Controlling Board to facilitate the transfer. 110545

Whenever the Division of Water or the Chief of the Division 110546
of Water is referred to in a statute, contract, or other 110547
instrument, the reference is deemed to refer to the Division of 110548
Soil and Water Resources or to the Chief of the Division of Soil 110549
and Water Resources or to the Division of Parks and Recreation or 110550
to the Chief of the Division of Parks and Recreation, whichever is 110551
appropriate in context. 110552

No pending action or proceeding being prosecuted or defended 110553
in court or before an agency by the Division of Water or the Chief 110554
of the Division of Water is affected by the abolishment and shall 110555
be prosecuted or defended in the name of the Division of Soil and 110556
Water Resources or the Chief of the Division of Soil and Water 110557
Resources or of the Division of Parks and Recreation or the Chief 110558
of the Division of Parks and Recreation, whichever is appropriate. 110559
Upon application to the court or agency, the Division of Soil and 110560
Water Resources or the Chief of the Division of Soil and Water 110561
Resources or the Division of Parks and Recreation or the Chief of 110562
the Division of Parks and Recreation, whichever is applicable, 110563
shall be substituted. 110564

Section 515.50. On the effective date of this section, the 110565
Division of Real Estate and Land Management in the Department of 110566
Natural Resources is abolished and its functions, and its assets 110567
and liabilities, are transferred to the Director of Natural 110568
Resources, to the Division of Engineering, and to the Division of 110569
Parks and Recreation, as applicable, in the Department of Natural 110570
Resources. The Director of Natural Resources, the Division of 110571
Engineering, and the Division of Parks and Recreation are 110572
successors to, assume the obligations and authority of, and 110573
otherwise continue the Division of Real Estate and Land 110574
Management. No right, privilege, or remedy, and no duty, 110575
liability, or obligation, accrued under the Division of Real 110576
Estate and Land Management is impaired or lost by reason of the 110577

abolishment and shall be recognized, administered, performed, or 110578
enforced by the Director of Natural Resources, the Division of 110579
Engineering, and the Division of Parks and Recreation, whichever 110580
is applicable. 110581

Business commenced but not completed by the Division of Real 110582
Estate and Land Management or by the Chief of the Division of Real 110583
Estate and Land Management shall be completed by the Director of 110584
Natural Resources, by the Division of Engineering or the Chief 110585
Engineer, or by the Division of Parks and Recreation or the Chief 110586
of the Division of Parks and Recreation, whichever is applicable, 110587
in the same manner, and with the same effect, as if completed by 110588
the Division of Real Estate and Land Management or the Chief of 110589
the Division of Real Estate and Land Management. 110590

All of the Division of Real Estate and Land Management's 110591
rules, orders, and determinations continue in effect as rules, 110592
orders, and determinations of the Director of Natural Resources, 110593
the Division of Engineering, or the Division of Parks and 110594
Recreation, whichever is applicable, until modified or rescinded 110595
by the Director of Natural Resources, the Division of Engineering, 110596
or the Division of Parks and Recreation, as applicable. If 110597
necessary to ensure the integrity of the numbering of the 110598
Administrative Code, the Director of the Legislative Service 110599
Commission shall renumber the Division of Real Estate and Land 110600
Management's rules to reflect their transfer to the Director of 110601
Natural Resources, to the Division of Engineering, or to the 110602
Division of Parks and Recreation, as applicable. 110603

Subject to the layoff provisions of sections 124.321 to 110604
124.382 of the Revised Code, all employees of the Division of Real 110605
Estate and Land Management are transferred to the office of the 110606
Director of Natural Resources, the Division of Engineering, or the 110607
Division of Parks and Recreation, as applicable, and retain their 110608

positions and all benefits accruing thereto. 110609

The Director of Budget and Management shall determine the 110610
amount of unexpended balances in the appropriation accounts that 110611
pertain to the Division of Real Estate and Land Management and 110612
shall recommend to the Controlling Board their transfer to the 110613
appropriation accounts that pertain to the Director of Natural 110614
Resources, the Division of Engineering, or the Division of Parks 110615
and Recreation, as applicable. The Chief of the Division of Real 110616
Estate and Land Management shall provide full and timely 110617
information to the Controlling Board to facilitate the transfer. 110618

Whenever the Division of Real Estate and Land Management or 110619
the Chief of the Division of Real Estate and Land Management is 110620
referred to in a statute, contract, or other instrument, the 110621
reference is deemed to refer to the Director of Natural Resources, 110622
to the Division of Engineering or the Chief Engineer, or to the 110623
Division of Parks and Recreation or the Chief of the Division of 110624
Parks and Recreation, whichever is appropriate in context. 110625

No pending action or proceeding being prosecuted or defended 110626
in court or before an agency by the Division of Real Estate and 110627
Land Management or the Chief of the Division of Real Estate and 110628
Land Management is affected by the abolishment and shall be 110629
prosecuted or defended in the name of the Department of Natural 110630
Resources or the Director of Natural Resources, of the Division of 110631
Engineering or the Chief Engineer, or of the Division of Parks and 110632
Recreation or the Chief of the Division of Parks and Recreation, 110633
whichever is appropriate. Upon application to the court or agency, 110634
the Department of Natural Resources or the Director of Natural 110635
Resources, the Division of Engineering or the Chief Engineer, or 110636
the Division of Parks and Recreation or the Chief of the Division 110637
of Parks and Recreation, whichever is applicable, shall be 110638
substituted. 110639

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 110640

Certain appropriations are in this act for the purpose of 110641
paying debt service and financing costs on general obligation 110642
bonds or notes of the state issued pursuant to the Ohio 110643
Constitution and acts of the General Assembly. If it is determined 110644
that additional appropriations are necessary for this purpose, 110645
such amounts are hereby appropriated. 110646

Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 110647
STATE 110648

Certain appropriations are in this act for the purpose of 110649
making lease rental payments pursuant to leases and agreements 110650
relating to bonds or notes issued by the Ohio Building Authority 110651
or the Treasurer of State or, previously, by the Ohio Public 110652
Facilities Commission, pursuant to the Ohio Constitution and acts 110653
of the General Assembly. If it is determined that additional 110654
appropriations are necessary for this purpose, such amounts are 110655
hereby appropriated. 110656

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 110657
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 110658

The Office of Budget and Management shall process payments 110659
from general obligation and lease rental payment appropriation 110660
items during the period from July 1, 2009, to June 30, 2011, 110661
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 110662
2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and 110663
Chapters 151. and 154. of the Revised Code. Payments shall be made 110664
upon certification by the Treasurer of State, Office of the 110665
Sinking Fund, of the dates and the amounts due on those dates. 110666

Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 110667
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 110668

The Office of Budget and Management shall process payments 110669
from lease rental payment appropriation items during the period 110670
from July 1, 2009, to June 30, 2011, pursuant to the lease 110671
agreements entered into relating to bonds or notes issued under 110672
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 110673
the Revised Code. Payments shall be made upon certification by the 110674
Ohio Building Authority of the dates and the amounts due on those 110675
dates. 110676

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 110677

There is hereby appropriated, from those funds designated by 110678
or pursuant to the applicable proceedings authorizing the issuance 110679
of state obligations, amounts computed at the time to represent 110680
the portion of investment income to be rebated or amounts in lieu 110681
of or in addition to any rebate amount to be paid to the federal 110682
government in order to maintain the exclusion from gross income 110683
for federal income tax purposes of interest on those state 110684
obligations under section 148(f) of the Internal Revenue Code. 110685

Rebate payments shall be approved and vouchered by the Office 110686
of Budget and Management. 110687

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 110688

Whenever the Director of Budget and Management determines 110689
that an appropriation made to a state agency from a fund of the 110690
state is insufficient to provide for the recovery of statewide 110691
indirect costs under section 126.12 of the Revised Code, the 110692
amount required for such purpose is hereby appropriated from the 110693
available receipts of such fund. 110694

Section 521.30. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 110695
INDIRECT COST ALLOCATION PLAN 110696

The total transfers made from the General Revenue Fund by the 110697

Director of Budget and Management under this section shall not 110698
exceed the amounts transferred into the General Revenue Fund under 110699
section 126.12 of the Revised Code. 110700

The director of an agency may certify to the Director of 110701
Budget and Management the amount of expenses not allowed to be 110702
included in the Statewide Indirect Cost Allocation Plan under 110703
federal regulations, from any fund included in the Statewide 110704
Indirect Cost Allocation Plan, prepared as required by section 110705
126.12 of the Revised Code. 110706

Upon determining that no alternative source of funding is 110707
available to pay for such expenses, the Director of Budget and 110708
Management may transfer from the General Revenue Fund into the 110709
fund for which the certification is made, up to the amount of the 110710
certification. The director of the agency receiving such funds 110711
shall include, as part of the next budget submission prepared 110712
under section 126.02 of the Revised Code, a request for funding 110713
for such activities from an alternative source such that further 110714
federal disallowances would not be required. 110715

Section 521.40. FISCAL YEAR 2009 GENERAL REVENUE FUND ENDING 110716
BALANCE 110717

Notwithstanding divisions (B) and (C) of section 131.44 of 110718
the Revised Code, all fiscal year 2009 surplus revenue in excess 110719
of the amount required under division (A)(3) of section 131.44 of 110720
the Revised Code shall remain in the General Revenue Fund. 110721

Section 521.50. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 110722

Notwithstanding any provision of law to the contrary, on or 110723
before the first day of September of each fiscal year, the 110724
Director of Budget and Management, in order to reduce the payment 110725
of adjustments to the federal government, as determined by the 110726
plan prepared under division (A) of section 126.12 of the Revised 110727

Code, may designate such funds as the Director considers necessary 110728
to retain their own interest earnings. 110729

Section 521.60. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 110730

Pursuant to the plan for compliance with the Federal Cash 110731
Management Improvement Act required by section 131.36 of the 110732
Revised Code, the Director of Budget and Management may cancel and 110733
re-establish all or part of encumbrances in like amounts within 110734
the funds identified by the plan. The amounts necessary to 110735
re-establish all or part of encumbrances are hereby appropriated. 110736

Section 521.70. FISCAL STABILIZATION AND RECOVERY 110737

(A) To ensure the level of accountability and transparency 110738
required by federal law, the Director of Budget and Management may 110739
issue guidelines to any agency applying for federal money made 110740
available to this state for fiscal stabilization and recovery 110741
purposes, and may prescribe the process by which agencies are to 110742
comply with any reporting requirements established by the federal 110743
government. 110744

(B) Notwithstanding any provision of law to the contrary, 110745
federal money received by or on behalf of this state for fiscal 110746
stabilization in support of elementary, secondary, and higher 110747
education, public safety, and any other government service shall 110748
be deposited into the state treasury to the credit of the General 110749
Revenue Fund. If additional federal fiscal stabilization funds are 110750
available, the Director of Budget and Management may authorize 110751
expenditures from the General Revenue Fund in excess of the 110752
amounts appropriated to provide additional government services. 110753
Upon the authorization of the Director, the additional amounts are 110754
hereby appropriated. The federal money shall not be used as a 110755
match for the state's share of Medicaid. 110756

Section 523.10. ADVANCED ENERGY RESEARCH AND DEVELOPMENT 110757

(A) All items set forth in this division are hereby 110758
appropriated, for fiscal years 2011 and 2012, the biennium ending 110759
on June 30, 2012, out of any moneys in the state treasury to the 110760
credit of the Advanced Energy Research and Development Taxable 110761
Fund (Fund 7004) derived from the proceeds of obligations 110762
heretofore authorized under section 166.11 of the Revised Code: 110763

AIR AIR QUALITY DEVELOPMENT AUTHORITY 110764

C89800 Advanced Energy Research and Development \$ 9,000,000 110765
Taxable

TOTAL Advanced Energy Research and Development \$ 9,000,000 110766
Taxable Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 9,000,000 110767

(B) All items set forth in this division are hereby 110768
appropriated, for fiscal years 2011 and 2012, the biennium ending 110769
on June 30, 2012, out of any moneys in the state treasury to the 110770
credit of the Advanced Energy Research and Development Fund (Fund 110771
7005) derived from the proceeds of obligations heretofore 110772
authorized under section 166.11 of the Revised Code: 110773

AIR AIR QUALITY DEVELOPMENT AUTHORITY 110774

C89801 Advanced Energy Research and Development \$ 19,000,000 110775

TOTAL Advanced Energy Research and Development \$ 19,000,000 110776
Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 19,000,000 110777

(C) The appropriation items C89800, Advanced Energy Research 110778
and Development Taxable, and C89801, Advanced Energy Research and 110779
Development, shall be used for advanced energy projects as 110780
provided in sections 3706.25 to 3706.30 of the Revised Code. The 110781
Executive Director of the Air Quality Development Authority may 110782
certify to the Director of Budget and Management that a need 110783
exists to fund additional advanced energy projects. If the 110784

Director of Budget and Management determines that investment 110785
earnings of the Advanced Energy Research and Development Taxable 110786
Fund (Fund 7004) and the Advanced Energy Research and Development 110787
Fund (Fund 7005) are available to fund additional projects, the 110788
Director may authorize additional expenditures from Fund 7004 or 110789
Fund 7005. Such amounts are hereby appropriated. 110790

(D) Notwithstanding any contrary provision of law, upon the 110791
request of the Executive Director of the Air Quality Development 110792
Authority, the Director of Budget and Management may transfer cash 110793
between Funds 7004 and 7005. Amounts transferred are hereby 110794
appropriated. 110795

(E) Expenditures from appropriations contained in this 110796
section may be accounted for as though made in the main capital 110797
appropriations act for the fiscal year 2011-2012 biennium enacted 110798
by the 128th General Assembly. The Air Quality Development 110799
Authority shall not expend any of the appropriations made in this 110800
section until after July 1, 2010. 110801

Section 601.10. That Sections 205.10, 309.10, 317.10, 321.10, 110802
325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General 110803
Assembly be amended to read as follows: 110804

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 110805

State Highway Safety Fund Group 110806

4W40 762321 Operating Expense - \$ 85,145,103 \$ 89,005,103 110807
BMV

4W40 762410 Registrations \$ 31,753,145 \$ 32,480,610 110808
Supplement

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 110809
Contributions

7036 761321 Operating Expense - \$ 8,819,954 \$ 8,828,661 110810
Information and

		Education			
7036	761401	Lease Rental Payments	\$ 13,337,000	\$ 11,836,200	110811
7036	764033	Minor Capital	\$ 1,250,000	\$ 1,250,000	110812
		Projects			
7036	764321	Operating Expense - Highway Patrol	\$ 269,887,828	\$ 269,975,259	110813
7036	764605	Motor Carrier Enforcement Expenses	\$ 3,340,468	\$ 3,340,468	110814
8300	761603	Salvage and Exchange - Administration	\$ 20,800	\$ 21,632	110815
8310	761610	Information and Education - Federal	\$ 468,982	\$ 468,982	110816
8310	764610	Patrol - Federal	\$ 2,455,484	\$ 2,455,484	110817
8310	764659	Transportation Enforcement - Federal	\$ 6,132,592	\$ 6,132,592	110818
8310	765610	EMS - Federal	\$ 582,007	\$ 582,007	110819
8310	767610	Liquor Enforcement - Federal	\$ 514,184	\$ 514,184	110820
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$ 1,032,135	\$ 1,032,135	110821
8310	769631	Homeland Security - Federal	\$ 2,100,000	\$ 2,184,000	110822
8320	761612	Traffic Safety - Federal	\$ 16,577,565	\$ 16,577,565	110823
8350	762616	Financial Responsibility Compliance	\$ 6,063,600	\$ 6,063,600	110824
8370	764602	Turnpike Policing	\$ 11,553,959	\$ 11,553,959	110825
8380	764606	Patrol Reimbursement	\$ 100,000	\$ 100,000	110826
83C0	764630	Contraband, Forfeiture, Other	\$ 622,894	\$ 622,894	110827
83F0	764657	Law Enforcement	\$ 10,984,978	\$ 9,053,266	110828

As Pending in the House Finance and Appropriations Committee (LSC # 516-4)

		Automated Data System					
83G0	764633	OMVI	\$	650,000	\$	650,000	110829
		Enforcement/Education					
83J0	764693	Highway Patrol	\$	2,100,000	\$	2,100,000	110830
		Justice Contraband					
83M0	765624	Operating Expense -	\$	2,915,113	\$	2,924,562	110831
		Trauma and EMS					
83N0	761611	Elementary School	\$	390,000	\$	405,600	110832
		Seat Belt Program					
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912	110833
83R0	762639	Local Immobilization	\$	750,000	\$	750,000	110834
		Reimbursement					
83T0	764694	Highway Patrol	\$	21,000	\$	21,000	110835
		Treasury Contraband					
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283	110836
8400	764617	Security and	\$	6,317,530	\$	6,432,686	110837
		Investigations					
8400	764626	State Fairgrounds	\$	830,769	\$	849,883	110838
		Police Force					
8400	769632	Homeland Security -	\$	1,552,049	\$	1,614,131	110839
		Operating					
8410	764603	Salvage and Exchange	\$	1,339,399	\$	1,339,399	110840
		- Highway Patrol					
8440	761613	Seat Belt Education	\$	400,000	\$	400,000	110841
		Program					
8460	761625	Motorcycle Safety	\$	3,324,987	\$	3,538,903	110842
		Education					
8490	762627	Automated Title	\$	19,240,839	\$	19,240,839	110843
		Processing Board					
TOTAL	HSF	State Highway Safety Fund	\$	520,633,559	\$	522,404,799	110844
		Group					
		General Services Fund Group					110845
4P60	768601	Justice Program	\$	1,070,962	\$	1,109,004	110846

		Services				
4S30	766661	Hilltop Utility	\$	520,000	\$	540,800 110847
		Reimbursement				
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000 110848
5Y10	764695	Highway Patrol	\$	280,820	\$	280,820 110849
		Continuing				
		Professional Training				
5Y10	767696	Investigative Unit	\$	15,000	\$	15,000 110850
		Continuing				
		Professional Training				
TOTAL	GSF	General Services Fund	\$	6,086,782	\$	6,145,624 110851
		Group				
		Federal Special Revenue Fund Group				110852
3290	763645	Federal Mitigation	\$	10,801,636	\$	11,233,702 110853
		Program				
3370	763609	Federal Disaster	\$	27,707,636	\$	27,707,636 110854
		Relief				
3390	763647	Emergency Management	\$	84,031,935	\$	84,072,023 110855
		Assistance and				
		Training				
3AY0	768606	Federal Justice	\$	1,020,000	\$	745,000 110856
		Grants				
3CB0	768691	Federal Justice	\$	920,000	\$	795,000 110857
		Grants - FFY06				
3CC0	768609	Justice Assistance	\$	1,450,000	\$	1,215,000 110858
		Grants - FFY07				
3DE0	768612	Federal Stimulus -	\$	36,146,492	\$	1,902,447 110859
		Justice Assistance				
		Grants				
<u>3DH0</u>	<u>768613</u>	<u>Federal Stimulus -</u>	\$	<u>4,404,597</u>	\$	<u>200,000</u> 110860
		<u>Justice Programs</u>				
3L50	768604	Justice Program	\$	12,056,300	\$	12,056,300 110861
3N50	763644	U.S. Department of	\$	31,358	\$	31,672 110862

Energy Agreement

TOTAL FED Federal Special Revenue	\$	174,165,357	\$	139,758,780	110863
Fund Group		<u>178,569,954</u>		<u>139,958,780</u>	
State Special Revenue Fund Group					110864
4V30 763662 EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743	110865
5390 762614 Motor Vehicle Dealers Board	\$	200,000	\$	200,000	110866
5B90 766632 Private Investigator and Security Guard Provider	\$	1,341,478	\$	1,395,137	110867
5BK0 768687 Criminal Justice Services - Operating	\$	400,000	\$	400,000	110868
5BK0 768689 Family Violence Shelter Programs	\$	750,000	\$	750,000	110869
5CM0 767691 Federal Investigative Seizure	\$	642,175	\$	642,175	110870
5DS0 769630 Homeland Security	\$	517,350	\$	538,044	110871
5FF0 762621 Indigent Interlock and Alcohol Monitoring	\$	1,600,000	\$	2,750,000	110872
5FL0 769634 Investigations	\$	1,172,080	\$	1,195,522	110873
6220 767615 Investigative Contraband and Forfeiture	\$	375,000	\$	375,000	110874
6570 763652 Utility Radiological Safety	\$	1,413,889	\$	1,415,945	110875
6810 763653 SARA Title III HAZMAT Planning	\$	254,794	\$	262,438	110876
8500 767628 Investigative Unit Salvage	\$	100,000	\$	100,000	110877
TOTAL SSR State Special Revenue Fund Group	\$	13,241,517	\$	14,678,004	110878

Liquor Control Fund Group				110879
7043 767321 Liquor Enforcement -	\$	12,007,894	\$	11,897,178
Operating				
TOTAL LCF Liquor Control Fund Group	\$	12,007,894	\$	11,897,178
Agency Fund Group				110882
5J90 761678 Federal Salvage/GSA	\$	1,500,000	\$	1,500,000
TOTAL AGY Agency Fund Group	\$	1,500,000	\$	1,500,000
Holding Account Redistribution Fund Group				110885
R024 762619 Unidentified Motor	\$	1,885,000	\$	1,885,000
Vehicle Receipts				
R052 762623 Security Deposits	\$	350,000	\$	350,000
TOTAL 090 Holding Account	\$	2,235,000	\$	2,235,000
Redistribution Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	729,870,109	\$	698,619,383
		<u>734,274,706</u>		<u>698,819,383</u>

MOTOR VEHICLE REGISTRATION 110890

The Registrar of Motor Vehicles may deposit revenues to meet 110891
 the cash needs of the State Bureau of Motor Vehicles Fund (Fund 110892
 4W40) established in section 4501.25 of the Revised Code, obtained 110893
 under sections 4503.02 and 4504.02 of the Revised Code, less all 110894
 other available cash. Revenue deposited pursuant to this paragraph 110895
 shall support, in part, appropriations for operating expenses and 110896
 defray the cost of manufacturing and distributing license plates 110897
 and license plate stickers and enforcing the law relative to the 110898
 operation and registration of motor vehicles. Notwithstanding 110899
 section 4501.03 of the Revised Code, the revenues shall be paid 110900
 into Fund 4W40 before any revenues obtained pursuant to sections 110901
 4503.02 and 4504.02 of the Revised Code are paid into any other 110902
 fund. The deposit of revenues to meet the aforementioned cash 110903
 needs shall be in approximately equal amounts on a monthly basis 110904
 or as otherwise determined by the Director of Budget and 110905
 Management pursuant to a plan submitted by the Registrar of Motor 110906

Vehicles. 110907

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 110908

Notwithstanding any provision of law to the contrary, on July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer, from the Bureau of Motor Vehicles Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 to the Investigations Fund (Fund 5FL0). 110909
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Notwithstanding any provision to the contrary, the Director of Budget and Management may make additional cash transfers in fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund (Fund 4W40) to any of the following five funds if the Director of Public Safety determines that the cash balance is insufficient in those funds and requests the Director to make the transfer: the Justice Program Services Fund (Fund 4P60), the EMA Service and Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and Emergency Medical Services Fund (Fund 83M0). 110916
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CAPITAL PROJECTS 110926

The Registrar of Motor Vehicles may transfer cash from the State Bureau of Motor Vehicles Fund (Fund 4W40) to the State Highway Safety Fund (Fund 7036) to meet its obligations for capital projects CIR-047, Department of Public Safety Office Building and CIR-049, Warehouse Facility. 110927
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OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 110932

The foregoing appropriation item 761401, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 2009, to June 30, 2011, under the primary leases and agreements for public safety related buildings financed by obligations issued under Chapter 152. of the Revised 110933
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Code. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Director of Budget and Management, lease capital facilities to the Department of Public Safety.

HILLTOP TRANSFER

The Director of Public Safety shall determine, per an agreement with the Director of Transportation, the share of each debt service payment made out of appropriation item 761401, Lease Rental Payments, that relates to the Department of Transportation's portion of the Hilltop Building Project, and shall certify to the Director of Budget and Management the amounts of this share. The Director of Budget and Management shall transfer the amounts of such shares from the Highway Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).

CASH TRANSFERS OF SEAT BELT FINE REVENUES

Notwithstanding any provision of law to the contrary, the Controlling Board, upon request of the Director of Public Safety, may approve the transfer of cash between the following four funds that receive fine revenues from enforcement of the mandatory seat belt law: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Elementary School Program Fund (Fund 83N0), the Trauma and Emergency Medical Services Grants Fund (Fund 83P0), and the Seat Belt Education Fund (Fund 8440).

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio Emergency

Management Agency public assistance and mitigation program match 110969
costs to reimburse eligible local governments and private 110970
nonprofit organizations for costs related to disasters; 110971

(B) To accept and transfer cash to reimburse the costs 110972
associated with Emergency Management Assistance Compact (EMAC) 110973
deployments; 110974

(C) To accept disaster related reimbursement from federal, 110975
state, and local governments. The Director of Budget and 110976
Management may transfer cash from reimbursements received by this 110977
fund to other funds of the state from which transfers were 110978
originally approved by the Controlling Board. 110979

(D) To accept transfers of cash and appropriations from 110980
Controlling Board appropriation items to fund the State Disaster 110981
Relief Program, for disasters that have been declared by the 110982
Governor, and the State Individual Assistance Program for 110983
disasters that have been declared by the Governor and the federal 110984
Small Business Administration. The Ohio Emergency Management 110985
Agency shall publish and make available application packets 110986
outlining procedures for the State Disaster Relief Program and the 110987
State Individual Assistance Program. 110988

JUSTICE ASSISTANCE GRANT FUND 110989

The federal payments made to the state for the Byrne Justice 110990
Assistance Grants Program under Title II of Division A of the 110991
American Recovery and Reinvestment Act of 2009 shall be deposited 110992
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 110993
which is hereby created in the state treasury. All investment 110994
earnings of the fund shall be credited to the fund. 110995

JUSTICE ASSISTANCE GRANTS 110996

The foregoing appropriation ~~item~~ items 768612, Federal 110997
Stimulus - Justice Assistance Grants, and 768613, Federal Stimulus 110998
- Justice Programs, shall be used to support activities to prevent 110999

and control crime and to improve the criminal justice system. 111000
111001

FAMILY VIOLENCE PREVENTION FUND 111002

Notwithstanding any provision of law to the contrary, in each 111003
of fiscal years 2010 and 2011, the first \$750,000 received to the 111004
credit of the Family Violence Prevention Fund (Fund 5BK0) in each 111005
of those fiscal years shall be appropriated to appropriation item 111006
768689, Family Violence Shelter Programs, and the next \$400,000 111007
received to the credit of Fund 5BK0 in each of those fiscal years 111008
shall be appropriated to appropriation item 768687, Criminal 111009
Justice Services - Operating. Any moneys received to the credit of 111010
Fund 5BK0 in excess of the aforementioned appropriated amounts in 111011
each fiscal year shall, upon the approval of the Controlling 111012
Board, be used to provide grants to family violence shelters in 111013
Ohio. 111014

SARA TITLE III HAZMAT PLANNING 111015

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 111016
entitled to receive grant funds from the Emergency Response 111017
Commission to implement the Emergency Management Agency's 111018
responsibilities under Chapter 3750. of the Revised Code. 111019

COLLECTIVE BARGAINING INCREASES 111020

Notwithstanding division (D) of section 127.14 and division 111021
(B) of section 131.35 of the Revised Code, except for the General 111022
Revenue Fund, the Controlling Board may, upon the request of 111023
either the Director of Budget and Management, or the Department of 111024
Public Safety with the approval of the Director of Budget and 111025
Management, increase appropriations for any fund, as necessary for 111026
the Department of Public Safety, to assist in paying the costs of 111027
increases in employee compensation that have occurred pursuant to 111028
collective bargaining agreements under Chapter 4117. of the 111029
Revised Code and, for exempt employees, under section 124.152 of 111030

the Revised Code. 111031

CASH BALANCE FUND REVIEW 111032

Not later than the first day of April in each fiscal year of 111033
the biennium, the Director of Budget and Management shall review 111034
the cash balances for each fund, except the State Highway Safety 111035
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 111036
4W40), in the State Highway Safety Fund Group, and shall recommend 111037
to the Controlling Board an amount to be transferred to the credit 111038
of Fund 7036 or Fund 4W40, as appropriate. 111039

Sec. 309.10. The federal payments made to the state for the 111040
Weatherization Assistance Program and the State Energy Grant 111041
Program under Title IV of Division A of the American Recovery and 111042
Reinvestment Act of 2009, and for the Homelessness Prevention Fund 111043
under Title XII of Division A of the American Recovery and 111044
Reinvestment Act of 2009, shall be deposited to the credit of the 111045
Federal Special Revenue Fund (Fund 3080). 111046

The federal payments made to the state for the Energy Star 111047
Rebate Program under the American Recovery and Reinvestment Act of 111048
2009 shall be deposited to the credit of the Energy Star Rebate 111049
Program Fund (Fund 3DA0), which is hereby created in the state 111050
treasury. 111051

The federal payments made to the state for the Energy 111052
Efficiency and Conservation Block Grants Program under Title IV of 111053
Division A of the American Recovery and Reinvestment Act of 2009 111054
shall be deposited to the credit of the Energy Efficiency and 111055
Conservation Block Grants Fund (Fund 3DB0), which is hereby 111056
created in the state treasury. 111057

The federal payments made to the state for the Community 111058
Development Block Grant program under Title XII of Division A of 111059
the American Recovery and Reinvestment Act of 2009 shall be 111060

deposited to the credit of the Community Development Block Grant Fund (Fund 3K80). 111061
 111062

The federal payments made to the state for community services block grants under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Community Services Block Grant Fund (Fund 3L00). 111063
 111064
 111065
 111066
 111067

The federal payments made to the state for the Home Investment Partnerships Program under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the HOME Program Fund (Fund 3V10). 111068
 111069
 111070
 111071

The items in this division are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated. 111072
 111073
 111074

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 111075

Federal Special Revenue Fund Group 111076

3080 195603 Housing and Urban Development \$ 0 \$ 26,205,724 111077

3080 195605 Federal Projects \$ 0 \$ 266,781,409 111078

3080 195618 Energy Federal Grants \$ 0 \$ 96,083,000 111079

3DA0 195632 Federal Stimulus - Energy Star Rebate Program \$ 0 \$ 11,000,000 111080

3DB0 195642 Federal Stimulus - Energy Efficiency and Conservation Block Grants \$ 0 \$ 21,000,000 111081

3K80 195613 Community Development Block Grant \$ 0 \$ 12,957,527 111082

3L00 195612 Community Services \$ 0 \$ 38,979,000 111083

Block Grant				
3V10	195601	HOME Program	\$	0 \$ 83,484,547 111084
TOTAL FED	Federal Special Revenue		\$	0 \$ 556,491,207 111085
Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	0 \$ 556,491,207 111086

The foregoing appropriation item 195605, Federal Projects, 111087
 shall be used to carry out the Home Weatherization Assistance 111088
 Program, subject to any requirements of the American Recovery and 111089
 Reinvestment Act of 2009 that apply to the money appropriated. 111090

The foregoing appropriation items 195603, Housing and Urban 111091
 Development, 195618, Energy Federal Grants, 195613, Community 111092
 Development Block Grant, 195612, Community Services Block Grant, 111093
 195601, HOME Program, 195632, Federal Stimulus - Energy Star 111094
 Rebate Program, and 195642, Federal Stimulus - Energy Efficiency 111095
 and Conservation Block Grants, shall be used in accordance with 111096
 the requirements of the American Recovery and Reinvestment Act of 111097
 2009 that apply to the money appropriated. 111098

Sec. 317.10. (A) ~~The federal payments made to the state for 111099
 the Immunization Program under Title VIII of Division A of the 111100
 American Recovery and Reinvestment Act of 2009 shall be deposited 111101
 to the credit of the Preventive Health Block Grant Fund (Fund 111102
 3870).~~ 111103

~~(B)~~ (B) The federal payments made to the state for the Special 111104
 Supplemental Nutrition Program under Title VIII of Division A of 111105
 the American Recovery and Reinvestment Act of 2009 shall be 111106
 deposited to the credit of the Women, Infants, and Children Fund 111107
 (Fund 3890). 111108

~~(C)~~ (B) The federal payments made to the state for the IDEA - 111109
 Infants and Children Program under Title VIII of Division A of the 111110
 American Recovery and Reinvestment Act of 2009 shall be deposited 111111
 to the credit of the General Operations Fund (Fund 3920). 111112

~~(D)~~(C) The items in this section are appropriated as 111113
 designated out of any moneys in the state treasury to the credit 111114
 of their respective funds that are not otherwise appropriated. 111115

Appropriations

DOH DEPARTMENT OF HEALTH 111116

Federal Special Revenue Fund Group 111117

3890 440604 Women, Infants, and \$ 0 \$ 2,000,000 111118
 Children

3920 440618 Federal Public Health \$ 0 \$ 14,410,000 111119
 Programs

TOTAL FED Federal Special Revenue \$ 0 \$ 16,410,000 111120
 Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 16,410,000 111121

The foregoing appropriation items 440604, Women, Infants, and 111122
 Children, and 440618, Federal Public Health Programs, shall be 111123
 used in accordance with the requirements of the American Recovery 111124
 and Reinvestment Act of 2009 that apply to the money appropriated. 111125
 111126

Sec. 321.10. The federal payments made to the state for the 111127
 Vocational Rehabilitation Program under Title VIII of Division A 111128
 of the American Recovery and Reinvestment Act of 2009 shall be 111129
 deposited to the credit of the Consolidated Federal Fund (Fund 111130
 3790). 111131

The federal payments made to the state for the Independent 111132
 Living Program under Title VIII of Division A of the American 111133
 Recovery and Reinvestment Act of 2009 shall be deposited to the 111134
 credit of the Independent Living/Vocational Rehabilitation Fund 111135
 (Fund 3L40). 111136

The items in this section are appropriated as designated out 111137
 of any moneys in the state treasury to the credit of their 111138
 respective funds that are not otherwise appropriated. 111139

				Appropriations		
	RSC REHABILITATION SERVICES COMMISSION					111140
	Federal Special Revenue Fund Group					111141
3790	415616	Federal - Vocational	\$	0	\$ 21,590,000	111142
		Rehabilitation				
3L40	415612	Federal Independent	\$	0	\$ 509,000	111143
		Living Centers or			<u>509,170</u>	
		Services				
3L40	415617	Independent	\$	0	\$ 1,392,958	111144
		Living/Vocational				
		Rehabilitation				
		Programs				
<u>4680</u>	<u>415618</u>	<u>Third Party Funding</u>	<u>\$</u>	<u>0</u>	<u>\$ 245,816</u>	111145
TOTAL FED	Federal Special Revenue		\$	0	\$ 23,491,958	111146
Fund Group					<u>23,737,944</u>	
TOTAL ALL BUDGET FUND GROUPS			\$	0	\$ 23,491,958	111147
					<u>23,737,944</u>	

The foregoing appropriation items 415616, Federal - 111148
 Vocational Rehabilitation, 415612, Federal Independent Living 111149
 Centers or Services, and 415617, Independent Living/Vocational 111150
 Rehabilitation Programs, shall be used in accordance with the 111151
 requirements of the American Recovery and Reinvestment Act of 2009 111152
 that apply to the money appropriated. 111153

Sec. 325.20. Expenditures from appropriations made in 111154
~~Sections 325.05 and Section~~ 325.10 shall be accounted for as 111155
 though made in Am. Sub. H.B. 67 of the 127th General Assembly. 111156
 However, law contained in the relevant operating appropriations 111157
 act that is generally applicable to the appropriations made in 111158
 that act also is generally applicable to the appropriations made 111159
 in ~~Sections 325.05 and Section~~ 325.10 of ~~this act~~ Am. Sub. H.B. 2 111160
of the 128th General Assembly. 111161

Sec. 327.10. The unexpended, unencumbered portions of the 111162
 appropriation items made in Sections 303.10, 305.10, 307.10, 111163
 309.10, 311.10, 313.10, 317.10, 318.10, 319.10, 321.10, ~~325.05,~~ 111164
 and 325.10 of Am. Sub. H.B. 2 of the 128th General Assembly at the 111165
 end of fiscal year 2009 are hereby reappropriated for the same 111166
 purposes for fiscal year 2010. 111167

Section 601.11. That existing Sections 205.10, 309.10, 111168
 317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th 111169
 General Assembly are hereby repealed. 111170

Section 610.10. That Sections 103.80.80, 103.80.90, and 111171
 301.10.50 of H.B. 496 of the 127th General Assembly be amended to 111172
 read as follows: 111173

Reappropriations

Sec. 103.80.80.	OSB SCHOOL FOR THE BLIND			111174
C22606	Glass Windows/East Wall of Natatorium	\$	63,726	111175
C22607	Renovation of Science Laboratory Greenhouse	\$	58,850	111176
C22608	Renovating Recreation Area	\$	213,900	111177
C22609	New Classrooms for Secondary MH Program	\$	996,164	111178
C22610	Renovation of Student Health Service Area	\$	144,375	111179
C22611	Replacement of Cottage Windows	\$	208,725	111180
C22612	Residential Renovations	\$	7,043 41,649	111181
C22613	Food Preparation Area Air Conditioning	\$	67,250	111182
C22614	New School Lighting	\$	184,500	111183
C22616	Renovation and Repairs	\$	890,000	111184
C22617	Elevator Replacement	\$	110,000	111185
	Total Ohio School for the Blind	\$	2,944,533	111186
			<u>2,979,139</u>	

<u>RESIDENTIAL RENOVATIONS</u>			111187
<u>The amount reappropriated for the foregoing appropriation</u>			111188
<u>item C22612, Residential Renovations, is the unencumbered and</u>			111189
<u>unallotted balance as of June 30, 2008, in appropriation item</u>			111190
<u>C22612, Residential Renovations, plus \$34,606.</u>			111191
		Reappropriations	
Sec. 103.80.90. OSD SCHOOL FOR THE DEAF			111192
C22103 Dormitory Renovations	\$	2,833	111193
C22104 Boilers, Blowers, and Controls for the	\$	47,360	111194
School Complex			
C22105 Central Warehouse	\$	676,624	111195
C22106 Storage Barn	\$	330,850	111196
		<u>384,279</u>	
C22107 Renovation and Repairs	\$	1,000,000	111197
Total Ohio School for the Deaf	\$	2,057,667	111198
		<u>2,111,096</u>	
TOTAL Administrative Building Fund	\$	101,617,431	111199
		<u>101,705,466</u>	
<u>STORAGE BARN</u>			111200
<u>The amount reappropriated for the foregoing appropriation</u>			111201
<u>item C22106, Storage Barn, is the unencumbered and unallotted</u>			111202
<u>balance as of June 30, 2008, in appropriation item C22106, Storage</u>			111203
<u>Barn, plus \$53,429.</u>			111204
Sec. 301.10.50. THIRD FRONTIER PROJECT			111205
The foregoing appropriation item C23506, Third Frontier			111206
Project, shall be used to acquire, renovate, or construct			111207
facilities and purchase equipment for research programs,			111208
technology development, product development, and commercialization			111209
programs at or involving state-supported and state-assisted			111210
institutions of higher education. The funds shall be used to make			111211

grants awarded on a competitive basis, and shall be administered 111212
by the Third Frontier Commission. Expenditure of these funds shall 111213
comply with Section 2n of Article VIII, Ohio Constitution, and 111214
sections 151.01 and 151.04 of the Revised Code for the period 111215
beginning July 1, 2008, and ending June 30, 2010. 111216

Of the foregoing appropriation item C23506, Third Frontier 111217
Project, an amount equal to the unexpended, unencumbered portion 111218
at the end of fiscal year 2008 that was allocated for the 111219
implementation of the NextGen Network, shall be used for the same 111220
purpose in fiscal year 2009 and fiscal year 2010. 111221

The Third Frontier Commission shall develop guidelines 111222
relative to the application for and selection of projects funded 111223
from appropriation item C23506, Third Frontier Project. The 111224
commission may develop these guidelines in consultation with other 111225
interested parties. The Board of Regents and all state-assisted 111226
and state-supported institutions of higher education shall take 111227
all actions necessary to implement grants awarded by the Third 111228
Frontier Commission. 111229

The foregoing appropriation item C23506, Third Frontier 111230
Project, for which an appropriation is made from the Higher 111231
Education Improvement Fund (Fund 7034), is determined to consist 111232
of capital improvements and capital facilities for state-supported 111233
and state-assisted institutions of higher education, and is 111234
designated for the capital facilities to which proceeds of 111235
obligations in the Higher Education Improvement Fund (Fund 7034) 111236
are to be applied. 111237

Section 610.11. That existing Sections 103.80.80, 103.80.90, 111238
and 301.10.50 of H.B. 496 of the 127th General Assembly are hereby 111239
repealed. 111240

Section 610.20. That Section 11 of Am. Sub. H.B. 554 of the 111241

127th General Assembly be amended to read as follows: 111242

Sec. 11. (A) All items set forth in this division are hereby 111243
appropriated out of any moneys in the state treasury, for the 111244
biennium ending on June 30, 2010, to the credit of the Advanced 111245
Energy Research and Development Taxable Fund (Fund 7004) that are 111246
not otherwise appropriated: 111247

AIR AIR QUALITY DEVELOPMENT AUTHORITY 111248

C89800	Advanced Energy R&D <u>Research and</u>	\$	9,000,000	111249
	<u>Development</u> Taxable		<u>18,000,000</u>	
Total Air Quality Development Authority		\$	9,000,000	111250
			<u>18,000,000</u>	
TOTAL Advanced Energy Research and Development		\$	9,000,000	111251
Taxable Fund			<u>18,000,000</u>	

111252

(B) All items set forth in this division are hereby 111253
appropriated out of any moneys in the state treasury, for the 111254
biennium ending on June 30, 2010, to the credit of the Advanced 111255
Energy Research and Development Fund (Fund 7005) that are not 111256
otherwise appropriated: 111257

AIR AIR QUALITY DEVELOPMENT AUTHORITY 111258

C89801	Advanced Energy R&D <u>Research and</u>	\$	19,000,000	111259
	<u>Development</u>		<u>38,000,000</u>	
Total Air Quality Development Authority		\$	19,000,000	111260
			<u>38,000,000</u>	
TOTAL Advanced Energy Research and Development		\$	19,000,000	111261
Fund			<u>38,000,000</u>	

111262

(C) The foregoing appropriation items C89800, Advanced Energy 111263
~~R&D~~ Research and Development Taxable, and C89801, Advanced Energy 111264
~~R&D~~ Research and Development, shall be used for advanced energy 111265
projects in the manner provided in sections 3706.25 to 3706.30 of 111266

the Revised Code. The Executive Director of the Air Quality 111267
Development Authority may certify to the Director of Budget and 111268
Management that a need exists to appropriate investment earnings 111269
of funds 7004 and 7005 to be so used. If the Director of Budget 111270
and Management, pursuant to sections 3706.25 to 3706.30 of the 111271
Revised Code, determines that investment earnings are available to 111272
support additional appropriations, such amounts are hereby 111273
appropriated. 111274

(D) Upon the request of the Executive Director of the Air 111275
Quality Development Authority, the Director of Budget and 111276
Management may transfer cash between funds 7004 and 7005. Amounts 111277
transferred are hereby appropriated. 111278

(E) Expenditures from appropriations contained in this 111279
section may be accounted as though made in the main capital 111280
appropriations act of the FY 2009-FY 2010 biennium of the 127th 111281
General Assembly. The appropriations made in this section are 111282
subject to all provisions of the FY 2009-FY 2010 biennial capital 111283
appropriations act of the 127th General Assembly that are 111284
generally applicable to such appropriations. 111285

Section 610.21. That existing Section 11 of Am. Sub. H.B. 554 111286
of the 127th General Assembly is hereby repealed. 111287

Section 610.30. That Sections 233.40.30, 233.50.80, and 111288
701.20 of Am. Sub. H.B. 562 of the 127th General Assembly be 111289
amended to read as follows: 111290

Appropriations

Sec. 233.40.30.	CTI COLUMBUS STATE COMMUNITY COLLEGE		111291
C38400	Basic Renovations	\$ 1,691,834	111292
C38411	Columbus Hall Renovation	\$ 5,470,913	111293
C38412	Painters Apprenticeship Council	\$ 500,000	111294

C38413	Jewish Community Center NE Initiative	\$	575,000	111295
C38414	Somali Community Center	\$	100,000	111296
<u>C38415</u>	<u>Building E</u>	<u>\$</u>	<u>1,200,000</u>	111297
	Total Columbus State Community College	\$	8,337,747	111298
			<u>9,537,747</u>	

Appropriations

	Sec. 233.50.80. STC STARK TECHNICAL COLLEGE			111300
C38900	Basic Renovations	\$	786,333	111301
C38913	Business Technologies Building	\$	2,034,537	111302
C38914	Corporate and Community Services Facility	\$	500,000	111303
	Total Stark Technical College	\$	3,320,870	111304
	Total Board of Regents and Institutions of Higher Education	\$	598,559,802	111306
			<u>599,759,802</u>	
	TOTAL Higher Education Improvement Fund	\$	609,109,802	111307
			<u>610,309,802</u>	

Sec. 701.20. (A) The Ohio Commission on Local Government Reform and Collaboration shall develop recommendations on ways to increase the efficiency and effectiveness of local government operations, to achieve cost savings for taxpayers, and to facilitate economic development in this state. In developing the recommendations, the commission shall consider, but is not limited to, the following:

(1) Restructuring and streamlining local government offices to achieve efficiencies and cost savings for taxpayers and to facilitate local economic development;

(2) Restructuring and streamlining special taxing districts and local government authorities authorized by the constitution or the laws of this state to levy a tax of any kind or to have a tax of any kind levied on its behalf, and of local government units,

including schools and libraries, to reduce overhead and 111323
administrative expenses; 111324

(3) Restructuring, streamlining, and finding ways to 111325
collaborate on the delivery of services, functions, or authorities 111326
of local government to achieve cost savings for taxpayers; 111327
111328

(4) Examining the relationship of services provided by the 111329
state to services provided by local government and the possible 111330
realignment of state and local services to increase efficiency and 111331
improve accountability; ~~and~~ 111332

(5) Ways of reforming or restructuring constitutional, 111333
statutory, and administrative laws to facilitate collaboration for 111334
local economic development, to increase the efficiency and 111335
effectiveness of local government operations, to identify 111336
duplication of services, and to achieve costs savings for 111337
taxpayers; 111338

(6) Making annual financial reporting across local 111339
governments consistent for ease of comparison; and 111340

(7) Aligning regional planning units across state agencies. 111341

(B)(1) There is hereby created the Ohio Commission on Local 111342
Government Reform and Collaboration, consisting of fifteen voting 111343
members. The President of the Senate shall appoint three members, 111344
one of whom may be a person who is recommended by the Minority 111345
Leader of the Senate. The Speaker of the House of Representatives 111346
shall appoint three members, one of whom may be a person who is 111347
recommended by the Minority Leader of the House of 111348
Representatives. The Governor shall appoint three members. One 111349
member shall be appointed by, and shall represent, each of the 111350
following organizations: the Ohio Municipal League, the Ohio 111351
Township Association, the Ohio School Boards Association, the 111352
County Commissioners' Association of Ohio, the Ohio Library 111353

Council, and the Ohio Association of Regional Councils. The 111354
initial appointments shall be made not later than ninety days 111355
after the effective date of this section. Vacancies shall be 111356
filled in the manner provided for original appointments. Members 111357
are not entitled to compensation for their services. 111358

(2) The initial meeting of the commission shall be called by 111359
the Governor within forty-five days after the initial appointments 111360
to the commission are complete. The commission shall elect two of 111361
its members to serve as co-chairpersons of the commission. 111362

(C) The commission may create an advisory council consisting 111363
of interested parties representing taxing authorities and 111364
political subdivisions that are not taxing authorities. The 111365
appointment of members to the advisory council is a matter of the 111366
commission's discretion. The commission may direct the advisory 111367
council to provide relevant information to the commission. 111368
Advisory council members are not members of the commission, and 111369
may not vote on commission business. 111370

(D) The commission may consult with and obtain assistance 111371
from state institutions of higher education (as defined in section 111372
3345.011 of the Revised Code) and from business organizations for 111373
research and data gathering related to its mission. State 111374
institutions of higher education and business organizations shall 111375
cooperate with the commission. 111376

(E) The commission shall issue a report of its findings and 111377
recommendations to the President of the Senate, the Speaker of the 111378
House of Representatives, and the Governor not later than July 1, 111379
2010. The commission ceases to exist upon submitting its report. 111380

Section 610.31. That existing Sections 233.40.30, 233.50.80, 111381
and 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly are 111382
hereby repealed. 111383

Section 620.10. That Section 831.06 of Am. Sub. H.B. 530 of the 126th General Assembly be amended to read as follows:

Sec. 831.06. The amendments by this act of the first paragraph of division (F) of section 5751.01, of division (F)(2)(w) of section 5751.01, of the first paragraph of section ~~5751.032~~ 5751.53, and of divisions (A)(7) and (A)(8)(c) of section 5751.032 of the Revised Code are nonsubstantive corrections of errors in Chapter 5751. of the Revised Code.

Section 620.11. That existing Section 831.06 of Am. Sub. H.B. 530 of the 126th General Assembly is hereby repealed.

Section 630.10. That Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, as most recently amended by Am. Sub. H.B. 100 of the 127th General Assembly, be amended to read as follows:

Sec. 4. The following agencies shall be retained pursuant to division (D) of section 101.83 of the Revised Code and shall expire on December 31, 2010:

	REVISED CODE	
	OR	
	UNCODIFIED	
AGENCY NAME	SECTION	
Administrator, Interstate Compact on Mental Health	5119.50	111403
Administrator, Interstate Compact on Placement of Children	5103.20	111404
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	111405
Advisory Boards to the EPA for Air Pollution	121.13	111406
Advisory Boards to the EPA for Water Pollution	121.13	111407
Advisory Committee of the State Veterinary Medical	4741.03(D)(3)	111408
		111409

Licensing Board		
Advisory Committee on Livestock Exhibitions	901.71	111410
Advisory Council on Amusement Ride Safety	1711.51	111411
Advisory Board of Directors for Prison Labor	5145.162	111412
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	111413
Advisory Councils or Boards for State Departments	107.18 or 121.13	111414
Advisory Group to the Ohio Water Resources Council	1521.19(C)	111415
Alzheimer's Disease Task Force	173.04(F)	111416
AMBER Alert Advisory Committee	5502.521	111417
Apprenticeship Council	4139.02	111418
Armory Board of Control	5911.09	111419
Automated Title Processing Board	4505.09(C)(1)	111420
Banking Commission	1123.01	111421
Board of Directors of the Ohio Health Reinsurance Program	3924.08	111422
Board of Voting Machine Examiners	3506.05(B)	111423
Brain Injury Advisory Committee	3304.231	111424
Capitol Square Review and Advisory Board	105.41	111425
Child Support Guideline Advisory Council	3119.024	111426
Children's Trust Fund Board	3109.15	111427
Citizens Advisory Committee (BMV)	4501.025	111428
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	111429
Clean Ohio Trail Advisory Board	1519.06	111430
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Commission on African-American Males	4112.12	111432
Commission on Hispanic-Latino Affairs	121.31	111433
Commission on Minority Health	3701.78	111434
Committee on Prescriptive Governance	4723.49	111435
Commodity Advisory Commission	926.32	111436
Community Mental Retardation and Developmental	5123.353	111437

~~Disabilities Trust Fund Advisory Council~~

Community Oversight Council	3311.77	111438
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Continuing Education Committee (for Sheriffs)	109.80	111440
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Council on Alcohol and Drug Addiction Services	3793.09	111442
Council on Unreclaimed Strip Mined Lands	1513.29	111443
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	111444
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	111445
Credit Union Council	1733.329	111446
Criminal Sentencing Advisory Committee	181.22	111447
Day-Care Advisory Council	5104.08	111448
Dentist Loan Repayment Advisory Board	3702.92	111449
Development Financing Advisory Council	122.40	111450
Education Commission of the States (Interstate Compact for Education)	3301.48	111451
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Emergency Response Commission	3750.02	111453
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Forestry Advisory Council	1503.40	111460

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Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	111462
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Governor's Residence Advisory Commission	107.40	111464
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	111465
Gubernatorial Transition Committee	107.29	111466
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Industrial Commission Nominating Council	4121.04	111470
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Insurance Agent Education Advisory Council	3905.483	111473
Interagency Council on Hispanic/Latino Affairs	121.32(J)	111474
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Legal Rights Service Commission	5123.60	111480
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	111481
Maternal and Child Health Council	3701.025	111482
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Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	111484
Military Activation Task Force	5902.15	111485
Milk Sanitation Board	917.03	111486
Mine Subsidence Insurance Governing Board	3929.51	111487
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Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	111489
Multidisciplinary Council	3746.03	111490
Muskingum River Advisory Council	1501.25	111491
National Museum of Afro-American History and Culture Planning Committee	149.303	111492
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Ohio Aerospace & Defense Advisory Council	122.98	111494
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Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	111498
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	111499
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Ohio Commission on Dispute Resolution and Conflict Management	179.02	111501
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Ohio Community Service Council	121.40	111503
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Ohio Cultural Facilities Commission	3383.02	111505
Ohio Developmental Disabilities Council	5123.35	111506

Ohio Expositions Commission	991.02	111507
Ohio Family and Children First Cabinet Council	121.37	111508
Ohio Geology Advisory Council	1505.11	111509
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Ohio Historic Site Preservation Advisory Board	149.301	111512
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Ohio Judicial Conference	105.91	111514
Ohio Lake Erie Commission	1506.21	111515
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	111516
Ohio Medical Quality Foundation	3701.89	111517
Ohio Parks and Recreation Council	1541.40	111518
Ohio Peace Officer Training Commission	109.71	111519
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Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	111521
Ohio Quarter Horse Development Commission	3769.086	111522
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Ohio Steel Industry Advisory Council	122.97	111526
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	111527
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Ohio Tuition Trust Authority	3334.03	111529
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	111530
Ohio Vendors Representative Committee	3304.34	111531
Ohio War Orphans Scholarship Board	5910.02	111532
Ohio Water Advisory Council	1521.031	111533
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Oil and Gas Commission	1509.35	111536
Operating Committee, Agricultural Commodity Marketing Programs	924.07	111537
Organized Crime Investigations Commission	177.01	111538
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81 <u>5111.084</u>	111539
Physician Loan Repayment Advisory Board	3702.81	111540
Power Siting Board	4906.02	111541
Prequalification Review Board	5525.07	111542
Private Water Systems Advisory Council	3701.346	111543
Public Employment Risk Reduction Advisory Commission	4167.02	111544
Public Health Council	3701.33	111545
Public Utilities Commission Nominating Council	4901.021	111546
Public Utility Property Tax Study Committee	5727.85	111547
Radiation Advisory Council	3748.20	111548
Reclamation Commission	1513.05	111549
Recreation and Resources Commission	1501.04	111550
Recycling and Litter Prevention Advisory Council	1502.04	111551
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	111552
Savings & Loans Associations & Savings Banks Board	1181.16	111553
Schools and Ministerial Lands Divestiture Committee	501.041	111554

Second Chance Trust Fund Advisory Committee	2108.17	111555
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	111556
Solid Waste Management Advisory Council	3734.51	111557
State Agency Coordinating Group	1521.19	111558
State Board of Emergency Medical Services	4765.04	111559
Subcommittees		
State Council of Uniform State Laws	105.21	111560
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	111561
State Criminal Sentencing Commission	181.21	111562
State Fire Commission	3737.81	111563
State Racing Commission	3769.02	111564
State Victims Assistance Advisory Committee	109.91	111565
Student Tuition Recovery Authority	3332.081	111566
Tax Credit Authority	122.17	111567
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	111568
Technical Advisory Council on Oil and Gas	1509.38	111569
Transportation Review Advisory Council	5512.07	111570
Unemployment Compensation Review Commission	4141.06	111571
Unemployment Compensation Advisory Council	4141.08	111572
Utility Radiological Safety Board	4937.02	111573
Vehicle Management Commission	125.833	111574
Veterans Advisory Committee	5902.02(K)	111575
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	111576
Water and Sewer Commission	1525.11(C)	111577
Waterways Safety Council	1547.73	111578
Wildlife Council	1531.03	111579
Workers' Compensation Board of Directors	4121.123	111580
Nominating Committee		

Section 630.11. That existing Section 4 of Am. Sub. H.B. 516 111581
of the 125th General Assembly, as most recently amended by Am. 111582
Sub. H.B. 100 of the 127th General Assembly, is hereby repealed. 111583

Section 640.10. That Section 153 of Am. Sub. H.B. 117 of the 111584
121st General Assembly, as most recently amended by Am. Sub. H.B. 111585
119 of the 127th General Assembly, be amended to read as follows: 111586

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 111587
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 111588
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 111589
repealed, effective October 16, ~~2009~~ 2011. 111590

(B) Any money remaining in the Legislative Budget Services 111591
Fund on October 16, ~~2009~~ 2011, the date that section 5112.19 of 111592
the Revised Code is repealed by division (A) of this section, 111593
shall be used solely for the purposes stated in then former 111594
section 5112.19 of the Revised Code. When all money in the 111595
Legislative Budget Services Fund has been spent after then former 111596
section 5112.19 of the Revised Code is repealed under division (A) 111597
of this section, the fund shall cease to exist. 111598

Section 640.11. That existing Section 153 of Am. Sub. H.B. 111599
117 of the 121st General Assembly, as most recently amended by Am. 111600
Sub. H.B. 119 of the 127th General Assembly, is hereby repealed. 111601
111602

Section 690.10. That Section 325.05 of Am. Sub. H.B. 2 of the 111603
128th General Assembly is hereby repealed. 111604

Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 111605

(A) As used in this section, "appointing authority" has the 111606
same meaning as in section 124.01 of the Revised Code, and "exempt 111607

employee" has the same meaning as in section 124.152 of the Revised Code.

(B) Notwithstanding section 124.181 of the Revised Code, both of the following apply:

(1) In cases where no vacancy exists, an appointing authority may, with the written consent of an exempt employee, assign duties of a higher classification to that exempt employee for a period of time not to exceed two years, and that exempt employee shall receive compensation at a rate commensurate with the duties of the higher classification.

(2) If necessary, exempt employees who are assigned to duties within their agency to maintain operations during the Ohio Administrative Knowledge System (OAKS) implementation may agree to a temporary assignment that exceeds the two-year limit.

Section 701.20. FINANCIAL PLANNING AND SUPERVISION COMMISSIONS

For any Financial Planning and Supervision Commission established prior to the effective date of the amendment of section 118.05 of the Revised Code by the Main Operating Appropriations Act of the 128th General Assembly, four members constitute a quorum and the affirmative vote of four members is necessary for any action taken by vote of the commission.

Section 701.30. SCIENCE AND TECHNOLOGY COLLABORATION

The Department of Development, the Board of Regents, the Air Quality Development Authority, the Department of Agriculture, and the Third Frontier Commission shall collaborate in relation to appropriation items and programs referred to as Technology-based Economic Development Programs in this section, and other technology-related appropriations and programs in the Department of Development, Air Quality Development Authority, Department of

Agriculture, and the Board of Regents as these agencies may 111638
designate, to ensure implementation of a coherent state science 111639
and technology strategy. 111640

To the extent permitted by law, the Air Quality Development 111641
Authority shall assure that coal research and development 111642
programs, proposals, and projects consider or incorporate 111643
collaborations with Third Frontier Project programs and grantees 111644
and with Technology-based Economic Development Programs and 111645
grantees. 111646

"Technology-based Economic Development Programs" means 111647
appropriation items 195401, Thomas Edison Program; 898402, Coal 111648
Development Office; 195422, Technology Action; 898604, Coal 111649
Research and Development Fund; 235433, Economic Growth Challenge; 111650
235508, Air Force Institute of Technology; 235510, Ohio 111651
Supercomputer Center; 235535, Ohio Agricultural Research and 111652
Development Center; 235556, Ohio Academic Resources Network; 111653
195435, Biomedical Research and Technology Transfer; 195687, Third 111654
Frontier Research & Development Projects; C23506, Third Frontier 111655
Project; 195692, Research & Development Taxable Bond Projects; 111656
195694, Jobs Fund Bioproducts; 195695, Jobs Fund Biomedical; and 111657
tax credits supporting the Ohio Venture Capital Authority and 111658
Technology Investment Tax Credit programs. 111659

Technology-based Economic Development Programs shall be 111660
managed and administered in accordance with the following 111661
objectives: (1) to build on existing competitive research 111662
strengths; (2) to encourage new and emerging discoveries and 111663
commercialization of products and ideas that will benefit the Ohio 111664
economy; and (3) to assure improved collaboration among programs 111665
administered by the Third Frontier Commission and with other state 111666
programs that are intended to improve economic growth and job 111667
creation. As directed by the Third Frontier Commission, 111668
Technology-based Economic Development Program managers shall 111669

report to the Commission or the Third Frontier Advisory Board 111670
regarding the contributions of their programs to achieving these 111671
objectives. 111672

Each Technology-based Economic Development Program shall be 111673
reviewed annually by the Third Frontier Commission with respect to 111674
its development of complementary relationships within a combined 111675
state science and technology investment portfolio, and with 111676
respect to its overall contribution to the state's science and 111677
technology strategy, including the adoption of appropriately 111678
consistent criteria for: (1) the scientific and technical merit 111679
and relationship to Ohio's research strengths of activities 111680
supported by the program; (2) the relevance of the program's 111681
activities to commercial opportunities in the private sector; (3) 111682
the private sector's involvement in a process that continually 111683
evaluates commercial opportunities to use the work supported by 111684
the program; and (4) the ability of the program and recipients of 111685
grant funding from the program to engage in activities that are 111686
collaborative, complementary, and efficient in the expenditure of 111687
state funds. Each Technology-based Economic Development Program 111688
shall provide an annual report to the Third Frontier Commission 111689
that discusses existing, planned, or possible collaborations 111690
between programs and between recipients of grant funding related 111691
to technology, development, commercialization, and the support of 111692
Ohio's economic development. The annual review conducted by the 111693
Third Frontier Commission shall be a comprehensive review of the 111694
entire state science and technology program portfolio rather than 111695
a review of individual programs. 111696

Applicants for Third Frontier and Technology-based Economic 111697
Development Programs funding shall identify their requirements for 111698
high-performance computing facilities and services, including both 111699
hardware and software, in all proposals. If an applicant's 111700
requirements exceed approximately \$100,000 for a proposal, the 111701

Ohio Supercomputer Center shall convene a panel of experts. The 111702
panel shall review the proposal to determine whether the 111703
proposal's requirements can be met through Ohio Supercomputer 111704
Center facilities or through other means and report such 111705
information to the Third Frontier Commission. 111706

To ensure that the state receives the maximum benefit from 111707
its investment in the Third Frontier Project and the NextGen 111708
Network, organizations receiving Third Frontier awards and 111709
Technology-based Economic Development Programs awards shall, as 111710
appropriate, be expected to have a connection to the NextGen 111711
Network that enables them and their collaborators to achieve award 111712
objectives through the NextGen Network. 111713

Section 701.40. The General Assembly intends that all funds 111714
appropriated or otherwise made available by the state for fiscal 111715
stabilization or recovery purposes, or by the American Recovery 111716
and Reinvestment Act of 2009, shall be used, to the extent 111717
possible, in accordance with the preferences established in 111718
section 125.09 of the Revised Code to purchase products made and 111719
services performed in the United States and in this state. The 111720
General Assembly further recognizes that a preference for buying 111721
goods and materials that are produced, and services that are 111722
performed, in the United States for projects is important for 111723
maximizing the creation of American jobs and restoring economic 111724
growth and opportunity. 111725

If any person requests or obtains a waiver of the preferences 111726
referred to in the first paragraph of this section, the Director 111727
of Administrative Services shall publish information identifying 111728
the person and the product or service with regard to which the 111729
waiver was requested or obtained. The purpose of publishing this 111730
identifying information is to enhance opportunities for producers, 111731
service providers, and workers to identify and provide products 111732

made and services performed in the United States and this state, 111733
and thereby to maximize the success of the fiscal stabilization 111734
and economic recovery program. The director shall publish the 111735
identifying information on an internet web site maintained by the 111736
Department of Administrative Services. 111737

Section 701.50. If a state agency, including a state 111738
university as defined in section 3345.011 of the Revised Code and 111739
the Ohio Housing Finance Agency, the Third Frontier Commission, 111740
the Clean Ohio Council, and the Ohio School Facilities Commission, 111741
has failed to comply with the set-aside requirement in division 111742
(B) of section 125.081 of the Revised Code, or to comply with the 111743
procurement goals specified under division (B)(2) or (14) of 111744
section 123.152 of the Revised Code, the state agency shall 111745
establish, not later than December 31, 2009, a long-term plan for 111746
complying with those provisions. 111747

Section 701.60. As soon as possible after this section takes 111748
effect, the Speaker of the House of Representatives and the 111749
President of the Senate shall make or remake appointments of ex 111750
officio members to the Commission on Hispanic-Latino Affairs as 111751
may be necessary to bring the ex officio membership of the 111752
commission into conformity with the amendments by this act to 111753
section 121.31 of the Revised Code. 111754

Section 737.10. The Director of Budget and Management shall 111755
study the economic viability of tracks where permit holders 111756
conduct live horse racing. Not later than thirty days after the 111757
effective date of this section, the director shall prepare a 111758
report that includes the findings resulting from the study and 111759
that makes recommendations regarding ways to ensure the economic 111760
viability of tracks. The director shall transmit a copy of the 111761
report to the Governor, the Speaker of the House of 111762

Representatives, and the President of the Senate. 111763

Section 741.10. PAYROLL REDUCTION STRATEGIES 111764

Notwithstanding any other provision of law to the contrary, 111765
the Office of Collective Bargaining of the Department of 111766
Administrative Services is authorized to negotiate with the 111767
respective state collective bargaining units various payroll 111768
reduction strategies through the collective bargaining process 111769
prior to July 1, 2009, including, but not limited to, reductions 111770
in pay for fiscal years 2010 and 2011 and an increase in each 111771
state employee's share of dental, vision, and life insurance 111772
benefits for those fiscal years. If the Office successfully 111773
negotiates or reaches alternative payroll reduction strategies 111774
through the collective bargaining process, those payroll reduction 111775
strategies shall be implemented. The total amount of state 111776
employee payroll reduction strategy savings to be negotiated or 111777
implemented for each of those fiscal years shall be between 111778
\$170,000,000 and \$200,000,000, unless otherwise agreed to by the 111779
Office of Collective Bargaining and the Director of Budget and 111780
Management. The Director of Budget and Management is authorized to 111781
transfer cash from non-General Revenue Fund funds to the General 111782
Revenue Fund to carry out this section. 111783

Section 745.10. For the time period beginning on the 111784
effective date of this section and ending June 30, 2010: 111785

(A) Notwithstanding division (N) of section 4517.01 of the 111786
Revised Code, "salesperson" shall include any person employed by a 111787
manufactured home broker to sell, display, and offer for sale, or 111788
deal in manufactured homes or mobile homes for a commission, 111789
compensation, or other valuable consideration, but does not 111790
include any public officer performing official duties. 111791

(B)(1) For purposes of section 4517.03 of the Revised Code, 111792

if a licensed new or used motor vehicle dealer also is a licensed 111793
manufactured home park operator, all of the following apply: 111794

(a) An established place of business that is located in the 111795
operator's manufactured home park and that is used for selling, 111796
leasing, and renting manufactured homes and mobile homes in that 111797
manufactured home park shall be considered as used exclusively for 111798
that purpose even though rent and other activities related to the 111799
operation of the manufactured home park take place at the same 111800
location or office. 111801

(b) The dealer's established place of business in the 111802
manufactured home park shall be staffed by someone licensed and 111803
regulated under Chapter 4517. of the Revised Code who could 111804
reasonably assist any retail customer with or without an 111805
appointment, but such established place of business shall not be 111806
required to satisfy office size, display lot size, and physical 111807
barrier requirements applicable to other used motor vehicle 111808
dealers. 111809

(c) The manufactured and mobile homes being offered for sale, 111810
lease, or rental by the dealer may be located on individual rental 111811
lots inside the operator's manufactured home park. 111812

(2) For purposes of section 4517.03 of the Revised Code, a 111813
place of business used for the brokering or sale of manufactured 111814
homes or mobile homes shall be considered as used exclusively for 111815
brokering, selling, displaying, offering for sale, or dealing in 111816
motor vehicles even though industrialized units, as defined by 111817
section 3781.06 of the Revised Code, are brokered, sold, 111818
displayed, offered for sale, or dealt at the same place of 111819
business. 111820

(C) Notwithstanding division (B) of section 4517.22 of the 111821
Revised Code, contracts may be signed, deposits taken, and sales 111822
consummated at a motor vehicle show at which the motor vehicles 111823

being displayed are new manufactured homes, as defined in division 111824
(C)(4) of section 3781.06 of the Revised Code. 111825

Section 745.20. Notwithstanding section 4781.16 of the 111826
Revised Code, any person licensed as a new motor vehicle dealer, 111827
used motor vehicle dealer, manufactured homes broker, or 111828
salesperson under Chapter 4517. of the Revised Code on June 30, 111829
2010, may continue to engage in the business of displaying, 111830
selling at retail, or brokering manufactured homes or mobile homes 111831
under the authority of such license until the license expires or 111832
until the manufactured homes commission issues or denies the 111833
person a manufactured housing dealer's license, manufactured 111834
housing broker's license, or manufactured housing salesperson's 111835
license under Chapter 4781. of the Revised Code, whichever occurs 111836
earlier. 111837

Section 745.30. Effective July 1, 2010, the manufactured 111838
homes commission may suspend or revoke any existing new motor 111839
vehicle dealer, used motor vehicle dealer, manufactured homes 111840
broker, or salesperson license issued to a person engaged in the 111841
business of displaying, selling at retail, or brokering 111842
manufactured homes or mobile homes, and such action may be 111843
appealed under section 4781.25 of the Revised Code. 111844

Section 745.40. Effective July 1, 2010, nothing in sections 111845
4517.01 to 4517.99 of the Revised Code shall be construed to apply 111846
to any of the following: 111847

(A) Manufactured homes as defined in division (C)(4) of 111848
section 3781.06 of the Revised Code; 111849

(B) Mobile homes as defined in division (O) of section 111850
4501.01 of the Revised Code; or 111851

(C) Dealers, brokers or salespersons of manufactured homes or 111852

mobile homes. 111853

Section 749.10. (A) The Ohio General Assembly finds that the 111854
funding for infrastructure and personnel of 9-1-1 systems in Ohio 111855
is disparate in meeting state and local needs. In response to 111856
these findings, there is hereby created the 9-1-1 Funding and 111857
Modernization Task Force to review current funding models and to 111858
research, analyze, and recommend to the General Assembly and the 111859
Governor appropriate future funding models and modernization 111860
policies to improve the effectiveness of infrastructure and 111861
personnel of 9-1-1 systems in Ohio. 111862

(B) The Task Force shall consist of the following members, 111863
appointed not later than sixty days after the effective date of 111864
this section: 111865

(1) Three members of the Ohio House of Representatives, with 111866
two appointed by the Speaker of the House of Representatives from 111867
the majority party and one appointed by the Minority Leader of the 111868
House from the minority party; 111869

(2) Three members of the Ohio Senate, with two appointed by 111870
the President of the Senate from the majority party and one 111871
appointed by the Minority Leader of the Senate from the minority 111872
party; 111873

(3) The Chairperson of the Public Utilities Commission, or 111874
another commissioner appointed by the chairperson; 111875

(4) The Director of Public Safety; 111876

(5) One representative selected by the County Commissioners' 111877
Association of Ohio and appointed by the Governor; 111878

(6) One representative selected by the Ohio Municipal League 111879
and appointed by the Governor; 111880

(7) One representative selected by the Ohio Township 111881
Association and appointed by the Governor; 111882

(8) Two members of the public appointed by the Governor. 111883

(C) The Governor shall select a Task Force Chairperson and 111884
Vice-Chairperson from among its members. The Chairperson may 111885
appoint a Secretary. Task Force members shall serve without 111886
compensation. Vacancies shall be filled in the same manner as 111887
appointments. A majority of the members shall constitute a quorum. 111888

(D) The Task Force shall hold its inaugural meeting not later 111889
than ninety days after the effective date of this section. The 111890
Task Force shall meet at least once a month, either in person or 111891
utilizing telecommunication conferencing technology, until it 111892
completes the report required by this section. 111893

(E) Not later than ten months after the effective date of 111894
this section, the Task Force shall deliver a report to the Speaker 111895
of the House of Representatives, the President of the Senate, and 111896
the Governor. The Task Force shall coordinate with the Ohio 9-1-1 111897
Council and the Wireless 9-1-1 Advisory Board in preparing the 111898
report. The report shall consist of the following: 111899

(1) An overview of the current state and local funding for 111900
9-1-1 systems in Ohio and any existing modernization programs; 111901

(2) Information regarding differences in funding for the 111902
access of 9-1-1 systems in Ohio by persons using traditional 111903
wireline service as defined in section 4931.40 of the Revised 111904
Code, wireless telephone service, Voice over Internet Protocol 111905
technology, and any other major emerging telephone technology in 111906
common use, and an assessment of the parity of such funding; 111907

(3) A summary of reviewed federal initiatives related to 111908
9-1-1 system funding and modernization; 111909

(4) A detailed analysis of the use of the funds disbursed by 111910
the state from the wireless 9-1-1 charge imposed pursuant to Am. 111911
Sub. H.B. 361 of the 125th General Assembly; 111912

(5) A detailed technical analysis of the current 9-1-1 services available in each county in Ohio, including the viability of consolidating adjacent 9-1-1 systems;	111913 111914 111915
(6) An analysis of the best practices of other states in 9-1-1 system funding and modernization;	111916 111917
(7) Detailed recommendations for future state and local funding to achieve parity among technologies used to access 9-1-1 services and to provide, throughout Ohio, adequate infrastructure and personnel for the full implementation and operation of Phase II enhanced 9-1-1 service in accordance with 47 C.F.R. 20.18.	111918 111919 111920 111921 111922
(F) The Task Force shall cease to exist after delivering the report as required by this section.	111923 111924
Section 751.10. MEDICAID COMMUNITY BEHAVIORAL HEALTH ADVISORY GROUP	111925 111926
(A) As used in this section:	111927
(1) "ADAMHS board" means all of the following:	111928
(a) Boards of alcohol, drug addiction, and mental health services;	111929 111930
(b) Alcohol and drug addiction services boards;	111931
(c) Community mental health boards.	111932
(2) "Community behavioral health services" means both of the following:	111933 111934
(a) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code;	111935 111936 111937
(b) Services provided by an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code.	111938 111939 111940

(B) There is hereby created the Medicaid Community Behavioral Health Advisory Group. The Group shall consist of all of the following:

(1) The Director of Mental Health or the Director's designee;

(2) The Director of Alcohol and Drug Addiction Services or the Director's designee;

(3) The Director of Job and Family Services or the Director's designee;

(4) Subject to division (C) of this section, representatives of ADAMHS boards appointed by the co-chairpersons of the Group;

(5) Subject to division (C) of this section, representatives of providers of community behavioral health services appointed by the co-chairpersons of the Group;

(6) Subject to division (C) of this section, consumers of community behavioral health services and advocates of such consumers appointed by the co-chairpersons of the Group;

(7) The following state policy makers:

(a) At the option of the Speaker of the House of Representatives, up to two members of the House of Representatives from different political parties appointed by the Speaker;

(b) At the option of the Senate President, up to two members of the Senate from different political parties appointed by the Senate President;

(c) Other state policy makers deemed necessary and appointed by the co-chairpersons of the Group.

(C) The Directors of Mental Health and Alcohol and Drug Addiction Services, or their designees, shall serve as co-chairpersons of the Medicaid Community Behavioral Health Advisory Group. The co-chairpersons shall determine the number of persons to be appointed under divisions (B)(4), (5), (6), and

(7)(c) of this section. The co-chairpersons shall appoint the same number of persons under divisions (B)(4), (5), and (6) of this section so as to ensure balanced representation by the ADAMHS boards, providers, and consumers and consumer advocates. In making appointments under divisions (B)(4), (5), and (6) of this section, the co-chairpersons shall accept nominations from all of the following:

(1) The Ohio Association of County Behavioral Health Authorities;

(2) The National Alliance on Mental Illness Ohio;

(3) The Ohio Council of Behavioral Health and Family Services Providers;

(4) The Ohio Association of Child Caring Agencies;

(5) The Ohio Citizens Advocates for Chemical Dependency Prevention and Treatment;

(6) The Ohio Alliance for Recovery Providers;

(7) The Ohio Federation for Children's Mental Health;

(8) Other organizations that represent the interests of ADAMHS boards, providers, and consumers and consumer advocates.

(D) Members of the Medicaid Community Behavioral Health Advisory Group shall serve without compensation, except to the extent that serving on the Group is considered part of their regular employment duties. The Departments of Mental Health and Alcohol and Drug Addiction Services jointly may reimburse members of the Group for their reasonable travel expenses.

(E) The Medicaid Community Behavioral Health Advisory Group shall study the administration of Medicaid-covered community behavioral health services. Not later than June 30, 2010, the Group shall submit a report regarding its study to the Governor and, in accordance with section 101.68 of the Revised Code, the

General Assembly. The report shall include all of the following: 112001

(1) A plan for changes to the administration of 112002
Medicaid-covered community behavioral health services that are to 112003
be applied uniformly throughout the state and in accordance with 112004
federal requirements, including the applicable federal 112005
requirements of 42 C.F.R. Parts 431 and 433; 112006

(2) A fiscal analysis of the impact that any changes to the 112007
system of paying providers of Medicaid-covered community 112008
behavioral health services would have on the Departments of Mental 112009
Health and Alcohol and Drug Addiction Services and ADAMHS boards. 112010
The fiscal analysis shall include an examination of funding 112011
options for any such changes and focus on creating the most 112012
efficient and effective payment system possible. 112013

(3) Recommendations for increasing efficiencies related to 112014
both of the following: 112015

(a) Submission of Medicaid claims for community behavioral 112016
health services and the processing and payment of such claims; 112017

(b) Exchange of information regarding Medicaid-covered 112018
community behavioral health services and non-Medicaid-covered 112019
community behavioral health services. 112020

(4) Recommendations for system changes needed to implement 112021
the plan included in the report. Such recommendations shall focus 112022
on increasing efficiencies, transparency, and accountability in 112023
order to improve the delivery of community behavioral health 112024
services. 112025

(F) The Medicaid Community Behavioral Health Advisory Group 112026
shall cease to exist on submission of its report. 112027

(G)(1) Subject to division (G)(2) of this section and not 112028
later than July 1, 2011, the Departments of Mental Health and 112029
Alcohol and Drug Addiction Services shall implement changes to the 112030

administration of Medicaid-covered community behavioral health 112031
services in a manner that is uniform throughout the state and 112032
consistent with federal requirements. The changes shall include 112033
changes to the system of paying providers of Medicaid-covered 112034
community behavioral health services. In implementing the changes, 112035
the Departments may adopt, in whole or in part, the plan included 112036
in the Medicaid Community Behavioral Health Advisory Group's 112037
report. The Departments shall implement the changes under the 112038
supervision of the Department of Job and Family Services. 112039

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(2) The Departments' implementation of changes to the 112041
administration of Medicaid-covered community behavioral health 112042
services under division (G)(1) of this section is subject to 112043
changes in state law, including state law regarding funding, that 112044
otherwise would conflict with the Departments' implementation of 112045
the changes. The Departments may take actions as part of the 112046
implementation of the changes as are consistent with state law. 112047

Section 751.20. SERVICE COORDINATION WORKGROUP

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(A) There is hereby created the Service Coordination 112049
Workgroup. The Workgroup shall consist of a representative of each 112050
of the following: 112051

(1) The Office of the Governor, appointed by the Governor; 112052

(2) The Department of Alcohol and Drug Addiction Services, 112053
appointed by the Director of Alcohol and Drug Addiction Services; 112054

(3) The Department of Education, appointed by the 112055
Superintendent of Public Instruction; 112056

(4) The Department of Health, appointed by the Director of 112057
Health; 112058

(5) The Department of Job and Family Services, appointed by 112059
the Director of Job and Family Services; 112060

(6) The Department of Mental Health, appointed by the Director of Mental Health; 112061
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(7) The Department of Mental Retardation and Developmental Disabilities, appointed by the Director of Mental Retardation and Developmental Disabilities; 112063
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(8) The Department of Youth Services, appointed by the Director of Youth Services; 112066
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(9) The Office of Budget and Management, appointed by the Director of Budget and Management; 112068
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(10) The Family and Children First Cabinet Council, appointed by the chairperson of the Council. 112070
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(B) The representative of the Office of the Governor shall serve as chairperson of the Workgroup. 112072
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(C) Members of the Workgroup shall serve without compensation, except to the extent that serving on the Workgroup is considered part of their regular employment duties. 112074
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(D) The Workgroup shall develop procedures for coordinating services that the entities represented on the Workgroup provide to individuals under age twenty-one and the families of those individuals. In developing the procedures, the Workgroup shall focus on maximizing resources, reducing unnecessary costs, removing barriers to effective and efficient service coordination, eliminating duplicate services, prioritizing high risk populations, and any other matters the Workgroup considers relevant to service coordination. Not later than July 31, 2009, the Workgroup shall submit a report to the Governor with recommendations for implementing the procedures. 112077
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(E) On receipt of the Governor's approval of the Workgroup's report, the Director of Budget and Management may seek Controlling Board approval to transfer cash between funds and appropriations 112088
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between appropriation items as necessary to implement the 112091
Workgroup's recommendations. The transferred cash is hereby 112092
appropriated. 112093

(F) The Workgroup shall cease to exist June 30, 2011. 112094

Section 751.30. PROMPT PAYMENT POLICY WORKGROUP 112095

(A) There is hereby created the Prompt Payment Policy 112096
Workgroup. The Workgroup shall consist of the following members: 112097

(1) One representative of the Office of Budget and 112098
Management, appointed by the Director of Budget and Management; 112099

(2) Three representatives of the Department of Insurance, 112100
appointed by the Superintendent of Insurance; 112101

(3) Four representatives of the Office of Ohio Health Plans 112102
in the Department of Job and Family Services, appointed by the 112103
Director of Job and Family Services; 112104

(4) Two representatives of Ohio's Medicaid managed care 112105
plans, appointed by the Executive Director of Ohio's Care 112106
Coordination Plans; 112107

(5) Two representatives from the community of provider 112108
associations, one appointed by the Speaker of the House of 112109
Representatives and one appointed by the President of the Senate; 112110

(6) Two members of the Ohio House of Representatives, one 112111
appointed by the Speaker of the House of Representatives and one 112112
appointed by the Minority Leader; 112113

(7) Two members of the Ohio Senate, one appointed by the 112114
President of the Senate and one appointed by the Minority Leader. 112115

(B) The Director of the Department of Job and Family 112116
Services, or the Director's designee, shall serve as chairperson 112117
of the Workgroup. 112118

(C) Members of the Workgroup shall serve without 112119

compensation, except to the extent that serving on the Workgroup 112120
is considered part of the members' regular employment duties. 112121

(D) The Workgroup shall do all of the following: 112122

(1) Recommend one set of regulations to govern prompt payment 112123
policies for Medicaid managed care plans; 112124

(2) Research and analyze prompt payment policies related to 112125
aged medical claims within the health insurance industry and the 112126
Medicaid program; 112127

(3) Review general payment rules, payment policies related to 112128
electronic and paper claims, definitions of clean and unclean 112129
claims, late payment penalties, auditing requirements, and any 112130
other issues related to Medicaid prompt payment policy identified 112131
by the Workgroup; 112132

(4) Review statistical data on the compliance rates of 112133
current policies. 112134

(E) Not later than February 1, 2010, the Workgroup shall 112135
submit a report to the Governor and the majority and minority 112136
leadership in both Houses of the Ohio General Assembly. The report 112137
shall contain prompt payment policy recommendations for Ohio's 112138
Medicaid program. 112139

(F) The Workgroup shall cease to exist February 28, 2010. 112140

Section 751.40. The Director of Natural Resources shall enter 112141
into a memorandum of understanding with Farmers and Hunters 112142
Feeding the Hungry. The memorandum shall prescribe a method by 112143
which, during the period from July 1, 2009, through June 30, 2011, 112144
Farmers and Hunters Feeding the Hungry may donate venison to 112145
Ohio's food banks. The memorandum also shall prescribe methods 112146
that encourage private persons to make matching donations in money 112147
or food to Ohio's food banks that are equal or greater in value to 112148
the venison that is donated by the Farmers and Hunters Feeding the 112149

Hungry. 112150

Section 753.10. (A) The Director of Natural Resources shall 112151
enter into a memorandum of understanding with the Southeastern 112152
Ohio Port Authority to develop the future use of the property that 112153
formerly comprised the Marietta State Nursery. The memorandum 112154
shall provide for all of the following: 112155

(1) Sale of the property for highest and best use; 112156

(2) Sale and usage of the property that is compatible with 112157
neighboring properties; 112158

(3) Maximum financial return for the Department of Natural 112159
Resources; 112160

(4) Expeditious sale of parcels of the property. 112161

(B) The memorandum shall require contracted professional 112162
engineering services to provide both of the following: 112163

(1) A phase 1 environmental site assessment; 112164

(2) A master plan for property development, including all of 112165
the following: 112166

(a) An inventory of site features and assets; 112167

(b) Collection of public input through a meeting and comment 112168
period; 112169

(c) Identification of site usage areas such as commercial, 112170
light industrial, residential, recreational use, or green space 112171
use; 112172

(d) Lot lines and parcel sizes in concept; 112173

(e) Means of ingress and egress from State Route 7 and 112174
interior site access that are delineated in concept, including 112175
possible eastern access to the site with a rough calculation of 112176
cut and fill required for the construction of roads; 112177

(f) Identification of utility services, locations, and capacities;	112178 112179
(g) Plans for compliance with subdivision regulations;	112180
(h) Recommendations for possible deed restrictions;	112181
(i) An evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;	112182 112183 112184
(j) Any necessary maps.	112185
(C) The memorandum shall require the Southeastern Ohio Port Authority to do all of the following:	112186 112187
(1) Manage the formulation of the master plan;	112188
(2) Create a master plan brochure and sales brochures;	112189
(3) Market the property by mail, signage, and the web sites <i>www.pioneerspirit.us</i> and <i>www.Ohiosites.com</i> ;	112190 112191
(4) Respond to sales leads;	112192
(5) Screen inquiries regarding the property;	112193
(6) Negotiate sales based on pricing guidelines established by the Department of Natural Resources;	112194 112195
(7) Present qualified purchase offers to the Department.	112196
(D) The memorandum shall specify that the Department of Natural Resources owns the property, that it may sell the property in lots to the Port Authority, and that the Port Authority then may sell the lots to individual private buyers.	112197 112198 112199 112200
(E) The memorandum shall specify that the Department of Natural Resources is responsible for paying for the environmental, engineering, graphic design, signage, and printing costs as invoices for those costs are received. The Department and the Port Authority shall agree to a cap for each of those invoices. In addition, the memorandum shall specify that as parcels of the	112201 112202 112203 112204 112205 112206

property are transferred to private buyers, the Port Authority 112207
retains five per cent of the sale price of each parcel as a fee 112208
for services provided by the Port Authority. 112209

Section 757.10. (A) This section is intended as remedial 112210
legislation authorizing the exemption of airport property for 112211
which a port authority applied for tax exemption, but was denied 112212
because the applicant was a lessee and not the owner of the 112213
property, as required under section 5715.27 of the Revised Code as 112214
that section existed before its amendment by Sub. H.B. 160 of the 112215
127th General Assembly. 112216

(B) As used in this section: 112217

(1) "Eligible year" means any year for which taxes, 112218
penalties, and interest could have been remitted or abated, and 112219
the property placed on the exempt tax list, under a previous 112220
application for exemption if the application had not been 112221
dismissed as provided under division (A) of this section. 112222

(2) "Qualified property" means real property owned by a 112223
subdivision of this state, leased to a port authority created 112224
under Chapter 4582. of the Revised Code, and used as an airport, 112225
and that currently qualifies for exemption from taxation under any 112226
section of the Revised Code, but for which the application for 112227
exemption for an eligible year was dismissed by the Tax 112228
Commissioner as provided in division (A) of this section. 112229

(3) "Subdivision," "taxing authority," and "taxing unit" have 112230
the same meanings as in section 5705.01 of the Revised Code. 112231

(C) Notwithstanding section 5713.081 of the Revised Code, if 112232
an application for exemption from and abatement or remission of 112233
property taxes for qualified property was dismissed because of 112234
failure to comply with Chapter 5713., or section 5715.27 of the 112235
Revised Code as that section existed before its amendment by Sub. 112236

H.B. 160 of the 127th General Assembly, the current owner of 112237
qualified property, on or before January 1, 2010, may file with 112238
the Tax Commissioner an application requesting that the property 112239
be placed on the exempt tax list and that all paid or unpaid 112240
taxes, penalties, and interest on the property be abated or 112241
remitted, as appropriate, for each eligible year. The application 112242
shall be filed on the form prescribed by the Commissioner under 112243
section 5715.27 of the Revised Code. The owner shall include with 112244
the application a copy of the Commissioner's final determination 112245
dismissing the previous application and the certificate issued by 112246
the county treasurer under division (F) of this section. Failure 112247
to include the Commissioner's final determination that dismissed 112248
the previous application for exemption or the treasurer's 112249
certificate shall result in dismissal of the application filed 112250
under this section. 112251

(D) Upon receiving an application under this section, the Tax 112252
Commissioner shall determine if the applicant and the applicant's 112253
property satisfy the requirements for exemption, abatement, and 112254
remission under this section. If the requirements are satisfied, 112255
the Commissioner shall issue an order directing the auditor to 112256
place the property on the exempt tax list of the county and 112257
ordering that all paid or unpaid taxes, penalties, and interest be 112258
abated or remitted for every eligible year the property was 112259
qualified property. If the Commissioner determines that the 112260
property does not satisfy the requirements for exemption for one 112261
or more years, the Commissioner shall deny the application for 112262
those years and certify the finding to the county treasurer of the 112263
county in which the property is located for collection of all 112264
taxes, penalties, and interest and distribution thereof to the 112265
appropriate subdivisions. Tax payments for eligible years shall 112266
not be considered unpaid taxes for purposes of establishing 112267
jurisdiction to consider an application under this section. 112268

(E) The county auditor shall notify the county treasurer that 112269
any tax payments for eligible years that have not been distributed 112270
shall be held in a special fund pending a decision by the Tax 112271
Commissioner on an application filed under this section. No 112272
subdivision or other taxing unit is entitled to advance payment of 112273
such amounts under section 321.34 of the Revised Code. After the 112274
Commissioner issues a decision, the county auditor shall either 112275
remit the taxes, penalties, and interest to the applicant if the 112276
application is approved or distribute the taxes, penalties, and 112277
interest to the proper taxing authorities if the application for 112278
exemption is denied. 112279

(F) Upon request by the applicant, the county treasurer shall 112280
determine whether all taxes, penalties, and interest that were 112281
levied for all tax years that are not eligible years and whether 112282
all special assessments charged against the property have been 112283
paid in full. If so, the treasurer shall issue a certificate to 112284
the applicant stating that all such amounts have been paid, or, if 112285
not, the certificate shall list the tax years for which such 112286
taxes, penalties, interest, and special assessments remain unpaid. 112287

Section 761.10. A wild, scenic, or recreational river area 112288
that was declared as such by the Director of Natural Resources 112289
under Chapter 1517. of the Revised Code prior to the effective 112290
date of this section shall retain its declaration as a wild, 112291
scenic, or recreational river area for purposes of sections 112292
1547.81 to 1547.84 of the Revised Code, as amended by this act. In 112293
addition, an advisory council for a wild, scenic, or recreational 112294
river area that was appointed by the Director under Chapter 1517. 112295
of the Revised Code prior to the effective date of this section 112296
shall continue to be the advisory council for the applicable wild, 112297
scenic, or recreational river area for purposes of sections 112298
1547.81 to 1547.84 of the Revised Code, as amended by this act. 112299

Section 803.10. Section 1751.14 of the Revised Code, as 112301
amended by this act, shall apply only to policies, contracts, and 112302
agreements that are delivered, issued for delivery, or renewed in 112303
this state on or after July 1, 2010; section 3923.24 of the 112304
Revised Code, as amended by this act, shall apply only to policies 112305
of sickness and accident insurance and plans of health coverage 112306
that are established or modified in this state on or after July 1, 112307
2010; and section 3923.241, as enacted by this act, shall apply 112308
only to public employee health plans established or modified in 112309
this state on or after July 1, 2010. 112310

Section 803.20. Sections 718.04 and 5747.01 of the Revised 112311
Code, as amended by this act, first apply to taxable years 112312
beginning on or after January 1, 2010. 112313

Section 5747.113 of the Revised Code, as amended by this act, 112314
first applies to taxable years beginning on or after January 1, 112315
2009. 112316

Section 803.30. In anticipation of the amendments to section 112317
124.134 of the Revised Code taking effect on August 30, 2009, the 112318
Director of Administrative Services shall determine an additional, 112319
prorated amount of vacation leave for employees who are in their 112320
fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of 112321
service to receive as a result of the transition occurring on that 112322
date. The additional, prorated amount shall be such that the 112323
affected employees are not harmed as a result of the transition, 112324
and shall be added to the vacation leave balances of the affected 112325
employees on August 30, 2009. 112326

Section 806.10. The items of law contained in this act, and 112327
their applications, are severable. If any item of law contained in 112328
this act, or if any application of any item of law contained in 112329

this act, is held invalid, the invalidity does not affect other 112330
items of law contained in this act and their applications that can 112331
be given effect without the invalid item of law or application. 112332

112333

Section 809.10. An item of law, other than an amending, 112334
enacting, or repealing clause, that composes the whole or part of 112335
an uncodified section contained in this act has no effect after 112336
June 30, 2011, unless its context clearly indicates otherwise. 112337

Section 812.10. Except as otherwise provided in this act, the 112338
amendment, enactment, or repeal by this act of a section is 112339
subject to the referendum under Ohio Constitution, Article II, 112340
Section 1c and therefore takes effect on the ninety-first day 112341
after this act is filed with the Secretary of State or, if a later 112342
effective date is specified below, on that date. 112343

The amendments by this act to sections 3733.02 and 4781.06 of 112344
the Revised Code take effect January 1, 2010. 112345

The amendment, enactment, or repeal by this act of sections 112346
4505.20, 4517.01, 4517.02, 4517.03, 4517.052, 4517.27, 4517.30, 112347
4517.33, 4517.43, 4781.02, 4781.04, 4781.05, 4781.16, 4781.17, 112348
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 112349
4781.25, and 4781.99 of the Revised Code takes effect July 1, 112350
2010. 112351

The enactment of sections 122.12 and 122.121 of the Revised 112352
Code takes effect July 1, 2011. 112353

The amendment or enactment of sections 1739.05, 1751.14, 112354
3923.24, 3923.241, 5743.15, 5743.61, and 5747.01 of the Revised 112355
Code takes effect January 1, 2010. 112356

The enactment of section 3905.77 of the Revised Code takes 112357
effect one year after the effective date specified in the first 112358
paragraph of this section. 112359

The enactment of section 4113.11 of the Revised Code takes effect January 1, 2011.

Sections 803.10 and 803.20 of this act take effect January 1, 2010.

Section 812.20. The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum because it is or relates to an appropriation for current expenses within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, or defines a tax levy within the meaning of Ohio Constitution, Article II, Section 1d, and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 117.54, 121.40, 121.401, 121.402, 124.03, 124.15, 124.152, 124.18, 124.183, 124.34, 124.381, 124.382, 124.385, 124.386, 124.392, 124.821, 124.822, 124.86, 126.05, 131.33, 145.298, 307.79, 319.301, 319.302, 319.54, 321.24, 323.156, 504.21, 901.20, 901.91, 903.082, 903.11, 903.25, 905.32, 905.33, 905.331, 905.36, 905.38, 905.381, 905.50, 905.51, 905.52, 905.56, 905.66, 907.13, 907.14, 907.16, 907.30, 907.31, 921.02, 921.06, 921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 923.46, 927.51, 927.52, 927.53, 927.54, 927.56, 927.69, 927.70, 927.701, 927.71, 927.74, 943.16, 1501.01, 1501.05, 1501.07, 1501.30, 1504.01, 1504.02, 1504.03, 1504.04, 1506.01, 1507.01, 1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08, 1515.14, 1515.183, 1519.03, 1520.02, 1520.03, 1521.02, 1521.03, 1521.031, 1521.04, 1521.061, 1521.062, 1521.064, 1521.07, 1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20,

1541.03, 1707.37, 3301.073, 3301.0718, 3301.122, 3301.68, 3301.82, 112391
3302.05, 3302.07, 3306.01, 3306.011, 3306.012, 3306.02, 3306.03, 112392
3306.031, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 3306.07, 112393
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3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 112398
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3310.41, 3311.0510, 3311.06, 3311.19, 3311.21, 3311.29, 3311.52, 112400
3311.76, 3313.483, 3313.55, 3313.64, 3313.642, 3313.843, 3313.98, 112401
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3314.091, 3314.10, 3314.13, 3314.35, 3316.041, 3316.06, 3316.20, 112403
3317.018, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 112404
3317.025, 3317.0210, 3317.0211, 3317.03, 3317.031, 3317.04, 112405
3317.05, 3317.051, 3317.053, 3317.061, 3317.063, 3317.081, 112406
3317.082, 3317.10, 3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 112407
3318.011, 3318.051, 3319.221, 3319.57, 3319.70, 3319.71, 3323.091, 112408
3323.14, 3323.142, 3324.05, 3326.21, 3326.31, 3326.32, 3326.33, 112409
3326.34, 3326.38, 3326.51, 3327.02, 3327.04, 3327.05, 3329.16, 112410
3333.04, 3333.122, 3333.27, 3333.28, 3333.61, 3333.66, 3333.83, 112411
3333.91, 3349.242, 3353.20, 3365.01, 3704.14, 3704.143, 3705.24, 112412
3706.04, 3706.35, 3712.03, 3714.073, 3718.03, 3733.43, 3745.015, 112413
3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3901.3812, 3923.90, 112414
3923.91, 4117.02, 4117.12, 4117.24, 4501.29, 4503.068, 4503.10, 112415
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5111.874, 5111.875, 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 112417
5112.45, 5112.451, 5112.46, 5112.47, 5112.48, 5123.0412, 5126.05, 112418
5126.24, 5703.80, 5715.26, 5725.18, 5727.84, 5729.03, 5739.01, 112419
5739.03, 5739.033, 5739.051, and 6111.044 of the Revised Code. 112420

112421

The amendment by this act to section 124.134 of the Revised 112422
Code takes effect on August 30, 2009. 112423

The amendment, enactment, or repeal of sections 173.70,	112424
173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73,	112425
173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751,	112426
173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773,	112427
173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803,	112428
173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82,	112429
173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86,	112430
173.861, 173.87, 173.871, 173.872, 173.873, 173.874, 173.875,	112431
173.876, 173.88, 173.89, 173.891, 173.892, 173.90, 173.91, 173.99,	112432
3721.02, 3721.50, 3721.51, 3721.511, 3721.512, 3721.513, 3721.53,	112433
3721.55, 3721.56, 4301.43, 5111.222, 5111.23, 5111.231, 5111.235,	112434
5111.24, 5111.241, 5111.25, 5111.251, 5112.30, 5112.31, 5112.37,	112435
5112.371, and 5112.372 of the Revised Code takes effect July 1,	112436
2009.	112437
The repeal of sections 5112.40, 5112.41, 5112.42, 5112.43,	112438
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the	112439
Revised Code takes effect October 1, 2011.	112440
Sections of this act prefixed with section numbers in the	112441
200's, 300's, 400's, 500's, 700's, and 800's, except for Sections	112442
207.10.90, 241.20, 265.60.60, 265.70.20, 309.40.20, 309.50.30,	112443
313.20, 371.60.20, 371.70.20, 385.30, 399.20, 512.40, 523.10,	112444
701,20, and 751.10 of this act.	112445
The amendment of Section 301.10.50 of H.B. 496 of the 127th	112446
General Assembly.	112447
The amendment of Section 153 of Am. Sub. H.B. 117 of the	112448
121st General Assembly.	112449
Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50,	112450
309.30.60, and 309.30.70 of this act take effect July 1, 2009.	112451
Section 812.30. The sections that are listed in the left-hand	112452
column of the following table combine amendments by this act that	112453

are and that are not exempt from the referendum under Ohio 112454
 Constitution, Article II, Sections 1c and 1d and section 1.471 of 112455
 the Revised Code. 112456

The middle column identifies the amendments to the listed 112457
 sections that are subject to the referendum under Ohio 112458
 Constitution, Article II, Section 1c and therefore take effect on 112459
 the ninety-first day after this act is filed with the Secretary of 112460
 State or, if a later effective date is specified, on that date. 112461

The right-hand column identifies the amendments to the listed 112462
 sections that are exempt from the referendum because they are or 112463
 relate to an appropriation for current expenses within the meaning 112464
 of Ohio Constitution, Article II, Section 1d and section 1.471 of 112465
 the Revised Code, or define a tax levy within the meaning of Ohio 112466
 Constitution, Article II, Section 1d, and therefore take effect 112467
 immediately when this act becomes law or, if a later effective 112468
 date is specified, on that date. 112469

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
121.04	All amendments except those described in the right-hand column	The amendment striking "Water;" the amendment replacing "conservation" with " <u>resources</u> "; and the amendment striking "Real estate and land management;"	112470 112471
1521.05	All amendments except those described in the right-hand column	The amendments to division (B)	112472
1521.06	All amendments except those described in the right-hand column	The amendments to division (A)	112473

1521.063	All amendments except those described in the right-hand column	The amendments to divisions (A) and (A)(1) replacing "division of water" with "division of soil and water resources"	112474
3301.07	The amendment that strikes through original division (N)	All amendments except the amendment described in the middle column	112475
3313.6410	Division (A)	Division (B)	112476
3314.03	All amendments except the amendments to divisions (A)(8), (A)(11)(g), (A)(15), and (A)(23)	Amendments to divisions (A)(8), (A)(11)(g), (A)(15), and (A)(23)	112477
3314.08	The amendments to division (L) (J)(3); the amendments to division (M) (K) that follow "Revised Code"; and the amendments to division (O) (N)(3)	All amendments except those described in the middle column	112478
3315.37	All amendments except the amendment described in the right-hand column	The amendment to the fourth paragraph that strikes through "3333.27,"	112479
3317.01	Division (B)	All amendments except those in division (B)	112480
3333.38	All amendments except the amendment described in the right-hand column	The amendment to division (A)(2) that strikes through "3333.27,"	112481
3345.32	All amendments except the amendment described in the right-hand column	The amendment to division (D) that strikes through	112482

		"3333.27,"	
3734.57	The amendment to division (A) authorizing electronic payment of solid waste disposal fees	All other amendments to division (A)	112483
4117.01	All amendments except those described in the right-hand column	The amendment to division (C)(5), the amendment striking the language from division (C)(15), and the amendments adjusting the division numbering in divisions (C)(16) and (17)	112484
5751.20	All amendments except those described in the right-hand column	The amendments to divisions (A)(2), (A)(3), and (B), effective July 1, 2009	112485

Section 812.40. The amendments by this act to sections 127.16 and 2921.13 of the Revised Code are subject to the referendum and take effect as follows:

(A) In the case of section 127.16 of the Revised Code, the amendment to division (D)(34) of the section takes effect on the ninety-first day after this act is filed with the Secretary of State, and the amendment to divisions (D)(35) and (36) of the section takes effect on July 1, 2009.

(B) In the case of section 2921.13 of the Revised Code, the amendments take effect July 1, 2009.

Section 812.50. The amendment by this act of section 4511.81 of the Revised Code takes effect at the earliest time permitted by law that is on or after the date on which the section, as it

results from Am. Sub. H.B. 320 of the 127th General Assembly, 112499
takes effect. 112500

Section 815.10. The General Assembly, applying the principle 112501
stated in division (B) of section 1.52 of the Revised Code that 112502
amendments are to be harmonized if reasonably capable of 112503
simultaneous operation, finds that the following sections, 112504
presented in this act as composites of the sections as amended by 112505
the acts indicated, are the resulting versions of the sections in 112506
effect prior to the effective date of the sections as presented in 112507
this act: 112508

Section 9.314 of the Revised Code as amended by both Am. Sub. 112509
H.B. 106 and Sub. H.B. 204 of the 125th General Assembly. 112510

Section 109.572 of the Revised Code as amended by Sub. H.B. 112511
195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General 112512
Assembly. 112513

Section 122.075 of the Revised Code as amended by Sub. H.B. 112514
245 and Sub. H.B. 251, both of the 126th General Assembly. 112515

Section 149.43 of the Revised Code as amended by Am. Sub. 112516
H.B. 214 and Am. Sub. S.B. 248, both of the 127th General 112517
Assembly. 112518

Section 1511.01 of the Revised Code as amended by Am. Sub. 112519
S.B. 73 and Am. Sub. S.B. 182, both of the 120th General Assembly. 112520

Section 1520.02 of the Revised Code as amended by Sub. H.B. 112521
443 and Am. Sub. H.B. 699, both of the 126th General Assembly. 112522

Section 1547.99 of the Revised Code as amended by Am. Sub. 112523
S.B. 17 and Am. Sub. S.B. 271, both of the 127th General Assembly. 112524
112525

Section 2913.46 of the Revised Code as amended by Am. Sub. 112526
S.B. 107, Am. Sub. S.B. 269, and Am. Sub. S.B. 293, all of the 112527

121st General Assembly.	112528
Section 3313.614 of the Revised Code as amended by Am. Sub.	112529
H.B. 276 and Am. Sub. S.B. 311, both of the 126th General	112530
Assembly.	112531
Section 3313.64 of the Revised Code as amended by Am. Sub.	112532
H.B. 119 and Am. Sub. H.B. 214, both of the 127th General	112533
Assembly.	112534
Section 3319.291 of the Revised Code as amended by Sub. H.B.	112535
428 and Am. Sub. H.B. 562, both of the 127th General Assembly.	112536
Section 3733.02 of the Revised Code as amended by Am. Sub.	112537
H.B. 368 and Sub. S.B. 102, both of the 125th General Assembly.	112538
Section 4169.02 of the Revised Code as amended by Sub. H.B.	112539
535 and Am. Sub. S.B. 293, both of the 121st General Assembly.	112540
Section 4169.04 of the Revised Code as amended by Am. Sub.	112541
H.B. 535 and Am. Sub. S.B. 293, both of the 121st General	112542
Assembly.	112543
Section 4507.03 of the Revised Code as amended by Sub. S.B.	112544
96 of the 120th General Assembly and Sub. H.B. 9 of the 127th	112545
General Assembly.	112546
Section 4763.05 of the Revised Code as amended by Am. Sub.	112547
H.B. 699 and Am. Sub. S.B. 223, both of the 126th General	112548
Assembly.	112549
Section 4767.08 of the Revised Code as amended by Am. Sub.	112550
H.B. 138 and Sub. H.B. 531, both of the 123rd General Assembly.	112551